

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 MARCH 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman),
Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout,
Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Malcolm Hewson and Cllr Francis Morland

27 Apologies for Absence

Apologies for absence were received from Cllr Mark Griffiths.

28 Minutes of the Previous Meeting

The minutes of the meeting held on 7 March 2012 were presented.

Resolved:

**To approve as a correct record and sign the minutes of the meeting held
on 7 March 2012.**

29 Chairman's Announcements

The Chairman reminded members of the committee that the National Planning Policy Framework had been published the day before the meeting, and he anticipated that a seminar would be organised.

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

30 Declarations of Interest

There were no Declarations of Interest.

31 **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.

32 **Planning Applications**

The late list referred to in these minutes is attached for information.

The Committee considered the following applications:

32.a W/11/02971/FUL - Erection of terrace of 6 dwellings with car parking, enclosures and associated development (resubmission of W/10/03791/FUL). - Car Park Mill Lane Bradford On Avon Wiltshire

Public Participation:

- Mr Peter Leach, Mayor of Bradford on Avon, spoke in objection to the application.
- Mr Stephen Green, agent, spoke in support of the application.
- Mr Colin Johns, representative of Bradford on Avon Town Council, spoke in objection to the application.

The Area Development Manager introduced the report which recommended approval for the application and in doing so he drew the committee's attention to the late list.

In responding to technical questions asked the Area Development Manager confirmed that a previous application by the same developer had been withdrawn and that the height of the development now being proposed had been lowered since the original application to address concerns.

Members of the public then had the opportunity to speak as detailed above.

Cllr Malcolm Hewson, Unitary Councillor for Bradford on Avon South, thanked members of the committee for attending the site visit prior to the meeting. Cllr Hewson, although understanding that the site would, likely, be developed for housing purposes, expressed his concerns about the application and its relationship with the rest of the town.

The Chairman relayed comments from Cllr Rosemary Brown, Unitary Councillor for Bradford on Avon North, which endorsed the comments of the Council's Economic Development Officer in opposing the application.

During the ensuing debate members of the committee could not be convinced that the character of the area would be affected by the proposed development. Although regret was expressed that there were no policies protecting the retention of car parkings it was accepted that the site in question would be likely to be developed for housing purposes. However given the proximity of the site to the river and historical centre of the town it was felt that an additional condition should be added to protect the possible archaeological value of the site.

It was therefore

Resolved:

That planning permission be GRANTED

For the following reason(s):

This proposed application would be an appropriate form of development within the Conservation Area and within the setting of Listed Buildings; and through negotiations, the revised scheme overcomes previous grounds for refusal; and any additional concerns can be overcome by planning conditions.

Subject to the following condition(s):

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

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

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- 3 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 adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan 1st Alteration 2004 policy C38

- 4 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policies C18, C31a and C38.

- 5 The development hereby permitted shall not be 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.

- 6 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.

- 7 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.

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

REASON: In the interests of highway safety.

- 9 No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.6 metres above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

- 10 The development hereby permitted shall not be occupied until the cycle parking facilities 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the car port(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

- 12 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preventing light pollution and nuisance

POLICY: West Wiltshire District Plan - 1st Alteration policies C35 and C38.

- 13 The development hereby permitted shall not be occupied until provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of such provision shall have first been submitted to and approved by the Local planning Authority.

REASON: In the interests of Highway safety.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In order to protect the amenity interests of neighbours and to safeguard the character of the Conservation Area and to enable the local planning authority to consider individually whether future additions and alterations should be granted.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan - 1st Alteration policies C18, C31a and C38.

- 15 No development shall commence on site until details of the obscure glazing to be used throughout the scheme for all wc and bathroom windows have been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the development hereby approved and thereafter shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 16 If, during development, any archaeological evidence on the site is found, the developer shall contact the local planning authority to identify whether any additional archaeological work may be necessary. In the event that any such unexpected archaeological evidence is identified, the developer shall cease work on that part of the site and allow access to it by the Local planning authority, or any archaeologist nominated by the local planning authority, to record any findings. Construction on that part of the site affected shall not recommence until the LPA have agreed that the on-site archaeological recording has been completed.

REASON: To ensure that any unexpected archaeological remains are recorded

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

LOCATION PLAN drawing no. 10056(L)001 Rev A received on 11.11.2011
BLOCK PLAN drawing no. 10056(L) 002 Rev H received on 09.02.2012
TOPOGRAPHIC PLAN drawing no. 10056(D)003 Rev A received on 11.11.2011

EAST ELEVATION drawing no. 10056(D)009 Rev E received on 11.11.2011

WEST ELEVATION drawing no. 10056(D)017 Rev G received on 11.11.2011

NORTH ELEVATION (UNITS 5 & 6) drawing no. 10056(L)010 Rev F received on 09.02.2012

SOUTH ELEVATION (UNITS 5 & 6) drawing no. 10056(L)011 Rev G received on 09.02.2012

FULL ELEVATIONS drawing no. 10056(D)018 Rev G received on 11.11.2011

SITE SECTIONS 1 / 2 drawing no. 10056(D)022 Rev D received on 11.11.2011

SITE SECTIONS 2 / 2 drawing no. 10056(D)023 Rev D received on 11.11.2011

CAR BARN PLAN drawing no. 10056(L)021 Rev E received on 11.11.2011

PORCH DETAIL PLAN drawing no. 10056(D)001 Rev C received on 09.02.2012

CONTEXT PLAN drawing no. 10056(L)014 Rev F received on 09.02.2012

GROUND / FIRST FLOOR PLANS drawing no. 10056(L)015 Rev F received on 09.02.2012

SECOND / ROOF PLANS drawing no. 10056(L)016 Rev E received on 09.02.2012

WINDOW DETAIL PLAN drawing no. 10056(D)002 Rev A received on 11.11.2011

BALCONY DETAIL PLAN drawing no. 10056(D)003 Rev A received on 11.11.2011

TREE CONSTRAINTS PLAN received on 11.11.2011

TREE PROTECTION ZONE BARRIER PLAN received on 11.11.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

- 1 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be 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.

32.b W1102717FUL - Alterations and enlargement to existing garage to form residential studio - Tudor Cottage 14 High Street Bulkington Wiltshire SN10 1SJ

Public Participation:

- Mr Calum Ogilvie spoke in objection to the application.
- Mr David Stirling, agent, spoke in support of the application.
- Mr Phil Difford spoke in support of the application.
- Mrs Sally Oliphant, representing Bulkington Parish Council, spoke in objection to the application.

The Area Development Management introduced the report which recommended approval for the application. The late list informed members of the committee that a further objection had been received.

In responding to technical questions asked, the Area Development Manager clarified that this was not a conservation area. He further explained that Tudor Cottage was a listed building and that any building existing within its curtilage in 1948 would have also been listed. However as the detached garage had been erected in 2009 listed building consent was not required.

Members of the public then had the opportunity to speak as detailed above.

Members of the committee were concerned about the issues of overdevelopment of the site as well as the lack of direct access to the rear of the building. However their main concern, as highlighted by public speakers, was to ensure that the annexe could not be classed as a separate dwelling.

It was therefore

Resolved:

To delegate authority to the Director of Development to grant planning permission subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act, preventing the studio from being sold separately from Tudor Cottage.

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

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

- 3 The existing parking area between the building and the High Street shall be retained at all times for off-street parking in connection with the residential use of the dwelling at Tudor Cottage and the annexe hereby approved.

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

- 4 The building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Tudor Cottage.

REASON: The creation of an independent dwelling in this location would give rise to additional planning considerations, including parking and amenity issues.

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan/s:

Drawing number 046 02 01 Rev 01 received on 07 February 2012

Drawing number 046 02 02 received on 11 October 2011

Drawing number 046 02 03 Rev 03 received on 07 February 2012

Drawing number 046 02 04 Rev 02 received on 07 February 2012

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

32.c W/12/00016/FUL - Single storey rear extension, front infill extension and side extension - 18 Little Parks Holt Wiltshire BA14 6QR

Public Participation:

- Mr John Smith spoke in objection to the application.

- Mr Ken Myzen spoke in objection to the application.
- Mrs Sandra Chruzcz, applicant, spoke in support of the application.

Councillor Roy While had to leave at this point.

The Area Development Manager introduced the report which recommended approval of the application. He also drew the committee's attention to the late list which explained that a plan had been received from the agent confirming that the existing access would not be widened and that the new parking area would be laid to gravel. This work could be done without the requirement for planning permission from the Council.

In responding to technical questions asked the Area Development Manager explained that Highways would object to the use of gravel only if it came up to the highway. In this case the gravelled area was an extension to the existing drive (tarmac) not reaching the highway, on the other hand meeting the requirement for a porous material to be used.

In responding to a question from members of the committee on a point raised by a public speaker it was explained that a technical error had meant that some of the letters informing interested parties of the applications to be considered by the Western Area Planning Committee at this meeting had been sent without postage. Where identified reimbursement of cost was being offered to those affected. The Area Development Manager offered apologies for any inconvenience this may have caused.

Members of the public then had the opportunity to speak as detailed above.

During the ensuing debate members of the committee felt that amendments to the proposed extension, as suggested by objectors as being in-keeping with existing extended dwellings on the estate, may potentially have more of an impact on neighbouring dwellings.

It was therefore

Resolved:

That planning permission be GRANTED

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

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

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Location Plan received on 5 January 2012

1407-01 P1 received on 5 January 2012

1407-02 P1 received on 5 January 2012

1407-03 P1 received on 5 January 2012

1407-04 P2 received on 3 February 2012

1407-05 P2 received on 3 February 2012

1407-06 P2 received on 3 February 2012

1407-07 P2 received on 3 February 2012

1407-08 P2 received on 3 February 2012

1407-09 P2 received on 3 February 2012

1407-10 P2 received on 3 February 2012

1407-11 P3 received on 19 March 2012

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

33 **Appeals Report**

Councillors John Knight and Pip Ridout had to leave at that point.

The Area Development Manager introduced his report which summarised the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Western Area Planning Committee in 2011.

Some Councillors and members of the committee could not be satisfied that the decision to withdraw opposition to the Slag Lane appeal had been the most cost effective and expressed their wishes to seek specialist legal advice or Counsel when similar situations arose in future. The Area Development Manager pointed out that the conclusions reached by the Inspector supported the decision to

withdraw the objection, he also reminded the committee that legal advice had been sought and that the Inspector had reached his decision due to the lack of substantive evidence to support the reason for refusal put forward by the Council.

The Area Development Manager, in response to questions asked, explained that the reasons and circumstances for appeals against decisions made under delegated decision (especially allowed appeals for decisions related to householder applications) were being reviewed by the Development team in a bid to address any issues.

The Committee thanked Cllr Jonathon Seed for his effort and hard work with regards to the appeal for the land adjacent to West Wiltshire Crematorium (APP/Y3940/A/11/2156159).

Resolved:

To note the Planning Appeals Report.

34 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.00 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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