

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 JANUARY 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr Malcolm Hewson, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne, Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While

78. Apologies and Substitutions

There were no apologies

79. Minutes of the Previous Meeting

The minutes of the meeting held on 18 November 2009 were confirmed as a correct record and signed by the Chairman subject to the following:

Minute No.75 refer. W/09/01471/FUL

Public Participation:

Mrs Jeanne Tilt, Chairman of the Avenue School, spoke in objection to the application.

80. Declarations of Interest

W/09/03218/REM. Councillor Rod Eaton declared a personal interest in this item and gave his assurance that he would consider the applications on its own merit and with an open mind.

81. Chairman's Announcements

There were no Chairman's Announcements

82. Public Participation

The Chairman explained the rules of public speaking

83. **Planning Applications**

W/09/02622/FUL. Mobile home, day room and retention of existing pair of sheds - Land At Capps Lane Bratton Wiltshire

It was requested that this item be deferred.

It was

Resolved:

That the application be deferred until 10 March 2010

W/09/03287/OUT. Demolition of existing double garage and erection of two bedroom dwelling plus associated parking - Land Adjoining 14 Woodrow Road Melksham Wiltshire

Public Participation

1. Mr Alan George spoke in objection to the application
2. Mr Scott Hodgson spoke in objection to the application
3. Mrs George spoke in objection to the application
4. Mr Dan Smith spoke in support of the application
5. Mr Malcolm Sealy spoke, on behalf of the applicant, in support of the application

Resolved:

That planning permission be GRANTED

For the following reasons:

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

Subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. 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 shall be inserted in the roof or flank elevations of the dwelling hereby permitted.

REASON: In the interests of neighbouring amenity.

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

4. 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 - Policy C31A.

5. The dwelling hereby approved shall be single storey, with no rooms formed in the roof.

REASON: In the interests of amenity and privacy

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

6. The dwelling on the development hereby approved shall not be occupied until sufficient space for the parking of two cars together with vehicular accesses thereto has been provided for the proposed dwelling and sufficient space for the parking of two cars together with vehicular accesses thereto shall be retained for the existing dwelling, in accordance with details submitted to and approved

in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purposes of access.

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 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 900 mm above the nearside carriageway level. The area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, D, E, F, G and H shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

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

Informative(s):

1. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there maybe any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus

W/09/03218/REM. New dwelling (reserved matters) - Land East Of Valley Farm Chitterne Wiltshire

Public Participation:

1. Mr Neil Harvey, son of the applicant, spoke in support of the application
2. Mr Kerwin Cole, Agent, spoke in support of the application
3. Mrs Aileen Fenelon, Chairman of Chitterne Parish Council, spoke in support of the application

Resolved:

That the reserved matters application be approved, contrary to officer recommendation

For the following reason:

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

No conditions

W/09/03316/FUL. Erection of a proposed rear extension and new dormer windows to existing bungalow - Brooklands 49 Woolley Street Bradford On Avon Wiltshire BA15 1AG

Public Participation:

1. The following late additional comments were reported and are detailed in appendix 1:
 - i) Tree and Landscape Officer
 - ii) Local resident representation
2. Mrs Julienne Ellis-King spoke in objection to the application
3. Mr Matthew Wilfon, Friends of Woolley, spoke in objection to the application

Councillor Rosemary Brown, Unitary member for Bradford on Avon North, spoke in objection to the application

Resolved:

That planning permission be GRANTED

For the following reasons:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

Subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

3. All soft landscaping comprised in the approved details of the landscaping plan drawing no 0710/006 of landscaping within the residential curtilage of 49 Woolley Street 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 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.

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

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

W/09/03170/FUL. Single storey front and rear flat roof extension to existing post office - Post Office Stores Tynings Way Westwood Wiltshire BA15 2BU

Public Participation

1. The following late additional comment was reported and is detailed in appendix 1:
 - i) A letter from the Sub Postmaster in support of the application
2. Mr Ray Parsons, applicant, spoke in support of the application

3. Mr Terrence Biles, Westwood Parish Council, spoke in support of the application

Councillor Linda Conley, Unitary member for Winsley and Westwood, spoke in support of the application

Resolved:

That planning permission be GRANTED, contrary to officer recommendation

For the following reason:

The proposed development would not result in any detrimental impact on the street scene and would secure the retention of the village shop.

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

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

3. No development shall commence on site until details, including cross sections and longitudinal drawings, of the works to the pavement to provide the access ramp 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 interest of visual amenity and in the interest of highway safety

4. No floodlights or other forms of external lighting shall be installed on the site without the prior permission, in writing, of the Local Planning Authority

REASON: To protect the amenities of the locality

Informative(s):

1 You are advised to contact Wessex Water to agree points of connection with their apparatus.

2 Advertisement Consent may be required for any signage and therefore, you are advised to contact the Local Planning Authority

84. **Planning Appeals Update Report**

Resolved:

To note the Planning Appeals Update Report

85. **Urgent Items**

There were no urgent items

Councillor Jonathon Seed left the meeting.

86. **Exclusion of Press and Public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the following item of business because it was likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighed the public interest in disclosing the information to the public

Paragraph 5 refers to information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

87. **Planning Appeal in respect of land at Hilperton**

Resolved:

To agree with the recommendation as detailed in the report.

(Duration of meeting: 6.00 - 8.30 pm A short recess took place between 8.05 pm and 8.10 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic & Members' Services, direct line 01225 713597, e-mail

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

PLANNING COMMITTEE Minute Annex

27 January 2010

Observations and recommendations made since preparation of agenda

Item	Comments
Planning Applications	
01	<p>W/09/02622/FUL</p> <p>Additional comments received:</p> <p>Letter from the agent:</p> <p>A letter has been received from the agent who states that the applicant Mr Hughes I would like to ask the Committee to defer this application as the agent will not be able to attend this meeting and speak on the family's behalf because of a previously arranged commitment. This is due to the meeting being rearranged because of snow. The family feels there would be no one there to speak in favour of the application.</p> <p>Planning Officer Comments:</p> <p>This application was deferred by committee for further information in October and then regrettably the earlier January meeting had to be postponed due to bad weather.</p> <p>In the context of these unusual events and the agent's prior commitments then it seems reasonable to recommend that this application be deferred until the next available committee date.</p> <p>Recommendation:</p> <p>That the application be deferred until 17 February 2009 meeting.</p>
04	<p>W/09/03316/FUL Brooklands, 49 Woolley Street, Bradford-on-Avon</p> <p>Additional comments received</p> <p>Tree and Landscape Officer:</p> <p>Comments have been received from the Council's Tree and Landscape Officer stating that the applicant has submitted a landscape scheme in connection with a previous permission W/09/01693/FUL (new dwelling) which incorporated the garden area of the application before Committee. The submitted landscaping scheme shows the replacement orchard and other species trees. This positive action addresses previous concerns regarding the change of area character. Therefore the below condition should be attached to ensure implementation of the scheme on the current application W/09/03316/FUL.</p> <p>Condition 3</p> <p>All soft landscaping comprised in the approved details of the landscaping plan drawing no 0710/006 of landscaping within the residential curtilage of 49 Woolley Street 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 or plants which, within a period of five years, die, are removed, or become seriously damaged or</p>

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.

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

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

Further comments were received from local resident

Who raised the following issues;

Incorrectly described as a rear extension

A substantial extension

Doesn't almost match the adjacent new consented bungalow

Report fails to mention importance placed on landscaping and boundary treatments.

Front boundary wall is a significant boundary feature

Front boundary wall not accurately described

Landscaping across open site frontage needed

Should remove permitted development rights

In conclusion the application should be refused ,

(1) on the proposed scale, mass and its proportions

(2) Lack of robust landscaping/tree planting

(3) To reduce front boundary wall further is unacceptable in Conservation area

Planning Officers comments;

The argument for the definition of the extension is academic as we have plans showing its location. The determination is on the plans received which show the position of the extension which Officers feel is acceptable. The fact that the extension is considered to be too large is a matter of opinion which is at variance with the officers recommendation.

With regards to the Pd rights Officers are of the opinion that to remove such rights on an existing dwelling because of a proposed extension would be unreasonable and fail tests of Circular 11/95 on conditions.

A landscaping condition has been attached (see comments of Landscape officer).

For information on the issue of the boundary wall it discussed on the previous application (09/01693/FUL) with the Conservation Officer who advised that the reduction of the wall did not constitute development for which conservation area consent was required. There is no requirement for the reinstatement of the wall. Its removal was lawful and therefore the Council cannot insist that the wall be reinstated.

05

W/09/03170/FUL Post Office Store, Tynings Way, Westwood

Further comments received;

A letter from the Sub Postmaster asking that support is given for this village store for the following reasons

It is too small to offer the public a range of goods and services required in today's market.

It almost closed in October

The Parish fully support this application as do the whole village

All garages in the area are flat roofed

The Government has said that we should give more weight to sustaining village shops and post offices.

	Our ageing population need local services.
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