

## NORTHERN AREA PLANNING COMMITTEE

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**DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 8 JANUARY 2014 AT TOWN HALL - CHIPPENHAM TOWN COUNCIL, THE TOWN HALL, HIGH STREET, CHIPPENHAM, SN15 3ER.**

**Present:**

Cllr Christine Crisp, Cllr Bill Douglas, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Jacqui Lay (Substitute), Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Taylor, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

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1 **Apologies**

Apologies were received from Cllr Groom and Cllr Scott.

Cllr Groom was substituted by Cllr Lay.

2 **Minutes of the previous Meeting**

The minutes of the meeting held on 4 December 2013 were presented.

**Resolved:**

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

3 **Declarations of Interest**

There were no declarations of interest.

4 **Chairman's Announcements**

The Chairman drew attention to the late observations circulated at the meeting.

5 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

## 6 Planning applications

### 1a N/11/02763/FUL - Moredon Bridge, Purton Road, Wiltshire

#### Public Participation

Richard Pagett spoke in objection to the application. Cllr Geoff Greenaway, Purton Parish Council, spoke in objection to the application.

The officer introduced the report which recommended that in the absence of a section 106 agreement to secure the provision of necessary ecological mitigation, the Committee's position would have been to refuse planning permission.

He explained that permission had previously been delegated to the Area Development Manager to grant subject to the signing of a section 106 agreement. t A section 106 agreement had not been signed and the applicant had appealed against non-determination. The Committee's position if able to determine without ecological mitigation needed to be established.

There were no technical questions asked.

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

The local member, Cllr Jacqui Lay spoke in objection to the application.

In the debate that followed the need for a legal agreement to secure the provision of necessary ecological mitigation was noted.

#### **Resolved:**

**That had the Committee been in a position to determine the application it would have been refused for the following reason:**

**The proposed development results in the loss of a significant protected ecological habitat which is a designated Country Wildlife Site and Biodiversity Action Plan listed habitat. The proposals include no provision for commensurate, deliverable mitigation for the loss of and harm to protected ecological habitat (calcareous Grassland). The proposals are contrary to the NPPF section 11 and paragraphs 14, 17 & 118; NWLP policies C3, NE7, NE10, NE11; and core policy 50 Wiltshire core Strategy proposed Modifications.**

1b **13/01551/FUL - Beaters Retreat, Watergates, Colerne, Chippenham, Wilts, SN14 8DR.**

Public Participation

John Bull and Paul Jobbins spoke in support of the application.

The officer introduced the report which recommended that planning permission be refused.

He explained that the site was located on the green belt. Previous planning permission to build a dwelling had been granted because it resulted in the removal of several old buildings, but that this was considered the limit of desired development. Retrospective planning permission had not been sought for a hardcore parking area which was constructed on the site. A caravan was parked on the site under a certificate of lawful use. He confirmed that the applicant was not seeking retrospective planning permission and had not sought to engage in legal agreement to remove of the caravan.

The local member, Cllr Parker addressed the Committee and spoke in support of the application. She noted the size, scale and impact of the proposed development. She explained that the proposed development would improve the public footpath and visibility from across the greenbelt.

In the debate that followed the Committee noted public support for the development. Concerns were noted regarding the caravan being allowed to remain on the site,, the scale of the proposed building and the building being partly sited on a hardcore parking area that, having no planning consent was unlawful.

**Resolved:**

**The application for planning permission is REFUSED for the following reason:**

**Due to the size, scale and location of the proposed outbuilding it would be a disproportionate addition to the existing dwelling which would be harmful to the openness of the green belt and would not conserve the natural beauty of the landscape. The proposed development would be contrary to policies C3, H8, NE1 and NE4 of the North Wiltshire Local Plan 2011 and section 9 of the National Planning Policy Framework 2012.**

**1c 13/01868/FUL - 52 Corn Gastons, Malmesbury, Wiltshire, SN16 0LY**

Public Participation

Roger Budgen, William Allbrook and Cllr Kim Powers spoke in objection to the application.

John Harris spoke in support of the application.

The officer introduced the report which recommended that planning permission be delegated to the Area Development Manager to grant subject to the signing of a section 106 agreement and subject to conditions.

Attention was drawn to an updated plan contained within agenda supplement 1 and late observations which were available at the meeting, and were available in agenda supplement 2.

He explained that outline permission had been granted in 2005 for a residential development. A previous planning application to build four flats had been refused due to its siting, height, bulk and orientation having a detrimental impact on neighbouring uses and lack of adequate parking provision. The subsequent appeal was dismissed. The current proposal was of a different design and reduced bulk and was therefore not considered to have an overbearing impact on the adjacent school. He explained that a footpath to the school ran alongside the site which the previous permission had used as access and there had been no highways objections received.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that an informative to contact the school when construction would occur could be included. Any further development which would restrict access to the school path would require a new planning application. It was confirmed that a condition to maintain the hedge within the site boundary could be added to the application as well as a construction method statement.

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

The local member, Cllr Killane spoke in objection to the application. He explained that the hedge running along the boundary of the site was extremely overgrown and was obstructing a footpath to the school. He noted road safety concerns, rubbish collection issues, emergency service access and delivery concerns.

In the debate that followed road safety concerns were noted as well as the need to encourage children to walk to school. It was noted that there were

alternative entrances to the school and that such entrances were only used for short periods of the day. The existing outline permission was highlighted, and the need to have a construction method statement and a condition regarding maintenance of the boundary hedge on the footpath was agreed

A motion to refuse planning permission based on pedestrian safety, policy C3(vii) was moved, seconded, voted on and lost.

**Resolved:**

**Planning permission be DELEGATED to the Area Development Manager subject to the signing of a section 106 agreement in respect of public open spaces and education contributions; and**

**Subject to 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: Plan list to be confirmed.**

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

- 3. No development shall commence on site until details and samples of the materials to be used for the external walls 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.**

- 4. Prior to the commencement of development details of the drainage of the site must be submitted and approved by the local planning authority. If the water will discharge to Wessex Water sewer then the applicant must submit a copy of the agreement to the council. If not then a SuDS scheme will need to be submitted to and approved by the local planning authority, these details to be accompanied by BRE 365 percolation tests and soak away calculations.**

**REASON: In the interest of ensuring the site is adequately drained.**

5. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The surface treatment of the parking areas to be a consolidated surface. 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) 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.

7. Prior to any works commencing on the site the hedge along the northern boundary of the access to the site shall be trimmed and cut back to ensure that the maximum width of the driveway is available to ensure safe use by vehicles and pedestrians. The hedge shall be maintained as such thereafter to ensure adequate visibility and safe passage for all users.

**REASON:** In the interests of highway and pedestrian safety.

8. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) wheel washing facilities;
  - e) measures to control the emission of dust and dirt during construction;
  - f) a scheme for recycling/disposing of waste resulting from construction works; and
  - 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: 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.**

**INFORMATIVES:**

- 1. The applicant is advised to consult with the Head Teacher and School Governors of Malmesbury School adjacent to the site in respect of any future proposals to erect a gates or other enclosures to the site access.**

**1d 13/03489/FUL - Goldenley Care Home, Forest Lane, Chippenham, SN15 3QU.**

Public Participation

Denise Williams, Ian Carter, Paul Sibley and Cllr Linda Packard (Chippenham Town Council) spoke in objection to the application.

Sats Ahluwalia spoke in support of the application.

The officer introduced the report which recommended that planning permission be delegated to the Area Development Manager to be granted subject to no adverse comments being received in relation to archaeology and the pipeline and subject to conditions.

He drew attention to the existing permission which granted extensive extensions to the buildings. The proposal at hand was of a similar size, style and scale to the permission already granted. There were significant benefits for people who needed care, and being within the community met both the local and national strategy's in caring for people with dementia.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that the application would allow resident numbers to increase by 25, from 19 to 44. The Highways department had not raised any objection to the development. The plans did not include measures to reduce noise levels but that the applicant was working with residents to address these issues.

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

The local member, Cllr Mark Packard addressed the Committee and spoke in objection to the application. He noted concerns regarding privacy, noise and disruption, access to the site and the impact on existing infrastructure.

A motion to refuse the application was made but not seconded.

A motion to delegate to the Area Development Manager to be granted subject to no adverse comments being received in relation to archaeology and the pipeline and subject to conditions was made and seconded.

In the debate that followed, the Committee noted the need to base their decision on planning issues. It was also noted that signs and traffic calming measures could be included in a legal agreement provided they were located on land in the applicant's ownership.

**Resolved:**

**That permission be DELEGATED to the Area Development Manager to grant subject to the signing of a section 106 agreement in respect of traffic calming measures and signs within the applicant's land; and Subject to 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 part of the development hereby approved shall be 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 and in the interests of highway safety.**

- 3 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: To ensure that the development can be adequately drained.**

- 4 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. The 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.

- 5** 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) accurate indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for 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) hard surfacing materials;

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

- 6** 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 hedgerow 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.

- 7** Prior to the commencement of development the necessary stopping up process of public highway as necessary will need to be completed.

**Reason:** To safeguard the interests of the applicant and highway authority.

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

**Design and access statement 001, 003, 006, 005, 004, 002, 007,  
landscape 01**

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

- 9 No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2 Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority after it has been erected, it shall be maintained for the duration of works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).**

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

#### **INFORMATIVES**

- 1. The applicant is advised that there will be the need for some of the existing highway to be stopped up and rights returned to the owner. It appears that some car parking spaces will be contained within Public Highway although the majority of this parking already takes place. The applicant is advised that there are two possible courses of action.**
  - I. The stopping up of the highway can be carried out under Section 247 of the Town and Country Planning Act prior to development commencing. However, prior to starting formal procedure, an agreed area of highway to be stopped up should be agreed with the highway authority and would I suggest that formal enquires are made to the relevant statutory undertakers to check location of any infrastructure. If there are any utilities in the area, it is possible an easement could be agreed.**
  - II. The second option will be via a Legal Agreement (Highways Act - 116) between the highway authority and the developer. All highway authority costs will need to be covered by the Developer. Please note that the stopping up of Public Highway will need to be advertised and there is a possibility objections could be received that could result in the stopping up being unfeasible.**

1e **13/3728/FUL and 13/04105/LBC - Green Barn, Nettleton, Wiltshire SN14 7NT**

Public Participation

Mr Cheetham, Mr Howard Walters and Cllr David Pearce (Nettleton Parish Council) spoke in support of the application

It was noted that there were two applications, the full application and the listed building consent and that the full application would taken first.

The officer introduced the report which recommended that the planning application be refused.

He explained that linking the two buildings by a large extension was detrimental to the historic character and nature of the buildings and contrary to policy.

The Committee then had the chance to ask technical questions of officers and it was confirmed that the current use of the right hand building was unknown and any works to it would need listwed building consent.

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

Cllr Toby Stugis spoke on behalf of the local member, Cllr Jane Scott OBE addressed the committee and, whist appreciating what the applicant was trying to do highlighted issues with both the linking and the massing being contrary to policy and harming the overall complex of buildings.

In the debate that followed concern was raised over connectivity.

**Resolved:**

**In respect of 13/3728/FUL:**

**That planning permission be REFUSED for the following reason:**

**The size, position and detail of the extension will have an adverse impact upon the listed building and its setting. It would be over-dominant in relation to Green Barn and would fail to preserve both the significance of the listed building and the character and significance of its setting. This would be contrary to Section 12 of the NPPF 2012 and policies C3 and HE4 of the North Wiltshire Local Plan 2011.**

**In respect of 13/04105/LBC:**

**That listed building consent is REFUSED for the following reason:**

**The size, position and detail of the extension will have an adverse impact upon the listed building and its setting. It would be over-dominant in relation to Green Barn and would fail to preserve both the significance of the listed building and the character and significance of its setting. This would be contrary to S.16(2) and S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the NPPF 2012.**

7 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.40 pm)

The Officer who has produced these minutes is Eleanor Slack, of Democratic Services, direct line 01225 718255, e-mail [eleanor.slack@wiltshire.gov.uk](mailto:eleanor.slack@wiltshire.gov.uk)

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