

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 7 MARCH 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr Pip Ridout

Also Present:

Cllr David Halik, Cllr Tony Jackson and Cllr Graham Payne

1 **Apologies**

There were no apologies.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 January 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 11 January 2018.

3 **Declarations of Interest**

In relation to application 17/05669/FUL Councillors Peter Fuller, Edward Kirk and Stewart Palmen declared non-pecuniary interests by virtue of being members of Trowbridge Town Council.

4 **Chairman's Announcements**

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

5 **Public Participation**

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

The rules of public participation and the procedure to be followed at the meeting were noted.

6 **Planning Appeals and Updates**

A planning appeals update report was received, along with a report from the Head of Development Management regarding a December 2017 Supreme Court ruling (under Dover District Council v CPRE Kent) pursuant to a decision made by Dover District Council on a hybrid planning application and its implications. In referencing the published information report, the reporting officer reminded members of the legal duties imposed on decision makers to state material planning reasons when making decisions on planning applications. The officer also informed the committee of the importance attached to seeking officer guidance and advice prior to voting on a motion to deviate from an officer recommendation.

Resolved:

To note the Planning Appeals Update Report and the legal update from the Head of Development Management.

7 **Planning Applications**

The Committee considered the following applications:

8 **17/05669/FUL - Former West Wiltshire District Council Office site, Bradley Road, Trowbridge, BA14 0RD**

Public Participation

Nigel Urch spoke in objection to the application

Julia Urch spoke in objection to the application

Anthony Barber spoke in objection to the application

Chris Beaver, agent, spoke in support of the application

Eileen Medlin, Senior Planning Officer, presented a report which recommended that authority be delegated to the Head of Development Management to grant full planning permission subject to planning conditions and informatives and following the completion of a draft s106 Agreement to cover the necessary developer obligations, as summarised within section 10 of the report and as stipulated at condition 23 and to approve planning permission for the erection of 79 dwellings and associated works, following the demolition of existing buildings.

Updates to the report were explained, which included the recommendation of imposing an additional condition to bind any consent to prevent development being commenced until the planning obligations in a form annexed to the planning permission has been completed by all parties with an interest in the development land and approved in writing by the Council. The officer also reported a correction to the report relative to the number of trees that would be removed from the site which currently have Tree Protection Orders (TPO).

Key issues included the principle of development, impact upon trees, highways and parking and education provision.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to question relating to the reported education objection, the reporting officer advised members that earlier in the day, a meeting had taken place involving service directors and senior officers from development management as well as the education and estates team. Committee members were informed of the adopted methodology used to calculate future school places by the education service and their appraisal of existing school capacities.

The reporting officer informed the committee that following a detailed inspection of the latest shared calculations, several applications documented by the education team as being ahead in the application registration queue that would generate school space demand, had been recently refused by the planning authority; whilst others had appeals withdrawn or were considered to be undeliverable.

In the case of the projected strategic development at Ashton Park members were informed that the indicative housing trajectories and subsequent school demands to be generated by the development is likely to be delayed by several years at least. Members were further advised that planning officers had properly weighed up the education objection, had recognised the reasons behind the objection, but argued that the application must be appraised in light of current spare school infrastructure provision and be fully mindful of the evolving status of planning applications and appreciate that once an application is refused and appeal is dismissed or withdrawn, the associated calculated school needs should be deleted and in terms of the current application, there is a need to apply the appropriate NPPF and WCS policy tests in terms of supporting sustainable housing development proposals.

As a result, and in light of the above, planning officers reported that the application should be approved having due regard to the particular set of circumstances that apply at this time.

Additional detail and commentary was sought on the parking provision, the demolition of the former driving centre building and how the nuclear bunker underneath would be dealt with. There were additional questions raised about the existing trees and the proposed landscaping. It was confirmed that one of the recommended conditions would remove permitted development rights for the proposed garages which were necessary to provide allocated parking on the site, which would mean that future occupiers seeking to convert the garaging, would require planning permission to do so.

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

The local unitary division member, Councillor Graham Payne, then spoke in opposition to the application, drawing attention to the density of housing, education capacity concerns, the removal of significant and TPO'd trees. Cllr Payne furthermore argued that in the event permission is granted the quoted developer obligation for off-site play equipment should be utilised at the nearby Queen Elizabeth Field rather than in the more generic 'local vicinity', as recommended. The neighbouring unitary division member, Councillor David Halik, also spoke in opposition to the application.

A debate followed, where members discussed whether the proposed parking provision for the site was adequate. The consultation response provided by the Council's tree officer was subject to debate in terms of appreciating the argued merits for agreeing to some TPO'd trees to be felled. The design of the houses and layout of the site was also debated, along with further questions being asked about education needs and provision.

During debate a motion was moved from Councillor Jonathon Seed to delegate authority to the Head of Development Management to grant permission in accordance with the officer's recommendation, with an amendment to stipulate that the Queen Elizabeth field should be the specified recipient of the financial contribution for off-site play provision to be enshrined within the s106 Agreement, and to also include two additional informatives to be drafted by officers relating to liaising further with the applicant to ascertain whether there was any provision for additional screen planting along the site boundary shared with the Halfords site and to include reference to a s38 agreement to secure on-street car parking restriction along part of the main road into the site from Wiltshire Drive, should problems develop near the site access. The motion was seconded by Councillor Pip Ridout.

At the conclusion of discussion, it was,

Resolved

That the committee delegates authority to the head of development management to grant full planning permission subject to the planning conditions and informatives listed below; and, following the completion of a draft s106 Agreement to cover the developer obligations as summarised within section 10 above and as stipulated by condition 23.

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 within the area indicated (proposed development site) until 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. The approved programme of archaeological work shall be carried out in accordance with the approved details.

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

NOTE: The work should be conducted by a professional archaeological contractor to which there will be a financial burden for the applicant.

3. No development shall commence on site until a scheme for the discharge of foul water from the site, and abandonment of existing sewers within site not being re-used, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

4. 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 and appropriate attenuation measures, limiting the runoff to a maximum of 47.7 l/s and relevant permission for diversion of existing storm sewers, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall not be first occupied until surface water drainage, including diversions of existing storm sewers has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

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 (including asbestos) 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 concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- 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 must be produced. 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. No development shall commence on site until details of the estate roads, footways, footpaths, cycle bollards, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

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

7. 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 43m in both directions from the centre of the access in accordance with the approved plans 'External Works Layout' (1 of 3) 750-141-1 Rev B received on the 15th February 2018. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

8. 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - h) measures for the protection of the natural environment.
 - i) hours of construction, including deliveries;
- 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.

9. No development shall commence on site until a waste audit regarding the construction of the site (part a – g) of Policy WCS6 of the Waste Core Strategy) 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 the grant of planning permission.

10. No development shall commence on site above ground floor slab level 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.

- 11.** All demolition, site clearance and development works shall be carried out in strict accordance with the approved details contained in the Arboricultural Report containing: Arboricultural Constraints, Arboricultural Impact Assessment (AIA), Tree Protection and Arboricultural Method Statement prepared by Silverback Arboricultural Consultancy and received by the council on 8th December 2017.

The Tree Protection Fencing shown on Tree Protection Plan Phase 1 included in the above report shall remain in place until a full 'No-Dig' specification for works within the root protection area/canopies of protected and retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 12.** No dwelling shall be occupied until the means of site/plot enclosures as shown on the approved plans have been provided in accordance with the approved plans.

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

- 13.** No dwelling shall be occupied until the associated car parking spaces outlined on the approved plans and Parking Allocation schedule (750-106 Rev C received 16th February 2018) have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 14.** No dwelling shall be occupied until a public art scheme for the site and a timetable for its subsequent installation 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: The application contained insufficient information to enable this matter to be considered prior to the grant of 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 the proposal complies with the relevant public art policies.

15. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

16. No dwelling shall be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved plans thereafter.

REASON: To ensure adequate facilities are in place upon occupation of the development

17. No dwelling shall be first occupied until the cycle parking facilities as shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

18. No dwelling shall be first occupied until the works comprised in the scheme for mitigating the effects of noise for that dwelling as set out in the Noise Impact Assessment prepared by Matrix Acoustic Design Consultants received by the council on the 16th February 2018 have been completed.

REASON: To minimise the disturbance which that could otherwise be caused to incoming occupiers by noise from the nearby noise sources.

19. No dwelling shall be first occupied until the mitigation measures set out in The Extended Phase 1 Ecology Report prepared by Stark Ecology received by the Council on the 7th December 2017 are implemented. The mitigation measures shall be retained on site thereafter.

REASON: To ensure adequate ecological mitigation for the development for foraging and roosting bats and nesting sparrows.

20. 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 buildings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained in accordance with the 10 Year Maintenance Programme prepared by Peter Quinn Associates, received by the Council on the 20th December 2017. 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.

21. 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 garage hereby approved which is required to satisfy on-plot parking standards (as identified Parking Allocation schedule - 750-106 Rev C received 16th February 2018) shall be converted to ancillary habitable accommodation without first obtaining planning permission.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety and to ensure there is adequate car parking provision.

NOTE: Future PD rights to convert garaging into additional ancillary habitable accommodation would still apply to plots that can accommodate the requisite parking provision on-site. This condition would only apply for plots/properties that rely on the garaging for off-street car parking

22. The development hereby permitted shall be carried out in accordance with the approved plans contained within the plan list schedule set out in the letter received from Planning Sphere and dated 22 February 2018.

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

23. Development shall not be commenced until a planning obligation requiring compliance with the obligations set out in the draft form of deed annexed hereto has been completed by all parties with an interest in the land and accepted in writing by the Council.

INFORMATIVES:

1. This permission shall be read in conjunction with an agreement made under Section 106 of the Town and Country Planning Act, 1990 (and to be dated).
2. Bats have been found roosting in the former Driving Test Centre and a licence from Natural England is required before its demolition. Please note that this consent does not override the statutory protection afforded to any such species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) which implements 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.

- 3. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:**

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

- 4. The applicant is encouraged to liaise further with officers to review the potential for more screen planting along the site boundary shared with Halfords.**
- 5. The applicant and highways authority should liaise further to enshrine traffic regulation order provisions within a s38 agreement to restrict car parking along the main road into the site off Wiltshire Drive.**

9 17/04647/VAR - Land Between 1a Mill House & 1 Lower Road, Bratton, Westbury, BA13 4RG

Public Participation

David Tombleson spoke in objection to the application.

Colin Tagg spoke in objection to the application.

Neil Brawn spoke in objection to the application.

Peter Grist, agent, spoke in support of the application.

Mr Pratt, applicant, spoke in support of the application.

Councillor Jeff Ligo, Chairman of Bratton Parish Council, spoke in objection to the application.

Steven Vellance, Planning Officer, presented a report which recommended that permission be granted for a variation to condition 14 of planning permission W/12/02101/S73 to allow for minor material alterations and additions to the previously approved dwelling that had been partially constructed on site. Key issues included the principle of the development, reflecting upon the minor material changes that had been undertaken and comparing these with what had been previously approved in 2012.

The officer explained why the planning team had registered and processed the application under s73 of the Town and Country Planning Act; and had, after visiting the site, taken physical measurements of the building to firstly obtain accurate plans from the applicant; and secondly, to allow officers to make a full and proper assessment of the modifications made and proposed on the site.

The officer advised members of the receipt of two late public representations which were verbally reported along with an officer response to each point raised.

The committee was advised of the inspections carried out by the Council's conservation officer who, in addition to the case officer, made a site inspection and reported that the works which had been undertaken (included within the submitted regularised retrospective application submission) was acceptable in terms of adopted and legislative standards and policies. In addition to heritage asset and planning policy interests, expert input was obtained in terms of highway safety and flood risk impacts, and the responses were also reported.

Members of the Committee then had the opportunity to ask technical questions of the officer. Detailed questions were asked about the roofing material used on the 'as built' house compared to what was previously approved; and about the extent of the physical amendments made to the site and house compared to the consented scheme.

Officers reported the physical measurements which had been taken on site and with the fixed datum point of Mill Lane that had not changed since 2012 officers reported that the 'as built' house had a lower ridgeline compared to what was previously consented. The fenestration changes were reported as being minor material changes the s73 application could adequately appraise as well as the minor amendments made to the site. It was also reported that under the separate building arrangement process, the Council's building control surveyors had visited the site and had checked drawings and had found them to be accurate.

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

A statement from the local unitary member, Councillor Jerry Wickham, citing opposition to the application was presented by Councillor Jonathon Seed, which included an appraisal of the site history and the different house that had been built retrospectively and also referenced detrimental impacts the 'as built' house has, to which local residents raised representation about.

A debate followed, which led to further questions being asked of officers, with some members expressing concern about the retrospective nature of the application and the extent of the changes that had been undertaken and questioned whether a s73 application was the appropriate type of application. At the request of the committee chairman, the Council's planning lawyer was asked whether or not the application could be determined under a s73 application. In response, the committee was advised that it was a matter of planning judgement to what degree the material changes were minor and that the committee was

being advised in this case that the 'as built' house was subject to minor material changes - which planning officers had verbally explained during the presentation and through responding to member's technical questions.

The committee was then advised that if members were convinced the 'as built' house constituted more than minor material amendments from the approved drawings in the original planning permission it would amount to development without permission. Members would therefore not be able to vary the original planning permission by way of a s73 planning application. In these circumstances, it was within the committee's remit to defer the application and to seek the applicant to resubmit a full planning application.

During debate a motion to approve the application in accordance with the officer's recommendation was moved by Councillor Andrew Davis, seconded by Councillor Trevor Carbin. At the conclusion of discussion, it was,

Resolved

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed site location and block plan rev. B received on 24.01.2018; Proposed elevations and section received on 12.02.2018; Proposed floor plans received on 22.08.2017.**

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

- 2 No part of the development hereby approved shall be first occupied until the parking and turning area shown on the approved plans has been laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter. The access area shall be formed of a properly consolidated surface (not loose stone or gravel).**

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 3 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 windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north and south elevations.**

REASON: In the interests of residential amenity and privacy.

- 4 The development hereby permitted shall not be occupied until the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire site frontage to the north from the centre of the access has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. In addition, a visibility splay being provided between the edge of the carriageway and a**

line extending from a point 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the point on the edge of the carriageway 25 metres to the south. These areas shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

Planning Informatives:

1. The applicant is advised that separate land drainage consent is required for any operational development works within 8 metres of the watercourse.
2. Whilst it is acknowledged that the dwellinghouse is not on flood zone 2 or 3 land, the applicant is nevertheless advised to incorporate flood proofing measures respecting the proximity to the watercourse and flood zones 2 and 3.
3. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

Councillor Ernie Clark requested that his vote in opposition to the resolution be recorded.

Following this item Councillor Christopher Newbury left the meeting at 1755. Councillor Jonathon Seed thereafter took over as Chairman.

10 **17/05359/FUL - Land at Boreham Road, Rear of 10 Rock Lane, Warminster, BA12 9JZ**

Public Participation

Margaret Donald spoke in objection to the application.

Chris Dance, agent, spoke in support of the application.

Councillor Sue Fraser, on behalf of Warminster Town Council, spoke in objection to the application.

Katie Yeoman, Planning Officer, presented a report which recommended planning permission be granted for the erection of a dwelling. Key issues included the principle of development, highway safety matters, landscape and trees, drainage, and impacts on neighbouring amenity.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought about the adjoining site's planning history and officers were asked about previously refused developments based on highway safety and loss of a hedgerow and roadside embankment. Ecology and tree impacts were discussed as well the implications relative to a nearby bus-stop and the reported need for it to be relocated.

Members were also advised that the historic refusals relating for a neighbouring plot dated back to 1999, 2007 and 2008 and since then, local and national planning policy had evolved, although it still remained the case that that the hedgerow and embankment could be removed without planning permission. No highway safety concern had been raised by the Council's highways officer and members were reminded of the Council's and NPPF policy relative to highway safety and that there was no evidence the proposed development would result in harm to justify a refusal.

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

The local unitary member, Councillor Andrew Davis, then spoke in opposition to the application, and also considered further information was required and sought to have a highway officer present.

A debate followed where the design and nature of the proposed dwelling was considered in relation to the neighbouring area, along with further discussion of the practicalities of moving the bus-stop.

During debate a motion to defer the application for a site visit and to request additional information was moved by Councillor Andrew Davis, seconded by Councillor Pip Ridout. Following a vote the motion was defeated.

A motion was then moved by Councillor Trevor Carbin, seconded by Councillor Sarah Gibson, to approve the application in accordance with the officer's recommendation.

At the conclusion of discussion, it was,

Resolved

That planning permission be granted, 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: Location plan – received on 15/12/2017; Existing and proposed sections - received on 15/12/2017; Existing and proposed street scene - received on 15/12/2017; Proposed site plan and roof plan - received on 15/12/2017; Parking Plan Space 1 - received on 15/12/2017; Parking Plan Space 2 - received on 15/12/2017; Proposed elevations - received on 15/12/2017; Proposed floor plans - received on 15/12/2017; Proposed landscaping plan - received on 15/12/2017; 3D view from Boreham Road - received on 15/12/2017; 3D south west view - received on 15/12/2017; 3D south east view - received on 15/12/2017; Birds eye view from north east - received on 15/12/2017; North west birds eye view - received on 15/12/2017; Tree survey – drawing no. 16 – dated 05/01/2016; Tree protection plan – drawing no. 17 – dated 20/02/2018; Topographical survey – drawing no. 1 – dated April 2017

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

3. 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.

4. All hard landscaping shall 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. The existing boundary hedgerow to the southern boundary of the application site shall be retained in accordance with the approved landscaping plan

(proposed landscaping plan – received on 15/12/2017) and maintained at all times thereafter unless otherwise agreed in writing by the local planning authority.

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

6. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

7. The development hereby permitted shall not be first occupied until visibility splays have been provided on both its sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The splays shall be kept free of obstruction above a height of 600mm at all times.

REASON: In the interests of highway safety.

NOTE: This condition requires the applicant to obtain separate consent from the Council's highway Authority to re-locate the bus-stop. Planning informative no.2 refers.

8. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

9. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

10. 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: 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 the development can be adequately drained.

Planning Informatives

- 1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy**
- 2. The proposal comprises a proposed alteration to the public highway. The applicant is advised that a separate license is required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Contact should be made with the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.**
- 3. No works should take place that would result in harming 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 the Wildlife and Countryside Act 1981 (as amended). If birds are nesting within 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 September and February. Further advice on the above can be sought from the Council Ecologists.**
- 4. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that planning permission does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species and/or a suspected protected species is encountered during the works you should stop works immediately if applicable, and seek the advice of a suitably qualified and experienced ecological consultant who will advise of the appropriate course of action and consider whether a licence is required from Natural England prior to recommencing/commencing works.**

5. The applicant is advised that 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 the following website www.wessexwater.co.uk Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Councillor Andrew Davis requested that his vote in opposition to the resolution be recorded.

11 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 6.40 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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