

## WESTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 OCTOBER 2015 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

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

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#### 86 **Apologies for Absence**

Apologies for absence were received from Committee Members Cllr Horace Prickett and Cllr Dennis Drewett.

The meeting also noted the Cllr Jon Hubbard had stated that he was unable to attend as a local member, due to another Council Commitment.

#### 87 **Minutes of the Previous Meeting**

The minutes of the meeting held on 12 August 2015 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 12 August 2015.**

#### 88 **Chairman's Announcements**

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

#### 89 **Declarations of Interest**

Councillor Magnus MacDonald, in relation to application 6 d – 15/05061/FUL, that as had known the objectors to the application for a long time, he would speak as the local member to the application but would not take part in the debate or vote.

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

The Committee noted that a question regarding fracking had been submitted by Cllr Trevor Carbin had been submitted, but that the response had not yet been finalised. The Chairman apologised for the delay and asked that officers circulate the question and response once it had been circulated.

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

**91 Planning Applications**

The Committee considered the following applications:

**92 15/05186/FUL - The Long Barn, Cumberwell**

The Committee noted that the application had been withdrawn and therefore would not be considered at this meeting.

In response to a question raised by Cllr Trevor Carbin, the Area Team Leader stated that he understood that the applicant planned to resubmit an application; however, in recognition that the application was retrospective, officers shall keep the local ward member fully informed after further liaison with the Council's enforcement planning team and the applicant.

**93 15/05079/FUL - Witleigh, Melksham**

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Brian Inns and Doug Tuckerman spoke in objection to the application; and David William spoke in support of the application.

Cllr Jonathon Seed spoke on behalf of the local member Cllr Jon Hubbard.

Issues discussed in the course of the presentation and debate included: the location of the proposed development and the size and elevation of the proposed building; the setting of the proposal and its proximity to the conservation area and other listed buildings; the impact of the proposals on the trees and landscaping on the site; the impact of the proposals on the neighbouring properties, and the distance of the proposals from neighbouring properties; the car parking spaces proposed and the views of the highway officers.

Cllr Jonathon Seed proposed, subsequently seconded by Cllr Pip Ridout, that the Committee should approve the application as per the officer's recommendation detailed in the report, with the request from the Committee that a signal controlled crossing point between the new development at Witleigh and the existing Wharf Court on the other side of the road.

In questioning the Senior Planning Officer, the Committee sought clarity on the proposed allocation of funding arising from the draft s106 agreement, the impact of the cost of the new crossing on the affordable housing contribution; and the officer's view that a condition on the permission may not be considered reasonable.

Having been put to the vote, the meeting;

**Resolve to grant 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:**

- 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: 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, to enable the recording of any matters of archaeological interest.**

- 3 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:**

**Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.**

**Step (ii) If the above report indicates that contamination may be**

present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

**Step (iii)** If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

**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, to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

- 4** No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the drainage details have been constructed 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.

- 5** 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 together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.

Should the submitted storm water drainage system, include a connection to the main sewer, and thus incorporating the use of a pumped system the application will need to include details of the pumping station and storage system, details of ownership, future maintenance liability and maintenance regime and standby power arrangements

**The development shall not be occupied until the surface water drainage details have been constructed 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.**

- 6 No development shall commence on site until a noise and dust management plan for both the demolition and construction phases has been submitted to and approved in writing by the Local Planning Authority. The development shall then 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.**

- 7 No development shall commence on site until details of the provision of bat roosting features into the new buildings, including integral boxes/bricks/tubes and access into parts of the roof space, and bat boxes in trees, including the Ash tree in the south-eastern corner of the site, and nesting opportunities for House martin, House sparrow, Starling and Swift and a plan showing the locations and types of all bat and bird features has been submitted to and approved in writing by the local planning authority. including a plan showing the locations and types of all bat and bird features. The approved details shall be implemented before the building hereby approved is first occupied.**

**REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.**

- 8 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

- 9** No part of the development hereby approved shall be occupied until details of the obscure glazing used in the windows shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority, and; the obscure glazing has been installed in accordance with the approved details. The obscure glazing shall be maintained in accordance with the approved details in perpetuity.

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

- 10** Unit 2 shall not be occupied until the side windows serving the living room and bedroom 1 have been glazed with obscure glass to the level agreed in condition 9. The windows shall be maintained with obscure glazing in perpetuity.

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

- 11** The windows serving the refuse room shown on drawing annotated as proposed ground floor plan shall be fixed shut and shall remain as such in perpetuity.

**REASON:** In the interest of neighbouring amenity.

- 12** No part of the development hereby approved shall be occupied until details of external lighting within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**REASON:** In the interest of amenity and neighbouring amenity.

- 13** No part of the development hereby permitted shall be occupied until the access, turning area, visibility splay 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.

- 14** No dwelling shall be occupied, until details of the privacy screen walls detailed on the approved plans and for units 14, 17, 19, 22, 24, 25 & 30 have been submitted to and approved in writing by the Local Planning Authority, and; the privacy screen walls in respect of each dwelling have been erected in accordance approved details. The approved screen walls shall be retained and maintained as such at all times thereafter.

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

- 15** All soft landscaping comprised in the approved plans 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.

- 16** Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

**REASON:** In the interest of neighbouring amenity

- 17** No burning of waste or other material shall take place on the site

**REASON:** In the interest of neighbouring amenity

- 18** The dwellings hereby approved shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 as a minimum has been achieved.

**REASON:** In the interest of Sustainable Construction

- 19** The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Plan, Proposed Roof Plan, Tree Protection Plan, Landscape Strategy Plan, Planning Drainage Strategy, Proposed Elevations 2 of 2, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan, received 26th May 2015  
Proposed Elevations 1 of 2 received 26th June 2015

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

- 1** **INFORMATIVE TO APPLICANT:**  
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 (dated TBC); and that this agreement should include a signal controlled crossing point between the new development at Withleigh and the existing Wharf Court on the other side of the road.

2 The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

3 **INFORMATIVE TO APPLICANT:**

Please note that this consent does not override the statutory protection afforded to any protected species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).

The applicant is also advised works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

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.

*Admin Note: Councillor Ernie Clarke voted against the proposals.*

94 **15/06732/FUL - 63 Shaw Road, Melksham**

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Jon Newsam spoke in objection to the application; and Mark Hallett spoke in support of the application.

Issues discussed in the course of the presentation and debate included: the access to the site for development, and the views of the highways officer; the planning history and the previously approved applications; the materials of the



scheme; the elevation of the proposals; the similarities and difference between the approved scheme and the proposals; the impact of the proposals on the landscaping; the views of the neighbours; and the impact of the ownership of the lane on potential and proposed conditions.

Cllr Trevor Carbin proposed, subsequently seconded by Cllr Andrew Davis, that the Committee should approve the application as per the officer's recommendation detailed in the report.

In questioning the Legal Services representative, the Committee sought clarity on the relevance of recent case law regarding planning permissions and the Council's duty of care.

Having been put to the vote, the meeting;

**Resolved, unanimously, to grant 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 All soft landscaping shown on Drawing Numbers A26 and TS1/A28 received by the Local Planning Authority on 8th July 2015 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 Drawing Numbers A26 and TS1/A28 received by the Local Planning Authority on 8th July 2015 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.**

- 3 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 the tree protection barrier shown on drawing TS1/A28 received by the Local Planning Authority on 8th July 2015 has been erected. 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 trees 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.**

**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 first occupation or the completion of the development, whichever is the later].**

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

- 4 No part of the development hereby permitted shall be brought into occupation 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.**

- 5 No development shall commence on site until the widening of the access road to 5.8 metres has been completed as shown on drawing number A20 received by the Local Planning Authority on 8th July 2015.**

**REASON: In the interest 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 first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure sufficient water drainage is provided on site.

- 7 The dwellings hereby permitted shall not be occupied until the alterations to the access serving them are completed in accordance with the Road Layout Plan (Drawing Number A20) received by the Local Planning Authority on 8th July 2015, including a visibility splay to the west of the eastern access to the rear of the access lane based on co-ordinates of 3m x 3m. The splays shall be kept free of obstruction above a height of 900mm at all times.

**REASON:** In the interest of highway safety

- 8 The dwellings hereby approved shall achieve Level 4 (in full) of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

**REASON:** In the interest of sustainable construction and low carbon energy.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan, Drawing Numbers: A01, A02, A04, A20, A22, A23, A24, A26, TS1/A28, A29 received on 8th July 2015 and Drawing Number A21 received on 27th August 2015.

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

- 10 The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Stephanie Laslett spoke in objection to the application; and Martin Hunn, Richard Wheeler and Rebecca Wheeler spoke in support of the application.

Councillor Magnus MacDonald spoke as the local member.

Issues discussed in the course of the presentation and debate included: the views of the Parish Council; the position of the neighbours window in relation to the proposals; and the layout of the site and the position of the building to the streetscene.

Cllr Andrew Davis proposed, subsequently seconded by Cllr Roy While that the Committee should approve the application as per the officer's recommendation detailed in the report.

Having been put to the vote, the meeting;

**Resolved, to grant 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 The development hereby approved shall be carried out in accordance with the materials submitted in section 10 of the application form received 22.05.2015.**

**REASON: In the interest of preserving the character and appearance of the area.**

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drg. No 101 Rev A received 29.05.2015 and Drg. No 201 Rev C received 29.05.2015**

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

*Admin Note: In accordance with his interest declared earlier in the meeting, Cllr Magnus MacDonald spoke as the local member, but did not take part in the debate or vote on the matter.*

## 96 **Planning Appeals Update Report**

The Area Team Leader presented the Planning Appeals Update Report.

Issues discussed in the course of the debate included: whether more information should be required; the impact of such requests on officer's workloads; and how the report could be used to inform future consideration of applications.

### **Resolved**

- 1. To note the Planning Appeals Update Report; and**
- 2. Requested that future updates be presented quarterly with additional information to enable the Committee to see the original date of the application decision; what the officer's recommendation was; to include a section on any costs being applied for or being awarded; and to provide a summary of lessons learnt and also cover any Judicial Reviews in that period.**

## 97 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.43 pm)

The Officer who has produced these minutes is Will Oulton, of Democratic Services, direct line 01225 713935, e-mail [william.oulton@wiltshire.gov.uk](mailto:william.oulton@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

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