

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 15 FEBRUARY 2017 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Mollie Groom, Cllr Toby Sturgis, Cllr Glenis Ansell, Cllr Howard Greenman, Cllr Jacqui Lay (Substitute) and Cllr Chris Hurst

Also Present:

Cllr Dick Tonge and Cllr Sheila Parker

12 Apologies

Apologies were received from Cllr Chuck Berry who was substituted by Cllr Jacqui Lay. Apologies were also received by Cllrs Christine Crisp and Terry Chivers.

13 Minutes of the Previous Meeting

The minutes of the meeting held on Wednesday 4 January 2016 were presented.

RESOLVED:

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

14 Declarations of Interest

There were no declarations of interest.

15 Planning Appeals and Updates

The Committee noted the contents of the appeals update.

16 Chairman's Announcements

There were no Chairman's announcements.

17 Public Participation

The Committee noted the rules on public participation.

18 **Rights of Way Modification- Parish of Box**

Members of the public Paul Turner, Anne Cleaverley and David Wright spoke in favour of the Modification Order. Parish Councillor Sid Gould spoke briefly on the item, stating that the Parish Council had no objections to the Order

The Rights of Way Officer Sally Madgwick, introduced the Definitive Map Modification Order. A short presentation was given, showing photographs of the worn footpaths and the surrounding areas, including tree lines and hedgerows. A summary of the evidence was provided, explaining that 42 witness statements had been received, dating back to the 1960's. This included a local councillor's reference to over 30 years of use. It was highlighted that for the Order to be approved, 20 years of uninterrupted use needed to be evidenced. The Officer also gave an overview of the ownership and use of the area over the years. Finally, the Officer gave an account of the relevant legislation and regulatory position of the Committee, stating that due to the existing objection to the modification, the Committee could not confirm the Order but could forward it to the Secretary of State for determination, with a recommendation for it to be confirmed, with or without modification, or with a recommendation for it not to be confirmed. Attention was drawn to the late items and it was identified that no new matters were raised that had not already been addressed in full in the report to Committee.

In response to technical questions from Councillors regarding the meaning of "uninterrupted use", the Officer explained that interruption does not have to be physical or literal exclusion, it could be served by the use of signage or other publication.

Cllr Sheila Parker, the neighbouring division member, spoke with her approval of the Order.

In the debate that followed, Councillors discussed the public health benefits of public footpaths and Wiltshire Council's interest in maintaining them. Cllr Peter Hutton proposed the officer's recommendation which was seconded by Cllr Howard Greenman and approved by the Committee.

RESOLVED:

That "The Wiltshire Council Parish of Box 107A, 107B and 107C Rights of Way Modification Order 2016 is forwarded to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that it is confirmed as made.

19 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of Agenda Item 7- The Wiltshire Council Parish of Box 107a, 107b and 107c Rights of Way Modification Order 2016 and

Agenda Item 8d- 16/09314/OUT Old Glove Factory, Adj. 25 Brockleaze, Neston, Corsham, Wiltshire, SN13 9TJ, as listed in the agenda pack.

20 **15/10682/FUL- Marden Farm, Rookery Park, Calne, SN11 0LH**

The Chairman explained that this Item would no longer be determined in the meeting, after the disputed s.106 agreement was signed the previous night and as such the recommended further extension of time was not required.

21 **16/09038/LBC & 16/08525/FUL Thistle Barn Stable Block, Ashley, Box, SN13 8AJ**

Members of the public, Bob Alderman and Kevin Ford, spoke against the application, whilst the applicant's agent, Alvin Howard, spoke in favour. Parish Councillor Pauline Lyons spoke against the application on behalf of Box Parish Council.

The Team Leader Lee Burman, introduced the application which sought works to, and the change of use of, stable blocks into holiday lets. A presentation was shown with photographs of the site and existing stables. Diagrams were shown with proposed plans of development. It was explained that there was to be minimal change to the external appearance of the building. It was confirmed that the proposed plans were within national and local policy. The local policy to promote tourist accommodation was emphasised and it was confirmed that whilst there were concerns as to character and design, this was not in and of itself a sufficient ground for refusal, given the nature of the proposals involving conversion of existing buildings.

Technical questions were asked by Councillors regarding the retention of the roof and the possible risk from asbestos. The Officer confirmed that the existing and proposed plans and supporting statements demonstrated that the proposal was to retain the roof and insert a ceiling internally. Furthermore, in response to some of the issues raised by the public speakers, it was also clarified that all surveys and observations has been completed by experienced professionals.

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

Local Division Member Sheila Parker voiced her concerns for the application, asking that it be deferred for further surveys to be done as to the suitability of the site and the impact on highways.

The Officer explained that for impact on highways to be the grounds for refusal under national planning guidance contained in the NPPF, the impact must be severe.

In the debate that followed, the need for quality tourist lets was considered along with the need for clarity in regards to the retention of the roof under the plans.

An initial proposal to approve the officer's recommendations was moved by Cllr Tony Trotman, seconded by Cllr Toby Sturgis but voted against by the Committee.

Debate then followed as to the possibility of refusal on the grounds of design, lack of amenity and highways concerns. A motion was then proposed by Cllr Peter Hutton that the recommendations be approved subject to the same requirement for delegation to officers to confirm that the development proposed is as referenced in the plans. This motion was seconded by Cllr Toby Sturgis and passed by Committee.

Later in the meeting, a further motion was proposed by Cllr Tony Trotman and seconded by Cllr Peter Hutton, to approve the Listed Building Consent, as per the officer's recommendations, subject to the same condition of delegation to officers to confirm the development is as referenced in the plans. This was also passed by the majority.

RESOLVED:

To delegate authority to the Head of Development Management Services to approve the Planning Permission application subject to the conditions in the report and officers confirming with the applicant that the scheme is as proposed, and will be built in accordance with, the approved plans.

Planning Permission GRANTED 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: Existing Stable Plan 2276/2, Existing Elevations 2293/3 and Proposed Ground Floor 2293/4 rev. A (all received 1 September 2016), Proposed Rear (East)Elevation 2276/6 rev.D, Proposed End Elevations 2293/7 rev.C and Proposed Front (West) Elevation 2276/9 rev.E (all received 8 November 2016) and Location and Block Plan 2293/1 rev.B (received 6th December 2016)**

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

- 3. No development shall commence on site until details of the works for the disposal of sewerage including details of the existing septic tank connection have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first occupied until the approved sewerage and septic tank details have been fully implemented in accordance with the approved plans.**

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 ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

4. **Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.**

REASON: This site is 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 permanent residential accommodation.

5. **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.
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:** 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.
8. **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.

9. 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

RESOLVED:

To delegate authority to the Head of Development Management Services to approve the Listed Building Consent application subject to the conditions in the report and officers confirming with the applicant that the scheme is as proposed, and will be built in accordance with, the approved plans.

Listed Building Consent GRANTED subject to conditions;

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The works hereby permitted shall be carried out in accordance with the following approved plans: Existing Stable Plan 2276/2, Existing Elevations 2293/3 and Proposed Ground Floor 2293/4 rev. A (all received 1 September 2016), Proposed Rear (East) Elevation 2276/6 rev.D, Proposed End Elevations 2293/7 rev.C and Proposed Front (West) Elevation 2276/9 rev.E (all received 8 November 2016) and Location and Block Plan 2293/1 rev.B (received 6th December 2016)

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

3. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- (1) Large scale details of all external joinery (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
 - (2) Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
 - (3) A full schedule and specification of repairs including:
 - (4) a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects;
 - (5) Full details of external decoration to render, joinery and metalwork; and
 - (6) Full details and samples of external materials.

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

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, in the interests of preserving the character and appearance of the listed building and its setting.

4. No render shall be applied to any building or walls on site until a sample panel of the render to be used on the external walls not less than 1 metre square, has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the listed building and its setting.

5. **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.
6. **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.

- 7. 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.**
- 8. 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.**

22 **16/09353/FUL - London Road Streetworks, London Road, Box, Corsham SN13 8LU**

Members of the public Dr Brian Mathew, Owen Hurst and Tim Walton spoke against the application. Parish Councillor Pauline Lyons also spoke against the application, on behalf of Box Parish Councillor.

The application was introduced by the Senior Planning Officer Charmian Burkey in a presentation which included photographs of the site and diagrams showing proposed plans for the construction of 4G mast. It was explained that the site was within the Green Belt, Cotswold Area of Outstanding Natural Beauty and also a Conservation Area and the setting of designated heritage assets. However, there was an identified need to provide telecoms coverage through Box tunnel especially for emergency purposes. The proposed installation was described as a 12 metre high mast with 4 cabinets. It was highlighted that the proposal had certification of compliance with national policy, regarding the public health safety of telecommunication masts. Therefore, despite public concerns, the potential health impact, was not a planning matter to be considered by the committee. Attention was drawn to the late items on this item.

A number of technical questions were asked by the committee. Notably, the issue of whether alternative solutions had been properly explored was raised by a number of Councillors, such as running cables through Box tunnel itself. Cllr Mollie Groom declared that she would be abstaining, having campaigned against a similar application previously, on grounds of impact to public health. It was also confirmed by officers, after questioning, that colour of the mast could be conditioned by officers.

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

The Local Division Member Cllr Sheila Parker spoke against the proposals, stating that the positioning of the mast on the narrow pavement, on a busy road, would add to the risks to children, who use the route on the way to school.

Cllr Parker also referred to two petitions against the application, which had received over 400 signatures combined.

In the debate that followed, an initial proposal by Cllr Peter Hutton, to approve the officers recommendation, with two additional conditions regarding the restriction of further cabinets and the colour of the mast itself was not seconded.

Cllr Toby Sturgis proposed that the application be deferred, until additional information was provided, as to the efficiency and necessity of the mast in the location sought, along with an explanation of why cabling through the tunnel could not be used, as well as other options. This was seconded by Cllr Jacqui Lay. This motion was debated and approved by the Committee.

RESOLVED:

To defer for 1 cycle for officers to provide additional technical information regarding:-

- **Line of sight through Box Tunnel and the proposed location of the mast;**
- **Alternative locations considered/ investigated including mast sharing and use of Network Rail land and facilities;**
- **Technical details and constraints information as to the use of Box Tunnel / cabling as alternative proposals;**
- **Clarification as to why enhanced emergency services coverage in the tunnel is necessary over and above Network Rail communications technology.**

23 **16/09314/OUT-Old Glove Factory, Adj. 25 Brockleaze, Neston, Corsham, SN13 9TJ**

Member of the public, Jeremy Reece, spoke against the application. The applicant's agent, Alvin Howard, spoke in favour of the application.

The Senior Planning Officer Chris Marsh introduced the application which sought approval for Demolition of redundant factory storage units, and replacement with 10 new dwellings, associated works & landscaping. Photographs were shown of the existing site and diagrams were shown of the proposed development. The condition of the buildings and the scope for re-use/conversion as per previously permitted proposals was discussed as were concerns as to existing infrastructure. The reasons for refusal were summarised as there being too many unknowns to the plans and insufficient evidence being provided in respect of the scope or otherwise for re-use, the need for redevelopment and Ecological constraints and requirements. Attention was also drawn to the late submissions of the ecology report and late items were referenced.

After technical questions, the Planning Officer confirmed that a preferred option would have been for the conversion and retention of some part of the existing structure, but that the applicants were seeking complete demolition and rebuild. The Officer also explained that concerns regarding highways would have to be

measured against the potential commercial use of the property, and that he highways impact would have to be severe to give grounds for refusal.

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

Local Division Member Dick Tonge spoke in favour of the application, stating that applications on this site had been going on for years, and that he was keen for it to be developed. He also expressed concerns as to the sites disrepair. He noted that the site already had permissions for the conversion to residential use and suggested that permission be given for demolition, before the buildings fell down.

In the debate that followed, Councillors noted that the site could be suitable for residential development but not in the form set out in the existing application and raised concerns as to the lack of detail and necessary supporting information to facilitate the full and necessary consideration of the impact of the scheme proposals. Cllr Peter Hutton moved the Officer's recommendation for refusal, which was seconded by Cllr Jacqui Lay and approved by the Committee.

RESOLVED:

That the Application be refused for the following reasons:

- 1. In the absence of appropriate exceptional justification, the proposed development, by reason of its amount and location outside of the built area of Neston, represents inappropriate residential development in the open countryside in conflict with Core Policies 2 and 48 of the adopted Wiltshire Core Strategy, saved Policy H4 of the North Wiltshire Local Plan and Paragraph 55 of the National Planning Policy Framework.**
- 2. The proposed development, located remote from a range of services, employment opportunities and being poorly 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. The proposal is contrary to Core Policy 60 of the adopted Wiltshire Core Strategy and Paragraph 34 of the National Planning Policy Framework.**
- 3. The proposed development will result in the permanent and unjustified loss of an undesignated heritage asset of local value. No meaningful investigation of alternative options comprising the retention/conversion of the asset and accompanying enabling residential development has been undertaken, such that the proposals conflict unduly with the asset's conservation. The proposal conflicts with Core Policies 57(i) and (xiii) and 58 of the adopted Wiltshire Core Strategy and Paragraphs 129, 131 and 135 of the National Planning Policy Framework.**

- 4. Insufficient information has been submitted with the application to enable the Council to carry out an appropriate assessment of the proposals or determine whether an appropriate assessment is required, in accordance with the requirements of Regulation 61 of the Habitats Regulations. The proposals are also likely to negatively affect protected / priority species in a manner contrary to Core Policy 50 of the adopted Wiltshire Core Strategy, Paragraph 118 of the National Planning Policy Framework and Circular 06/2005.**

24 **16/11413/FUL- Mobile Home, Woodbarn Farm, Stanton St Quintin, Chippenham, SN14 6DJ**

The applicant's agent Gerald Blain spoke in favour the application.

Team Leader Lee Burman introduced the application which sought the replacement of an existing mobile home with a twin unit Static Lodge, as retirement accommodation. The Officer gave a presentation, showing photographs of the existing site, along with diagrams and photos of the proposed development. It was confirmed that this was a resubmission of a recent application, which had been refused in October 2016 and that the existing mobile home was unauthorised and no planning permission for residential development on this site existed. In this context, the officer also referenced the refusal of a previous Certificate of Lawfulness application for the mobile home. The planning policy objections to the application were explained, along with concerns as to the suitability of the site for retirement accommodation, along with concerns for the proposed design and character of the development.

A technical question was asked, to whether a temporary permission could be granted for the applicant's lifetimes, but the Officer confirmed that the circumstances did not meet the criteria of such an exception.

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

The Local Division Member, Cllr Howard Greenman, spoke in support of the application. He said that Councillors had to take a wider view, than that of the policy. He highlighted the benefits to the applicants, in allowing them to live in the area which they had farmed for most of their lives and raised concerns as to where they would live if the application was refused, and the potential cost to Wiltshire Council. He also addressed the view that approving the application would set a precedent, by stating that the circumstances were unique, an approval could not be easily applied to another application.

In the debate that followed, Councillors noted the circumstances of the applicants and discussed alternative accommodation options for them, which would be within Council policy and national legislation. Cllr Toby Sturgis then moved the Officer's recommendation, which was seconded by Cllr Peter Hutton. Councillors approved the Officer's recommendation.

RESOLVED:

That planning permission be REFUSED, for the following reasons:

1. The development would be in a rural location outside any recognised development limits or settlement, resulting in the formation of a new dwelling in the countryside. This is contrary to Paragraph 55 of the National Planning Policy Framework, Policies CP1 and CP2 of the Wiltshire Core Strategy (Adopted January 2015) and Saved Policy H4 of the North Wiltshire Local Plan, which restrict development outside of the towns and villages in rural areas and the open countryside except in a number of exceptional circumstances which are listed under Paragraph 4.25 of the Wiltshire Core Strategy and Paragraph 55 of the NPPF, none of which apply in this instance. As such, the proposal fails to promote a sustainable pattern of development within the County and is contrary to the aforementioned local and national policies.
2. The proposal, located remote from services, employment opportunities and not well served by public transport, is contrary to Paragraph 34 of the National Planning Policy Framework which seeks to promote sustainable development and reduce growth in the length and number of motorised journeys. The proposal also is contrary to the principles of sustainable development set out in policies CP1, CP2, CP60 and CP61 of the Wiltshire Core Strategy (Adopted January 2015).
3. Due to the use of materials proposed, the development would represent poor quality design which would fail to improve the character and quality of the area and would not respond positively to local distinctiveness. The proposal is therefore in conflict with Paragraph 64 of the National Planning Policy Framework and Core Policy 57 (i and iii) of the Wiltshire Core Strategy (Adopted January 2015).

Cllr Howard Greenman requested that is opposition to the motion to refuse be recorded.

25 **Urgent Items**

There were no urgent items.

(Duration of meeting: 15:00- 18:15 hours)

The Officer who has produced these minutes is Edmund Blick of Democratic Services, direct line 01225 718059, e-mail edmund.blick@wiltshire.gov.uk

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