

## WESTERN AREA PLANNING

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 28<sup>TH</sup> OCTOBER 2009 AT 6.00PM AT BRADLEY ROAD, TROWBRIDGE

#### **Present:**

Cllr. Ernie Clark, Cllr. Rod Eaton, Cllr. Peter Fuller (Chairman), Cllr. Mark Griffiths, Cllr. John Knight, Cllr. Christopher Newbury, Cllr. Stephen Petty, Cllr. Jonathan Seed, Cllr. Roy While.

#### **Apologies:**

Cllr. Malcolm Hewson, Cllr. Graham Payne.

#### **Substitutes:**

Cllr. Rosemary Brown.

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#### **64. MINUTES**

The minutes of the meeting held on 7<sup>th</sup> October 2009 were confirmed as a correct record and signed by the Chairman.

#### **65. CHAIRMAN'S ANNOUNCEMENTS**

There were none.

#### **66. DECLARATIONS OF INTEREST**

W/09/01581/REM, W/09/01579/FUL, W/09/01580/FUL – Councillor Clark declared a personal interest in these items as a board member of Selwood Housing Society. Councillor Clark gave his assurance that he would consider the applications on their own merits and with an open mind. As fellow board members of Selwood Housing Association Councillors While and Eaton also declared a personal interest in these items, but also gave assurances that they would consider the applications on their own merits and with an open mind.

W/09/01964/FUL – Councillor Petty declared a personal interest in this item as a member of Melksham Without Parish Council, who objected to the application. Councillor Petty gave his assurance that he would consider the application with an open mind.

**67. W/09/01581/REM - Proposed erection of 32 residential dwellings and their associated roads, sewers and parking – Land North of Victoria Road, Warminster, Wiltshire.**

Public participation:

1. The following amendments to the report were received:
  - i) The table on page 2 of the report does not include an additional 8 visitor spaces, increasing the number of parking spaces on the site to 69, at a ratio of 2.2 per dwelling.
  - ii) Planning Application W/09/03010/REM – this application was validated on 19<sup>th</sup> October 2009 and proposes a revised scheme for 49 dwellings on another part of the Victoria Road site and includes the 6 replacement nil subsidy affordable housing units referred to in paragraph 7.5 of the main report.
2. The following late items were reported:
  - i) Warminster Town Council - support the amended proposals.
  - ii) Highways Department – amended plans wholly acceptable.
  - iii) Warminster Civic Trust – objections withdrawn.
  - iv) Police Architectural Liaison Officer – no objections to the amended plans.
3. Mr Stuart Davies, Sarsen Housing Association, spoke in support of the application.
4. Mr Stephen Bawtree, Pegasus Planning Group (Agent), spoke in support of the application.

**Resolved:**

**The Area Development Manager be authorised to approve on completion of a legal agreement to secure:**

1. The provision that the development hereby approved shall only be implemented as part of the west Wiltshire Housing PFI scheme.
2. The replacement of nil subsidy affordable housing units from this site to the remainder of the Victoria Road site already subject to a reserved matters approval.

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

The proposed development would represent an acceptable form of layout, design and scale of dwellings which would not adversely affect the

character of the approved residential area. It would accord with policies C31a, H12 and H24 in the West Wiltshire District Plan – 1st Alteration 2004.

**Subject to the following condition(s):**

1. 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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C31A.

**68. W/09/01579/FUL – Proposed erection of 25 residential dwellings and their associated road, sewers and parking – Area R1D Westbury Leigh, Westbury, Wiltshire.**

Public participation:

1. The following amendment to the report was received:
  - i) The number given for car parking spaces in the amended scheme in the table on page 16 of the main report should be 44, not 42 as printed.
2. Further comments were reported as late items:
  - i) Westbury Town Council – Support subject to the recommendations for habitat enhancements, shown on page 22 of the Habitat Survey are included in a new Section 106 agreement and the copse adopted and maintained by Wiltshire Council.
  - ii) Nearby resident – one further objection.
  - iii) Highways – No objections subject to S106 agreement to secure sustainable transport and subject to conditions.
  - iv) Education Department – No material effect.
  - v) Tree and Landscape Officer – Proposals are acceptable subject to conditions.
  - vi) Police Architectural Liaison Officer – No objections to the amended plans.
3. Tracie Kett spoke in objection to the application.
4. Chris Herbert spoke in objection to the application.
5. Rory McLucky spoke in objection to the application.
6. Stuart Davies – Sarsen Housing Association spoke in support of the application.

7. Stephen Bawtree, Pegasus Planning Group (Agent) spoke in support of the application.
8. Councillor Windess, Westbury Town Council, spoke in support of the application.

**Resolved:**

**The Area Development Manager be authorised to grant planning permission on completion of a Section 106 Agreement to secure the following:**

- a) Provision of a 100% Affordable Housing Scheme on the site on a grant basis.
- b) The provision of public open space on adjoining land and including the submission, approval and implementation of schemes for landscaping, pathways, boundary treatment and habitat management of these areas together with a financial contribution of £8,904.48p towards the maintenance of this area.
- c) The implementation of tree protection works during construction works on site.
- d) To pay a financial contribution of £17,382.77p towards equipped play provision in the locality of the Development prior to the residential occupation of the 20th residential unit in accordance with the Council's supplementary planning guidance.
- e) A financial contribution of £62,323 towards primary education and £63,392 towards secondary education.
- f) A financial contribution of £20,221 towards sustainable transport provision of which £14,444 is for bus service enhancements and £5,777 is for cycle facilities at Matravers School.

**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 – 1st 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.

POLICY: West Wilts 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.

POLICY: West Wilts District Plan 1st Alteration 2004 - Policy C32

4. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective

fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) 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: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY: West Wilts District Plan 1st Alteration 2004 - Policy C32

5. An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. 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 BS5837:2005 and a plan indicating the alignment of the protective fencing;
- \* A specification for scaffolding and ground protection within three protection zones in accordance with BS5837:2005
- \* A schedule of tree works conforming to BS3998
- \* 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
- \* 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

\* Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-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

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

6. All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

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

7. Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the 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. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-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.

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

8. 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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C31A

9. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

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

10. 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.

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

11. No part of the development hereby permitted shall 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.

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

12. 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.

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

13. The driveways shall be consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

14. The proposed hedges fronting the accesses shall at all times be maintained at a height not exceeding 600mm.

REASON: In the interests of highway safety.

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

15. 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 any elevation of any dwelling hereby permitted.

REASON: In the interests of residential amenity and privacy.

Policy: West Wiltshire District Plan First Alteration 2004 - Policy C38

16. Before the development hereby permitted is first occupied all windows serving bathrooms and/or toilets shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

Policy: West Wiltshire District Plan First Alteration 2004 - Policy C38

- 69. W/09/01580/FUL – Proposed erection of 51 residential dwellings and their associated roads, sewers and parking – Manor Primary School, Queensway, Melksham, Wiltshire, SN12 7LQ.**

Public participation:

1. The following amendment to the report was received:
  - i) The number of car parking spaces on the amended scheme in the table on page 37 of the main report does not include an additional 12 visitor parking spaces which increases the number of parking spaces on site to 92, at a ratio of 1.8 per dwelling.
2. The following comments were reported as late items:
  - i) Tree and Landscape Officer – Proposals are satisfactory subject to conditions.
  - ii) Corporate Estates Manager / Leisure Manager – a sum of £35,000 will be adequate as a contribution towards a replacement sports pitch.
  - iii) Police Architectural Liaison Officer – No objections to the amended plans.
3. Miss Barrett spoke in support of the application.
4. Stuart Davies, Sarsen Housing Association spoke in support of the application.
5. Stephern Bawtree, Pegasus Planning Group (Agent) spoke in support of the application.
6. Unitary Member Councillor Stephen Petty spoke in support of the application.

**Resolved:**

**The Area Development Manager be authorised to grant planning permission on completion of a legal agreement legally binding obligation to secure the:**

- a) The provision of a 100% affordable housing on a grant basis.
- b) A financial contribution of £50,000 towards a detailed management plan for Clackers Brook and the implementation of works identified in that plan.
- c) A financial contribution of £35,000 for the provision of a replacement playing field on land adjoining Melksham Oak School, Melksham or in such other location as may be agreed between the parties and at least equivalent in terms of size, usefulness, attractiveness and quality as the existing playing field.
- d) A financial contribution of £52,754 of which £22,936 is to secure improvements to the Town Cycle Network and bus and cycle shelter and £29,818 is for bus passes for residents of the development for one year.

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

The proposed development would represent an acceptable form of layout, design and scale of dwellings which would not adversely affect the character of the approved residential area. It would accord with policies C31a, and H24 in the West Wiltshire District Plan – 1st Alteration 2004

**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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy C31A

3. An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. 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 BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005;
- A schedule of tree works conforming to BS3998;
- 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;

- 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 supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: 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.

POLICY: West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 – POLICY: C31a and C32.

4. All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

POLICY: West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 – POLICY C31a and C32.

5. 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A

6. No part of the development hereby permitted shall 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.

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

7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- a) Limiting the surface water run-off generated by the 1 in 100 year event, plus climate change, critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- b) Provision of compensatory flood storage on/or in the vicinity of the site to a 1:100 year standard.
- c) Finished floor levels are set no lower than 37.18 metres above Ordnance Datum (AOD).

REASON:

- a) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- b) To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
- c) To reduce the impact of flooding on the proposed development and future occupants.

POLICY: West Wiltshire District Plan 1st Alteration 2004- Policy U3

8. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

- a) Site Security
- b) Fuel oil storage, bunding, delivery and use
- c) How both minor and major spillage will be dealt with
- d) Containment of silt/soil contaminated run off
- e) disposal of contaminated drainage, including water pumped from excavations
- f) Site induction for workforce highlighting pollution prevention and awareness

REASON: To prevent pollution of the water environment.  
Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy U4

9. The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

REASON: To prevent pollution of the water environment.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy U4

10. All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C32

11. All soft landscaping comprised in the approved details of landscaping (dwg no. JBA 08/192-01 Rev F) 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.

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

12. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

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

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

13. The parking areas to be provided and to be shown on the detailed plans shall not be sited otherwise than in the positions to be shown on the approved plans and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

REASON: In the interests of amenity and highway safety.

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

14. The gradient of any proposed driveway shall not be steeper than 1 in 15.

REASON: In the interests of highway safety

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

15. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

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

16. The proposed roads, including footways and footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by 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 in the interests of amenity and highway safety

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

17. Prior to construction work commencing on the site, visibility splays shall be formed and the area between the nearside carriageway edge and the lines shown on the plans shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

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

18. No doors, including garage doors, or window openings at ground floor level shall be permitted to open over the highway.

REASON: In the interests of highway safety.

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

19. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner in the interests of highway safety.

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

20. The development shall be carried out in accordance with the recommendations contained in the submitted Extended Phase 1 Habitat Survey and Reptile Survey.

REASON: In the interests of the protection of reptiles and breeding birds.

POLICY: West Wiltshire District Plan 1st alteration 2004 Policy C7.

21. A Management Plan to ensure that the biodiversity value of the retained habitat is maintained, shall be submitted to and approved by the Local Planning authority prior to the commencement of development.

REASON: In order to protect wildlife habitats

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C1

22. No part of the development shall be commenced until the local planning authority has approved in writing a scheme to secure the provision of affordable housing, the management of Clackers Brook, a replacement playing field and sustainable transport measures.

REASON: In the interests of securing affordable housing, open space and playfield provision and the provision of sustainable transport measures



POLICY: West Wiltshire District Plan 1st Alteration 2004 – Policies H2 and T3, and West Wiltshire Local Development Framework, Leisure and Recreation Development Plan Document, January 2009 – Policy LP2

**Informative(s):**

1. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Clackers Brook, designated a “main river”. Please contact our Development & flood risk team on (01278) 484654 for guidance on how to apply for Flood Defence consent.

2. The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

In addition the applicant should aim to comply with the code for Sustainable Homes and achieve the highest number of stars possible. The applicant is advised to visit [http://www.planningportal.gov.uk/uploads/coded for sust homes.pdf](http://www.planningportal.gov.uk/uploads/coded%20for%20sust%20homes.pdf) for detailed advice on how to comply with the code.

3. The details of the planning benefits referred to in condition 21 have been approved by the local planning authority. A scheme to secure the provision of these approved benefits needs to be submitted and approved by the local planning authority

**70. W/09/01964/FUL – Development land for affordable housing – Land East of Orchard House, Shaw Hill, Shaw, Wiltshire.**

Public participation:

1. The following amendment to the report was received:
  - i) The list of Plans is as follows:
    - Location Plan Received 28/9/2009
    - Block Plan Received 26/10/09
    - 09.06.14 Received 7/7/2009
    - 09.06.15E Received 22/10/09
    - 09.06.16 Received 7/7/2009
    - 09.06.17B Received 28.9.2009
    - 09/P03.01 Received 7/7/2009
2. The following further comments were reported as late items:
  - i) Highway Department – No objection subject to conditions.

- ii) Melksham Without Parish Council – Two further letters of objection dated 20<sup>th</sup> and 22<sup>nd</sup> October 2009.
- iii) One additional letter of objection.
- 3. Graham Moger spoke in objection to the application.
- 4. Brian Hunt spoke in objection to the application.
- 5. Mr Brennan spoke in objection to the application.
- 6. Mrs Shell, Wiltshire Rural Housing Association (Applicant), spoke in support of the application.
- 7. Mr Lippitt (Agent), spoke in support of the application.
- 8. Councillor Mike Mills, Chairman Melksham Without Parish Council, spoke in objection to the application.
- 9. Unitary Member Councillor Mark Griffiths spoke in objection to the application.
- 10. Councillor Peter Davis spoke in objection to the application.

**Resolved:**

**Planning permission is refused for the following reasons:**

- 1. The proposed development is poorly related to the village of Shaw and separated from the limited amenities in Shaw and Whitley by the busy class A road, the A365, and therefore would be contrary to Policy H22 of the West Wiltshire District Plan, First Alteration, 2004.
- 2. The proposed development on a site outside village policy limits and unsuitable to come forward as a rural exception site for affordable housing would be contrary to H17 of the West Wiltshire District Plan, First Alteration, 2004.

**71. W/09/02622/FUL – Mobile home, day room and retention of existing pair of sheds – Land at Capps Lane, Bratton, Wiltshire.**

**Public participation:**

- 1. Mr A Venn spoke in objection to the application.
- 2. Sally Woodbury spoke in support of the application.
- 3. Mr William Sherred spoke in support of the application.
- 4. Councillor Morland spoke to request deferral of the application.
- 5. Apologies were received from the Unitary Member Councillor Swabey. Councillor Seed spoke on behalf of Councillor Swabey in objection to the application.

**Resolved:**

**The application is DEFERRED for a further report to the Western Area Planning Committee, to establish:**

1. The current position with regards to gypsy and traveller sites in the LDF including the number of pitches needed in the western part of Wiltshire and the number that have been provided;
2. More details about the applicants 'lifestyle', 'nomadic / travelling way of life' and his 'horse trading business';
3. An explanation of where the existing unauthorised sheds fit into the applicant's proposals for the site and this applicant's proposals for the site and this application; and
4. The current status of the enforcement action on the site, -
  - What action is currently being taken;
  - What is being done to remove unauthorised structures etc; and
  - Against whom is this action being taken.

## **70. PLANNING APPEALS UPDATE**

Members of the committee noted the appeal decisions and appeals pending, outlined within the "Planning Appeals Update Report – 18 September 2009 to 9 October 2009".

### **PART 2**

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

**None.**

Chairman  
18<sup>th</sup> November 2009

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