

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 26 AUGUST 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Chuck Berry and Cllr Jacqui Lay (Substitute)

85 **Apologies**

Apologies for absence were received from Cllr Howard Greenman who was substituted by Cllr Jacqui Lay.

Apologies for absence were also received from Cllrs Chris Hurst and Howard Marshall.

The Chairman reminded the Committee members that they should arrange for a substitute to attend on their behalf should they be unavailable.

86 **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 August 2015 were presented.

Resolved:

To confirm as a true and correct record the minutes of the meeting held on 5 August 2015.

87 **Declarations of Interest**

There were no declarations of interest.

88 **Chairman's Announcements**

There were no Chairman's announcements.

89 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

90 **Planning Applications**

91 **14/12070/FUL - The Park, High Street, Sutton Benger, Wiltshire, SN15 4RQ**

Andy Cockett spoke in support of the application.

The Planning Officer introduced the report which recommended that authority be delegated to the Area Development Manager to grant planning permission subject to the completion of a Section 106 agreement and conditions. The application was for a residential development comprising 13 dwellings with associated gardens, parking, drainage and landscaping.

It was highlighted that this application had been considered by the Committee on 15 July 2015 and been deferred in order to obtain additional information about the availability of B1 employment land in the local area. Information had been supplied by the applicant and by officers to confirm that there were other B1 employment land sites in the local area.

It was explained that the applicants had worked with the Planning Officers and the Urban Design Officer to achieve a high quality of development that respected the original character of the village and the adjoining new housing.

The Committee then had the opportunity to ask technical questions and it was confirmed that the marketing exercise conducted by the applicant was considered sufficient by the Estates Team. It was also explained that the Estates Team considered that the refusal of the one firm offer made for the purchase of the site was reasonable and figures were available in Appendix 2.

The Planning Officer clarified that a care home was not classified as B1 business use and the use of the land for a care home would require planning permission. It was also noted that the consideration of uplift in value of any unsold properties on the site would only be material if the viability of the site was drawn into question. Officers explained that the applicant had agreed to provide affordable housing on site and this would meet the requirements set out in the Core Strategy.

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

In the debate that followed, the Committee considered the additional information provided by the applicant and officers regarding the availability of other B1 employment land in the area. Some members expressed concern about the loss of this employment land in the local area. The Committee also discussed the policy position regarding the loss of commercial floor space and its change of use to residential as set out in the National Planning Policy Framework and the Wiltshire Core Strategy.

Resolved:

To DELEGATE authority to the Area Development Manager to grant planning permission subject to the completion of Section 106 agreement to address on site affordable housing provision and the conditions set out in the report to the Northern Area Planning Committee on 15 July 2015.

92 **15/04184/FUL - Hollybush House, Lower Stanton St Quintin, Wiltshire, SN14 6BY**

Russell Lamming and Peter Preston spoke in support of the application.
Michael Doran spoke in opposition to the application.

Cllr John Eley, Stanton St Quintin Parish Council, spoke in opposition to the application.

The Planning Officer introduced the report which recommended that planning permission be granted subject to conditions. The application was for a proposed single storey and two storey extension to the rear of the property and front porch. It was explained that an extensive rear garden would be retained. The Planning Officer highlighted that concerns had been raised by neighbours and the Parish Council and that these were set out in the officer report. Attention was drawn to late items which summarised an additional neighbour representation.

The Planning Officer also explained that a plan had been submitted to demonstrate that suitable parking was available on site; Highways considered this plan to be acceptable.

The Committee then had the opportunity to ask technical questions and it was confirmed that it was possible to add a condition requiring the extension to remain ancillary to the dwelling. It was also explained that the proposal would involve approximately a 40% increase in size beyond the original floor space. It was also highlighted that the site was not within the green belt and, as such, there were no national or local policies to restrict the size of the extension; the assessment was based on the development's conformity to local and national planning policy and in particular the impact of the development on the amenity of neighbouring properties, parking provision and the development's design and impact on the character and appearance of the area.

The Planning Officer explained that the General Permitted Development Order allows up to an 8m extension to the rear of the property at single storey level and up to a 3m extension to the rear of the property at two storey level. It was highlighted that the application was for a 4m two storey extension but that the applicant would be entitled to develop a 3m two storey extension without the need to obtain formal planning permission. The proposal was also considered to

have an acceptable impact on residents, the streetscene, and the design of the existing property and existing properties within the locality.

The Planning Officer clarified that drainage on the site would be required to comply with the Building Regulations. It was explained that there was an informative in the officer recommendation highlighting to the applicant that they should be aware of the Building Regulations requirements.

It was confirmed that the applicant had submitted a plan to demonstrate that three off street parking spaces could be provided on the site. The Planning Officer noted that Highways considered this to meet all requirements and highlighted that, under permitted development rights, the applicant was able to develop the front garden into an area of hardstanding for additional parking if this was deemed necessary.

The Planning Officer also confirmed the location of the holly tree.

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

The Planning Officer responded to comments from the public and explained that it would be unreasonable to require a construction method statement for a development of this size. It was highlighted that many concerns were governed by areas other than Planning which included Environmental Health, Highways, and civil matters. Officers also confirmed that planning legislation and guidance advises against the addition of planning conditions to duplicate other legislation. Such a condition is considered unreasonable in planning terms and should be avoided.

The Planning Officer also explained that Condition 3 in the officer recommendation required the bathroom window to be glazed with obscure glass and permanently fixed shut up to a height of 1.7m in order to ensure that there was no direct overlooking into any neighbouring property.

In the debate that followed, the Committee considered to what extent the proposed conditions and informatives mitigated the concerns raised by members of the public. Some members advocated discourse between the applicants and the community in order to minimise the impact of the proposal on neighbours. The Committee also discussed the importance of the holly tree to the local community and the means of protecting the tree during the construction phase of development.

The Committee noted a discrepancy between the floor plans and the elevation plans. It was considered that this could be clarified by officers and that a deferral was not necessary in this case. It was proposed and seconded to delegate authority to the Area Development Manager to grant planning permission subject to the conditions as set out in the Case Officer's report. An amendment was also accepted with additional conditions relating to drainage,

car parking, and the ancillary nature of the extension in order to address the concerns of the local residents.

Resolved:

To DELEGATE authority to the Area Development Manager to grant planning permission subject to the submission and approval the following:

- **A plan clearly indicating the Holly Tree's root protection area and means of protection during the construction phase of the development.**
- **Amended rear elevation plans ensuring the windows shown on the floor plans are clearly drawn on the on the elevation plans.**

And 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.**

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

3. **The first floor window in the southwest elevation shall be glazed with obscure glass only [to an obscurity level of no less than level 3] and permanently fixed shut unless any part which opens is at least 1.7 metres above the internal floor height of the room it serves 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.

4. **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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in either the northeast elevation or southwest elevation of the development hereby permitted.**

REASON: In the interests of residential amenity and privacy.

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

Drawing No's Site Location Plan (1:1250); and B 3044 01, received by the LPA on the 30 April 2015 and validated 6 May 2015.

Revised Drawing No. B 3044 02 B, received electronically by the LPA on the 29 May 2015.

Drawing No. A 3044 03 A, received electronically by the LPA on the 16 June 2015.

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

6. 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 Hollybush House, Lower Stanton St Quintin 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.

7. No development shall commence on site until a scheme for the discharge of 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. This is required to ensure that the development can be adequately drained.

8. 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 the parking of motor vehicles associated with the use of the dwelling known as Hollybush House at all times thereafter.

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

9. The development hereby permitted shall not be first occupied until the first three metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

10. **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.

11. **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.

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.

12. INFORMATIVE TO APPLICANT: The Council encourages the applicant to adopt the approach and recommendations set out in the UKCG Good Neighbour Site Guide with regard to undertaking the construction of the development.

93 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 pm)

The Officer who has produced these minutes is Fiona Rae, of Democratic Services, direct line 01225 12681, e-mail fiona.rae@wiltshire.gov.uk.

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