

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 APRIL 2013 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr David Jenkins and Cllr Julie Swabey

22 Apologies for Absence

An apology for absence was received from Councillor Mark Griffiths.

Councillor Pip Ridout gave apologies she would arrive late for the meeting.

23 Minutes of the Previous Meeting

The minutes of the meeting held on **13 February 2013** were presented. It was,

Resolved:

To APPROVE as a correct record and sign the minutes.

24 Chairman's Announcements

The Chairman thanked the Committee for their efforts and assistance during the last four years, and praised the work of the Planning, Legal, and Democratic Services officers who had facilitated the work of the Committee.

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

25 Declarations of Interest

Councillors Rod Eaton, Roy While and Ernie Clark declared a non-pecuniary interest in application W/12/02344/FUL - Rear of 4 Sandridge Road, Melksham - by virtue of being board directors of Selwood Housing.

26 **Public Participation and Councillors' Questions**

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

The Committee noted the rules on public participation.

27 **Planning Appeals Update Report**

The Annual Planning Appeals Update Report for 2012 was presented. In a correction to the report it was stated that there had been one cost application against the Council, although it had been unsuccessful and no costs were awarded. An additional correction was the replacement of 'Hunterhull Road' with 'Hunterhull Lane' as listed in the report.

It was further clarified the list of decisions in the report included all those decisions the Committee had refused, not merely those that had been or were expected to be appealed.

In response to a query regarding appeals against delegated decisions on housing extensions, it was clarified that new procedures had been implemented, and as a result there had been no appeals on such extensions from delegated decisions, since the first half of 2012.

It was,

Resolved:

To note the Planning Appeals Update Report for 2012.

28 **Planning Applications**

The Committee considered the following applications:

29 **W/13/00074/FUL: Land Rear of Fire Station, Meadow Lane, Westbury**

Public Participation

Mr Jeff Martin, agent, spoke in support of the application.

The Area Development Manager introduced a report which recommended approval. The key issues were stated to include the principle of the development at the sites, access and parking provision and design.

The Committee then had the opportunity to ask technical questions of the officer.

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

The Local Member, Councillor David Jenkins, then spoke in objection to the application.

A debate followed, where it was established that there was no legal requirement to provide affordable housing on such a small development, and the current unkempt state of the site and its attendant worth raised. The hours of development work in the event of approval was discussed, along with the impact on the character of the area and issues of highways congestion.

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.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

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 of the means of enclosure of boundaries have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the boundary enclosure for it has been provided 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 and C32

- 4 No dwelling shall be first occupied until the off-street parking spaces shown on the approved plans for the dwelling have been provided. In addition, the dwelling on plot 1 shall not be first occupied until the 8 off-street parking spaces in front of the property have been provided in accordance with the approved plans. The parking spaces for the development shall be consolidated and surfaced (not loose stone or gravel) and shall be retained as parking spaces thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1; C38

- 5 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

- 6 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans:

3217-PL-001 received on 16 January 2013;
3217-PL-002 REV A received on 14 March 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

- 7 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect the amenity of occupiers of adjacent and nearby residential properties.

Informative(s):

- 1 The applicant is advised to contact Wessex Water with regard to matters of connections to water infrastructure.

30 **W/12/02235/FUL: 19 St Mary's Lane, Dilton Marsh, BA13 4BL**

Public Participation

Mr N Paine spoke in objection to the application.

Mrs Paula Carr spoke in objection to the application.

Mr Ken Reis spoke in objection to the application.

Mr Alan Verity, applicant, spoke in support of the application.

The Area Development Manager introduced the report which recommended approval. The key issues were stated to include the principle of development, impact on the character and appearance of the area, and flooding and drainage. It was noted that a Wiltshire Council Drainage Engineer was satisfied with the application should appropriate conditions be imposed as detailed in the report.

The Committee then had the opportunity to ask technical questions of the officer.

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

The Local Member, Councillor Julie Swabey, then spoke in objection to the application.

A debate followed, where the potential for and impact of flooding in the area that could be worsened by the application was discussed, and the opinion of the Drainage Engineer noted. It was raised that the application was within the limits of development, but the suitability and effectiveness of any scheme to mitigate flooding concerns was debated.

At the conclusion of debate, it was,

Resolved:

That the application be DEFERRED to a future Committee meeting pending the completion of a full drainage report and the attendance of a Council Drainage Engineer.

31 **W/12/02344/FUL: Land Rear of 4 Sandridge Road, Melksham**

Public Participation

Mr Anthony Brinkworth spoke in objection to the application.

Mrs Vera Parker spoke in objection to the application.

Prior to the introduction of the report, several members of the Committee requested advice on whether being Board Directors on Selwood Housing Association constituted a disclosable pecuniary interest and whether they should therefore not involve themselves in the debate or vote on the item as a result of Selwood involvement. The Legal Officer stated the connection probably did not constitute a disclosable pecuniary interest, but that councillors with an

interest should consider not involving themselves in the debate if they determined that the public, in viewing that connection, might reasonably perceive the presence of bias in their decision as a result.

The Area Development Manager then introduced the report, which recommended approval. Key issues were stated to include the principle and character of the development, impact on neighbour amenity, and highways issues.

The Committee then had the opportunity to ask technical questions of the officer. In response to queries, it was stated that the Council could not impose a condition requiring additional parking to be provided on land not within the application site, although informatives suggesting specific details would be appropriate was within the authority of the Committee.

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

The Local Member, Councillor Stephen Petty, then spoke in opposition to the application.

A debate followed, where the loss of public amenity was raised, along with the level of housing density in the area should the application be approved and whether it would constitute overdevelopment. Details of the access arrangements were also sought, in addition to a suggestion that in the event of an approval, that the case officer write to Selwood Housing to communicate the concerns of the Committee regarding the provision of replacement parking.

At the conclusion of debate, it was,

Resolved:

- 1) **To request that a letter be sent by the Case Officer to Selwood Housing to request Selwood Housing investigate the possibility of providing replacement parking on the adjacent land under their control;**
- 2) **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. In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development which shall make a modest windfall residential contribution towards meeting a growing and diverse housing need within the Town and wider Wiltshire. In reaching its decision to grant permission, the Council took into account the relevant impacts upon neighbours, highway safety and other material considerations.

Subject to the following condition(s):

- 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 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.

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

- 4 No development shall commence until a plan indicating the on-site provision of 2 car parking spaces and a turning area has been submitted to and approved by the local planning authority. The parking and turning space shall be provided before the dwelling is first occupied and shall thereafter be retained and remain available for such uses for the lifetime of the development.**

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: T10 and in accordance with Wiltshire Council's Car Parking Strategy.

- 5 The development hereby permitted shall not be occupied until the access to the site formed off Hampshire Place 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 and to prevent the displacement of loose material along Hampshire Place.

- 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/driveway), 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 and to prevent surface water spillage onto the adjacent land and road.

- 7 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 that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the western gable of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

- 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-E and G shall take place on the dwellinghouse hereby permitted or within its curtilage (other than the erection of a shed with a size of 10 cubic metres or smaller).

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.

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

- 9 No development shall commence on site until details of the height, design, external appearance and decorative finish of the means of enclosing the new property boundary have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

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

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

LOCATION PLAN - received on 18.02.2013

BLOCK PLAN – received on 18.02.2013

SITE PLAN – received on 18.02.2013

ELEVATION AND FLOOR PLAN - Drawing No. 2 of 2 received on 21.12.2012

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.

Informative(s):

- 1** The applicant should contact Wessex Water's Developer Service to agree points of connection to the public water and sewer networks. Wessex Water's new connections team can be contacted on the following telephone numbers: 01225 526222 for water supply and 01225 526333 for waste water disposal.
- 2** In view of the site's potential reptile and amphibian habitat, care should be taken when clearing the ground prior to development commencing, and if evidence of specially protected species is found, work should stop immediately and contact should be made with the Council's Ecology team led by Jon Taylor on 01225 718 276 or Natural England.

Grass snakes, smooth newts and various other species of reptile and amphibian are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and are also deemed European Protected Species. If evidence of great crested newts is found during works, work should stop immediately and Natural England must be contacted on 0300 060 2065 for advice on the best way to proceed. Where they are present a license might be necessary to carry out the works.

It should be ensured that work (including site clearance work) does not disturb nesting birds. Birds can nest in many places including buildings, hedgerows, trees, and open grassland. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so any work to the site should take place outside these dates if at all possible.

- 3** The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact Wiltshire Council's Ecology team on 01225 713303 or via email louisa.kilgallen@wiltshire.gov.uk

Councillor Ernie Clark requested that his abstention from the debate and vote be recorded.

Public Participation

Mrs S Bull spoke in objection to the application.

Mr T Bull spoke in objection to the application.

Mr R Robins, agent, spoke in support of the application.

The Area Development Manager introduced the report which recommended approval. Key issues were stated to include the visual impact and the impact on the amenity of neighbours.

The Committee then had the opportunity to ask technical questions of the officer.

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

The Local Member, Councillor Trevor Carbin, then spoke in objection to the application.

A debate followed, where the extent of overlooking from the proposed balcony was discussed, along with the scale of the balcony and its impact, and how to mitigate concerns without substantially altering development.

At the conclusion of debate, it was,

Resolved:

That planning permission be GRANTED for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the West Wiltshire District Plan 1st Alteration (2004), namely C31a and C38.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic conditions of the area.

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 The balcony shall not be brought into use until an opaque side panel 1.8 metres in height has been erected on the north side of the balcony and this shall thereafter be retained.**

REASON:

To protect the privacy of the adjacent property.

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

Location plan received on 11/2/2013

Plan 865-SO1 received on 11/2/2013

Plan 865-PO2 received on 13/3/2013

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

33 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.45 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

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