

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 JANUARY 2013 IN THE THE COTSWOLD 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 Linda Conley and Cllr Fleur de Rhé-Philippe

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#### 1 **Apologies for Absence**

Apologies for absence were received from Councillor Mark Griffiths

#### 2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 December 2012 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 5 December 2012.**

#### 3 **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.

#### 4 **Declarations of Interest**

There were no declarations of interest.

## 5 **Public Participation and Councillors' Questions**

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

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

## 6 **Planning Applications**

The Committee considered the following applications:

### 7 **W/12/01636/FUL - Heronsview, 91B Winsley Hill, Limpley Stoke, Wiltshire, BA2 7JN**

#### Public Participation

- Dr Tom Rocke, Planning Consultant, spoke in objection to the application
- Captain Keith Chadwick spoke in objection to the application
- Gerard Ellis, Architect, spoke in support of the application
- Tom Skales, Ground Engineer, spoke in support of the application
- Iain Clamp, the applicant, spoke in support of the application
- Ed Gilby, representing Winsley Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval, subject to conditions. He explained that the planning application was for the demolition of an existing dwelling and garage, erection of a replacement dwelling and garage with associated works.

Members of the Committee were informed that that the proposal would not have an adverse impact on the character or appearance of the area and was in accordance with the planning policies for the area. Also, compared to the existing approved planning permission from 2010, the development was much more architecturally appealing and of higher quality.

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

The Local Member, Cllr Linda Conley, then spoke to the application. In particular she raised issues relating to, scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design, bulk height and general appearance. It was noted that the alleged encroachment beyond the curtilage defined limits no longer applied.

The Committee then considered the application and debating a number of issues. It was felt that the application was an improvement on the approved 2010 permission and that it enhanced the area. Members were advised that in

the circumstances it was more acceptable to relocate spoil within the site and make minor changes to the natural contours of the landscape, than move the spoil of site.

**Resolved:**

**That Planning Permission be granted for the following reason(s):**

**The scale, massing, design and visual bulk of the replacement dwelling is considered acceptable; and, by virtue of the site's heavily wooded backdrop and densely treed boundaries, the proposed development would not significantly affect the openness of the Green Belt and nor would it cause detriment to the AONB or materially affect the amenities of neighbours. Because of the comparatively small increase in footprint compared to the existing dwelling, and the fact that the height is similar to the existing dwelling, the Council does not consider on balance that the replacement building is materially larger than the existing, but even if it was, it considers that very special circumstances exist, in that any potential harm to the green belt is outweighed by the design of the proposed dwelling and works, which will enhance the appearance of the landscape of this part of the AONB compared to the existing dwelling and the fall-back situation of the still-extant approval for a replacement dwelling, and that will preserve the openness of the green belt.**

- 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 all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

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

- 3 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: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 4 Notwithstanding the detail shown on plan drawing PO3 Rev A, no permission is hereby granted for the double garage (as duly hatched). Development shall be carried out in accordance with the approved details included within the stated approved plan drawing list, unless otherwise amended and approved by a subsequent application to the local planning authority.

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

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: GB1, C31a and H24.

- 5 No part of the development hereby permitted shall be first 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.

- 6 The development hereby permitted shall not be occupied or first brought into use until the area (in so far as it is within the applicant's control and ownership) between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 7 That prior to the new access driveway being brought into use, the existing vehicular driveway serving Heronsview shall be closed up permanently with the details showing the exact means by which the existing drive/access shall be closed up being submitted to the local planning authority for its written approval.

REASON: In the interests of highway safety and to avoid neighbouring nuisance.

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

- 8 No development shall commence on site until a detailed 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

- 9 Any gates shall be set back 4.5 metres from the edge of the shared Woodlands Drive, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

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

- 10 The development hereby approved shall be carried out in full accordance with the bat mitigation measures, as set out in the submitted bat survey report (Bat Emergence Surveys, Country Contracts, June 2012) and drawings (Proposed Site Plan, Elevations & Sections, drawing number P02 Rev A), unless otherwise agreed in writing with the Local Planning Authority.

- 11 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

- compensatory tree and shrub planting of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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: C31a and C32

- 12 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

- 13 The development hereby approved shall be carried out in strict accordance with the approved details contained within the Arboricultural Method Statement published by Atworth Arboriculture Ltd and received on 6 December 2012. In addition to the recommendations specified within the aforesaid Statement, the applicant / developer shall ensure that the following requirements are fully adhere to:-

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: 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.

- 14 The development hereby approved shall be carried out in accordance with the construction method statement produced by Greenfield Associates and the accompanying terrace sketch and plan drawing Site GA Reference 1342.100.03 (received 9 November 2012) and the piling works shall follow the recommendations contained within the supporting statement prepared by Momentum Structural Engineers (dated 4 July 2012). The approved Statements and recommendations shall be complied with in full throughout the construction period, unless otherwise agreed in writing with the local planning authority.

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

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 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 those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C38.

- 16 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 buildings or structures, gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

POLICY: The NPPF and the West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C38.

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

EXISTING LOCATION & BLOCK PLAN – Drawing No. Ex01 Rev A – received on 26.10.2012

BOUNDARY LINE OF EXISTING RESIDENTIAL CURTILAGE – Drawing No. Ex03 – received on 09.11.2012

EXISTING & PROPOSED SITE CONTOUR PLAN – Drawing No. P04 – received on 26.10.2012

SKETCH SITE SECTIONS EXISTING & PROPOSED – Drawing No. P03 Rev A – received on 15.10.2012

EXISTING HOUSE AND GARAGE PLANS AND ELEVATIONS – Drawing No. Ex02 Rev A – received on 26.10.2012

PROPOSED SITE PLAN, ELEVATIONS & SECTIONS – Drawing No. P02 Rev A – received on 26.10.2012

PROPOSED FLOOR PLANS – Drawing No. P01 Rev A – received 26.10.2012

HARD & SOFT LANDSCAPING PLAN – Drawing No. P05 – received on 06.12.2012

TREE CONSTRAINTS PLAN – received on 06.12.2012

TREE PROTECTION PLAN APPENDIX D – received on 06.12.2012

CONSTRUCTION METHOD STATEMENT PLAN – Drawing No. Site GA 1342.100.03 – received on 09.11.2012

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

**Informative(s):**

- 1 The developer/applicant is encouraged to use / make provision for residential sprinkler systems within the new build development hereby granted permission. The Wiltshire Fire and Rescue Service actively supports and encourages their installation. They are inexpensive to install (particularly in new buildings), they cannot be accidentally activated, and in



new builds such as this, they can be designed to sit flush with ceiling (behind a cover) so as not to be unsightly. When required, they also cause less water damage than standard fire fighting methods. Should further information be required on this particular aspect, you are advised to make contact with the Wiltshire Fire \_ Rescue Service on tel. no. 01225 756 500 or via email at [planning@wiltsfire.gov.uk](mailto:planning@wiltsfire.gov.uk).

It should be stressed that the above guidance / recommendation should be read in conjunction with Building Regulation requirements.

- 2 The applicant/developer should be aware that planning permission does not derogate the applicant's legal responsibilities under the Conservation of Species and Habitats Regulations (2010). It is the applicant's responsibility to obtain a European Protected Species licence from Natural England to legitimate any action likely to breach Regulation 41.

### 3 Water Supply and Waste Connections

Should new water supply and waste water connections be required from Wessex water to serve this proposed development, application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526333 for Waste Water.

### Basement

If a drainage connection from the basement is required this should be pumped in order to prevent flows from backing up into the property.

### S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

- 4 Prior to commencing work on site, the applicant /contractor are encouraged to arrange to meet with Officers of the Council/Environmental Protection team to establish the following:

A. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

B. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday – Friday 7.30 – 18.00

Saturday 8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

C. All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

D. Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

E. In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

F. Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc)

G. Radio noise should not be audible at the boundary of the nearest neighbouring property.

H. Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

I. Both the Council and Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Protection Department on (01225) 776655 prior to commencement.

5 In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The

level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

- 6 In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively with the applicant, his agents, the Parish Council and the local community, through discussing the details and intricacies of the scheme, re-assuring those that have concerns and explain the complexities of the planning history, the lawful established use, providing advice on Case Law and appeal decisions on green belt and AONB impacts - to secure this development which has been duly assessed in line with adopted plan policies with due cognisance given to those key, material planning considerations which are highlighted within this report.

8 **W/12/02210/FUL - Land South West of Huntenhull Farmhouse, Huntenhull Lane, Chapmanslade, Wiltshire**

Public Participation

- Phil Jefferson, local resident, spoke in objection to the application
- Derek Tanswell, Local resident, spoke in objection to the application

The Planning Officer introduced the report which recommended approval. He explained that the planning application was a retrospective application for the erection of a tractor shed.

Members of the Committee were informed that that the proposal would not be detrimental to the existing landscape and would not have an adverse impact on the character or appearance of the area and was in accordance with the planning policies.

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

The Local Member, Cllr Fleur de Rhe-Philipe, then spoke to the application. In particular she raised issues relating to the scale of the development, visual impact upon the surrounding area and the design.

The Committee then considered the application and felt that the proposal was acceptable.

**Resolved:**

**That Planning Permission be granted for the following reason(s):**

**The decision to grant planning permission has been taken on the grounds that the development does not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C1, C3, C31a, C38 and R11.**

**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.**

**9 W/12/02185/FUL - Land North East of Stable Cottage, Huntenhull Lane, Chapmanslade, Wiltshire**

Public Participation

- Margaret Thackway, local resident, spoke in objection to the application
- Nigel Brown, local resident, spoke in objection to the application
- Derek Tanswell, Agent, spoke in support of the application
- Denis Barnard, representing Chapmanslade Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval, subject to conditions. The planning application was for the erection of an agricultural barn and retrospective hardstanding area..

Members of the Committee were informed that there had been extensive negotiations with the Local Planning Authority and the applicant, and in response to a recent inspectors decision the proposed barn had been relocated to be sited closer to existing buildings and the existing road to reduce its impact upon the open countryside. The size of the barn was now in accordance with the agricultural consultants opinion that the barn should be no larger than 115 square metres.

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

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

The Local Member, Cllr Fleur de Rhe-Philippe, then spoke to the application and raised issues relating to the scale of the development, the visual impact upon the surrounding area and the design.

The Committee then considered the application and were concerned that permission for a building of the size proposed would result in the use of a

commercial livery. It was suggested that a condition be added stating that use be restricted solely to agricultural purposes. It was noted that the barn would be used amongst other things for sheep shearing, however this activity was not included in the suggested conditions. Members asked for the sheep shearing activity to be added to condition 4.

It was proposed that a site visit be held for members to have a clearer understanding of the site and the location of the barn in relation to the landscape and the road. However, the request was not agreed by the Committee.

**Resolved:**

**That Planning Permission be granted for the following reason(s):**

**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 and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C1, C3, 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, social and environmental conditions of the area through pre-application negotiations.**

- 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 development hereby permitted shall be carried out in accordance with drawing numbers 1, 2, 3, 4 received on 23rd November 2012.

- 3 Within 3 months of the barn hereby approved first being put into use the storage containers shall be removed from site unless otherwise agreed in writing by the Local Planning Authority.

REASON: Due to the impact the storage containers have on the Special Landscape Area having regard to Saved Policy C3 of the West Wiltshire District Plan 1st Alteration 2004.

- 4 The building hereby approved shall not be used for the permanent accommodation of livestock. No livestock shall be temporarily housed in the building unless the need for temporary accommodation arises from (i) quarantine requirements; or (ii) lambing; (iii) shearing; or (iv) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure- (aa) because they are sick; or (bb) to provide temporary shelter against extreme weather conditions.

Reason: the use of the building for the permanent housing of livestock would require further detailed consideration due to its location close to neighbouring properties having regard to the provisions of Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

- 5 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 having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

6. The building shall be used solely for agricultural purposes.

REASON: The building is solely justified to meet the agricultural requirements of the holding and alternative uses could give rise to additional planning considerations, such as additional traffic generation and impact on the amenity of neighbouring properties.

INFORMATIVE – The applicant is advised that equestrian uses, such as livery use, are not an agricultural use of the land and would require planning permission for a change of use.

## 10 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.45 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services,  
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