

## NORTHERN AREA PLANNING COMMITTEE

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**MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 14 JUNE 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 Gavin Grant, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Toby Sturgis, Cllr Brian Mathew and Cllr Philip Whalley (Substitute)

**Also Present:**

Cllr Ruth Hopkinson and Cllr Andy Phillips

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**47 Apologies**

Apologies were received from Cllr Ben Anderson who was substituted by Cllr Phillip Whalley.

Apologies were also received from Cllr Ashley O'Neil and Cllr Howard Greenman.

**48 Minutes of the Previous Meeting**

To approve and sign as a correct record the minutes of the meeting held on Tuesday 23 May 2017.

**Resolved:**

**To approve as a true and correct record and sign the minutes of the meeting held on 23 May 2017.**

**49 Declarations of Interest**

There were no declarations of interest.

**50 Chairman's Announcements**

The Chairman announced that due to unexpected large numbers of public attendance at the meeting, Councillors would vote to move certain agenda items forward. Namely Items 7b and 7c, but also 7e.

51 **Public Participation**

The Committee noted the rules on public participation.

52 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

53 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications 7b- 16/03721/REM and 7c- 16/04544/REM- Land North of Bath Road, Corsham, as listed in the agenda pack.

**53a 16/03721/REM and 16/04544/REM Land North of Bath Road, Corsham, Wiltshire**

Further to the Chairman's announcement, Cllr Tony Trotman proposed that Agenda Items 7b- 16/03721/REM and 7c- 16/04544/REM- Land North of Bath Road, Corsham, be brought forward in the agenda to be heard first. This motion was seconded by Cllr Peter Hutton and the Committee approved hearing these Items first.

The Senior Planning Officer referred the Committee to the late observations and explained that the submission from objectors was received shortly prior to Committee. The applicant had requested an opportunity to consider and respond to the submission. Due to the nature of the submission made there was a significant amount of work required to address the points raised, the Officer's recommendation was therefore to defer the items. This recommendation was proposed by Cllr Tony Trotman, seconded by Cllr Christine Crisp, and approved by the Committee.

**Resolved:**

**Applications: 7b- 16/03721/REM and 7c- 16/04544/REM**

**DEFERRED to allow the applicant to consider and respond to matters raised by objectors and submitted as late representations immediately prior to Committee.**

**53b 17/00606/FUL - Link Road Between A3102 and Marlborough Road, Royal Wootton Bassett, Wiltshire**

Further to the Chairman's announcements, Cllr Tony Trotman proposed moving Agenda Item 7e forward in the agenda. This was seconded by Cllr Gavin Grant and approved by the Committee.

Members of the public Alan Norman, John Parker and Karen Dykstra spoke against the application.

The applicant's agent Matthew Dawber spoke in favour of the application.

Cllr Janet Georgiou, Royal Wootton Bassett Town Council, spoke against the application.

The Senior Planning Officer introduced the application for the permanent retention of existing temporary road as an agricultural access. A presentation was shown containing photographs of existing site, both long range and short range, along with diagrams of proposed developments. The Officer's recommendation was for approval subject to conditions outlined in the report.

Members were invited to ask technical questions. In response to questions, the Officer confirmed that a condition was included requiring the approval of any proposals for the erection of lighting for the road/access and that if the Committee felt it necessary the wording of the condition could be amended to strengthen the position regarding restrictions on lighting. The Officer clarified that this would not and could not stop the submission of future applications for the erection of lighting for the road/access and that any future application would need to be considered on its merits and in the context of material considerations and circumstances relevant at that time.

Members of the public were invited to speak as listed above.

Local Member Cllr Chris Hurst spoke against the application. He stated that approving the application would cause significant harm to the local area, referring to public health concerns and enjoyment of the local area. He explained that the road had originally been built under a certificate of lawfulness to fulfil a specific temporary purpose, with the condition that it would be removed. He said that pledges had been made to residents by Wiltshire Council, in this respect and he urged Members to keep that promise. He also encouraged Members to consider deferring the item, so that alternative proposals, put forward by residents, could be properly investigated if an outright refusal was not considered appropriate.

In the debate that followed Cllr Chris Hurst proposed that the application be refused, based on significant harm to the area. This was seconded by Cllr Gavin Grant. However, Cllr Toby Sturgis expressed concerns that if the Committee refused the application, there was a chance that it could be successful at appeal and for there to be less favourable conditions put in place. He suggested that a deferment may be more suitable, showing that the Committee are willing to consider options and work with the applicant. Consequently, Cllr Hurst withdrew his motion, as did Cllr Grant. Cllr Sturgis proposed a second motion, that the application be deferred to allow the applicant to consider the alternative proposals put forward by residents. This was seconded by Cllr Phillip Whalley and approved by the Committee.

**Resolved:**

**Deferred to offer the applicant an opportunity to consider and respond to alternate scheme proposals tabled by Local Residents. Officers are to report back to Committee as soon as possible after the applicant has identified their intentions in this respect.**

### **53c 17/00870/FUL 60 Redland, Chippenham, Wiltshire**

Members of the public Jonathan Li and Andrew Gregory spoke against the application.

The applicant Shofi Mahmud spoke in favour of the application.

Cllr Nina Phillips, Chippenham Town Council, spoke against the application.

The Team Leader introduced the application for a Change of Use for A5 Hot Food Catering. A presentation was given showing existing site, front and rear, and the relationship between the commercial unit and the residential properties above and in the surrounding area. The Officer explained that significant objections had been received and that a petition had also been raised. However, he clarified that the number of objections is not in itself a determinative factor. Officers explained the policy position and framework relevant to the site and the proposal. They identified the principal considerations that had been the matter of assessment including input from Public Protection and Highways officers, these being impacts to residential amenities through noise and odour disturbance; highways impacts and parking requirements.

Members of the Committee were invited to ask technical questions. It was clarified that if residents had concerns as to health concerns, whether it be noise or smells, the Public Health Protection Team could be contacted and would investigate any concerns.

Members of the public spoke as detailed above.

The Local Member Cllr Andy Phillips spoke against the application, stating that not enough weight was being given to the resident's health and happiness. He stated that not enough consideration had been given as to the impact on residents, through noise and odour issues, along with lack of parking.

In the debate that followed, Cllr Peter Hutton proposed the Officer's recommendation for approval, with the additional informative or conditions that residents be given advance notice of any maintenance of the extractor system and for all goods deliveries to be made during daytime hours. This was seconded by Cllr Tony Trotman and approved by the Committee.

#### **Resolved:**

**To GRANT Planning Permission as per officer recommendation subject to an additional condition and additional informative as follows:**

#### **CONDITION:-**

**All goods deliveries associated with the use hereby permitted shall take place during daytime hours and not during evenings. Daytime hours hereby defined as between 8.30 am and 18:00 pm.**

**REASON: In the interests of residential amenity.**

**INFORMATIVE:-**

The applicant is advised to provide written notification to neighbouring residential properties above the application site of proposed maintenance works to the ventilation extraction plant hereby approved in advance of the works taking place.

And the original conditions of the Officer's Recommendations:

**CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

(a) Materials and finishes to the extraction and ventilation plant

(b) The position, layout and scale of the access stairs to the rear property..

The 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 the character and appearance of the area [and neighbouring amenities].

3. The development hereby permitted shall be carried out in accordance with and incorporate all proposals a requirements for the Odour control system (carbon filters and grease filters) identified within the "Specification of Extraction System" Received 03/02/2017.

**REASON:** In the interests if the residential amenities of neighbouring residential properties.

4. Prior to the commencement of the use hereby permitted a grease trap shall be fitted. This will collect and filter waste water prior to it entering the drain and collect all grease and fat. This shall be emptied and maintained in line with manufacturer's recommendations.

**REASON:** To ensure that fat and grease is prevented from entering into the public sewer.

5. The Air extraction unit hereby permitted shall not exceed an LAeq39dB and an NR 35 (to ensure that the flue does not have any intrusive tonal component) at 1.5m from the termination point of the flue.

**REASON:** In the interests if the residential amenities of neighbouring residential properties.

6. The use and the related operation of the ventilation equipment hereby permitted shall only take place between the hours of 4.30pm in the evening and 10.30pm in the evening) from Mondays Sundays and Bank / Public Holidays.

**REASON:** To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: Ground floor plans; rear elevation; side elevation received 03/02/2017.

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

**INFORMATIVES:**

1. **Food Business Registration:** Under Article 6 of EC Regulation 852/2004 all businesses who prepare, store, transport or sell food must register their food business with the local authority. Food businesses must register with their local authority at least 28 days before they begin to operate. Food business operators in Wiltshire can register their food businesses free of charge through the following web page:

<http://www.wiltshire.gov.uk/communityandliving/publicprotection/foodsafety/foodsafetyinformationforbusinesses/foodbusinessregistration.htm>

2. 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.

3. The applicant is advised that this permission authorises a change of use and does not authorise any works or alterations that may require planning permission in respect of the shop front.

4. This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

5. 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. 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. 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.

**53d 17/03280/FUL Daisy Cottage, 26 A High Street, Sutton Benger, Wiltshire**

The applicant's agent Richard Harlow spoke in favour of the application.

The Team Leader introduced the application which was for a detached single garage. Photos were shown of the site, which was identified as being within a conservation area which is a heritage asset. A location plan was shown, along with diagrams of proposed elevations and floor plans which were shown in comparison to a previously refused scheme and the site layout plans for the approved newly built dwellings at the site. It was highlighted that although there was a similar permission granted in the area previously, there were material considerations and site circumstances relevant to that application which did not apply in this instance. The Officers recommendation was for refusal.

Members were invited to ask technical questions and in response Members were informed that permitted development rights would not apply to this part of the property (frontage adjacent a public highway), and would therefore not have enabled the applicant to build a shed at the front of the property.

Members of the public spoke as detailed above.

Cllr Peter Hutton spoke on behalf of the Local member, Cllr Howard Greenman. He questioned why the application should be refused where a larger garage of a similar nature was permitted in the nearby area.

In the debate that followed, Cllr Christine Crisp spoke of the importance of preserving the heritage asset and proposed the Officer's recommendation for refusal. This was seconded by Cllr Sturgis and the Committee voted to approve the application.

**Resolved:**

**To REFUSE Planning Permission for the following reasons:**

**1. The proposed development, by reason of its design and location fails to conserve the character of the Conservation Area. This harm is not otherwise justified by any wider public benefit. The proposal is therefore contrary to Core Policy 57 (i) and 58 of the adopted Wiltshire Core Strategy, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 17, 58, 131, 132, 134, and 137 of the National Planning Policy Framework.**

**54 Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.00 pm)

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

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