

## WESTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 3 FEBRUARY 2016 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald, Cllr Jerry Wickham (Substitute), Cllr Roy While and Cllr Philip Whitehead (Substitute)

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

Apologies for absence were received from Cllr Horace Prickett, substituted at the meeting by Cllr Philip Whitehead; Cllr Jonathon Seed, substituted at the meeting by Cllr Jerry Wickham; and from Cllr Pip Ridout.

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

The minutes of the meeting held on 16 December 2015 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 16 December 2015.**

#### 3 **Chairman's Announcements**

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

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

Cllr Ernie Clark declared, in relation to item 6b - 15/11119/FUL , that he chaired the parish council planning meeting where the matter was discussed, but that he abstained from the vote and confirmed that he would consider it with an open mind.

Cllr Philip Whitehead declared, in relation to item 6b - 15/11119/FUL , that although he was the Cabinet Member for Highways, and that there was an car parking issue to be determined in the Hilperton area, he did not think this would prevent him from considering the application with an open mind.

## **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 15/09224/FUL - 212 The Common, Holt**

The Senior Planning Officer, Jonathon James, outlined the report that recommended that the application be approved with conditions. It was noted that the Committee had previously received a presentation at the previous committee meeting, and that the members of the Committee had had the opportunity to visit the site following a deferral.

Peter Auburn, Alexander Venables and Elsa Joyce spoke in objection to the application. Dermot Tully, the applicant, and Peter Grist, the agent, spoke in support of the application.

Cllr Trevor Carbin spoke as the local member.

Issues discussed in the course of the presentation and debate included: the location of the site and its relationship with neighbouring properties; the orientation of the properties and gardens; the footprint of the existing property in relation to the proposals; the impact of the application on the amount of natural light received by neighbouring properties; the concerns of the neighbours, particularly with regard to privacy; the size and scale of the proposals in relation to the existing and neighbouring buildings; the topography of the site; the size, location and glazing of the windows in the proposal; the materials proposed to be used; how the proposal accords with other extended properties nearby; and the potential impact of the proposals on the amenity of neighbours.

Cllr Trevor Carbin moved that the application be refused as, by reason of the bulk, size and height of the extension, the proposal was contrary to core policy 57.

There being no seconder to this proposal, the proposal was not successful.

In response to a question from Cllr Clark, it was clarified that the proposed windows to be formed in the rear elevation would have Juliette balconies that would not extend out from the exterior wall.

In response to a question from Cllr Davis, the planning officer advised that condition 4 should remain and that a condition removing more extensive

permitted development rights to restrict further extensions and additions to the property could be included.

Cllr Andrew Davis, subsequently seconded by Cllr Tony Knight, proposed that permission should be granted subject to the inclusion of an additional condition removing permitted development rights for any further extensions or additions.

Having been put to the vote, the meeting;

### **Resolved**

**That the application be approved 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 the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area**

- 3 No paint or stain finish shall be applied to the external timber cladding unless otherwise agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such in perpetuity.**

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or roof light, other than those shown on the approved plans, shall be inserted in the side elevations and roof slope(s) of the development hereby permitted.**

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

- 5** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A and D shall take place on the dwellinghouse the subject of this application.

**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.

- 6** The window(s) in the side elevation(s) serving en-suite bathrooms shall be glazed with obscure glass only to an obscurity level of no less than level 4 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained as such in perpetuity.

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

- 7** The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/drawings: Existing site plan, elevations and floor plans and Proposed site plan, elevations and floor plans all received on 16 September 2015

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

**Planning Informatives:**

- 1.** There is a risk that bats may be present at the development site. The Council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale of development. Furthermore, given the particular proposals for the site, the Council considers that if bats were found, mitigation would probably not require further planning permission and a Natural England Licence would be forthcoming. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places 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. Consideration should be given to obtaining a survey from a professional ecologist before commencing

**work (e.g. a building assessment to search for evidence of roosting bats internally and externally, which can be carried out any time of year, and inform the need for further bat emergence / re-entry activity surveys). If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact the UK Bat Helpline on 0345 1300 228 (homeowners and churches) or visit [http://www.bats.org.uk/pages/natural\\_england\\_roost\\_visits.html](http://www.bats.org.uk/pages/natural_england_roost_visits.html) for more information**

- 2. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.**

**8 15/11119/FUL - 221 Church Street, Hilperton**

The Development Control Team Leader, Kenny Green, outlined the report that recommended that the application be refused. The Senior Highways Engineer, Roger Witt, was invited to outline his views that had informed the recommendation.

In response to a question from Cllr MacDonald, officers confirmed that the paved hardstanding had a drain installed at the site frontage which was considered sufficient to trap surface water run-off from entering the public highway.

Heidi Hart, the applicant, spoke in support of the application.

Cllr Ernie Clark spoke as the local member.

Issues highlighted in the course of the presentation and discussion included: the retrospective nature of the application; the restricted visibility of the access especially with respect to oncoming traffic from a northern direction; and the potential highway and pedestrian conflicts; consideration was also given to the provision of parking within the vicinity; the location of the development in relation to the host dwelling and its immediate surroundings; due regard was also given to number of a number of referenced similar accesses with sub-standard visibility locally; consideration was also given to the impact of vehicles parked on the road; and the number of recorded accidents (with injuries recorded) in the area.

Due regard was also given to the recent opening up of the Hilperton Relief Road and consequential re-classification of Church Street.

Due consideration was also given to Church Street experiencing a reduced volume of traffic. Officers and Members also discussed the potential merits of having a mirror installed to aid visibility. On this point, officers recommended

that members did not seek to condition any approval requesting the installation of a mirror as it would be placed on third party lane; and therefore beyond the scope of a planning condition.

In response to a statement made by the senior highways officer, Members were keen to obtain some legal advice on whether the Council could be placed at risk of legal action should the application be approved and following an accident where the sub-standard access was found to be the cause. The Committee was adjourned to seek advice from legal officers.

Following a short adjournment, the Senior Democratic Services Officer, Will Oulton, informed the Committee that Legal Services were unable to provide a definitive opinion, and that it would be for the Committee to decide if they felt they had sufficient information to reach a decision.

Cllr Jerry Wickham, subsequently seconded by Cllr Roy While, proposed that further consideration of the application be deferred to allow for definitive legal advice to be sought.

Having been put the vote, the motion was not carried.

Cllr Ernie Clark moved, subsequently seconded by Cllr Magnus MacDonald that the application be permitted subject to the following condition.

1. *The development hereby permitted shall be maintained in accordance with the following approved plans: location plan, site plan 1, site plan 2a and site plan 2b received 12 November 2015.*

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

Cllr Clark, in presenting his proposal, stated that whilst he appreciated the officer recommendation which was founded by the legislation and guidance, it was for the Committee to consider, on balance, how this should apply in local circumstances and taking into account local knowledge. Cllr Clark furthermore argued that the flow of traffic had significantly decreased since the opening up of the relief road, and that he was not aware of any serious accidents taking place in the area. Therefore, in his opinion, the risks as expressed by officers were not as high and that there was not sufficient justification to refuse the application.

It was also noted respecting the partial retrospective nature of the application, that an informative should be included to any grant of permission to inform the applicant of the need to apply for separate dropped curb consent from the local highway authority.

Cllr Whitehead highlighted that concerns about potential accidents was one of the main subjects of correspondence with the public and that he remained concerned over safety for pedestrians and other users of the pavement.

The Chair noted that most Councillors had taken up the opportunity to visit the site prior to the committee meeting

Having been put to the vote, the meeting;

**Resolved**

**That the application be permitted subject to the following condition.**

- 1. The development hereby permitted shall be maintained in accordance with the following approved plans: location plan, site plan 1, site plan 2a and site plan 2b received 12 November 2015.**

**Planning Informative:**

- 1. The applicant is hereby advised of the need to apply separately for a drop kerb consent from the local highway authority.**

**9 Future reports on Appeal Decisions**

The Development Control Team Leader, Kenny Green, outlined a proposed new approach to inform and update members regarding appeals which would consist of all four area planning committees receiving monthly updates tabulating all scheduled upcoming appeal inquiries and hearings; all live appeals currently in the system and all determined appeals. The Committee was informed that the data would be generated by the area technical support manager prior to each committee and would be sent to the democratic services team to include within each committee agenda; and for it to be an item for discussion with the chair at the pre-committee briefing.

The Chair stated that he considered the outlined new approach would be an improvement, and that he and other Councillors could request (prior to the committee meeting taking place) further details for specific appeals to be included by the lead planning officer presiding at each committee within their verbal update.

Having been put to the vote, the meeting;

**Resolved**

**To note the update.**

**10 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.24 pm)

The Officer who has produced these minutes is Shirley Agyeman, of Democratic Services, direct line 01225 718089, e-mail <mailto:Shirley.Agyeman@wiltshire.gov.uk>

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