

## WESTERN AREA PLANNING

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 16<sup>TH</sup> SEPTEMBER 2009 AT 6.00PM AT BRADLEY ROAD, TROWBRIDGE

#### Present:

Cllr. Ernie Clark, Cllr. Rod Eaton, Cllr. Peter Fuller (Chairman),  
Cllr. Malcolm Hewson, Cllr. John Knight, Cllr. Christopher Newbury,  
Cllr. Graham Payne, Cllr. Stephen Petty, Cllr. Pip Ridout, Cllr. Roy While.

#### Apologies:

Cllr. Jonathan Seed

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#### 40. MINUTES

The minutes of the meeting held on 26<sup>th</sup> August 2009 were confirmed as a correct record and signed by the Chairman.

#### 41. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the committee that, following the recent review of allocation of seats on committees to political parties, Cllr. Graham Payne had been appointed to fill the vacancy on the committee.

The Chairman drew the meeting's attention to a change in the Planning Officer's recommendation, on the request of the applicant's agent, to one of deferral in respect of application number W/09/01580/FUL.

#### 42. DECLARATIONS OF INTEREST

Cllr. Peter Fuller declared a personal interest in application number W/09/01397/REM as he had considered the item previously as a member of the Town Development Committee, Trowbridge Town Council. Cllr Fuller gave his assurance that he would consider the item with an open mind.

Cllr. Pip Ridout declared her predetermination of application number W/09/01581/REM. Cllr. Ridout requested that she was allowed to speak

on the item as a member of the public and indicated that, after speaking, she would withdraw from the meeting during consideration of the item.

Cllr. Ernie Clark declared a personal interest in all applications to be considered under agenda item number six, as he is a member of the Board of Selwood Housing Society. Cllr. Clark gave his assurance that he would consider all six applications with an open mind.

Cllr. Rod Eaton declared a personal interest in application number W/09/01580/FUL, as he was a member of Melksham Town Council at the time when the objection to the application was voted for.

Cllr. Stephen Petty declared a personal interest in application number W/09/00150 as a member of Melksham Without Parish Council.

#### **43. PUBLIC SPEAKING**

Mr. Chris Trowell, Wiltshire Council PFI project manager presented his report, published with the agenda for the meeting, outlining the objectives of the PFI scheme and responded to questions from members of the committee.

Mr. Stuart Davies, Managing Director of Sarsen Housing Society, spoke in support of the applications on the agenda (the amount of time allotted for subsequent contributions from Ms. Gill Offord, Sarsen PFI Project Manager, relating to each specific application, was reduced accordingly to ensure an equal total amount of time for all interested parties wishing to speak.)

Cllr. Tom James MBE spoke in support of the applications on the agenda.

#### **44. W/09/01371/FUL - Proposed re-plan of 23 residential dwellings as previously approved with 28 residential dwellings, creating an additional 5 dwellings - Area R11, Westbury Leigh, Westbury, Wiltshire**

The committee received details of amendments to the recommendation in the Planning Officer's report, including an additional head of term for the proposed s.106 agreement and amendments to the recommended reasons for approval.

Public participation:

1. Ms. Gill Offord, PFI Project Manager for Sarsen Housing Association, spoke in support of the application.

**Resolved:**

**That the Area Development Manager be authorised to grant permission on completion of a legal agreement to secure the following:**

- a) The provision that the development hereby approved shall only be implemented as part of the West Wiltshire Housing PFI scheme**
- b) No requirement be made for up to 30% additional affordable housing provision in respect of the increase of additional 5 houses associated with this development over that which was previously approved for this part of the site.**

**For the following reason(s):**

**The Proposed development would represent an acceptable form, layout, design and scale of development which would not adversely affect the character of the area in which it is located. It would accord with policies C31a, H13 and H24 of the West Wiltshire District Plan - 1<sup>st</sup> Alteration.**

**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 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.

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

- 4 The screen walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32 and C38

- 5 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a West Wiltshire District Plan 1st Alteration 2004 Policy T10

- 6 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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

- 7 The development hereby permitted shall not be commenced until such time as a scheme to incorporate flood-proofing measures into the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

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

- 8 Any gates shall be hung to open inwards only.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy T10

- 9 No part of the development hereby permitted shall be first occupied until the accesses, turning areas and parking spaces have been completed in a properly consolidated material and 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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy T10

- 10 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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy T10

- 11 No development shall commence on site until a working method statement to avoid the pollution of watercourses adjoining and close to the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out strictly in accordance with the approved method statement.

REASON: To prevent the pollution of nearby aquatic habitats

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C9

- 12 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the accesses/driveways), 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.

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

- 13 No development shall commence on site until the cedar tree adjoining the site on its eastern boundary which is protected by a Tree Preservation Order has been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy 32

**Informative(s):**

- 1 Please note the Environment Agency requests that the surface water drainage scheme for the proposed development must meet the following criteria:

1. Any outflow from the site must be limited to the maximum allowable rate i.e. no increase in the rate and/or volume of run-off and preferably a reduction.
2. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and “collection” areas on site (e.g. car parks, landscaping) must be shown on a drawing.
4. Adoption and maintenance of the drainage system must be addressed and stated. Details of the proposed methods to meet these criteria should be submitted in due course for the Environment Agency to recommend the relevant planning condition be discharged.

Furthermore, no Flood Risk Assessment was submitted to support the Outline application. The site is bounded by Flood Zone 3 (along the non-main watercourse). Given this flood risk and the fact that this does not appear to have been considered in the design we would recommend following condition 8.

**45. W/09/01579/FUL - Proposed erection of 28 residential dwellings and their associated road, sewers and parking - Area R1D, Westbury Leigh, Westbury, Wiltshire**

The committee received details of amendments to the recommendation in the Planning Officer's report, including amendments to the heads of terms of the proposed s.106 agreement and recommended reasons for approval, as well as additional conditions.

Public participation:

1. Mr. George Murray spoke in objection to the application.
2. Ms. Lisa Grearson spoke in objection to the application.
3. Mr. Brian Osborn spoke in objection to the application
4. Ms. Gill Offord, PFI Project Manager for Sarsen Housing Association, spoke in support of the application.

A motion to refuse planning permission was tabled and subsequently defeated and it was

**Resolved:**

**That determination of the application is DEFERRED**

**For the following reason(s):**

**To enter into negotiations with the applicant to secure an amended scheme for 25 dwellings.**

**46. W/09/01581/REM - Proposed erection of 38 residential dwellings and their associated roads, sewers and parking - Land North Of Victoria Road, Warminster, Wiltshire**

The committee received details of an amendment to the recommendation in the Planning Officer's report, to include an additional head of term in the proposed s.106 agreement.

Public participation:

1. Mr. David Ferguson MacIntosh spoke in objection to the application.
2. Mr. Richard Haes spoke in objection to the application on behalf of Warminster Civic Trust.
3. Mr. Charles Lane spoke in objection to the application.
4. Ms. Gill Offord, PFI Project Manager for Sarsen Housing Association, spoke in support of the application.
5. Cllr. Pip Ridout, the Division Member, spoke in objection to the application.

Having previously her predetermination of the application, Cllr. Ridout, after speaking, withdrew from the meeting for the remainder of the item.

**Resolved:**

**That determination of the application is DEFERRED**

**For the following reason(s):**

1. **To obtain outstanding comments from Wiltshire Council Highways Department in response to the revised plans submitted by the applicant.**



2. **To obtain confirmation of the correct figure for the number of dwellings permitted on the application site by the previously approved reserved matters application.**

**47. W/09/01580/FUL - Proposed erection of 63 residential dwellings and their associated roads, sewers and parking - Manor Primary School, Queensway, Melksham, Wiltshire, SN12 7LQ**

The committee received details of comments from the Environment Agency, requesting that the applicant either seek a review of the flood zones or submit a sequential test as required by PPG25, in light of which the applicant's agent requested that determination of the application was deferred. The committee was advised that the Planning Officer's recommendation was therefore amended to one of deferral, in order to allow the applicant to address this objection.

Public participation: There were no speakers.

**Resolved:**

**That determination of the application is DEFERRED**

**For the following reason(s):**

**To give the applicant the opportunity to address this objection from the Environment Agency.**

**48. W/09/01397/REM - Proposed re-plan of 35 residential dwellings as previously approved under planning approval ref. 07/01903/REM with 62 residential dwellings, creating an additional 27 dwellings - Land Between New Terrace And Marina Drive, Staverton, Wiltshire**

The committee received details of additional comments from the Environment Agency, drawing attention to conditions and informatives recommended for the outline planning permission relating to this development in respect of surface water drainage and water efficiency.

The committee received details of two additional letters of objection from nearby residents.

The committee received details of an amendment to the Planning Officer's Recommendation, to include an additional head of term in the proposed s.106 agreement.

Public participation:

1. Mr. Stephen Ayliffe spoke in objection to the application.
2. Ms. Gill Offord, PFI Project Manager for Sarsen Housing Association, spoke in support of the application.
3. Cllr. Simon Richardson spoke in objection to the application on behalf of Staverton Parish Council.
4. Cllr. Trevor Carbin, the Division Member, spoke in objection to the application.

**Resolved:**

**That planning permission is REFUSED**

**For the following reason(s):**

**By reason of its design, appearance, layout (which in particular would cause overlooking and lack of privacy) and density this application is considered to be a cramped form of development out of keeping with surrounding properties and adjoining proposed development. The proposed development, therefore, is unacceptable and would adversely affect the character of the surrounding area and would be contrary to policies C31A, H1, H7A and H24 of the West Wiltshire District Plan, 1<sup>st</sup> Alteration 2004. It is also contrary to PPS3 as it does not deliver an appropriate mix of housing.**

Cllr. Ernie Clark requested that it was recorded in the minutes that the number of votes cast in favour of the motion was eight.

**49. W/09/00150/FUL - Proposed erection of 27 residential dwellings and their associated roads, sewers and parking - Land North Of Junction With Dakota Close And Hornchurch Road, Bowerhill, Wiltshire**

The committee received details of additional comments from Melksham Without Parish Council in objection to the application.

The committee received details of additional comments from the Deputy Chairman of the Bowerhill Community Action Group, in objection to the application.

The committee received details of amendments to the Planning Officer's recommendation, to include an additional head of term in the proposed s.106 agreement and an amendment to the reasons for approval.

Mr. Paul Taylor, the council's solicitor, advised the committee on the interpretation of the existing s.106 agreement.

Public participation:

1. Mr. Paul Stokes spoke in objection to the application.
2. Ms. Gill Offord, PFI Project Manager for Sarsen Housing Association, spoke in support of the application.
3. Cllr. Mike Mills, Chairman of Melksham Without Parish Council spoke in objection to the application.
4. Mr. Nick Cooper spoke in objection to the application.

**Resolved:**

**That planning permission is REFUSED**

**For the following reason(s):**

**By reason of its design, appearance, layout (which in particular would cause overlooking and lack of privacy) and density this application is considered to be a cramped form of development out of keeping with surrounding properties and adjoining proposed development. The proposed development, therefore, is unacceptable and would adversely affect the character of the surrounding area and would be contrary to policies C31A, H1, H7A and H24 of the West Wiltshire District Plan, 1<sup>st</sup> Alteration 2004. It is also contrary to PPS3 as it does not deliver an appropriate mix of housing.**

**Development of the site for housing would be contrary to policy CF7 of the West Wiltshire District Plan, 1<sup>st</sup> Alteration 2004, which allocates the land for community facilities.**

**50. PLANNING APPEALS UPDATE**

The members of the committee noted the appeal decisions and appeals pending, outlined within the "Planning Appeals Update Report – (7 August 2009 to 28 August 2009)".

## **MEMBER ATTENDANCE**

Cllr. Malcolm Hewson joined the meeting during the initial public speaking.

Cllr. Graham Payne joined the meeting during the Planning Officer's report on application number W/09/01371/FUL.

Cllr. Christopher Newbury left the meeting during the Planning Officer's report on application number W/09/01579/FUL and returned during the public speaking on the same.

Cllr. Malcolm Hewson left and re-joined the meeting during the Planning Officer's report on application number W/09/01580/FUL.

Cllr. Graham Payne left and re-joined the meeting during the Planning Officer's report on application number W/09/01580/FUL.

Cllr. Pip Ridout left the meeting after speaking on application number W/09/01580/FUL and returned on commencement of the Planning Officer's report on application number W/09/01397/REM.

Cllr. Stephen Petty left the meeting on commencement of application number W/09/00150/FUL and did not return.

Cllr. Rod Eaton left and re-joined the meeting during the Planning Officer's report on application number W/09/00150/FUL

## **PART 2**

**Items considered whilst the public were not entitled to be present**

**None.**

16<sup>th</sup> September 2009

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