

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 24 OCTOBER 2012 IN THE CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE, BA14 8AH.

#### **Present:**

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

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#### 88 **Apologies for Absence**

Apologies for absence were received from Cllr Pip Ridout.

Cllr Ridout was substituted by Cllr Andrew Davis.

#### 89 **Minutes of the Previous Meeting**

The minutes of the meeting held on **03 October 2012** were presented. It was,

#### **Resolved:**

**To APPROVE as a correct record and sign the minutes.**

#### 90 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency and introduced the officers present.

#### 91 **Declarations of Interest**

Cllr Peter Fuller declared a non-pecuniary interest in item 6d - *14 Newtown, Trowbridge* - as a member of Trowbridge Town Council, where the application has been previously considered by its Development Control Committee. He declared he would consider the application on its merits and debate and vote with an open mind.

Cllr Peter Fuller also declared a non-pecuniary interest in item 6e - *5 Worsted Close* - as he was a colleague of the objector through membership on

Trowbridge Town Council. He declared he would vacate the Chair for the duration of the item and leave the room.

Cllr John Knight declared a non-pecuniary interest in Item 6a - *78A Whaddon, Hilperton* - through knowing the applicant. He declared he would consider the application with an open mind.

Cllr John Knight also declared a non-pecuniary interest in items 6d - *14 Newtown, Trowbridge* - and item 6e - *5 Worsted Close* – as a member of Trowbridge Town Council. He declared he would consider the applications impartially and on their merits.

Cllr Ernie Clark explained that he had been advised outside of this meeting, by the Wiltshire Council Head of Governance that neither legislation nor the Wiltshire Council Code of Conduct required him to declare any interests other than those which were a disclosable pecuniary interest.

Cllr Jonathon Seed declared a non-pecuniary interest in Item 6a - *78A Whaddon, Hilperton* - through knowing the applicant. He declared he would consider the application with an open mind.

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

The Committee noted the rules on public participation.

## 93 **Planning Applications**

### **93.a W/11/03231/FUL: 78A Whaddon, Hilperton**

#### **Public Participation**

Mrs Sally Evans spoke in objection to the application.

Mr Tony Pieri spoke in objection to the application.

Mrs Pamela Fisher spoke in objection to the application.

Mr Benjamin Pearce, agent, spoke in support of the application.

Ms Liz Tucker spoke in support of the application.

The Planning Officer introduced a report which recommended approval, and detailed how the application had been deferred from the last meeting to arrange a site visit, which had now taken place and also amendments to condition 2 & 3. It was highlighted that the buildings on site were considered to be structurally sound, and attention was drawn to the history of usage at the site, highway issues and the comments of the police.

The Committee then had the opportunity to ask technical questions of the officer. Details regarding the additional passing place on the road to the site were sought, along with clarification on relevant policies to be considered.

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

The Local Member, Cllr Ernie Clark, then spoke in objection to the application.

A discussion followed, where the highways impact were debated, along with the impact on amenity for local resident's as a result of the change of use, potential clashes with emerging policies on development outside principal settlements and lack of enhancement of building. The sustainability of the site was raised, and whether this was a relevant consideration debated.

The structural soundness of the application buildings was queried, along with details of how the buildings were and could be sub-divided under current or future permissions. It was confirmed that some of the units were joined with a single access, and separate permission would be needed to alter the fabric of the structures if they were to be altered. It was also debated whether a time limit could be imposed on the B8 usage at the site.

At the conclusion of debate, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**The development is hereby approved as subject to appropriate mitigation, that can be secured through the imposition of appropriate planning conditions, the development accords with the development plan and would cause no significant demonstrable harm to any acknowledged planning interests.**

**Subject to the following conditions:**

- 1 The development shall be carried out in accordance with the hereby approved plans:  
Drawing: LDC.1603.005 received on 22 May 2012;  
Drawing: LDC.1603.004 B received on 22 May 2012;  
Drawing: LDC.1603.003 received on 12 December 2011; and  
Drawing: LDC.1603.002 received on 12 December 2011.**

**REASON: In order to define the terms of this permission.**

- 2 The occupation of Building A and Building B within the specified areas below as identified on drawing LDC.1603.002 shall be for those named below and their use . In the event that the below occupation(s) ceases the lawful use of those specific areas shall revert to B8 domestic storage only as detailed in condition 3:**

**Building A, Unit 1 – Sheer Glass – B8 Commercial Storage;  
Building A, Unit 7 – Mr D.J. Mould – B8 Commercial Storage;  
Building A, Unit 10 – Mr Wisniewski – B8 Commercial Storage;  
Building A, Unit 11 – Mr Bryan Boughen – B2 Private Auto Servicing; and  
Building B – Northern Lights Fireworks Company – B8 Commercial Storage.**

**REASON:** In order to define the terms of this permission, allow the on-going occupation by present 'low-key' users which exceptionally do not cause significant harm, and long term to retain control over uses that are otherwise likely to cause harm to the amenities of the surrounding area and highway safety.

**POLICY:** West Wiltshire District Plan 1st Alteration (2004) policies C1, C38 and E8.

- 3** Subject to the details in condition 2, buildings A and B shall be used for the storage of domestic goods owned by the tenant(s) of the building and for no other purpose (including storage in connection with any commercial or industrial activity or any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

**REASON:** In order to protect the amenity of the area and highway safety.

**POLICY:** West Wiltshire District Plan 1st Alteration (2004) policies C1, C38 and E8.

- 4** There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items other than specifically detailed on drawing LDC.1603.004B i.e. three storage containers, a portable WC and a waste storage skip. Furthermore within one month of this permission details of the green colour that the storage containers will be painted and a timetable for the works shall be submitted to and approved in writing by the local planning authority.

**REASON:** In order to protect the amenity of the area.

**POLICY:** West Wiltshire District Plan 1st Alteration (2004) policies C1 and E8.

- 5** All soft landscaping comprised in the approved details of landscaping, drawing LDC.1603.004B (or other details submitted to and approved in writing by the local planning authority) shall be carried out in the first planting and seeding season following the grant of this planning permission. 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 as detailed on drawing LDC.1603.004B (or other details submitted to and approved in writing by the local planning authority) in accordance with a timetable that must be submitted to and approved in writing by the local planning authority within one month of the date of this permission.

**REASON:** To ensure a satisfactory landscaped setting for the development.

**POLICY: West Wiltshire District Plan 1st Alteration 2004 – policies C1 and E8.**

- 6 The B8 uses of the site and all deliveries to and collections from the site shall be limited to be between 08.00-20.00 Monday to Saturday and 09.00-18.00 on Sundays and bank holidays.**

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

**POLICY: West Wiltshire District Plan 1st Alteration (2004) – policies C38 and E8.**

- 7 The B2 use of the site (including any associated deliveries to and collections from the site) shall be limited to be between 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and not at all on Sundays and bank holidays.**

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

**POLICY: West Wiltshire District plan 1st Alteration (2004) – policies C38 and E8.**

- 8 The portable WC on drawing LDC.1603.004B shall be brought to the site and made available for use within one month from the date of this permission and maintained in a condition suitable for use and in accordance with the manufacturer's specification thereafter. Within one month of the below occupation ceasing, the portable WC shall be removed from site and the land restored to its former condition:  
Building A, Unit 11 – Mr Bryan Boughen – B2 Private Auto Servicing.**

**REASON: In order to prevent pollution.**

**POLICY: West Wiltshire District Plan 1st Alteration (2004) policies C1, C38 and E8.**

- 9 Within one month of this planning permission, full engineering details for the carriageway widening (as generally shown on drawing number LDC.1603.005), shall be submitted to and approved in writing by the Local Planning Authority. The said details shall include a timetable for the works and the works shall be completed in accordance with the approved details and timetable.**

**REASON: In the interests of highway safety and amenity.**

**POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C1, C38 and E8.**

- 10 Within one month of this planning permission, a timetable for works to ensure the first five metres of the access, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel), shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed timetable and maintained as such thereafter.**

**REASON: In the interests of highway safety.**

**POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.**

- 11 Within one month of this planning permission, visibility splays shall be 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 35 metres to the north and south from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.9 metres above the level of the adjacent carriageway.**

**REASON: In the interests of highway safety.**

**POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.**

- 12 Within one month of this planning permission, details of a parking scheme to provide parking of six vehicles, together with a vehicular access thereto, shall be submitted to and approved in writing by the Local Planning Authority. The said details shall include a timetable for the works and the works shall be completed in accordance with the approved details and timetable. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.**

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

**POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.**

- 13 Within one month of this planning permission, details of surface water drainage works (to prevent its discharge onto the highway), shall be submitted to and approved in writing by the Local Planning Authority. The said details shall include a timetable for the works and the works shall be completed in accordance with the approved details and timetable, and maintained as such thereafter.**

**REASON: In the interests of highway safety.**

**POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.**

*Cllr Ernie Clark requested his vote in opposition to the approved motion be recorded*

**93.b W/12/01169/FUL: Land Opposite Paxcroft Farm, Paxcroft, Hilperton,**

Public Participation

Mr Mike James spoke in support of the application.

Mr Chris Beaver, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended refusal. It was highlighted that the principle of the development had been accepted with previous applications, with the current plans reduced in scale, but that Highways issues were the major concern with the new application.

The Committee then had the opportunity to ask technical questions of the officers. In response to queries, officers detailed the Highways objections to the proposed application, including the 50mph speed limit on the Primary Route Network with 14,000 cars per day on average, and that although the peak times for the Rugby Club would be on Saturdays and Sundays, over short periods of time at those peak times there would be significant numbers of vehicles, and the proposal as submitted would allow the possibility of visitors attempting to turn right across the road into the sight despite signage restricting this option. It was confirmed Highways regarded the creation of a right turning lane, though more costly, as the safest and thus preferred option.

Members also raised questions regarding similarities with access issues and Chippenham Golf Course, which officers did not regard as comparable, and details of accidents on the two main roads serving the proposed Rugby Club and the Chippenham course were given. Questions were also raised regarding recent housing developments in the area and the impact of this on the road network and access points.

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

The Local Member, Cllr Ernie Clark, then spoke in support of the application.

A debate followed, where details of any signage required to prevent inappropriate turning into the sign was raised, and the safety of the proposed access arrangements was debated.

After debate, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**The development is hereby approved as subject to appropriate mitigation, that can be secured through the imposition of appropriate planning conditions, the development accords with the development plan and would cause no significant demonstrable harm to any acknowledged planning interests.**

**Subject to the following conditions:**

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

**REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.**

**2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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:** To ensure that the development harmonises with its setting.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - C31A.

**3. No development shall take place within the proposed development site until**  
a) a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the local planning authority; and

b) the approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:** To enable the recording of any matters of archaeological interest  
National Planning Policy Framework

**4. The development shall be carried out in accordance with the recommendations outlined in the Ecological Appraisal dated 19 August 2005 and updated "Badger and Bat Survey" dated 13 April 2012 submitted as part of this application.**

**REASON:** To protect and conserve the natural environment.  
National Planning Policy Framework

**5. 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) indications of all existing trees and hedgerows on the land;  
(b) details of any to be retained, together with measures for their protection in the course of development;  
(c) 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;  
(d) finished levels and contours;  
(e) means of enclosure;  
(f) car park layouts;  
(g) other vehicle and pedestrian access and circulation areas;  
(h) hard surfacing materials;  
(i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);  
(j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);  
(k) retained historic landscape features and proposed restoration, where relevant.

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

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

**6. 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.

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

7. Notwithstanding the requirements of Condition 5, no development shall take place until a scheme of planting to provide a screen for the site along its boundaries has been submitted to, and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented within 6 months of the commencement of development. All planting shall be properly maintained for a period of 5 years. Any plants, which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation. The screen shall be retained thereafter.

**REASON:** In the interests of the amenities of neighbouring properties and the appearance of the locality.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C32 & C38

8. Notwithstanding the requirements of condition 5, the existing natural hedgerow along the west boundary of the site shall be retained and reinforced where necessary in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority before any work starts on site. Any such reinforcement shall be carried out during the planting season October-March inclusive, following the first occupation of the adjacent building/s and properly maintained for a period of five years including replacement of any plants which die, are removed or become damaged or diseased within this period with plants of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation, and the approved scheme thereafter retained. The Local Planning Authority shall be advised in writing when the planting has been undertaken so that initial compliance with the condition can be checked.

**REASON:** In the interests of the amenities of neighbouring properties, the protection of native habitats and to maintain and enhance the appearance of the site.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C32 & C38.  
National Planning Policy Framework

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out in accordance with the approved details.

**REASON:** To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas.

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

**10.** No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.

**REASON:** In order to safeguard the amenities of the area in which the development is located.

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

**11.** Notwithstanding the submitted details of floodlighting and prior to the installation of any lighting equipment, details of all external lighting within the site, including playing pitches, road areas etc and details of the lighting columns, external cowls, louvres, or other shields to be fitted to reduce light pollution shall be submitted to an approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved plans.

**REASON:** In the interests of nature conservation and visual and residential amenity.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C1, C35 & C38  
National Planning Policy Framework

**12.** The floodlighting hereby permitted shall only be used between the hours of 15.00 and 22.00.

**REASON:** In order to minimise nuisance and protect rural amenities and protected species.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C1, C35 & C38

**13.** The proposed access road, footways, footpaths, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, and car parking shall be constructed and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the Local Planning Authority.

**REASON:** To ensure that the roads are laid out and constructed in a satisfactory manner in the interests of highway safety.

**14.** No development shall commence until a signing scheme which prevents vehicles from making a turn into the site from the Semington direction has been submitted to and approved in writing by the Local Planning Authority. The signing scheme shall be fully installed in accordance with the approved scheme before the first use of the development and thereafter subsequently retained.

**REASON:** In the interests of highway safety

**15.** The development shall not commence until a Travel Plan which meets the current required standard and is in accordance with the Department for

Transport publication 'Making residential travel plans work: good practice guidelines' and Supplementary Planning Guidance 'Development Related Travel Plans in Wiltshire', has been submitted to and approved in writing by The Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

**REASON:** In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.

16. Details of storage areas for wheeled refuse bins, designed so as to minimise their impact on the appearance of the street scene shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

**REASON:** In the interests of the appearance of the street scene.

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

17. Notwithstanding the provisions of Part 4, Class B of The Town & Country Planning (General Permitted Development) Order 1995, as maybe subsequently amended, no car boot sales or other markets shall be permitted within the application site.

**REASON:** In the interests of highway safety and to protect residential amenity.

18. The development hereby permitted shall be limited to D2 (Assembly and Leisure) and ancillary D1 (Non-Residential Institutions) uses of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification.

**REASON:** Because the use hereby permitted is acceptable whereas other uses including the same use class may not be.

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

Dwg 1031/001 rev C received on 20.06.2012  
Dwg 1031/002 rev A received on 20.06.2012  
Dwg 1031/003 rev A received on 20.06.2012  
Dwg 1031/004 rev A received on 20.06.2012  
Dwg 1031/006 rev E received on 20.08.2012  
Dwg 1031/008 rev G received on 20.08.2012  
Dwg 1031/009 rev B received on 20.08.2012  
Dwg 1031/010 rev D received on 20.08.2012  
Dwg 1031/011 rev B received on 20.06.2012  
Dwg 1031/013 rev A received on 20.06.2012  
Dwg 1031/014 rev A received on 20.06.2012  
Dwg 1031/015 rev F received on 20.08.2012  
Dwg 1031/016 rev A received on 20.08.2012  
Dwg GA01 rev B received on 20.06.2012 or Dwg GA03 received on 20.08.2012  
Dwg SPA03 received on 20.08.2012

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

**Informatives:**

**1. The applicant is advised to contact both Natural England and the District Ecologist with regard to protected species before and during construction.**

**2. The applicant is advised to contact the County Archaeologist with regard to the archaeological interest of the site and the requirements in respect of condition 3.**

**3. With regard to drainage, the applicant is advised that**  
**(a) on site arrangements for foul drainage will need to comply with the Building Regulations,**  
**(b) an Environmental Permit may be required from the Environment Agency depending on discharge volumes,**

**4. The applicant is advised that appropriate pollution measures should be used during the construction and operation of the site. The applicant should refer to the pollution prevention guidance on the following website for future information:**

**[www.environment-agency.gov.uk/business/topics/potential39083.aspx](http://www.environment-agency.gov.uk/business/topics/potential39083.aspx)**

**5. Further to the requirements of condition 14, the signing scheme shall consist of a banned turn sign which is enforced via a traffic regulation order and an additional sign indicating that drivers shall use the roundabout to 'U' turn in order to enter the site when approaching from the Semington direction. Both signs and the order making process shall be provided at the full expense of the developer.**

**6. The applicant is advised to contact the Council's Rights of Way Warden (Paul Millard) when/if any dead trees are to be felled in the hedge line along the western boundary to ensure that signage is adequate and a person is present on the byway during felling to prevent danger to users.**

**7. Further to the requirements of condition 11, the proposed lighting scheme should comply with guidance issued by the Institution of Lighting Engineers.**

**8. To request the Rugby Club include a note on their website for visiting teams approaching from the Devizes direction, advising them to comply with the traffic order to use the roundabout and not turn right into the grounds.**

**9. To request a similar note for those approaching from the Trowbridge direction to use Hilperton Drive, and not the Trowbridge-Devizes Road that runs through Hliperton village.**

**93.c W/12/01675/FUL: Land at Smallbrook House, Smallbrook Gardens, Staverton**

**Public Participation**

Mr Clive Letchford spoke in objection to the application.

Mr Roger Smith, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended approval. The key issues included the scale and design of the development, the highways impact and relationship to adjoining properties. The previous planning history on the site was highlighted, as detailed in the report papers.

The Committee then has the opportunity to ask technical questions of officers. Potential impacts on two care homes north of the site was sought, along with further aspects of the previously agreed permission. The request of the Fire and Rescue Service for a contribution from the developer was also raised. In response to queries, it was stated the increased development did not meet the requirements to request an affordable housing contribution.

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

The Local Member, Cllr Trevor Carbin, then spoke in objection to the proposal.

A discussion followed, where the impact on local amenity was debated, along with the level of and timing of any construction traffic at the site and the extent of parking at the site.

After debate, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**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 No development shall commence on site until details and samples of the materials to be used for all 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.**

**Policy: West Wiltshire District Plan - 1st Alteration policies H1 and C31a.**

- 3 The development hereby permitted shall not be occupied until the first five metres of the accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). All three**

accesses adjoining the public highway shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

- 4 The dwellings hereby approved shall only be occupied as single private residential units and shall not be occupied as an HMO (House in Multiple Occupation). Before any of the dwellings hereby approved are first occupied, the use of Smallbrook house as and HMO shall permanently cease.

**Reason:** In the interests of highway safety and in order to define the terms of this permission.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

**Reason:** In order to define the terms of this permission and to ensure that the Local Planning Authority has control over future extensions on this site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no windows or door openings, other than those hereby approved, shall be added to any of the gables forming plots 4, 6, 7, 8 and 9 without the express planning permission of the Local Planning Authority.

**Reason:** In order to define the terms of this permission and in the interests of protecting residential amenity and privacy.

- 7 The development hereby permitted shall not be brought into use until the recommendations cited within paragraph 5.2 of the submitted bat search and assessment survey (produced by CTM Wildlife dated February 2011) have been implemented on site and that the bat enhancement measures are maintained on site unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of maximising ecological and biodiversity interests.

**Policy:** PPS9: Biodiversity and Geological Conservation.

- 8 The garages hereby approved shall be used solely for the purpose of housing private motor vehicles or other uses incidental to the enjoyment of the dwellings/flatted units and that the garages shall not be converted to habitable accommodation and that no trade or business shall be carried out in or from the garage buildings.

**Reason:** In order to define the terms of the permission and in the interests of highway safety and local amenity.

**Policy:** West Wiltshire District Plan - 1st Alteration policy C38.

- 9** Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

**Reason:** In the interests of preventing light pollution and nuisance

**Policy:** West Wiltshire District Plan - 1st Alteration policies C35 and C38.

- 10** 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;
- 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 parking 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);

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

- 11** 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.

- 12** The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Phil Goldsmith and shall be supervised by an arboricultural consultant.

**Reason: To prevent trees on site from being damaged during construction works.**

- 13 No part of the development hereby permitted shall be 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**

- 14 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access), 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.**

**Policy: West Wiltshire District Plan - 1st Alteration policy U2.**

- 15 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.**

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

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

**LOCATION PLAN - drawing no. 2451-08 received 03.09.2012**

**SITE PLAN - drawing no. 2451-01 Rev L received 02.10.2012**

**PLOTS 4, 5 AND 6 ELEVATIONS AND FLOOR PLANS - drawing no. 2451-20 received 03.09.2012**

**PLOTS 7, 8 AND 9 ELEVATIONS AND FLOOR PLANS - drawing no. 2451-21B received 03.09.2012**

**GARAGING PLANS FOR PLOTS 8 & 9 - drawing no. 2451-22 received on 12.09.2012**

**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.**

- 17 No site clearance, preparation, or construction work shall take place outside the hours of 7.30 am to 6.00 pm on Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays, and no work shall take place on Sundays or Bank or Public Holidays.**

**Reason: To protect the amenities of the area and in particular the amenities of neighbouring residential properties.**



**Policy: West Wiltshire District Plan – 1<sup>st</sup> Alteration 2004 Policy C38 and National Planning Policy Framework**

**Informatives:**

- 1 The attention of the applicant is drawn to the contents of the attached letter from Wessex Water.**
  
- 2 The developer/applicant is encouraged to use / make provision for residential sprinkler systems within the new build development hereby granted permission. The Wiltshire Fire and Rescue Service actively supports and encourages their installation. They are inexpensive to install (particularly in new buildings), they cannot be accidentally activated, and in new builds such as this, they can be designed to sit flush with ceiling (behind a cover) so as not to be unsightly. When required, they also cause less water damage than standard fire fighting methods. Should further information be required on this particular aspect, you are advised to make contact with the Wiltshire Fire \_ Rescue Service on tel. no. 01225 756 500 or via email at [planning@wiltsfire.gov.uk](mailto:planning@wiltsfire.gov.uk).**

**It should be stressed that the above guidance / recommendation should be read in conjunction with Building Regulation requirements.**

**The applicant/developer is further encouraged to make contact with the Fire Authority to ensure that the site is able to provide adequate water supplies for the use of the fire service in case of any emergency. Such arrangements may include a water supply infrastructure, suitable siting of hydrants and/or access to appropriate open water. Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and specific advice of the Fire Authority on the location of fire hydrants.**

- 3. It is requested that no construction traffic parks within Smallbrook Gardens**

**93.d W/12/01544/FUL: 14 Newtown, Trowbridge**

**Public Participation**

Mr Brent Hodges, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended refusal. The key issues included the visual impact upon the surrounding area, the design of the application, and the relationship to adjoining properties.

The Committee then had the opportunity to ask technical questions of the officer. Details of the height of the proposed application were sought, and the extent to which the application would impact upon amenity. It was confirmed in response to queries that the neighbour in the closest property had not raised any objections, and that the owner of the property was the church.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Cllr John Knight, then spoke and suggested a site visit was required to properly assess the application.

A debate followed, where the lack of objection from conservation officers, highways officers and town council was noted, and whether the visual impact of the application could properly be determined from information before the Committee.

At the end of discussion, it was,

**Resolved:**

**That the application be DEFERRED to allow for a site visit of the application, which would take place prior to the next meeting of the Committee on 14 November 2012 at 3pm.**

**93.e W/12/01327/FUL: 5 Worsted Close, Trowbridge**

**Public Participation**

Mr Ernie Newcombe spoke in objection to the application.

Cllr Peter Fuller left the Chair for reasons as detailed under Declarations of Interest and withdrew from the room, and Cllr Roy While took his place in the Chair.

The Planning Officer introduced a report which recommended approval. The key issues for consideration included the scale of development, visual impact, design and relationship to neighbouring properties. It was confirmed officers concluded there was limited loss of amenity involved in the proposals.

The Committee then had the opportunity to ask technical questions of the officer. A correction was made to the report, which listed Melksham rather than Trowbridge Town Council as objecting to the proposal. Details regarding the distance between the application and nearest neighbouring property were sought.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

A discussion followed, where the level of and potential for overdevelopment in the area was debated, as well as any precedent that could be set by approving the application. The impact of the proposal on amenity was also raised.

At the conclusion of debate, it was,

**Resolved:**

**That Planning Permission be APPROVED for the following reason:**

**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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.**

**REASON: To ensure that the development harmonises with its setting.**

**POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A**

- 3 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.**

**Reason : In the interests of Highway safety**

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

- 4 Notwithstanding the details submitted with the application, the windows on the south elevation extension hereby approved shall be fitted with obscure glazing. The obscure glazing shall be maintained for the lifetime of the development hereby approved.**

**REASON : To prevent overlooking of a neighbouring property.**

**POLICY : West Wiltshire District Plan 1st Alteration 2004 – Policy C38**

- 5 The works on the two storey side extension shall not commence until the 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 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added to the south elevation facing no. 6 Worsted Close.**

**REASON: In the interests of amenity and privacy.**

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

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

**12.27.1 Rev B received on 16th August 2012**

**12.27.2 received on 13th July 2012**

**12.27.3 Rev B received on 8th October 2012**

**12.27.4 received on 13th July 2012**

**12/01372/1 received on 28th September 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**

94     **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.15 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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