

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 NOVEMBER 2013 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Russell Hawker, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Graham Payne (Substitute), Cllr Horace Prickett, Cllr Pip Ridout and Cllr Roy While (Vice Chairman)

108 **Apologies for Absence**

Apologies for absence were received from Cllr Jonathon Seed, who was substituted by Cllr Graham Payne.

109 **Minutes of the Previous Meeting**

The minutes of the meeting held on Wednesday 6 November 2013, were presented.

Resolved:

To approve and sign the minutes of the meeting held on Wednesday 6 November 2013 as a true and accurate record.

110 **Chairman's Announcements**

There were no Chairman's Announcements.

Details of the exits to be used in the event of an emergency were explained to the public.

111 **Declarations of Interest**

There were no declarations of interest to note.

112 **Public Participation and Councillors' Questions**

A question had been submitted from Cllr Trevor Carbin in relation to policy surrounding contributions made to the Wiltshire Fire and Rescue Service.

A response to the question from the Area Development Manager was noted at the meeting. Details of the full response are attached to the minutes online.

The Chairman welcomed all present, and explained the rules of public participation, in particular noting the procedure to be followed at the meeting.

113 **Planning Applications**

The Committee considered the following applications:

114 **13/02371/FUL - 57 Damask Way, Warminster, Wiltshire, BA12 9PP**

Public Participation:

Mr Peter Gist spoke in objection to the application.

Cllr Sue Fraser spoke in objection to the application on behalf of Warminster Town Council.

Cllr Ridout spoke on behalf of Cllr Humphries, and in objection to the application.

The Area Development Manager outlined the report which recommended the application be granted planning permission. The main areas for consideration were summarised as being West Wiltshire District Plan 1st alteration- policy C31a (design) and C38 Nuisance. These were summarised as being the impact of the Design on the neighbouring area and any potential nuisance caused as a result of the development. The Area Development Manager confirmed that members had attended a site visit for the application as instructed at the previous Western Area Planning Committee (6 November 2013).

Members of the Committee were then given the opportunity to ask technical questions of the Area Development Manager, to which there were none.

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

Members of the Committee then entered into a debate, which included a discussion regarding the size and position of the extension. Members then debated the addition of a condition to obscure the east facing windows. Members debated the impact of the development on neighbouring properties.

It was;

Resolved:

To GRANT planning permission to the application 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 in material, colour and texture those used in the existing building.

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

3. The first floor windows in the southern elevation serving a bathroom and the bottom and 1st floor windows situated on the east elevation in the extension shall be obscured glazed, and fixed shut, prior to the first occupation of the extension hereby permitted and shall be so maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 E, PL02 E, PL03 E, PL04 E, PL05 E received on 27.08.2013

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

INFORMATIVE:

1. The applicant is advised of the following information from Wessex Water:

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system. Sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and applicants should survey and plot these sewers on plans submitted for Planning or Building Regulations purposes. It will be important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

Public Participation:

Angus MacDonald, applicant, spoke in support of the application.
Cllr Francis Morland, Heywood Parish Council, spoke in objection to the application.

The Area Team Leader outlined the report which recommended the application be granted planning permission. Key considerations for the Committee were noted as being; the archaeological and ecological impact, the impact on Heywood House and the White Horse as a heritage asset, the impact on rural surroundings and any potential flood risk posed by the application.

Members of the Committee were then given the opportunity to ask technical questions of the officer. This included a question from Cllr Carbin regarding safeguarding the bypass route in the application, following the planning inspectorate previous refusal of the plans. It was confirmed that this adopted policy had been carried over to the emerging core strategy.

The Committee questioned the diversion for the rights of way through the sites and if they would be kept open. It was confirmed that the plans included mitigating strategies to keep both rights of way access' through the site, open. A question was then asked regarding noise from the transformers that would be installed on the site and questioned what impact this would have on footpath users. It was confirmed that the noise of the transformers would not be audible from the path, and that this had been tested and confirmed at the Marsh Farm site. A question was then asked regarding the load factor of the panels to be used at the site. The Area Team Leader was unable to respond to the question. The Applicant confirmed in his submission to the Committee (below) that the panels had a load factor of around 15%. Cllr Newbury questioned the officer recommended condition 11, and it was confirmed that it was the same condition included on the Marsh Farm application. Members questioned the ability for the site to be used in a dual capacity and questioned the allocated size for the bypass on the site. The Area Development Manager confirmed that the allocated space for the bypass was sufficient and that the plans for the site to used for grazing sheep was legitimately feasible.

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

Members then entered into debate where a discussion was held regarding the discussions between Westbury Town and Heywood Parish Council, and the developer.

It was;

Resolved:

To GRANT planning permission for the applications 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 solar installation hereby granted shall be removed from the site, together with all supporting/associated infrastructure including the inverter stations, CCTV thermal imaging equipment, poles and DNO switch gear, and the land shall be restored to a condition suitable for agricultural use within 6 months of the PV modules ceasing to be used for the generation of renewable energy, or the expiry of 25 years after the date of this planning permission, whichever is the sooner.

REASON: In the interests of amenity and the timely restoration of the land.

3. An aftercare scheme detailing the steps that are necessary to restore the land following cessation of the solar installation use shall be submitted by the applicant/developer to the Local Planning Authority at least 6 months prior to the removal of the PV modules and associated infrastructure.

REASON: To ensure the satisfactory restoration of the site for agriculture.

4. No development hereby granted shall commence until:

- a) A written programme of archaeological mitigation and investigation, which should include on-site work and off-site work including 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 preservation and recording of any matters of archaeological interest.

5. No development hereby granted shall commence until a detailed surface water run-off limitation scheme together with supporting calculations, in accordance with the strategy set out in the Flood Risk Assessment (H20K, Ref: J-4119.5-FM, dated 12 October 2012), has been submitted to and approved in writing by the Local

Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 6. No development hereby granted shall commence until a glint and glare assessment has been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. The assessment shall calculate the visual impact and potential glare from the development on train drivers on the east/west line to the south of the development site. The assessment shall cover the stretch of this rail line 274 metres either side of the signal that lies at the rail line junction to the west of the A350. No development shall take place other than in accordance with the details contained in the approved glint and glare assessment.**

REASON: To ensure that the development does not cause any demonstrable glint/glare nuisance to the adjacent railway users.

- 7. No development hereby granted shall commence until the developer has submitted details of improvements of the existing site access on the A350 Westbury Road for the written approval by the local planning authority, and widen the access in accordance with the approved details. Such details shall include vehicle swept path analysis to demonstrate that two 15.4 metre long articulated delivery lorries, can pass in the access bell mouth area, and nearby access track.**

REASON: In the interests of highway safety.

- 8. No development hereby granted shall commence until the applicant/developer has submitted for the written approval by the local planning authority a construction traffic management plan (CTMP), and shall undertake the construction of the site in accordance with the approved details. The CTMP shall include, amongst other things, details of numbers, types and timing of delivery lorries to the site, the procedures in place to ensure that lorry wheels are free of mud before returning to the highway, local signing to aid movement of lorries arriving at the site entrance, details of the site management co-ordinator who will ensure compliance with the CTMP, how users of public rights of way on and near the site and site access shall be protected during the**

works, and details of how construction workers traffic and lorry traffic shall be accommodated on the site.

REASON: To ensure that construction traffic associated with the site does not give rise to unacceptable conditions on the local highway network.

- 9. No development hereby granted shall commence until a landscape management plan has been submitted for the written approval of the Council which shall cover tree, hedge and root protection measures, the on-site management of the existing hedgerows (which shall be allowed to develop to a minimum 2.5 m winter height), as well as producing exact tree and hedgerow planting details (including location, species and spacing) and a timetabled programme for the infill and all proposed new planting and its on-going management and monitoring which shall cover the lifetime of the development.**

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

- 10. The landscaping proposals hereby approved and as indicated on plan drawing no. 2421_100 Rev F shall be carried out in the first planting and seeding season following the completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within the period of twenty 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 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.

- 11. The defined public rights of way shall both be kept free from obstruction during and after the construction period.**

REASON: In order to protect and safeguard the public's right to use the public right of ways

- 12. No permission is hereby given for any external lighting/illumination at or on the site.**

REASON: To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

13. No development hereby granted shall commence until:

- a)** An ecological management plan detailing the construction methods, site management and monitoring has been submitted for the written approval of the Council;
- b)** Confirmation of the seeding mixes that shall be used and the area over which each mix shall be sown;
- c)** Confirmation of access points to allow badgers and other mammals to enter areas enclosed by fencing;
- d)** Confirmation of the annual management of the land, including the grassland, hedgerows and trees; and
- e)** The plan should directly accord with the ecological recommendations contained within the submitted survey statements. Therefore the development shall be implemented in accordance with approved details.

REASON: In the interests of safeguarding ecological and biodiversity interests.

14. A survey of habitat condition measured against the Ecology Management Plan and Site Layout Drawing shall be undertaken by a professional ecologist during the period of June to August and submitted for the Local Planning Authority's written approval in the first, third and fifth years after the site first becomes operational. Where monitoring identifies any non-compliance, remedial measures shall be identified, implemented and reported on through a subsequent agreed monitoring survey.

REASON: In the interests of safeguarding ecological and biodiversity interests.

15. Any removal of hedgerow and/or ground preparation shall be undertaken during the period of 1st September to 28th February. If done outside this period, any such works shall be preceded by a survey produced by a professional ecologist and be only

undertaken in accordance with the ecologist's advice and following the written approval by the local planning authority.

REASON: In the interests of safeguarding ecological and biodiversity interests.

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

Site Location Plan - received 19.09.2013

Site Block Plan - received 19.09.2013

Development Master Plan - Drawing No 2421_100_Rev F - received 19.09.2013

Planning Layout and Water Pipe Easement Plan - Drawing No 1021-0201-26 received 21.10.2013

Construction Traffic Route Plan - Drawing no 1021-0201-05 Rev 02 - received 19.09.2013

Typical Panel Elevation Plan - Drawing No 2421-400 - received 19.09.2013

Panel Brochure Detail - received 19.09.2013

Standard Inverter Station Detail Plan - Drawing No 1000-0000-00 Issue 01 - received 19.09.2013

Security Fencing Detail Plan - Drawing No 1000-0000-00 Issue 01 - received 19.09.2013

Fence and Hedge Setting Out Detail - Figure 16 - received 19.09.2013

CCTV Dimensions Plan - Drawing no 1000-0000-00 Issue 01 - received 13.11.2012

GRP Sub-Station Enclosure Plan - Drawing LCS-EGC-002 - received 13.11.2012

Site Section Plan - Drawing 2421_300 Rev B - received 13.11.2013

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

Informative(s):

1. The developer/applicant is advised that Network Rail must be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary the

developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

In addition, the developer should duly note that the following lists identify Permitted Trees and those which are not permitted to be planting/grown adjacent to railway boundaries:

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash, Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatat "Zebrina"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sailor fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

2. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site; and provisions must be made to ensure that all existing drainage systems continue to operate effectively.
3. The applicant/developer is further advised to enter into more discussions with Wessex Water to agree, should it be so required, mitigation measures to accommodate any construction easement across part of the site to allow for infrastructure improvements undertaken by the statutory undertaker.
4. In the interest of positive local relations, the applicant/developer is advised to continue discussions with Westbury Town Council and Heywood Parish Council regarding potential monetary contributions.

116 13/03919/FUL - Made to Measure Ltd, Carsons Yard, Warminster, Wilts, BA12 9NA

Public Participation

Mr John Braddell, applicant, spoke in support of the application.

Cllr Sue Fraser spoke in support of the application on behalf of Warminster Town Council.

The Area Development Manager outlined the report which recommended the application be granted planning permission. Key considerations of the committee were noted as being; West Wiltshire District Plan 1st Alteration (2004) C31a – Design, C38 – Nuisance, E5 – Loss of employment floor space, H1 – Further Housing Development within towns, and T10 Car parking.

Members were then given the opportunity to ask technical questions of the application, to which there were none.

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

Members of the Committee then entered into a debate which centred around the loss of employment space in the workshop area. Members also discussed access to the neighbouring properties which was located adjacent to the building and would prove restrictive for large delivery vehicles and vans if windows were allowed to open widely. Members also raised concern over the workshop space, and the impact on the residential part of the building should the two contain separate users. Members debated a condition to fix the workshop to the residential occupier.

It was;

Resolved:

To GRANT planning permission for the application 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 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.

3. The roof-lights to the east facing elevation shall be obscure glazed for the lifetime of the development

REASON: In the interests of residential amenity and privacy.

4. No part of the development hereby permitted shall be first occupied until the access, turning area 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 interest of highway safety

5. The development hereby permitted shall not be first occupied until the first five metres of the site access, measured from the edge of the access track (Public Footpath 92), 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.

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/parking/ turning area), 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.

7. The development hereby permitted shall be carried out in accordance with the details shown on the submitted plans:

790/1 received on 2 September 2013;

790/2 received on 2 September 2013;

790/3 received on 2 September 2013;

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.

8. The attached workshop to be occupied by residential occupants only.

REASON: To safeguard the residential occupants' amenity.

Informative:

All public rights must be safeguarded in respect of Public Footpath 92 which is directly affected by the vehicular access leading to the site.

117 **13/03824/FUL - Land to the Rear of: 12 and 12a Westbury Road, Warminster, Wiltshire**

Public Participation

Mr Gary Bourne spoke in objection to the application.

Mr Ray Taylor spoke in objection to the application.

Ms J. Chaundy spoke in objection to the application.

Mr Richard Robins spoke in support of the application.

Cllr Sue Fraser spoke in objection to the application on behalf of Warminster Town Council.

The Area Development Manager outlined the report which recommended the application be granted planning permission subject to the satisfactory completion of a variation to a s106 agreement.

The key areas of consideration were said to be West Wiltshire District Plan (WWDP) H1 - Town Policy, H24 – New Housing Design, C31a - Design and C38 – Nuisance. The impact on neighbour amenity was stated as a key consideration for the Committee; however this issue had been previously addressed by the planning inspectorate, following an appeal of a previous application.

Members were given an opportunity to ask technical questions of the application, to which there were none.

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

Members then entered into debate where a discussion was held regarding the impact on neighbour amenity. The size and scale of the property was said to be in conflict with WWDP, policy C38.

It was;

Resolved:

To REFUSE the application for the following reasons.

The proposed development on plot 1, by reason of its siting and the consequent scale and proximity to the adjacent house on plot 12C of the proposed external wall facing 12C, would have an overbearing and unacceptable impact on the amenity of the occupiers of the dwelling on plot 12C. This would conflict with policy C38 of the West Wiltshire District Plan.

118 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.40 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk

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

**Wiltshire Council
Western Area Planning Committee**

27 November 2013

Item 5 - Public Participation

From Councillor Trevor Carbin, Holt and Staverton Division

Question 1

Wiltshire Fire and Rescue service's Public Safety Plan states, under the heading Planning Gain, "We are one of only a few fire and rescue services in the country to be fully written into local planning strategies. ... We are receiving developer contributions towards new or upgraded fire stations that we may need in the future...."

Western Area Planning agendas often contain requests from the Fire and Rescue service for developer contributions, but these are invariably declined*.

Could officers clarify the position about such requests, and explain the service's claim to be in receipt of developer contributions?

*eg 13/02945/FUL 6/11/13: " The Fire and Rescue Service have requested a sum of money however there is not a policy within the local plan to request such monies and therefore it would be inappropriate of the Local Planning Authority to do so."

Ref. WFRS Public Safety Plan 2013/13 – 2016/17 p22.

Response

The statement by Wiltshire Fire and Rescue Service that they are 'fully written into local planning strategies' is a reference to Core Policy 3 (CP3) of the emerging Wiltshire Core Strategy where the list of essential infrastructure includes 'emergency services'. The Infrastructure Delivery Plan provided for in the Core Strategy also lists certain projects that have been nominated by the Fire and Rescue Service through on-going dialogue.

However, at this time, the Development Plan that the Western Area Planning Committee is required to determine planning applications in accordance with is the older West Wiltshire District Plan. This does not have any requirement for the provision of emergency services infrastructure. Until the Wiltshire Core Strategy is further advanced and the Council has considered the Inspector's findings into the recent public examination of its soundness, no great weight can be given to CP3 and it is therefore difficult to accede to requests from the Fire and Rescue Service for contributions.

The Fire and Rescue Service may be receiving developer contributions from other parts of Wiltshire where the Development Plan is different. In the medium term, a clearer pattern will emerge once the Core Strategy is adopted, and looking further ahead, when the Community Infrastructure Level (CIL) is in place.

**Mike Wilmot
Area Development Manager, Central**

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