

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 11 JUNE 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr John Knight (Vice-Chair), Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Graham Payne (Substitute), Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While

#### Also Present:

Cllr Rosemary Brown, Cllr Keith Humphries

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#### 58 **Apologies for Absence**

Apologies for absence were received from Cllr Horace Prickett. Cllr Prickett was substituted by Cllr Graham Payne.

#### 59 **Minutes of the Previous Meeting**

The minutes of the meeting held on 21 May 2014 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 21 May 2014.**

#### 60 **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.

#### 61 **Declarations of Interest**

Cllr Magnus MacDonald declared that he had a pecuniary interest on application 14/02361/FUL Garage site at Leslie Rise Westwood BA15 2BN, as a result of being a director of Selwood housing. For that item Cllr MacDonald withdrew from the committee and did not participate in the debate or vote.

Cllr Keith Humphries declared that he was the Cabinet Member for housing, although he would not be speaking in that capacity during application 13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster, but would be speaking as a local resident.

## 62 **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.

## 63 **Planning Applications**

The Committee considered the following applications:

### 64 **13/03987/FUL - 249/250 Winsley Road, Bradford on Avon**

#### Public Participation

Andy Green spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval subject to planning conditions and a S106 agreement for contributions to Education and Open Space. The site description and an overview of the proposed development were also given noting that the site levels had been amended.

The Area Development Manager outlined the relevant planning policy. 116 letters of objection had been received which were outlined in the report. The Area Development manager drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

Members of the public were invited to speak on the application as listed above.

Cllr Rosemary Brown as local member spoke in objection noting that the site visit had been a worthwhile exercise. The main points raised included: Issues around access, pedestrian safety, the amended site levels, light pollution, ecological survey and the density of the number of houses. A statement from a local teacher was also read highlighting similar concerns.

The debate focused on the density of the number of houses and concerns with parked cars on the road side which would reduce motorists' visibility when exiting the development. A motion for refusal was not accepted by the committee. A new motion was to move the officer's recommendation with additional conditions was proposed. The new conditions included a construction

management plan where deliveries would not be allowed from 8am to 9am and 2.45pm to 3.45pm. It was noted that on street parking restrictions would not be able to be imposed by a planning application but this could be examined separately as a highway matter if problems arose. At the end of the debate it was;

## **Resolved**

To delegate to the Area Development Manager to grant permission, subject to the prior completion of a Section 106 legal agreement in relation to the following matters:-

- Delivery of contributions towards education costs of a total of £76,449.
- Delivery of contributions towards the cost of offsite play and open space provision at a total cost of £11,175

And 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 development hereby permitted shall be carried out in accordance with the following approved plans:**

**7752-1D Site layout  
7752-12A Street view  
7752-3a House Type B  
7752-4a - House Type C  
7752-12 - House Type D  
7752-6B - House Type E1  
7752-7C - House type E2  
7752-8A House type E3**

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

- 3 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].**

- 4 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.

- 5** 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 :-

- a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b) finished levels and contours;
- c) means of enclosure;
- d) car park layouts;
- e) other vehicle and pedestrian access and circulation areas;
- f) all hard and soft surfacing materials;
- g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6** 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.

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

submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

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

(In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of this permission).

- 8 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, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, 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.

- 9** Notwithstanding the visibility splays indicated on the approved plan Ref 7752-1D – Site Layout), no development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 41m metres to the west and 49m metres to the east from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 300mm above the level of the adjacent carriageway.

**REASON:** In the interests of highway safety.

- 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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

**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 external alterations.

- 11** No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

**REASON:** In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 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 first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

- 13** No development shall commence within the area indicated [Site

**Location Plan: received 11 April 2014] until:**

**a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**

**b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

**REASON: To enable the recording of any matters of archaeological interest.**

- 14 Prior to the commencement of development a report including an ecological site survey and details of all necessary mitigation measures shall be submitted to the local planning authority for written approval. The works thereafter will be completed in accordance with the recommendations and timescales of the approved report.**

**Reason: In the interests of ecological protection.**

- 15 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:**

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) wheel washing facilities;**
- e) measures to control the emission of dust and dirt during construction;**
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and :-**
- g) hours of construction, including deliveries (no delivery vehicles shall access or egress from the site between 8:00 and 9:00am and 2:45 and 3:45pm Monday to Friday);**

**has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

**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.

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## **INFORMATIVES**

### **INFORMATIVE TO APPLICANT:**

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 the district ecologist at Wiltshire Council.

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### **INFORMATIVE TO APPLICANT**

#### **Water Supply and Waste Connections**

New water supply and waste water connections will 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 526222 for Water Supply and 01225 526333 for Waste Water.

#### **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). At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website.



- 3 It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

**INFORMATIVE:**

**This permission shall be read in conjunction with an agreement made under S106 of the Town and Country Planning Act, 1990.**

65 **14/02339/FUL - Plot adjacent to `Beechwood`, Bratton Road, West Ashton**

Public Participation

Mr Pursey spoke in objection to the application.

Howard Waters (Agent) spoke in support of the application.

Richard Covington on behalf of West Ashton Parish Council spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy. Four letters of objection had been received which were outlined in the report. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

Members of the public were invited to speak on the application as listed above.

The debate focused on the size of the development, how the development was out of keeping with the area which dominated neighbouring properties. At the end of the debate it was;

**Resolved:**

**To refuse planning permission for the following reason:**

**The proposed dwelling by reason of its siting, size, height and design would have an adverse impact upon the character and appearance of the street scene and neighbouring amenity, contrary to Policy C31a and C38 of the West Wiltshire District Local Plan (Adopted 2004).**

66 **13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster**

**Public Participation**

Jeremy Kelton spoke in objection to the application.

Alastair Wright spoke in objection to the application.  
Danny Howell spoke in objection to the application.  
Steve Dancey spoke in objection to the application.  
Mike Robert spoke in support of the application.  
Isabel Allen spoke in support of the application.  
Keith Humphries spoke in support of the application.  
Mike Perry spoke on behalf of Bishopstrow Parish Council in objection to the application.  
Sue Fraser spoke on behalf of Warminster Town Council in support of the application.

The Planning Officer outlined the report which recommended the application for approval subject to a section 106 legal agreement. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy and drew attention to the relevant planning considerations.

52 letters of objection had been received which were outlined in the report and it was noted that a further 309 had signed an online petition. A letter had also been received from the local MP and 12 late objections from consultees including Fish Legal and the Wiltshire Fishery Association. 4 letters of support had also been received.

Members were invited to ask technical questions about the site. Questions focused on the cascading marketing approach which would be used, clarification on the custom build definition and if the development would be affected by flooding.

Members of the public were invited to speak on the application as listed above.

Cllr Davis as local member spoke against the application; the main points raised included: the site being located outside of the Warminster town planning policy limits, flooding and that the application was an outline application with no details.

The debate focused on affordable housing, policy H1 and CP2, the buffer zones around the development and limiting the developments to two storeys.

During the course of debate there was a discussion of the position of Selwood Housing, and Councillor Magnus Macdonald declared that he was a member of the Selwood board. However, Selwood Housing made a late submission in writing to clarify that it was a prospective partner, not the applicant, and that there was no formal agreement in place, after which Councillor Magnus Macdonald stated that he would vote on the application.

A motion to refuse the application was put forward and the requisite number of members having requested a recorded vote, the results were as followed:

For;

Cllrs Trevor Carbin, Ernie Clark, Andrew Davis, John Knight, Christopher Newbury.

Against;

Cllrs Dennis Drewett, Magnus Macdonald, Pip Ridout, Jonathon Seed, Roy While, Graham Payne.

The motion was defeated and a new motion to approve the recommendation was put forward with an added condition to impose a 2 storey restriction on the development. An amendment to the motion was proposed to increase the buffer zone from 8 metres to 20 metres. The amendment was defeated and the original motion to approve the recommendation with the additional condition was back on the table for discussion. The requisite number of member having requested a recorded vote the results were as followed:

For:

Cllrs Dennis Drewett, Magnus Macdonald, Pip Ridout, Jonathon Seed, Roy While, Graham Payne.

Against:

Cllrs Trevor Carbin, Ernie Clark, Andrew Davis, John Knight, Christopher Newbury.

### **Resolved**

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

- **The housing units to be provided are restricted to be for custom build;**
- **The housing units to be subject to a cascade marketing approach, giving priority to local people;**
- **30% affordable housing to be provided on-site;**
- **Financial contributions for offsite open space comprising £48,891.85 and £7,838.74 to upgrade facilities at Warminster Sports Centre;**
- **Financial contributions amounting to £134,085 for secondary education school spaces;**
- **A financial contribution associated to Salisbury Plain Special Protection Area to help fund a project to evaluate the impact of additional visitors to Salisbury Plain on bird species;**
- **Establishing the constitution and terms of reference of a Communal Area Management Company;**
- **A Communal Area Management Plan to be submitted and approved by the Council, with the requirements of the Plan to be carried out by ecological contractors appointed by the Management Company, and;**
- **Highway infrastructure improvement works with the bus stop on the north side of Boreham Road to be upgraded and the construction of a pedestrian refuge on Boreham Road.**

**And Subject to the following conditions :**

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

**REASON:** To comply with the provisions of Section 92 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 of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**

**The development shall be carried out in accordance with the approved details.**

**REASON:** The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

**REASON:** To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4. The reserved matters submission shall be designed in accordance with the general principles set out in the submitted "Design Principles Rev B" document.**

**REASON:** To ensure that the design quality envisaged at outline stage is actually delivered in the final scheme.

- 5. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.**

**Step (i) Site Characterisation:**

**An investigation and risk assessment must be completed to assess the**

nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:
  - a) human health,
  - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - c) adjoining land,
  - d) groundwater and surface waters,
  - e) ecological systems,
  - f) archaeological sites and ancient monuments

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

**Step (ii) Submission of Remediation Scheme:**

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

**Step (iii) Implementation of Approved Remediation Scheme:**

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

**Step (iv) Reporting of Unexpected Contamination:**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

**Step (v) Verification of remedial works:**

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

**Step (vi) Long Term Monitoring and Maintenance:**

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

**REASON:**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Prior to commencement of the development full structural details and calculations of the culvert beneath the access road shall be submitted to the Local Planning Authority for approval by the Structures team of the Council . The culvert shall be constructed in full accordance with the details approved.

**REASON:** In the interests of ensuring correct drainage of the frontage ditch and the structural integrity of the access road serving the site.

7. No part of the residential development shall be first occupied until the access has been completed in accordance with the details shown on plan number IMA/13/071/010/A.

**REASON:** In the interests of highway safety.

8. No part of the residential development shall be first occupied until the field gate access to the west of the proposed development has been closed, with the existing lowered kerbs being replaced by full- height kerbs. After the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on plan number IMA/13/071/010/A.

**REASON:** In the interests of highway safety.

9. No part of the residential development shall be first occupied until the footway has been reconstructed over part of the frontage of the site at a consistent 2 metres width (between a position 26 metres west of the centre-line of the site access and a position opposite the existing pedestrian refuge on the site frontage) with the exception that some variation to this width will be accepted at the location of the retained trees. Full details of these works shall be submitted to and approved in writing by the local planning authority prior to commencement of the works.

**REASON:** In the interests of highway safety.

10. No development shall commence on site until a foul and surface water drainage strategy has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

**REASON:** To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

11. Prior to commencement of the development, a scheme to maintain and enhance the River Avon SAC as agreed with the Environment Agency and Natural England shall be submitted to and approved in writing by the local planning authority. The scheme will demonstrate the works to be undertaken within 8 metres of the river and ditches to enhance existing habitats and support the wider programme of river restoration works being promoted by the Environment Agency. It will also include details of a water quality monitoring programme that has been agreed with the Environment Agency. The works will be undertaken in accordance with the approved scheme.

**REASON:** In the interests of maintaining the ecological interest of the River Wylde corridor and River Avon system SSSI.

12. Following the approval of a future reserved matters application, the residential development shall be carried out in full accordance with the Flood Risk Assessment (published by Hydrock, Ref: R/C08249/001.03, dated December 2013) and the following mitigation measures detailed therein:-

- Limiting the surface water run-off generated by the 1 in 100 year critical storm, including a 30% allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site (paragraph 5.2).
- Ground levels within Flood Zones 3 & 2 shall not be raised - all ground levels shall remain as 'existing' within these Flood Zones (paragraph 3.1).
- Finished floor levels shall be set no lower than 104.65 metres above Ordnance Datum (paragraph 4.2.1).

**REASON:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site as well as ensuring that there will be no increased risk of flooding to other land/properties due to impedance of

flood flows and/or reduction of flood storage capacity.

13. Following the approval of a future reserved matters application, all new development shall lie solely within Flood Zone 1 (sequential approach). In addition, irrespective of the extent of the Flood Zones, there shall be no development within 8 metres of the top of the bank of 'main' river (River Wylfe) and no development within 4 metres of the top of bank of 'ordinary' watercourses. Provision shall be made for [controlled] vehicular access route(s) to these 'no development' areas / wider 'main' river and 'ordinary' watercourse corridors.

**REASON:** To provide riparian owner access to facilitate maintenance and possible future improvements.

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**REASON:** Penetrative foundation methods can result in risks to potable water supplies. Thus it needs to be demonstrated that any proposed piling will not result in contamination of groundwater.

15. No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

**REASON:** To protect controlled waters from pollution.

16. No development shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the local planning authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

**REASON** To prevent pollution of the water environment and maintain the water quality of the River Avon SAC.

17. No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details.

**REASON:** In the interests of sustainable development and prudent use of natural resources.

18. The dwellings to be submitted as part of any subsequent reserved matters application(s) shall be of a maximum of two storeys in height.

**REASON:** In the interests of visual amenity.



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

Site Location Plan 340/S/200  
Proposed Ecology Zone 340/S/203  
Proposed Site Access Junction & Visibility Splay IMA-13-071/010A  
Schematic Ditch Culvert at Site Access IMA-13-071/003  
Indicative Masterplan 2561-100

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

**INFORMATIVES TO APPLICANT:**

1. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

2. There are ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. Please contact the Drainage Team to discuss their requirements:-

<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the River Wylde, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

4. An appropriate submitted scheme to discharge the water efficiency condition would include a water usage calculator showing how the development will not exceed a usage level of 105 litres per person per day.

The Committee had a 15 minute recess at 17:40 and resumed at 17.55.

67 **13/06783/LBC - Boreham Road, Warminster, BA12 9HE**

Public Participation

Chris Wordsworth spoke in support of the application.

The Planning Officer outlined the report which recommended that listed building consent be granted. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy. Eight letters of objection had been received which were outlined in the report. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site. These focused on where the milestone would be placed and if on the other side of the road then set back from the path.

Members of the public were invited to speak on the application as listed above.

The debate focused on the area which was best for the milestone noting that the exact area was still to be determined and that the Committee preferred the milestone to be set back from the footpath.

**Resolved:**

**To grant consent, subject to the following conditions:**

**1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.**

**REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

**2 The milestone shall not be removed from its existing location until a schedule of refurbishment works including a timetable for its restoration and re-erection have been submitted to and agreed in writing with the local planning authority. The schedule shall detail the careful transport and secure storage of the milestone during the course of these works. The schedule shall also identify the proposed precise location of the site of the re-erected milestone, which shall be set back from the pavement to preserve its setting. The works shall be carried out in accordance with the approved details.**

**REASON: In the interests of preserving the physical fabric and historical integrity of this heritage asset and good conservation planning.**

**3 The milestone shall be relocated to the approved new location within one calendar month of the completion of its refurbishment.**

**REASON: To minimise the amount of time in which the heritage asset is not on public view and in the interests of good conservation planning.**

**4 The development hereby permitted shall be carried out in accordance with the following approved plans: IMA-13-071 002A, IMA-13-071 004C and IMA-13-071 005**

**REASON: To define the terms of the consent hereby granted and in the interests of good conservation planning.**

**68 14/04344/FUL - Land North West 6 Holmleaze Steeple Ashton**

Public Participation

George Menzies (Agent) spoke in support of the application.

Jeffery Hyatt on behalf of Steeple Ashton Parish Council spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy. Four letters of objection had been received which were outlined in the report. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

Members of the public were invited to speak on the application as listed above.

The debate focused on the previous permission granted, the site being overdeveloped, the visual impact on the area and the permitted development rights being previously removed. At the end of the debate it was;

**Resolved:**

**To refuse planning permission for the following reason:**

**The proposed development by reason of its increase in size would represent overdevelopment of the site and would be detrimental to the character and appearance of the area contrary to Saved Policy C31a of the West Wiltshire District Local Plan (Adopted 2004).**

**69 14/03770/FUL - Sienna Valley Farm, Huntenhull Lane, Chapmanslade BA13 4AS**

Public Participation

Francis Morland spoke in objection to the application.

Keith Muston spoke in objection to the application.  
Derek Tanswell (Agent) spoke in support of the application.  
Dennis Barnard on behalf of Champmanslade Parish Council spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy and gave the relevant planning history. Two letters of objection had been received which were outlined in the report. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

Members of the public were invited to speak on the application as listed above.

Cllr Keith Humphries read a statement on behalf of the local member Cllr Fleur de Rhé-Phillipe, the points raised included: The use of the development and the amount of space actually required for the intended use.

The debate focused on the requirement of the development, the impacts on the area and that the applicant had not justified the agricultural need of the extension. At the end of the debate it was;

### **Resolved**

**Torefuse planning permission for the following reason:**

**The proposed extension would exceed the justified need and have an adverse impact upon the special landscape character area contrary to Saved Policies C3 and C31a of the West Wiltshire District Local Plan (Adopted 2004).**

70 **14/03464/FUL - Garage Site ,Holbrook Vale, Berryfield, Melksham, Wilts SN12 6EJ**

#### Public Participation

Kevin Gale spoke in objection to the application.  
Mr Vines spoke in objection to the application.  
Paul Walsh (Selwood Housing) spoke in support of the application.

The Planning Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy and gave the relevant planning history. One letter of objection had been received which was outlined

in the report and a petition with 15 signatures objecting. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

Members of the public were invited to speak on the application as listed above.

Cllr Roy While as the local member opened the debate and raised concerns over parking, loss of garages and the increase of vehicles in the area. An amendment was made to a motion of refusal for unacceptable levels of overlooking. The motion was defeated and a new motion to move the officer's recommendation was put forward and at the end of the debate it was;

### **Resolved**

To grant planning permission subject to the following conditions

**1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

**2. 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.**

**3. 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 :-**

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

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**4. 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.

**5. 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.

**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.

**7. During the course of construction, should any sources of land contamination be identified, the applicant shall submit a remediation plan for the written approval of the Council. Such a plan should detail the following:**

- i) provide an updated risk assessment for chemical contamination**
- ii) detail the necessary works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;**
- iii) remediation validation works**

**Any site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.**

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

**REASON:** To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved.

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 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 eastern elevation above ground floor ceiling level of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

9. The development hereby permitted shall be carried out in accordance with the following approved plans:-  
3729/01 Rev A received 28/03/2014

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

#### **Informative 1**

There is a low risk that bats may roost at the development site, potentially in trees and hedgerows. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk) or visit the Bats Conservation Trust website [www.bats.org.uk](http://www.bats.org.uk).

#### **Informative 2**

New water supply and waste water connections will 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 526222 for Water Supply and 01225 526333 for Waste Water.**

### **Informative 3**

**A public water main is shown on record plans within the land identified for the proposed development. It appears that development proposals may affect existing water mains. It is recommended that the applicant contacts Wessex Water for further advice on this matter.**

**Building over or within 3 metres of an existing water mains sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.**

### **Informative 4**

**Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.**

**71 13/06270/FUL - Land North of 46-47 High Street, Heytesbury, BA12 0EB**

#### Public Participation

Michael Gribble spoke in objection to the application.

Bryan Wyatt spoke in objection to the application.

Michele Reed spoke in objection to the application.

Steven Reynolds (Applicant) spoke in support of the application.

Peter Grist (Agent) spoke in support of the application.

Brian Pearce spoke in support of the application.

The Area Development Manager outlined the report which recommended the application for refusal. The site description and an overview of the proposed development were also given.

The Area Development Manager outlined the relevant planning policy. Six letters of objection had been received which was outlined in the report and three letters of support. The Area Development Manager drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

Members of the public were invited to speak on the application as listed above.

Cllr Newbury as the local member opened the debate and noted that there were no comments from the parish council. He moved the case officer's recommendation, and this was seconded. It was;

### **Resolved**

**To refuse planning permission for the following reason:**



1. The proposed dwelling, set in an elevated backland position on a small plot out of keeping with the existing grain of development and in a cramped relationship with the neighbouring dwelling under construction, would be visible from High Street and Chapel Road. In this setting the dwelling would constitute an incongruous presence that would therefore neither preserve nor enhance the special character and appearance of the Conservation Area. The proposal would therefore be contrary to Policies H17, C17 and C18 of the West Wiltshire District Plan First Alteration 2004, the Emerging Wiltshire Core Strategy and the National Planning Policy Framework.

72 **14/03407/FUL - Mulberry Snakes, Hilperton Rd, Trowbridge, BA14 7JW**

Public Participation

Brian Convery spoke in objection to the application.  
Bob Pippett spoke in objection to the application.

The Area Development Manager outlined the report which recommended the application for approval. The site description and an overview of the proposed development were also given.

The Area Development Manager outlined the relevant planning policy. Five letters of objection had been received which were outlined in the report. The Area Development Manager drew attention to the relevant planning Considerations.

Members were invited to ask technical questions about the site. No questions were asked.

Members of the public were invited to speak on the application as listed above.

Cllr Graham Payne read a state submitted by Cllr Blakemore the local member, points raised included the visual impact, the distance to the neighbouring property, the removal of trees and the extent of the applicant's land.

The debate focused on the development being built in a conservation area and the visual impact. At the end of the debate it was;

**Resolved**

**To refuse planning permission for the following reason:**

**The proposed development would have an adverse visual impact on the appearance of this part of the conservation area, by reason of the siting, height, design and general appearance of the building in this location and the associated works required to construct it. This would conflict with policy C31a of the West Wiltshire District Plan and would fail to preserve or enhance the character or appearance of this part of the conservation area.**

73 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 7.45 pm)

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

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