

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Wednesday 20 December 2017
Time: 3.00 pm

Please direct any enquiries on this Agenda to Libby Johnstone, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718214 or email libby.johnstone@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Mollie Groom
Cllr Peter Hutton (Vice-Chairman)	Cllr Chris Hurst
Cllr Chuck Berry	Cllr Toby Sturgis
Cllr Christine Crisp	Cllr Brian Mathew
Cllr Howard Greenman	Cllr Ashley O'Neill
Cllr Gavin Grant	

Substitutes:

Cllr Ben Anderson	Cllr Bob Jones MBE
Cllr Bill Douglas	Cllr Jacqui Lay
Cllr Ross Henning	Cllr Melody Thompson
Cllr Ruth Hopkinson	Cllr Philip Whalley

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 29 November 2017.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **13 December 2017** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **15 December 2017**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates**

To receive any details of completed and pending appeals as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **17/09481/FUL - Arland House, The Street, Alderton, SN14 6NL**
(Pages 19 - 28)

7b **17/09830/FUL - 1 Drummer Way, Pewsham, Chippenham, SN15 3UX** (Pages 29 - 38)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 29 NOVEMBER 2017 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice-Chairman),
Cllr Christine Crisp, Cllr Howard Greenman, Cllr Gavin Grant, Cllr Mollie Groom,
Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Jacqui Lay (Substitute)

Also Present:

Cllr John Thomson

113 Apologies

Apologies were received from Councillors Chuck Berry and Ashley O'Neill

Cllr Chuck Berry was substituted by Cllr Jacqui Lay.

114 Minutes of the Previous Meeting

The minutes of the meeting held on 1 November 2017 were presented.

Resolved:

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

115 Declarations of Interest

There were no declarations of interest.

116 Chairman's Announcements

There were no Chairman's announcements.

117 Public Participation

The Committee noted the rules on public participation.

118 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

119 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting, in respect of application 17/09431/FUL and as listed in the agenda supplement.

120 **17/09119/FUL- Land adjacent Ashley, Common Road, Malmesbury**

Public participation:

Peter Sladden and Alan Hopkins spoke in objection to the application
Chris Beardsmore, applicant, spoke in favour of the application
Cllr Roger Budgens from St Pauls Malmesbury Without Parish Council spoke in objection to the application.

The Senior Planning Officer, Mark Staincliffe, introduced the report which recommended permission be given subject to conditions.

Matters highlighted in the course of the presentation and discussion included: that the planning application was for the erection of a single dwelling to the front of the site; that this application was a resubmission following a previous application for the demolition of Ashley and the construction of two detached dwellings; that the previous application was refused by the planning authority and subsequently dismissed at appeal by an inspector; that the application under consideration did not seek consent to demolish the existing dwelling; that finished floor levels and ridge lines would be required as part of any condition for permission prior to commencement; and the concerns raised by the public and the local parish.

For ease of reference the relevant sections of the appeal decision were published within the report and included: the planning history of the site; that the principle of residential development had been accepted and endorsed in the planning inspector's decision; the elevation of the site above the road and the topography in relation to nearby buildings; the inspectors views on the materials proposed in the previous application and their relevancy to the new proposal.

The views of the highways officer were outlined and it was confirmed that revised plans were submitted to address issues regarding access, parking and the ability for vehicles to enter and leave the site in a forward gear.

Members of the Committee then had the opportunity to ask technical questions of the officer, seeking clarification regarding the application of the plans to what could be seen from the ground; that permitted development rights could not be withdrawn from the adjacent property as it was outside the remit of the application; the distance between the two properties; how materials would be considered by officers under the proposed conditions.

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

The local member, Councillor John Thomson then spoke in objection to the application.

In the debate that followed, Councillor Peter Hutton proposed, subsequently seconded by Councillor Christine Crisp, that the Officer's recommendation of approval subject to conditions be approved.

Councillor Toby Sturgis proposed, and following advice from officers on wording, that condition seven be amended to read as follows:

No development shall commence on site until details of the proposed ground floor slab and roof ridge height levels have been submitted to and approved in writing by the Local Planning Authority. The submissions to include details as to site survey specifying site spot levels and finished floor levels.

The amendment was subsequently accepted by Councillors Hutton and Crisp, and thereby incorporated into their original motion.

At the conclusion of the debate, and having been put to the vote, the motion was not passed.

Councillor Gavin Grant proposed, subsequently seconded by Councillor Brian Mathew, that consideration of the application be deferred to enable for information regarding the slab and pitch heights to be provided to the Committee.

In response to the motion, the meeting debated whether the provisions of condition seven, as amended, by the previous proposal, would be sufficient to address these concerns.

The Development Management Team Leader, Lee Burman stated that he had no reason to doubt the veracity of the plans, the issues raised should be able to be addressed by condition, and that he did not recommend deferring consideration.

At the conclusion of the debate, and having been put to the vote, the motion was not passed.

Councillor Tony Trotman proposed, subsequently seconded by Councillor Peter Hutton, that the Officer's recommendation of approval subject to conditions be approved, including the amendment to condition seven as drafted in the earlier discussion.

Having been put to the vote, the motion was passed, and the meeting;

Resolved

To grant planning permission, 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 the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - means of enclosure;
 - all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 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 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.

- 5 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy and to ensure that should accommodation be provided within the roof space the property has sufficient off street parking to accord with the Council's parking standards.

- 7 No development shall commence on site until details of the proposed ground floor slab and roof ridge height levels have been submitted to and approved in writing by the Local Planning Authority. The submissions to include details as to site survey specifying site spot levels and finished floor levels.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and] the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

- 8 The dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 9 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) hours of construction, including deliveries;

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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, 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.

- 10 Before the development hereby permitted is first occupied all windows at first floor in the Northern elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 11 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan
P010.H
P011.A

P020.C
P030.C
P060.A

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

- 12 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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:

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.

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.

121 17/09431/FUL - Land adjacent Benson House, Market Place, Box

Public participation:

Andrew Clegg, Patricia Simpson and Lorraine Simson spoke in objection to the application

Tony Phillips, agent for the applicant, spoke in favour of the application

Sheila Parker, resident of Box, spoke in favour of the application.

Cllr Sheila Parker from Box Parish Council spoke in objection to the application.

The Senior Planning Officer, Chris Marsh, introduced the report which recommended permission be give subject to conditions.

Matters highlighted in the course of the presentation and discussion included: the location of the proposals within the site; the orientation and the topography of the site; the relationship with other buildings in the area; the summary statement proposed which states how building works would be designed and constructed potential for further intrusive groundworks controlled by condition to protect existing trees; the views of the senior conservation officer; the concerns of residents regarding privacy; the views of the drainage officer and the approach taken to reduce the risk of flooding; whether the designs made best use of the site and the impact of the proposals in a conservation area.

Members of the Committee then had the opportunity to ask technical questions of the officer, seeking clarification regarding the impact of the proposals on private access arrangements, and that these were a civil matter and not a material planning consideration;

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

The local member, Councillor Brian Mathew then spoke in relation to the application.

In the debate that followed, Councillor Peter Hutton proposed, subsequently seconded by Councillor Jacqui Lay, that the Officer's recommendation of approval subject to conditions be approved.

Following advice from officers with regard to scope and wording, it was agreed to include an amendment to condition 9 relating to the design of windows to further protect the interests of residential amenity and privacy.

The amendment was subsequently accepted by Councillors Hutton and Lay, and thereby incorporated into their original motion.

At the conclusion of the debate, and having been put to the vote, the meeting;

Resolved

To grant planning permission, 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 following approved plans:**

VL.2017/28/01 - Site Plan + Block Plans

VL.2017/28/03 - Site Layout Proposed

VL.2017/28/04 - Proposed House (first floor plan and elevations)

Received 27 September 2017

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls, including fascia boards, etc, 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 No external stonework shall be constructed on site, until details of the reconfigured stone boundary wall, 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 development shall not be first occupied until the wall has been constructed in full accordance with the approved details.**

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

- 5 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 or ground protection 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;

The protective fencing and ground protection shall be erected in accordance with the approved details. The protective fencing and ground protection 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 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.

- 7 Notwithstanding the approved plans, no gates shall be installed as part of the development hereby approved.

REASON: In the interests of highway safety, in order to provide safe and convenient vehicular access at all times.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

- 9 Both the ground floor and first floor windows in the West elevation of the development hereby approved shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 10 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11 Notwithstanding the approved details, no foundation works, underpinning or other groundworks shall be undertaken in associated with the development hereby permitted without the prior written approval of the Local Planning Authority.

REASON: In the interests of protected trees.

- 12 **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.

- 13 **INFORMATIVE TO APPLICANT:**
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

- 14 **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.

- 15 **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.

- 16 **INFORMATIVE TO APPLICANT:**
The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability

Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

122 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 5.04 pm)

The Officer who has produced these minutes is of Democratic Services, direct line ,
e-mail committee@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	20 th December 2017
Application Number	17/09481/FUL
Site Address	Arland House, The Street, Alderton, SN14 6NL
Proposal	Erection of new dwelling, car port, solar array and associated works.
Applicant	Mr and Mrs Ian Anderson
Town/Parish Council	Luckington Parish
Ward	Sherston- Cllr John Thomson
Grid Ref	83905 82837
Type of application	Full Planning
Case Officer	Charmian Eyre-Walker

Reason for the application being considered by Committee

The application has been called into committee by the Cllr John Thomson to determine if the site falls within the physical limits of Alderton

1. Purpose of Report

To consider the above application and to recommend that planning permission is REFUSED

2. Report Summary

Issues to be addressed:

- Principle of the development/whether within open countryside or not.
- Impact on AONB/Landscape
- Drainage
- Highways issues

11 letters of objection and 24 letters of support have been received.

Luckington Parish Council request that the application is put before the Planning Committee (full comments set out below)

3. Site Description

The proposal lies within the Cotswolds AONB and is paddock land to the west of Arland House, Fourways and Ashcombe House. It is bounded by the drive to Arland House on the eastern side and mature hedging and trees on the 3 other boundaries.

The site is considered to be in the open countryside as Alderton is neither a small or large village and the site is outside any physical limits.

The site is in Flood Zone 1 and is not affected by surface water flooding in 1 in 30/100 events, although the road to the frontage is prone to flooding.

4. Relevant Planning History

There is no other relevant planning permissions on the land.

5. The Proposal

The proposal seeks planning permission the construction of a single storey dwelling centrally located in the eastern part of the site together with a detached garage and a solar array of 36 panels to the northern western corner with an orchard in the remainder of the site.

6.Planning Policy

Wiltshire Core Strategy:

- CP1 Settlement Strategy
- CP2 Delivery Strategy
- CP3 Infrastructure
- CP13 Spatial Strategy for Malmesbury
- CP42 Standalone Renewable Energy Installations
- CP48 Supporting Rural Life.
- CP57 Ensuring High Quality Design and Place Shaping
- CP60 Sustainable Transport
- CP61 Transport and new development.
- CP67 Flood Risk
- CP68 Water Resources

Saved Policies from North Wiltshire Local Plan 2011

- Policy H4 New Housing in the Open Countryside.

National Planning Policy Framework (NPPF):

- Achieving sustainable development – Core Planning Principles (paras 7, 14 and 17)
- Chapter 4 Promoting sustainable transport (particularly para 34)
- Chapter 6 Delivering a wide choice of high quality homes (particularly para 55)
- Chapter 11 Conserving and enhancing the natural environment (paras 109, 115 and 123)

6. Consultations

Luckington and Alderton Parish Council comments as follows:

The application has generated strong local feelings within the community of Alderton, and this was evidenced by the fact that over 25 members of the public attended the meeting to express their views concerning it. The overwhelming majority of the public in attendance were against the application, but the parish council has also received numerous letters both in support and against the application. It appears that, at present, the community appears approximately equally split between those who support and those who are against the Arland House application. However, within the community, feelings are running high.

The Luckington and Alderton Parish Council considered the Arland House application in detail, and by a majority vote, objected to the application on the following grounds:

- a. It is a departure from the Core Strategy document (which protects small villages from development other than through infilling).

- b. The change from agricultural use to residential is undesirable and could set a precedent for the possibility of other fields in this small village to be developed.
- c. This would affect the ancient balanced layout of the village with two very old large farms at either end of the ribbon development.

This is not a straightforward or routine planning application, and In light of the high level of local public interest in this application, the policy issues that it raises, and the significant impact that such a development could have on the small village of Alderton, the Luckington and Alderton Parish Council ask Councillor John Thomson 'call in' this application for detailed scrutiny by the Wiltshire Council Planning Committee. The Parish Council feel that this would be in the interests of both the applicant and the local community.

Highways officer understands that the above proposal seeks to erect a new dwelling with car port and parking and erect a solar array and may require a change of land use to residential.

The proposal, located remote from a range of services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The proposal is contrary to Core Policy 60 of the adopted Wiltshire Core Strategy and Paragraph 34 of the National Planning Policy Framework.

Reason: In the Interests sustainable transport

Drainage do not object to the proposal subject to conditions and comment that the site lies in Flood Zone 1 and is not affected by surface water flooding for 1 in 30/100 events, but the road in front of the site is affected by surface water flooding, causing potential ingress and egress issues.

Foul drainage is to foul sewer located on road outside site.

The application indicates that storm water will be taken to a soakaway, but mapping indicates that the area is a high ground level and soakaways are therefore unlikely to work. This can be addressed by permeability tests.

Wessex Water does not object but indicates 3m easements where required

Cotswold AONB Board comments are awaited.

11 letters of objection have been received raising the following points:

- This development is outside the usual line of development in this village,
- This is in an AONB and a conservation area (Planning officer comment: There is no conservation area for Alderton) and this is alien to both of these concepts.
- There are no other bungalows here.
- Pressure for further development.
- There are few amenities in the village.
- The planning line is there for a reason and is particularly important in a village set in an Area of Outstanding Natural Beauty.
- The northwest side of the Street in Alderton is all single dwelling ribbon development. There is nowhere where one house is set behind another. This would be a break in that protocol and again set a dangerous precedent.

- Given the previous applications made on this site (planning officer comment: There are none on this land) there is no guarantee that further development might not follow once the planning precedence is broken.
- The remainder of that side of the road has single properties in ribbon development. There is no other property set behind another. Again this application, if granted, could set a dangerous precedent.
- The introduction of solar panels in an area of natural beauty and to the extra traffic that may occur. The solar array is designed to service more than a single dwelling.
- Not infill.
- Does not meet the service requirements of the village.
- It does not respect the existing character and form of the development.
- Elongating the village.

24 letters of support have been received

7. Publicity

The application was advertised by way of site notice and neighbour notification.

Planning Considerations

Principle of the development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy forms the relevant development plan for the application area along with guidance in the NPPF (as set out above).

Alderton is neither a Large or a Small Village as defined by the Wiltshire Core Strategy and thus any housing in or immediately adjacent to it is considered to be in open countryside, where national and local planning policy seeks to resist new houses without special justification. The site is not an infill plot either with no built development to the west or north. Any residential development in this location would therefore be contrary to policies CP1 and CP2 of Wiltshire Core Strategy. Although the applicants have added a letter of support from their doctor as to why single level accommodation is desirable for them, this does not outweigh the strong presumptions against new dwellings in the countryside. The exceptional circumstances that may permit a dwelling in the countryside for the essential needs of a rural worker as set out in saved policy H4 of the North Wiltshire Local Plan 2011, Policy CP48 in the Wiltshire Core Strategy and the advice in para 55 of the NPPF are not met.

The scale of development is minimal in assisting the Council in achieving its Housing Land Supply figures and Inspectors are consistently finding that any increase in supply is not outweighed by the conflict with plan policy. Nevertheless the Council can currently demonstrate a NPPF compliant deliverable supply for the relevant period together with a 20% buffer.

Landscape Impact

The proposal promotes sustainable methods of construction and proposes ground source heat pump heating and there is a 36 panel solar array included in the proposal, but these do not outweigh the accepted principle against new houses in the countryside. The design of the dwelling is as a T-shaped bungalow and although the majority of the dwellings in Alderton are more traditional vernacular, there is sufficient variety that the dwelling would not

be out of character with the design of the area. However, the site lies within the Cotswolds AONB and the introduction of such a built form with its associated domestic paraphernalia and the solar array would be an incongruous addition in the landscape and thus be harmful to the open and rural landscape character of this part of the AONB. The Cotswolds AONB Management Plan aims to implement the statutory purpose of the AONB, which is to conserve and enhance natural beauty. Policies DTP1 and DTP2 of that plan are particularly relevant and echo the policies within the Wiltshire Core Strategy and advice in the NPPF (para 115 in particular).

Whilst the comments of the Landscape Officer and the Cotswolds AONB Board are awaited , it is considered that the proposal is contrary to policies CP42 and CP51 of the Wiltshire Core Strategy and advice in section 11 of the NPPF , particularly para 115.

Drainage

The drainage engineer does not object to the proposal subject to conditions. The issue about surface water flooding outside the site is noted, but is not considered to be sufficient to refuse the application.

Highways and Access

The site, which is remote from services will promote use of the private car, contrary to Policy CP57, CP60 and CP61 of the Wiltshire Core Strategy and the advice in the NPPF, particularly section 4.

Conclusion

The proposal is considered to not be compliant with policies CP1, CP2, CP13, CP42, CP46, CP47, CP51, CP57, CP60, CP61 of the Wiltshire Core Strategy, saved policy H4 of the North Wiltshire Local Plan 2011 and guidance in the NPPF (sections 4, 6 and 11 in particular). The proposal does not adhere to any of the exceptions contained within paragraph 55 of the NPPF and for these reasons the application should be refused on the following grounds

8. Recommendation

The recommendation is for REFUSAL for the following reasons :

- 1 The site is located outside of the limits of development of any village defined in CP2 of the Wiltshire Core Strategy. The proposed residential development does not fall to be determined under any of the 'exception policies' defined within Core Policies 46 and 47 (Specialist accommodation provision) or Core Policy 48 (Supporting rural life) or para 55 of the NPPF. The proposal conflicts with the Delivery Strategy set out in Policy CP2 of the Wiltshire Core Strategy, which seeks to properly plan for sustainable development of housing sites in Wiltshire to deliver the identified needs in the Community Areas through a Site Allocations DPD and/or a Neighbourhood Plan, a strategy supported by the Wiltshire Core Strategy Inspector. The site has not been brought forward through this process. The proposal would therefore conflict with Core Policies 1 and 2 of the Wiltshire Core Strategy; saved policy H4 of the North Wiltshire Local Plan (appendix D of the Wiltshire Core Strategy); Advice in the NPPF particularly paragraphs 7, 14 and 55.
- 2 The proposal, by way of its scale, siting and form of development would be an

incongruous and unacceptable form of development which would be harmful to the landscape quality of this part of the Cotswolds AONB contrary to policies CP42 and CP51 of the Wiltshire Core Strategy and advice in the NPPF section 11, particularly para 115.

- 3 The proposal, located remote from a range of services, employment opportunities which are not well served by public transport, is contrary to the key aims of local and national sustainable transport policy guidance which seeks to reduce growth in the length and number of motorised journeys. New development should be located and designed to reduce the need to travel by private car and should encourage the use of sustainable transport alternatives. The proposal is contrary to Core Policies 60 and 61 of the adopted Wiltshire Core Strategy and Paragraph 34 of the National Planning Policy Framework.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	20 December 2017
Application Number	17/09830/FUL
Site Address	1 Dummer Way Pewsham Chippenham SN15 3UX
Proposal	Two storey side extension and mono-pitch garden storage, with internal alterations to main house
Applicant	Miss Leckie
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM PEWSHAM – Councillor Clare Cape
Grid Ref	393154 172237
Type of application	Full Planning
Case Officer	Louisa Haines

Reason for the application being considered by Committee:

The application has been called to Committee by the Local Member, Councillor Clare Cape. It has been called in due to the scale of development, the relationship to adjoining properties, and the design, bulk and general appearance.

1. Purpose of Report

The purpose of the report is to assess the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved with conditions.

2. Report Summary

The main issues in the consideration of the above application are as follows:

- The principle of the development.
- The impact on Highways
- The impact of the proposal on the character and appearance of the application site
- The impact of the proposal on the residential amenities of surrounding properties.

At the time of recommendation objections have been received from Chippenham Town Council and a local resident. The Highways Officers offers no objection.

3. Site Description

The application relates to a semi-detached house on the residential development of Pewsham, part of the urban area of Chippenham. The property is made of buff reconstituted stone with a tile roof and white uPVC windows. The property has a single detached garage located to the side of the property with a parking space in-front. To the rear of the property is a garden. The house sits in a cul-de sac of similar semi-detached and terraced dwellings built at a reasonably high density.

4. Planning History

None

5. The Proposal

This application seeks to remove the existing detached single garage and seeks permission for a two storey side extension and mono pitch garden storage with internal alterations. The two storey element is to add additional accommodation comprising a master bedroom with en-suite and dressing room on the first floor and then a garden room, utility and shower room at ground floor. It is stated the additional first floor accommodation is to house an elderly relative. Revised plans have been submitted showing two parking spaces at the front of the property and revisions have been made to the windows and rainwater goods so they remain white.

6. Planning Policy

National Planning Policy Framework (NPPF):

Paragraphs 14 and 17; and Section 7 paragraphs 58, 60, 61, and 64;

Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy

Core Policy 46: Meeting the needs of Wiltshire's Vulnerable and Older People

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 61: Transport and New Development

7. Summary of consultation responses

Chippenham Town Council – Object. *Recommend Rejection for the following reasons:*

That the extension constitutes overdevelopment of the site.

That the extension is doubling the size of the property which could lead to the property being converted into 2 separate dwellings.

That the extension has a significant impact on the neighbouring properties.

That if permission is granted the extension must remain tied to the original house

Highways Officer- No objection, subject to conditions. *"I am satisfied that the loss of garage parking has been replaced and given the nature of the residential street and the design of the estate I consider it unreasonable to demand three spaces for the proposed extended dwelling and would be onerous on the applicant to follow these strict parking requirements.*

Therefore subject to the following condition I raise no highway objection.

No part of the development hereby approved shall be first brought into use 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.”

8. Publicity

1 letter of objection received raising issues of overlooking into the garden of property, privacy and making garden “darker”.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle

The principle of alterations and extensions within the residential curtilage of a dwelling in Chippenham is established under Core Policy 1 of the Core Strategy and where it would comply with other relevant policies within the Core Strategy. Development including extensions should comply with the provisions of Policy CP57 of the Core Strategy which sets out design and place shaping considerations. The proposed extension would add an additional bedroom and remove an existing garage so Core Policy 61 which relates to parking and new development must also be considered.

In terms of use, the application has been submitted on the basis of annexe accommodation and, given its degree of integration with the main dwelling, there is no reason to suspect it would be used as a separate dwelling. In any event, it is considered reasonable to make use of a planning condition which restricts the extensions occupation to ancillary use only.

Indeed, the Design and Access statement that has been sent accompanying the application states that the annexe will be used to provide accommodation for an elderly relative. This would accord with the aims of Core Policy 46 which aims to meet the needs of Wiltshire vulnerable and older people. However it should be highlighted that this use in itself would not override any significant detrimental impact to neighbouring amenity if these are considered to occur from the proposals.

Highways

As the proposals would increase the bedrooms at the property by one and would also result in the loss of a garage the Highways Officer was consulted. They raised no objection, subject to the imposition of conditions.

Effect on appearance of host dwelling and street scene

The host dwelling sits in a cul-de sac of properties containing a mix of semi-detached and terraced properties. It is one half of a semi-detached pair and the other dwelling has recently had a two-storey side extension granted permission.

Core Policy 57 states that development should be: *responding positively to the existing townscape and landscape features in terms of buildings layouts, built form, height, mass, scale, building line, plot size, elevation design, materials, streetscape and rooflines to effectively integrate a building into its setting.* The proposed two-storey side extension has been designed to be subservient to the main dwelling and features a dropped roofline. It is to be built in reconstituted stone with a tile roof to match the existing dwelling. The windows and rainwater goods will be white to match the existing but the proposed materials used throughout the house and extension would be changed from uPVC to a coated metal/timber composite, this is considered acceptable. Overall the two-storey extension, although large, is considered to not look unduly prominent or incongruous in relation to either the street scene or the host dwelling.

The attached single storey element is proposed to be timber cladded, which is considered acceptable in this location. A dark grey powder coated metal/timber composite for the doors, is also considered acceptable.

Effect on Amenity of Neighbours

Core Policy 57 states that development should be *having regard to the compatibility of adjoining buildings and uses, the impact on the amenity of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution...*

The host dwelling sits in a cul-de sac of properties containing a mix of semi-detached and terraced properties. The layout of the cul-de sac means the surrounding properties are at a variety of angles and distances from the application property and proposed extension.

The proposals look to remove an existing single storey garage which sits on the property boundary and proposes a single storey garden store and two storey side extension. The single storey element of the proposals will sit a small amount further away from the boundary than the existing garage but in a differing place. Due to its single storey nature and it's lack of windows it is not considered it would have a significant detrimental impact in terms overlooking, overshadowing, overbearing impact or loss of privacy on any surrounding properties. The two-storey element due to its height and mass is considered the most likely to have an effect.

There are dwellings on all sides of the site. The location of the two storey side extension and the fact is not proposed to have any side windows means it should not to have a detrimental impact on the properties to the south-west, north-east and east

To the north-west are three terraced properties that sit in close proximity to the site. A key consideration in this application is whether the extension would have a significant detrimental impact on the amenity of these properties.

An objection has been received from the occupants of the middle of this terrace relating to concerns over privacy and loss of light. The two storey extension would be located approximately 9 metres at the closest point from this property and this is several metres

nearer than the layout as currently existing. Whilst this could lead to the proposed Juliette balcony in the south-east elevation potentially having the perception of a greater degree of overlooking, the angle of the buildings and the close adjacent properties means it is not considered there would be any significant additional overlooking to that already existing.

In relation to loss of light, it is not considered there would be a significant impact over that already existing. The agent has submitted a sun study to show the impact on the surrounding properties in terms of additional overshadowing received between 9 and 3 at four dates in the year. This study shows that there should be limited additional overshadowing to that already occurring from the existing built environment to all the properties in this terrace. The study is, however, not considered to be conclusive or determinative to the treatment of this application.

Number 3 Dummer Way is the closest property. Its rear elevation faces the proposals at an angle and at the closest point the two storey element of the extension would be approximately 5.5 metres from the rear of the dwelling house and approximately 2.5 metres from its garden. 3 Dummer only has windows on half of its rear elevation so the closest window is located approximately 8.5 m. This window arrangement, combined with the fact that the proposed two storey side extension does not contain any side windows, should ensure no loss of privacy or any additional overlooking. Due to the close proximity of the proposed extension and the small size of the rear garden at 3 Dummer Way careful consideration has been given as to whether the proposals would lead to an unacceptable degree of overbearing impact in relation to this dwelling. It is considered that whilst there will be some increased level of overbearing impact this is not so significant as to warrant a refusal. Furthermore no objection has been received from this property.

Conclusion

Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The above discussion has shown that this proposal is in accordance with NPPF paragraphs 14, 17 and section 7, and Core Strategy Policies CP57 and CP61 as it is of an acceptable design and would not have a significant detrimental impact on highways, building appearance or the street scene, and it is not considered to have such a significant impact on neighbour amenity as to warrant a refusal. It is therefore recommended that this proposal is approved with conditions.

RECOMMENDATION: That planning permission be GRANTED, 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 following approved plans:

Location Plan, Drawing number 560/PL/01 (7/8/17) received by the LPA on 9th October 2017

Existing and Proposed Site Plans, Drawing number 560/PL/02b (7/8/17) received by the LPA on 8th December 2017

Existing Ground Floor Plan, Drawing number 560/PL/03 (7/8/17) received by the LPA on 9th October 2017

Existing Elevation, Drawing number 560/PL/05 (7/8/17) received by the LPA on 9th October 2017

Existing First Floor Plan, Drawing number 560/PL/04 (7/8/17) received by the LPA on 9th October 2017

Proposed Ground Floor Plan, Drawing number 560/PL/06a (7/8/17) received by the LPA on 28th November 2017

Proposed First Floor Plan, Drawing number 560/PL/07 (7/8/17) received by the LPA on 9th October 2017

Proposed Elevation, Drawing number 560/PL/08 (8/7/17) received by the LPA on 9th October 2017

Application Form, Section 11: Materials received by the LPA on 8th December 2017

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

- 3 No part of the development hereby approved shall be first brought into use 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.

- 4 The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as '1 Dummer Way' and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

5 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

6 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.

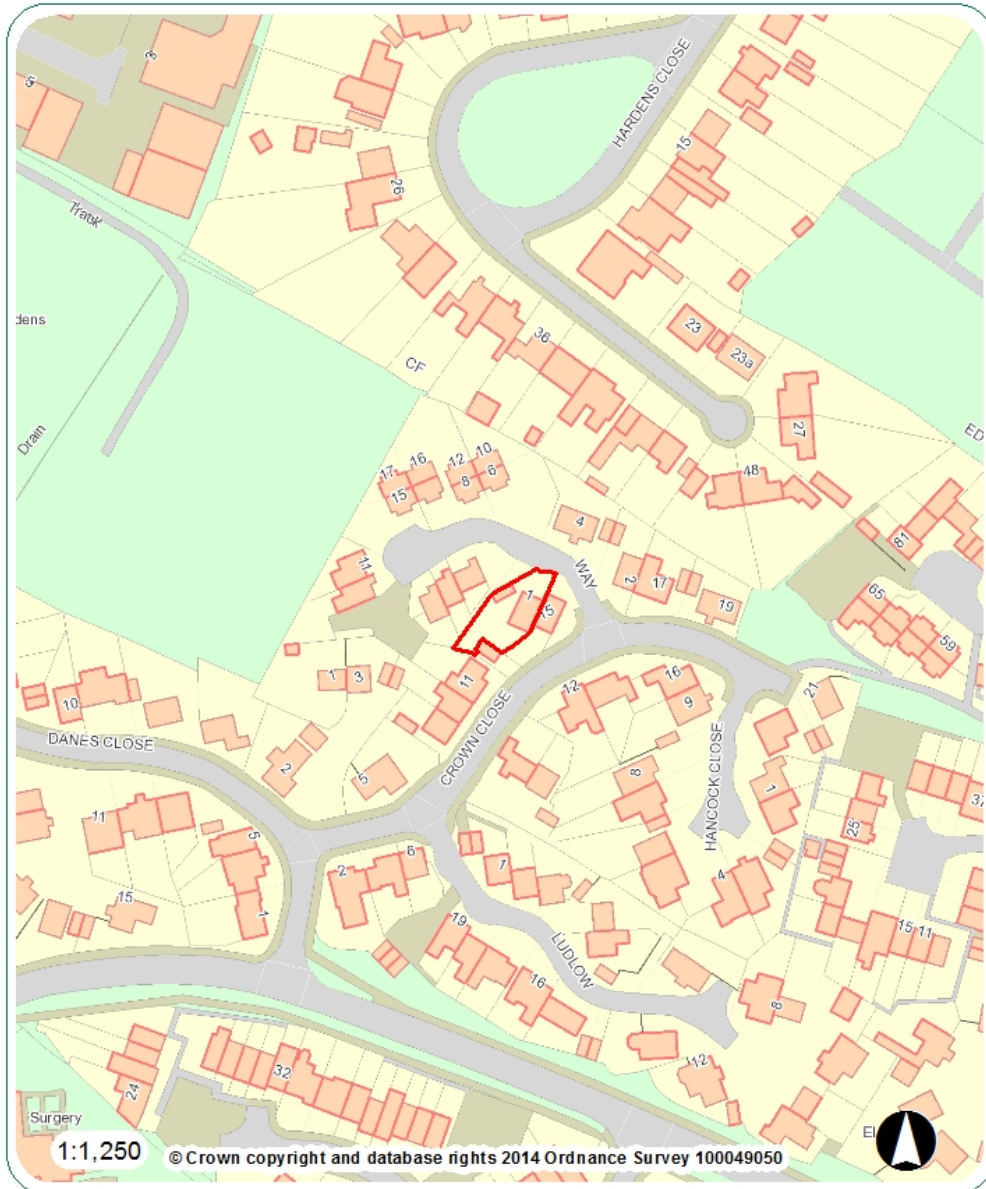
If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

7 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.

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1 Dummer Way
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SN15 3UX



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