

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 11 JULY 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

#### Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis (Substitute), Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr Christopher Newbury, Cllr Jeff Osborn (Substitute), Cllr Stephen Petty and Cllr Roy While (Vice Chairman)

#### Also Present:

Cllr Francis Morland and Cllr Graham Payne

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#### 56 **Apologies for Absence**

Apologies for absence were received from Cllr John Knight (substituted by Cllr Jeff Osborn), Cllr Pip Ridout (substituted by Cllr Andrew Davis) and Cllr Jonathon Seed.

Cllrs Fleur de Rhé-Philipe and Keith Humphries, substitutes, had also sent their apologies.

#### 57 **Minutes of the Previous Meeting**

The minutes of the meeting held on 20 June 2012 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 20 June 2012.**

#### 58 **Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

## 59 **Declarations of Interest**

### **W/12/00105/FUL - Land Rear of 16 Holbrook Lane, Trowbridge, Wiltshire.**

Cllr Peter Fuller declared a non-pecuniary interest as a member of Trowbridge Town Council and its Development Control Committee but gave his assurance that he would consider the application with an open mind.

### **W/12/00353/FUL - Sports Ground, Woodmarsh, North Bradley, Wiltshire.**

Cllr Peter Fuller declared a non-pecuniary interest as a member of Trowbridge Town Council (Landlord of football club) and its Development Control Committee, as well as a supporter of Trowbridge Football Club. Cllr Fuller gave his assurance that he would consider the application with an open mind.

Cllr Jeff Osborn declared a non-pecuniary interest as a member of Trowbridge Town Council (Landlord of football club) and gave his assurance that he would consider the application with an open mind.

Cllr Mark Griffiths declared a non-pecuniary interest as a working colleague of a representative of the applicant. Cllr Griffiths chose to not speak or vote on the application.

### **W/12/00511/FUL - Land North Of 592 Semington Road, Melksham, Wiltshire**

### **W/12/00581/FUL - Depot 107 Middle Lane, Whitley, Melksham, Wiltshire**

Cllr Stephen Petty declared a non-pecuniary interest as a member of Melksham Without Parish Council and gave his assurance he would consider the application with an open mind.

## 60 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

## 61 **Planning Applications**

The Committee considered the following applications:

### **61.a W/12/00284/FUL - Land North Of The Bungalow, Hoopers Pool, Southwick, Wiltshire**

Public Participation:

- Mr Peter Stacey spoke in objection to the application.

- Mr Philip Harcourt spoke in objection to the application.
- Mr Philip Cartwright-Hignett spoke in objection to the application.
- Mrs Maggie Smith-Bendell, agent, spoke in support of the application.
- Mr Steven Jones, Southwick Parish Council, spoke in objection to the application.

The Area Team leader (Central Hub West) introduced the report which recommended approval and explained that the application had been deferred at the 30 May 2012 meeting to allow members of the committee to attend a site visit.

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

Cllr Francis Morland, Unitary Councillor for Southwick, spoke in objection to the application, mentioning the large number of objection from local residents, and invited the committee to consider deferring until more information could be provided regarding the need for and allocation of pitches, the outcome of the Cabinet Capital Asset Committee meeting on 24 July 2012 when a report of the Service Director – Strategy and Commissioning regarding a Gypsy and Traveller Project would be considered, and the outcome of the Hullavington Appeal.

During the ensuing debate some members of the committee could not be convinced that the planning status of the applicant had been established and felt that further information as detailed by the local member should be considered before an informed decision could be made, it was therefore

**Resolved:**

**To defer the application until the following information could be provided to the committee:**

- 1. The outcome of the Hullavington appeal (11/03790/FUL);**
- 2. The outcome of the Cabinet Capital Assets Committee meeting on 24th July 2012;**
- 3. Details of the timing of gypsy and traveller site provision across the area;**
- 4. Further evidence of the planning status of the applicant as a traveller.**

**61.b W/12/00511/FUL - Land North Of 592 Semington Road, Melksham, Wiltshire**

Public Participation:

- Mt Peter King spoke in objection to the application.
- Mrs Carol May, applicant, spoke in support of the application.
- Mr Andrew May, on behalf of the architect, spoke in support of the application.

The Area Team leader (Central Hub West) introduced the report which recommended approval and explained that the application had been deferred at the 30 May 2012 meeting to allow members of the committee to attend a site visit.

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

Councillor Roy While, Unitary Councillor for Melksham Without South, welcomed the opportunity for the application to be considered at a public meeting.

During the ensuing debate the height of the proposed development and the changes to the height proposed by the applicant were discussed, however some members of the committee could not be satisfied that conditions would be enough to mitigate the impact of the development on neighbouring properties.

**Resolved:**

**That planning permission be REFUSED**

**For the following reasons:**

- 1) The proposal would have an adverse impact on the amenity of the adjacent property to the north by reason of its scale, massing and close proximity to this adjacent property, including the overbearing impact of the height and mass of the proposed gable wall. This would conflict with policy C38 of the West Wiltshire District Plan First alteration.**
- 2) The size of the proposed development, with its resulting small private amenity space, would be out of keeping with the character and appearance of the area. This would conflict with policy C31a (D).**

**61.c W/12/00105/FUL - Land Rear Of 16 Holbrook Lane, Trowbridge, Wiltshire**

Public Participation:

- Mr Richard Coombe spoke in objection to the application.
- Mr Aaron Smith, agent, spoke in support of the application.

The Area Team leader (Central Hub West) introduced the report which recommended approval and in doing so drew the committee's attention to proposed changes to conditions 13 and 15.

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

Councillor Graham Payne, Unitary Councillor for Drynham, expressed the local residents' objection to the application and his own concerns regarding the adverse impact the development was likely to have on traffic near the local school, which was already difficult at times and a cause for concern. He urged the committee to consider a number of additional conditions should they be minded to approve the application.

During the ensuing debate the committee considered the conditions already included in the report, the additional conditions proposed by the local Unitary Councillor and the Section 106 agreement. It was clarified that the section 106 would have to be used to mitigate the adverse impact of the development itself and may not be used to address an already existing problem when there was no evidence that the development itself would exacerbate the issue.

With the inclusion of additional conditions suggested by the local Unitary Councillor (19 and 20 below), the addition of two informatives (4 and 5 below) and the amendments to conditions 13 and 15 as proposed by the planning officer it was

**Resolved:**

**That the Area Development Manager be authorised to grant permission for the development on completion of a legal agreement which secures:**

- (a) a contribution towards the provision of 5 primary school places at Holbrook School calculated at current cost multipliers of £12,713 per place;**
- (b) a contribution of £11,125 towards the provision of public open space within the vicinity of the development site.**

**For the following reasons:**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

**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. Notwithstanding the submitted details, 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

3. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

4. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

5. No dwelling shall be occupied until the parking spaces together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

7. 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

8. No development shall commence until a foul and surface water drainage strategy is submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be completed in accordance with the approved details and to the agreed timetable.

REASON: TO ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – U1a & U2

9. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;

- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992 Light for buildings Part 2. Code of practice for day lighting.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32

10. The development hereby permitted shall be carried out as specified in the approved Arboricultural Method Statement (AMS) and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works

POLICY: West Wiltshire District Plan 1st Alteration 2004

11. 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

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- a detailed landscape scheme showing 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;
- finished levels and contours;
- means of enclosure;
- car park layouts;



- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- at least 10 medium to large species trees must be planted throughout the development. All trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a, C32 & C40

12. 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

13. Notwithstanding the requirements of condition 11, the existing hedge along the Holbrook Lane frontage, other than that required for the construction of the access road and agreed as part of the approved landscaping scheme, shall be retained at, or around a height of approximately 2 metres.

REASON: In the interests of visual amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a & C32

14. Prior to the commencement of any work on site, a Reptile Survey should be undertaken by a suitably experienced and qualified ecologist following published good practice guidelines (note that reptile surveys are seasonally constrained). A report of the survey work, including details of any required

mitigation measures, should be submitted to the LPA for written approval. The development must be carried out in full accordance with the recommendations of the report.

REASON: To mitigate against the loss of existing biodiversity and nature habitats

POLICY: National Planning Policy Framework

15. Notwithstanding the submitted plans, no development shall commence until full details of the existing site levels and the proposed levels of the dwellings hereby permitted have been submitted to agreed 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

16. The screen walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32 and C38

17. Before the development hereby permitted is first occupied the first floor window in the south facing elevation of plot 8 shall be glazed with obscure glass only and the window shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

18. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Topographic survey received on 19.01.2012  
Dwg no 10268swg-01 received on 19.01.2012  
Dwg 5340 00 received on 19.01.2012  
Dwg 5340 30A received on 09.05.2012  
Dwg 5340 31A received on 09.05.2012  
Dwg 5340 32 received on 19.01.2012  
Dwg 5340 33A received on 09.05.2012  
Dwg 5340 34 received on 19.01.2012  
Dwg 5340 35A received on 09.05.2012

Dwg 5340 36 received on 19.01.2012  
Dwg 5340 37 received on 19.01.2012  
Dwg 5340 38A received on 09.05.2012  
Dwg 5340 39A received on 09.05.2012  
Dwg 5340 40A received on 09.05.2012  
Dwg 5340 41A received on 09.05.2012  
Dwg 5340 42A received on 09.05.2012  
Dwg 5340 43A received on 09.05.2012  
Dwg 5340 44A received on 09.05.2012  
Dwg 5340 45C received on 09.05.2012  
Dwg 5340 46C received on 09.05.2012  
Dwg 5340 47A received on 09.05.2012  
Dwg 5340 48 received on 19.01.2012

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority

19. From the period starting with the commencement of development and ending with the completion of the construction works, there shall be no deliveries to the site between the hours of 08:15 and 09:15 and between 14:30 and 15:30 Monday – Friday during the term times of the adjacent Holbrook Primary School.

REASON: In the interests of road safety.

20. No demolition or construction works shall take place outside of the hours 08:00 – 18:00 Mondays – Fridays and 08:00 - 13:00 on Saturdays nor at any time on Sundays.

REASON: To protect the amenity of residents of nearby and adjacent properties.

**Informatives:**

1. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

2. Further to the requirements of condition 11, the proposed landscaping scheme shall incorporate a detailed planting scheme to widen and enhance the existing boundary hedgerows, using native species only.

3. The applicant is advised that bats and their roosts are protected at all times by the Wildlife and Countryside Act (1981, as amended) and also by the Conservation of Habitats and Species Regulations 2010. Work to the building should be undertaken with due care and attention for bats and roof tiles should

be removed by hand; if bats are found during the works, the applicant is advised to stop work immediately and follow advice from Natural England before proceeding further.

4. Further to the requirements of condition 8, the applicant is advised to consult with Wessex Water with regard to the foul and surface water drainage strategy.

5. Further to the requirements of condition 15, any raising of land levels within the site shall be the minimum necessary and with due regard to the impact on existing dwellings beyond the site boundary

#### **61.d W/12/00353/FUL - Sports Ground, Woodmarsh, North Bradley, Wiltshire**

Public Participation:

- Mr James Williams spoke in objection to the application.
- Mr Ralph McCaldon spoke in support of the application.
- Mr Richard Pearce spoke in support of the application.
- Mr Roger Evans, representing North Bradley Parish Council, spoke in support of the application.

The Area Team leader (Central Hub West) introduced the report which recommended approval and in doing so pointed out that the proposed floodlights would not be used on more than 20 occasions through the year.

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

Councillor Francis Morland, Unitary Councillor for Southwick, expressed his concerns regarding the application but also explained that efforts made by the applicant had substantially addressed his initial concerns.

During the ensuing debate members of the committee expressed some concerns regarding the hours during which the floodlights could be used and, as offered by the representative of the applicant during the public participation, accordingly amended these hours in condition 3 below.

**Resolved:**

**That planning permission be GRANTED**

**For the following reasons:**

**The proposed development would not materially affect the amenities of the neighbours and any planning objections have been overcome by conditions.**

**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 details of external cowls, louvers or other shields to be fitted to the floodlights to reduce light pollution, have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall comply with guidance issued by the Institution of Lighting Engineers specifically category E2. Approved measures shall be put in place before the floodlights are first brought into use and shall be maintained in accordance with the approved details.

REASON: To minimise light pollution and in the interests of the amenities of the area and of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C35 and C38

3. The lighting hereby permitted shall only be used between the hours of 4pm and 9:30pm. The lighting shall be utilised for no more than 20 occasions per annum.

REASON: In order to minimise nuisance to neighbours.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C35 and C38.

**61.e W/12/00581/FUL - Depot 107, Middle Lane, Whitley , Melksham, Wiltshire**

Public Participation:

- Mr Jeremy Knights spoke in objection to the application.
- Miss India Pocock spoke in support of the application.
- Mr Barry Pocock, applicant, spoke in support of the application.

The Area Team leader (Central Hub West) introduced the report which recommended approval and in doing so pointed out that consideration could only be given to the application and that complaints about the existing use could not be controlled by the Planning Department. The size of the proposed building was confirmed as 12.6 square metres with a height of 5.7 metres.

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

Councillor Mark Griffiths, Unitary Councillor for Melksham Without North, welcomed the opportunity for the application to be discussed at a public meeting and sought advice on the management plan.

**Resolved:**

**That planning permission be GRANTED**

**For the following reasons:**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

**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 turning area shown hatched on the approved drawing no. 904-02 Rev A shall be kept clear and maintained for the purpose of turning vehicles at all times.

REASON: In the interests of highway safety.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

904.0; 02; 03; 04 received on 26 March 2012; 904.02 A received on 1 June 2012

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

## **62 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.40 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail [marie.gondlach@wiltshire.gov.uk](mailto:marie.gondlach@wiltshire.gov.uk)

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