

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 12 OCTOBER 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Magnus Macdonald, Cllr Jonathon Seed, Cllr Fleur de Rhé-Philippe (Substitute), Cllr Russell Hawker (Substitute), Cllr Jerry Wickham (Substitute) and Cllr Graham Payne

Also Present:

Cllr David Jenkins

86 **Apologies**

Apologies for absence were received from:

- Cllr Dennis Drewett – substituted by Cllr Russell Hawker
- Cllr John knight – Substituted by Cllr Jerry Wickham
- Cllr Pip Ridout – Substituted by Cllr Fleur De Rhe-Philippe
- Cllr Roy While

87 **Minutes of the Previous Meeting**

The minutes of the meeting held on 28 September 2016 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 28 September 2016.

88 **Chairman's Announcements**

There were no Chairman's Announcements.

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

89 **Declarations of Interest**

In respect of Application 16/05078/FUL, Councillor Ernie Clark stated he drew attention to his register of interest.

90 **Public Participation**

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

The Chairman referred to the supplement agenda which included questions received from councillors and member of the public and answers from officers.

Cllr Ernie Clark asked a supplementary question -

“Would the E1A site be most suitable for the relocation of the house hold recycling centre?”

Mr Ernie Clark spoke in objection to application 16/05078/FUL.

91 **Planning Applications**

The Committee considered the following applications:

91a 15/03120/FUL - Rosefield House, Polebarn Road, Trowbridge

Prior to the meeting convening, the elected members undertook an officer-led site visit following the deferment of the application at the meeting on 28 September 2016.

The case officer presented the report which recommended that permission should be granted for a change of use of existing stable block at the rear of Rosefield House to form 2 residential units and the erection of a two-storey side extension to form one additional residential unit.

The key planning issues identified in the officer’s presentation were outlined and comprised: the principle of the proposed development, the means of access, the impacts on neighbours and the impact upon the character of the conservation area.

Members of the Committee then had the opportunity to ask technical questions of the officer, key points included; an email stating the applicant would agree to amend the plans should members of the committee resolve not to support the application. Although it was noted that no formal amended plans had been receive. Consideration and debate also centred on the potential loss of light the development would have upon the neighbouring property. Members were informed that a loss of light calculation had not been undertaken.

Public Participation

Pat Hayes spoke in objection to the application.

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

A debate followed where a motion was then moved to refuse the application. Key points of the debate were; loss of light, amenity and overlooking, the relationship to the adjoining property and the proposed insertion of obscure glazing for a habitable room window in the new development.

The motion for refusal was lost and a new motion was then moved to defer the application and instruct the case officer to obtain revised plans from the applicant removing the side extension and third residential unit. The committee also requested that a 25 degree window light survey be undertaken and reported upon.

Resolved:

To defer the application to obtain revised plans from the applicant and to conduct a 25 degree light survey.

91b 16/05078/FUL - 16 St Thomas Passage, Trowbridge

Cllr Ernie Clark left the room before the application began.

The case officer presented the report which recommended that outline permission be granted for the erection of 6 apartments and associated access works following the demolition of the existing dwelling. The key planning issues identified in the officer's presentation were outlined and comprised: the principle of the proposed development, highway access, the impacts on the Conservation Area and the amenity of neighbouring properties and future occupants.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought regarding the amount of parking space that would be provided and access for emergency vehicles.

Members of the public then had the opportunity to present their views as detailed below

Public Participation

Albert Aird spoke in objection to the application.

Mrs Doreen Williams spoke in objection to the application.

James Pike, applicant, spoke in support of the application.

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

An issue of land dispute, raised as part of Mrs Williams oral representation was discussed by members; and Mr Felton, the Council's Solicitor, advised the Committee that the issue was a civil matter and not a matter for the consideration of the Committee.

Cllr Graham Payne read out a statement for the local member Cllr Nick Blakemore with the key points focusing on: the access to the development, congestion, illegal parking, lack of provision for visitor parking, narrow entrance in close proximity to the access of neighbouring properties, lack of a suitable access for emergency vehicles, inadequate access for construction vehicles, lack of visibility when exiting the property, danger to pedestrians, with the only entrance and exit onto a main road, overdevelopment of the site and the development being built too close to neighbouring properties.

A motion was moved and seconded to approve the officer's recommendation. Main points of the debate included; that there had been no objection from highway authority or the emergency services about access. A proposed condition was discussed about the need for a construction management plan and to restrict any construction fires on the site.

Resolved

To Grant planning permission 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 utilised in the development hereby permitted shall accord with those annotated on the approved drawing AL(1)02 REV D registered on 20 June 2106.

REASON; In the interest of the appearance of the Conservation Area.

3. No part of the development shall be first occupied until the improvements to the junction of the access with Timbrell Street, shown on the approved plan A095925 - GA01 A, have been completed.

REASON: In the interests of highway safety.

4. The parking spaces as shown on the approved plans shall be provided and the access arrangements created prior to the first dwelling being occupied.

REASON: In the interests of road safety.

5. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later]

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

6. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing

by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following;

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification, should this be necessary.
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992Light for buildings Part 2 -code of practice for day lighting.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.
- Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not

be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

7. Prior to the commencement of development, a noise survey for the proposed dwellings shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person and identify appropriate noise mitigation measures. Such detail and appropriate consequential noise mitigation measures as shall have been agreed in writing by the Local Planning Authority shall be implemented prior to the first occupation of any dwelling unit and shall be maintained as agreed thereafter.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise.

8. No development shall commence on site (including any works of demolition), until a Construction Method statement, which shall include the following:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding;
- Measures to control the emission of dust and dirt during construction, with a specific exclusion of any fires on site;
- A scheme for recycling / disposing of waste resulting from demolition and construction works;
- Hours of construction, including deliveries,
- Routing of construction traffic.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detrimental to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

9. The development hereby permitted shall be carried out in accordance with the following approved plans:

AL(1) 01 REV E registered on 16 June 2016; AL(1) 02 REV D registered on 16 June 2016; AL(1) (03) REV B registered on 16 June 2016; and A095925-GA01REV A registered on 16 June 2016.

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

INFORMATIVES TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect.

Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website

92 Planning Appeals and Updates

The Planning Appeals Update Report for 16/9/2016 – 30/9/2016 was received.

The chairman requested that the issued appeal decision for the Shurnhold site (land off the A365) in Melksham (14/11919/OUT) be reported to the next Strategic Planning Committee.

Resolved:

To note the Planning Appeals Update Report.

93 Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.30 pm)

The Officer who has produced these minutes is Jessica Croman, of Democratic Services, direct line 01225 718262, e-mail <mailto:jessica.croman@wiltshire.gov.uk>

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