

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 11 MARCH 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Chris Hurst, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Philip Whalley, Cllr Howard Greenman (Substitute) and Cllr Howard Marshall

23 **Apologies**

Apologies for absence were received from Cllr Jane Scott OBE, Cllr Terry Chivers and Cllr Mollie Groom who was substituted by Cllr Howard Greenman.

24 **Minutes of the previous Meeting**

Resolved:

To confirm as a true and correct record the minutes of the meeting held on 18 February 2015.

25 **Declarations of Interest**

There were no declarations of interest.

26 **Chairman's Announcements**

The Committee noted changes to its membership: Cllr Nick Watts and Cllr Simon Killane were no longer members of the Committee and had been replaced by Cllr Howard Marshall and Cllr Terry Chivers. Cllr Graham Wright and Cllr George Jeans had been appointed as substitute members.

27 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

28 **Rights of Way applications**

29a The Wiltshire Council (Parish of Purton) Path no.161 Definitive Map and Statement Modification Order 2014.

Alexandra Griffin spoke on behalf of Mr and Mrs Fletcher in objection to the Order.

Francis Sheppard and Richard Pagett spoke in support of the Order.

Cllr Greenaway, Purton Parish Council, spoke in support of the Order.

The Rights of Way Officer presented the report which recommended that “The Wiltshire Council (Parish of Purton) Path No.161 Definitive Map and Statement Modification Order 2014”, be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification. The officer explained an application to add the footpath to the definitive map and statement of public rights of way had been received in 2002. In 2014 a definitive map modification order was made to add the footpath to the definitive map and statement of public rights of way, however objections were received and, consequently, the order would fall to be determined by the Secretary of State. Photographs of the route and its access were shown.

The Committee then had the opportunity to ask technical questions and it was confirmed that there were no other footpaths leading from the southern section of Hogs lane, which formed a link to the further rights of way network.

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

Following statements from the public, the officer confirmed that in this instance there was no evidence to suggest the landowner had granted permission for the public to use the land. The period of time when the footpath had not been used due to the Foot and Mouth crisis could not be taken into consideration, nor could the Committee consider the current or future use of the land.

In the debate that followed, the Committee commented there was no evidence to suggest that public use of the land as a footpath had been detrimental to the landowner and it was clear the path had been used for a long period of time. Members commented that use by irresponsible dog owners was unfortunate. The Committee considered the options presented in the report and, based on its consideration of the available evidence, supported the making of the Order and therefore recommended it be confirmed without modification

Resolved:

To forward “The Wiltshire Council (Parish of Purton) Path No.161 Definitive Map and Statement Modification Order 2014” to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Reason:

The Order has been made on the grounds that there is sufficient evidence for

it to be reasonably alleged that a right of way for the public on foot subsists, on the balance of probabilities. Following the making and advertising of the making of the Order, no further evidence has been submitted which would change this view. At the confirmation of an Order there is a more stringent legal test than the “reasonably alleged” test which is sufficient at the making of the Order. The test is whether public rights subsist on the balance of probabilities. It is considered that since the making of the Order, additional evidence has been provided sufficient to satisfy the more stringent test and therefore the Order appears capable of confirmation.

30 Planning Applications

30a 14/11318/VAR- Wiltshire Golf & Country Club, Vastern, Royal Wootton Bassett, Swindon, SN4 7PB

Mr Geraint Jones spoke in support of the application.

The planning officer introduced the report which recommended that planning permission be refused and explained his recommended reasons for refusal. The application was for a variation of condition to allow flexible use for retirement accommodation. Attention was drawn to the late observations available as an agenda supplement, a site plan and aerial photographs were also shown.

The Committee then had the opportunity to ask technical questions during which it was confirmed that the site was not currently included in the Strategic Housing Land Availability Assessment and the previous condition was for holiday accommodation.

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

The local member, Cllr Chris Hurst, spoke in support of the application as the club was a community facility with good links into the town.

In the debate that followed, Members considered that there was already permission for accommodation on the site and supported the variation of condition as the development was sustainable and well-served by a local bus service and on site leisure facilities, whilst the proposals also included contributions to public transport and cycling facilities. In addition, members considered that the proposals would result in local benefits including provision for those in need of retirement accommodation and affordable housing contributions. Members stressed that appropriate conditions should be implemented to restrict the use of the development due to its location in open countryside and expressed the need for securing affordable housing, bus service provision and cycle pooling as part of permission granted. The Committee considered that the proposed varied occupancy would not be so significantly different from the permitted use as to constitute unsustainable development in this location. Taking this position into account members considered that the benefits of the proposals outweighed the limited harm that could be identified and were on balance therefore acceptable.

Resolved:

To DELEGATE authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement to address affordable housing requirements, bus service provision and cycle pooling; and subject to necessary and appropriate conditions to be prepared by officers.

Reason:

The Committee considered that the benefits of the development outweigh the harm identified, and that the proposal is not so significantly unsustainable in this location given the permitted uses for Holiday Lets falling within residential use classes and proposed restrictive occupancy as to warrant refusal.

30b 14/12103/FUL - St Andrews Church, West Street, Castle Combe, Wiltshire, SN14 7HT- APPLICATION WITHDRAWN

The Committee noted the application had been withdrawn.

30c 15/00267/FUL - Land rear of Bay Tree Cottage, The Butts, Biddestone, SN14 7DT

George Brown, Janet Jones, and Alison Butler spoke in objection to the application.

Robert Elkins spoke in support of the application.

Ashley Juniper, Biddestone and Slaughterford Parish Council spoke in objection to the application.

The planning officer introduced the report which recommended that planning permission be granted, subject to conditions, as amended by the late observations. It was explained the application fell within a conservation area and only infill development was acceptable in this location. A location plan and photographs of the site were shown alongside a description of nearby listed building and access to the site. Attention was drawn to the late observations and photographs of the street scene and proposed elevations of the dwelling were presented. It was noted the conservation officer had expressed concerns over the design of the dwelling.

The Committee then had the opportunity to ask technical questions and it was confirmed the finished floor level of the property would ensure the height of the property would be as shown on the street scene elevation. The officer confirmed the use of high quality building materials and details of materials for car parking areas could be secured by condition. Condition 10 would require details of surface water drainage to be approved.

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

Following statements from the public it was confirmed the difference in ridge height from the proposed dwelling and a neighbouring property was 10cm. The officer advised that the Local Planning Authority had been told the parking area outlined was within the ownership of the applicant. If the number of bedrooms in the property was to increase it would have to meet the standard of parking required by the planning authority.

Cllr Toby Sturgis, spoke on behalf of the local member Cllr Jane Scott OBE. The Councillor sympathised with privacy concerns, however considered neighbours would still have adequate privacy and the height of the proposed dwelling was acceptable in relation to the rest of the street scene.

In the debate that followed the Committee expressed confidence in the officer's report, agreed the proposed dwelling was not overbearing and found no planning reasons for refusal.

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 all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.**

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

- 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. 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) location and current canopy spread of all existing trees and hedgerows on the land;**
 - b) full details of any to be retained, together with measures for their**

- protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) means of enclosure;
- e) all hard and soft surfacing materials;
- f) minor artefacts and structures

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

5. 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.

6. The development hereby permitted shall not be occupied until the the access and parking area has been consolidated and surfaced (not loose stone or gravel). The access and parking shall be maintained as such thereafter for the parking of vehicles associated with the use of the dwelling hereby approved.

REASON: In the interests of highway safety.

7. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres in either direction from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety

8. 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 those Orders with or without modification),

no development within Part 1, Classes A-F shall take place on the dwellinghouse hereby permitted or within their curtilage.

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 enlargements.

9. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

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: To ensure that the development can be adequately drained.

11. No works shall commence on site until details of all rainwater goods and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area.

12. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

13. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drg No: 436/PL/S/1a
 - Drg No: 436/PL/3c
 - Drg No: 436/PL/7a
 - Drg No: 436/PL/8a
 - Drg No: 436/PL/D1
 - Drg No: 436/PL/D2
 - Drg No: 436/PL/D3

Drg No: 436/PL/D4

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

- 14. Before the development hereby permitted is first occupied the window in the first floor east elevation shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing in perpetuity.**

REASON: In the interests of residential amenity and privacy.

- 15. No development shall commence on site until a sample wall panel, not less than 1 metre square, has been constructed 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 area.

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.

30d 13/01483/FUL - 1 Chestnut Road, Chippenham, Wiltshire, SN14 0EY

Adam Lyus spoke in support of the application.

The planning officer introduced the report which recommended that planning permission be granted, subject to conditions. The application was originally brought to committee in 2013 when it was resolved to delegate to officers to approve the application subject to conditions and completion of a Section 106 legal agreement. However, since that time, changes to the Planning Practice Guidance relating to planning contributions warranted reconsideration of the application. An overview of the application was provided and it was highlighted that the design of the scheme had not changed, attention was brought to the late observations.

The Committee then had the opportunity to ask technical questions and it was confirmed the application required re-determination as the decision notice had not yet been implemented.

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

The Committee expressed support for the officer's recommendation and reasons provided in the report.

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: 788/CAM/2013/1 rev A - Proposed Plans and Elevations Received 16 July 2013**

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 inspected on site 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. The development hereby permitted shall not be first occupied until the first five 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.

- 5. No part of the development hereby permitted shall be first occupied until the access 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. 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.

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.

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.

31 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.35 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services, direct line 01225 718214, e-mail elizabeth.beale@wiltshire.gov.uk

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