

## WESTERN AREA PLANNING COMMITTEE

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### **DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 18 DECEMBER 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 Horace Prickett, Cllr Pip Ridout and Cllr Roy While (Vice Chairman)

#### **Also Present:**

Cllr Terry Chivers

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#### **119 Apologies for Absence**

Apologies for absence were received from Cllr Jonathon Seed.

#### **120 Minutes of the Previous Meeting**

The minutes of the meeting held on 27 November 2013 were presented.

#### **Resolved:**

**To approve and sign the minutes of the meeting held on 27 November 2013 as a true and accurate record.**

#### **121 Chairman's Announcements**

There were no Chairman's Announcements. The Democratic Services Officer gave details of the exits to be used in the event of an emergency.

#### **122 Declarations of Interest**

Cllr Davis stated that he had sat on Warminster Town Council for a decision on item 13/04478/FUL: Land East of 73 Ruskin Drive, Warminster. Cllr Davis had not previously voted on this application.

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

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

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

## 124 **Planning Applications**

The Committee considered the following applications:

### 125 **13/04760/FUL: 188 Woodrow Road, Melksham, Wiltshire, SN12 7RF**

#### Public Participation

Mr Richard Cosker spoke in support of the Application.

The Development Control Team Leader (Central Area) outlined the Officers report which recommended the application for refusal. The site was outlined and the wider location of the application was identified. The application sought to demolish the existing dwelling on the site and to replace it with two detached four bedroom dwellings with access and parking. Cllr Terry Chivers had called the application to committee following the recommendation to refuse.

The Development Control Team Leader (Central Area) outlined the relevant planning policy for consideration including the West Wiltshire Local Plan, Policies: C1 – Countryside Protection, C31a- Design, C38 – Nuisance, H1 – Further Developments within Towns and H19 Developments in Open Countryside.

The Committee were then invited to ask technical questions of the application. Members questioned the location of the site, and its finite definition as open countryside or as falling outside the village settlement boundary.

Members of the public were then given the opportunity to speak, as listed above.

Cllr Chivers stated that there was no local objection to the development, and that members should be mindful of this when making their decision. Cllr Chivers also cited previous developments in the area which had been approved.

Members debated the wording of open countryside, and the relevance to the application, and also discussed the impact of a decision against policy.

Following the debate, a motion to refuse the application was tabled and defeated. It was then:

#### **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) Prior to the occupation of the dwellings hereby approved the windows in the first floor side elevations serving the bathroom shall be glazed with obscure glass.

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

- 4) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
  - a) finished levels and contours;
  - b) means of enclosure;
  - c) car park layouts;
  - d) other vehicle and pedestrian access and circulation areas;
  - e) all hard and soft surfacing materials;

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

- 5) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 6) The development hereby approved shall be carried out in accordance with the Flood Risk Assessment dated March 2013 received by the Local Planning Authority on 24th September 2013

**REASON:** To minimise the risk of flooding

- 7) The development hereby approved shall be carried out in accordance with the bat roost inspection dated 12th February 2013 received by the Local Planning Authority on 24th September 2013.

**REASON:** To ensure that protected species are not harmed

- 8) The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

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

- 9) The dwellings hereby approved shall not be 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 interests of highway safety.

- 10) The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

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

- 11) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

- 12) Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

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

- 13) No development shall commence on site until the soakaway design for the discharge of surface water from the site, incorporating percolation tests, soakaway details and calculations (in accordance with BRE Digest 365), has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved 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 to soakaways in accordance with BRE Digest 365.

- 14) The development hereby permitted shall be carried out in accordance with the following approved plans:  
TK/pk received on 24th September 2013

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

It is important for the applicant to note the following informatives requested by the Environment Agency:

**INFORMATIVE:** Including flood-proofing methods within the construction of the new homes will further protect the buildings from potential flood damage. The applicant can refer to the publication at the following link for further guidance: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

**INFORMATIVE:** The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.

Cllr Ernie Clark and Cllr Christopher Newbury requested that their vote against the application be recorded.

### Public Participation

Ms Wendy Grant spoke in objection to the application.

Mr Mark Frati spoke in objection to the application on behalf of Staverton Parish Council.

The Senior Planning Officer outlined the report which recommended the application for approval. The application was for retrospective permission following the erection of a shed on School Grounds close to the perimeter boundary of an adjoining land owner. The application had been called to committee by Cllr Trevor Carbin.

The Senior Planning Officer outlined the application, and noted the site of the application, and the impact on neighbouring properties. This included the objections raised on the impact of light intrusion and shadowing as a result of the shed's location.

The Senior Planning Officer outlined the relevant planning policy for consideration including the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 Policies: C1 – Countryside Protection, C31a- Design, C38 - Nuisance and CF1 – General Community Facilities.

Members were then invited to ask technical questions of the application. Members questioned the distance of the shed in relation to the boundary, and the impact on both the schools existing facilities should the barn be relocated, and the impact on residents should permission be granted.

Members of the public were then given the opportunity to speak, as listed above.

The Committee then debated the application and discussed the possibility of relocating the shed to reduce the impact on local residents. At the end of the debate it was;

### **Resolved:**

**To DEFER the application in order to allow for discussions between residents and the school to take place, with regard to identifying a suitable alternative location for the shed.**

127 **13/04478/FUL: Land East Of 73 Ruskin Drive, Warminster**

### Public Participation

Mr Mark Reynolds spoke in support of the application.

The Development Control Team Leader (Central Area) outlined the Officers report which recommended the application for approval. The site was outlined and the relevant planning history noted. A number of objections including local

residents and highways were presented by the Development Control Team Leader (Central Area).

The application proposed to create a new dwelling within the grounds of the applicants existing semi detached property at 73 Ruskin Gardens, to form a line of three terraced houses with near identical proportions.

The Development Control Team Leader (Central Area) outlined the relevant planning policy for consideration including the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004, Policies: C31a- Design, C38 – Nuisance and H1 – Further Developments within Towns.

The Committee were then invited to ask technical questions of the application, of which there were none.

Members of the public were then given the opportunity to speak, as listed above.

Cllr Pip Ridout stated as the local member that although the application had overcome the previous barriers, the main concerns were those of the three vociferous objectors, who could not be ignored.

The Committee debated the application and agreed that the application met the criteria for development. It was;

**Resolved:**

**To APPROVE 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 development hereby permitted shall not be occupied until the first three metres of the accesses, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter.**

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

4. The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

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

5. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access to the junction to the north and 43 metres to the south from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

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

6. The development hereby approved shall not be occupied until sufficient provision for the parking of two vehicles has been provided for, in accordance with details as shown on plan reference 820/2 received on the 01 October 2013. The garage shall remain as a permanent parking facility for the new dwelling and shall not be separately let or sold but retained in perpetuity for the provision of car parking.

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

7. The development hereby permitted shall be carried out in accordance with the following approved plans:  
drawing number 820/1 received on the 01 October 2013  
drawing number 820/2 received on the 01 October 2013  
reason: for the avoidance of doubt and in the interests of proper planning.

**INFORMATIVE:** 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.

**INFORMATIVE: the applicant is advised to contact Wessex water direct on 01225 526 000 with regard to the connection of water and waste supplies for this proposed development.**

128 **13/04560/FUL: 164 Bath Road, Atworth, Melksham, SN12 8JR**

Public Participation

Mr Simon Filipowicz spoke in support of the application.

The Senior Planning Officer outlined the report which recommended the application be granted planning permission. The applicant proposed to erect a single storey, flat roofed extension to an existing property, which would house a garage.

The Senior Planning Officer outlined the relevant planning policy which included: West Wiltshire District Plan 1<sup>st</sup> Alteration 2004, Policies: C31a- Design and C38 – Nuisance.

Atworth Parish Council had been consulted as part of the planning process and had highlighted neighbours concerns over the impact on the existing dry stone wall which separates the applicant's property from the neighbouring property.

Members were invited to ask technical questions of the application, to which there were none.

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

Members then debated the application and at the close of debate, it was;

**Resolved:**

**To APPROVE 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 development hereby permitted shall be carried out in accordance with the following approved plans:**

**Drwg. 1339-1 received 26.09.2013**

**Drwg. 1339-2 received 26.09.2013**

**Site location plan received 26.09.2013**

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

**129 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.25 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](mailto:samuel.bath@wiltshire.gov.uk)

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