

WESTERN AREA PLANNING COMMITTEE

**MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING
HELD ON 4 FEBRUARY 2015 IN THE COUNCIL CHAMBER - COUNTY HALL,
TROWBRIDGE BA14 8JN.**

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman),
Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett,
Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While and
Cllr Gordon King (Substitute)

10 Apologies for Absence

Apologies for absence were received from Councillor Magnus MacDonald, who was substituted by Councillor Gordon King.

11 Minutes of the Previous Meeting

The minutes of the meeting held on 14 January 2015 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 14 January 2015.

12 Chairman's Announcements

There were no Chairman's Announcements.

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

13 Declarations of Interest

Councillor Andrew Davis stated that although he had considered application 14/05980/FUL - Fiarview House, Gypsy Lane, Warminster - as a member of the Planning Committee of Warminster Town Council, he would be considering the application with an open mind.

As declared at the previous meeting, Councillor John Knight that although he had considered application 14/02929/FUL - Ravenscroft Nursing Home, 44 Hilperton Road, Trowbridge - as a member of the Planning Committee of Trowbridge Town Council, he would be considering the application with an open mind.

14 Public Participation and Councillors' Questions

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

The following written councillor question and response was received and noted:

Question from Councillor Ernie Clark, Hilperton Division:

Condition 10 of planning application (W)04/01389/FULES provides:

10 *Notwithstanding the details shown on the submitted drawings no development shall take place until details of the pedestrian crossings where footways and footpaths cross the road, and details of the pedestrian and bridleway crossing at Middle Lane have been submitted to, and approved in writing by, the Local Planning Authority.*

“ Zebra crossings will be provided on the new road adjacent to the "Fieldways roundabout and to the "Wyke Road" roundabout. The development shall be carried out in accordance with the approved details before the road is opened to traffic..... “

REASON: In the interests of highway safety, in order to safeguard amenity, and to facilitate access for all

What was the wording for this condition as it appeared in the officers recommendation in the agenda papers for the meeting when this condition was agreed? i.e. I wish to find out whether the wording of the condition was amended during the course of the planning meeting.'

Response

Condition 10, as agreed by the meeting (minute 294 refers) reads as follows:

Amendment of condition 10 to read as follows: -

Notwithstanding the details shown on the submitted drawings, no development shall take place until details of the pedestrian crossings where footways and footpaths cross the road, and details of the pedestrian and bridleway crossing at Middle Lane have been submitted to, and approved in writing by, the Local Planning Authority. Zebra crossings will be provided on the new road adjacent to the "Fieldways" roundabout and to the "Wyke Road" roundabout. The development shall be carried out in

accordance with the approved details before the road is opened to traffic. Kissing gates suitable for disabled use shall be provided where footpaths intersect the road.

REASON: In the interests of highway safety, in order to safeguard amenity, and to facilitate access for all.

Condition 10, as recommended by the officer reads as follows:

Notwithstanding the details shown on the submitted drawings no development shall take place until details of the pedestrian crossings where footpaths cross the road, and details of the pedestrian and bridleway crossing at Middle Lane have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and the crossings shall be complete and operational before the road is opened to traffic.

REASON: In order to safeguard amenity.

15 **Right of Way Applications**

The Committee considered the following right of way application:

15a Proposed Extinguishment of a Section of West Ashton Footpath 1 (Part) and Creation of Footpath in Substitution

Public Participation

Francis Morland spoke in objection to the application.

The Right of Way Officer presented the report which outlined the recommendation that the order be confirmed by the Secretary of State.

Members of the Committee had the opportunity to ask technical questions regarding the proposed order.

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

The Local Member, Councillor Horace Prickett, spoke in support of the proposals, and following a motion being proposed it was,

Resolved

That the Wiltshire Council West Ashton 1 (part) Extinguishment Order 2014 and the Wiltshire Council West Ashton 1 (part) Creation Order 2014 be submitted to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that the Orders be confirmed and the objection is dealt with under the written representation scheme.

Reason for decision:

Officers believe it is expedient to extinguish the path through Manor View and its garden as in the light of a satisfactory alternative there is no need for the public to use this route. It is necessary to confirm the concurrent Creation Order providing for a footpath in substitution for the section of footpath to be extinguished to ensure public access along West Ashton Footpath 1 is maintained.

16 Planning Applications

The Committee considered the following applications:

17 14/05980/FUL - Fairview House, Gypsy Lane, Warminster

Public Participation

Mr Michael Knight spoke in objection to the application.

Mr Martin Somervell MBE spoke in objection to the application.

Rev Denis Brett spoke in objection to the application.

Mr Paul Walsh spoke in support of the application.

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

The Senior Planning Officer outlined the report which recommended the application for approval subject to conditions. Key issues were stated to include the principle of the development, and impacts upon the character and appearance on the area and local amenity. A committee site visit took place prior to the meeting.

Members of the Committee then had the opportunity to ask technical questions of the officer, where it was confirmed that as Fairview House was not a Listed Building, the process for demolition was simpler than would otherwise be the case.

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 objection to the application.

A debate followed, where the potential loss of amenity and extent of any overlooking was assessed within the context of the site and local area was discussed, along with restriction of working hours during construction and details regarding affordable homes provision, in the event permission was approved.

At the conclusion of debate, it was

Resolved

To delegate authority to the Area Development Manager to grant planning permission subject to a legal agreement to secure the following:

- a) 4 units of affordable housing
- b) A financial contribution of £16,700 towards public open space;
- c) A financial contribution of £4,501 towards swimming pools and/or upgrades to boathouse in Warminster Park;
- d) A financial contribution of £5,158 towards sports halls; and
- e) A financial contribution of £1,320 towards the Wessex Stone Curlew Project; and, that permission be subject to the following conditions:

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

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

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

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

- 3 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- a) location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- b) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - c) the finished levels and contours;
 - d) the means of enclosure;
 - e) car park layouts;
 - f) other vehicle and pedestrian access and circulation areas;
 - g) all hard and soft surfacing materials;
 - h) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); and,
 - i) all proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 4 All soft landscaping comprised in the approved details of

landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

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

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

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

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

be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the 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 and ecology.

- 6** No development shall commence on site until details of the screen fences to be located on the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The screen fences shall be erected in accordance with the approved details prior to the occupation of the dwellings hereby permitted and shall be retained and maintained as such at all times thereafter.

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

- 7** 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.

- 8** 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: In the interests of highway safety.

- 9** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 10 The development hereby approved shall not be first occupied until the refuse and recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.**

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

- 11 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.**

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

- 12 The development hereby approved shall be carried out in accordance with the recommendations made in Section 6 of the Nocturnal Emergence and Dawn Re-Entry Bat Surveys report (no. RT-MME-117290-01) dated August 2014 and Sections 6.2 and 6.3 of the Preliminary Ecological Appraisal report (no. RT-MME-116887-01) dated June 2014 both prepared by Middlemarch Environmental, unless otherwise agreed in writing with the local planning authority.**

REASON: to ensure adequate protection and mitigation for protected species / priority species / priority habitats.

- 13 Bat boxes erected in suitable trees shall be at a minimum height of 4 metres from the ground.**

REASON: to ensure adequate installation of bat boxes, as an enhancement for biodiversity

- 14 Prior to the commencement of any works associated with the development hereby approved, an Amphibian and Reptile Method Statement for site clearance and a Reptile and Amphibian Mitigation Strategy shall be submitted to the local planning authority for approval by the Council Ecologist. The approved method statement and mitigation strategy shall be implemented in full.**

REASON: To ensure protection of priority and protected species.

- 15 Prior to the commencement of works associated with the development hereby approved, details of the replacement trees (10 trees) on the southern boundary, including species and container**

sizes, shall be submitted to the local planning authority for approval. Trees shall be of British origin and local provenance. The tree replacement planting shall be carried out in accordance with the approved details within 12 months of the completion of the development.

REASON: to ensure mitigation for loss of trees along the southern boundary, which is used by foraging/commuting bats.

- 16** Prior to the commencement of any works associated with the development hereby approved, details of the mitigation for house sparrows shall be submitted to the local planning authority for approval by the Council Ecologist. The approved details shall be implemented in full before the dwellings hereby approved are occupied.

REASON: to provide mitigation for the loss of nesting sites of a priority species, the House sparrow.

- 17** 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.

- 18** 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.

19

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.

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

3732/001 Rev H Site Plan and Location Plan, received 21 October 2014

3732/002 Rev B Plots 1 and 2 Plans and Elevations, received 21 October 2014

3732/003 Rev C Plots 1 and 2 Plans and Elevations, received 21 October 2014

3732/004 Rev C Plots 3 to 8 Plans and Elevations received 21 October 2014

3732/005 Rev B Plots 9 to 12 Plans and Elevations, received 21 October 2014

516/7343/1 Topographical Survey, received 18 June 2014

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

INFORMATIVE: Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats 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). Please be advised that, if bats are discovered, all works should stop immediately and Natural England should be contacted for advice on any special precautions before continuing (including the need for a derogation licence).

INFORMATIVE: 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 of their website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence. Further information can be obtained from the Wessex Water New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

INFORMATIVE: Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system. If any further information is required please contact Wessex Water.

INFORMATIVE: The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire and Rescue Service.

INFORMATIVE: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [insert date of future s106 agreement].

18 14/02929/FUL - Ravenscroft Nursing Home, 44 Hilperton Road, Trowbridge

Public Participation

Mrs Angela Clements spoke in objection to the application.

Mr Richard Borrows, agent, spoke in support of the application.

The Senior Planning Officer outlined the report which recommended the application for approval subject to conditions and a s.106 legal agreement. Key issues were stated to include the scale of the proposed development and visual impact. A committee site visit took place prior to the meeting.

Members of the Committee then had the opportunity to ask technical questions of the officers, where details were sought on the differences in land levels between the application site and neighbouring properties.

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

A debate followed, where the level of parking provision on the site was considered and assessed, along with the suitability of amenity space and the impact on the wider area.

At the conclusion of debate it was,

Resolved:

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

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

- 3 No development shall commence on site until details of all windows (including head, sill and window reveal details) 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, the character of the host building and the character and appearance of the area.

- 4 No part of the development hereby permitted shall be occupied until the parking spaces have been constructed and marked out in accordance with the details shown on the approved plans, and the cycle racks provided. The parking and turning areas shall be maintained for those purposes at all times thereafter.**

REASON: In the interests of highway safety and amenity.

- 5 Before works commence, a report shall be submitted to and approved in writing by the local planning authority approval detailing the results of sufficient bat surveys to confirm the location, status, species and access points of all bat roosts in buildings affected by the development hereby approved. The report shall illustrate the locations of roosts and access points on the approved architect drawings and assess the impacts of the proposed scheme on each roost and access point. The report shall provide recommendations for mitigation of any loss of ecological function of roosts or access points and any other safeguards that need to be put in place such as methods of working and revised survey and will recommend whether or not a European Protected Species licence will be required for works to proceed. The works shall be undertaken in accordance with the recommendations of the approved report.**

REASON: In order to ensure the protection of Bat Species.

- 6** No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- a) location and current canopy spread of all existing trees and hedgerows on the land;
 - b) full details of any to be retained, together with measures for their protection in the course of development;
 - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - d) finished levels and contours;
 - e) means of enclosure;
 - f) car park layouts;
 - g) other vehicle and pedestrian access and circulation areas;
 - h) all hard and soft surfacing materials;
 - i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 7** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building 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.

- 8** No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to the trees to be retained in accordance with the approved plans has been submitted to, and

approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement shall provide the following:

- A specification for protective fencing to trees during both demolition and
- construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on 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.

- 9 The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS), and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

- 10 All building services plant shall be so sited and designed in order to achieve a Rating level of -5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor. Measurements and assessment shall be carried out in accordance with BS4142:1997.

REASON: In the interests of amenity of the surrounding area.

- 11** No development shall take place, including any works of demolition, until a Construction Method Statement 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 Statement shall provide for:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of any security hoarding;
 - measures to control the emission of dust and dirt during construction; and
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In order to avoid harm to surrounding amenity in terms of noise, storage areas and restricted access arising during the development.

- 12** Hours of work for all demolition, site clearance and construction shall be within the following times:
Monday to Friday 0730 to 1800; Saturday 0800 to 1300 and at no time on Sundays or Bank Holidays.

REASON: In the interests of those residents in the cul-de-sac area and nearby the site the hours of working should be controlled.

- 13** 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 occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

- 14** The development and accommodation hereby permitted shall be used for residential care and ancillary facilities within the definition of Class C2, Residential Institutions, and for no other purpose (including any other purpose in Class C2); of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: In order to define the terms of this permission and because other C2 uses may not be appropriate in this context.

- 15** The development hereby permitted shall be carried out in accordance with the following approved plans:
L5800 (05) 70 Existing Site Plan with Topo survey received on 18.09.2014
L5800 (05) 74A Proposed Lower Ground Floor Plan received on 18.09.2014
L5800 (05) 75A Proposed Ground Floor Plan received on 18.09.2014
L5800 (05) 76A Proposed First Floor Plan received on 18.09.2014
L5800 (05) 77A Proposed Roof Plan received on 18.12.2014
L5800 (05) 78C Proposed Elevations 1 received on 18.12.2014
L5800 (05) 79C Proposed Elevations 2 received on 18.12.2014
L5800 (05) 80 Proposed Courtyard Elevations received on 18.09.2014
L5800 (05) 83B Proposed Site Layout Plan with 25/45 degree analysis received on 18.09.2014
L5800 05 3D 001-004, Sun Path Analysis received on 18.09.2014
L5800 (05) 95 South West Progressive Elevations received on 18.09.2014
L5800 (05) 96 South East Progressive Elevations received on 18.09.2014
L5800 (05) 97 North East Progressive Elevations received on 18.09.2014

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

- 16** **Informatives:**
The details provided in the submitted Arboricultural Report and Tree Protection and Tree Survey plans are accepted as base information for incorporation into the plans/reports to be provided in respect of the landscaping and arboricultural method statement conditions.
The applicant is advised that this permission relates to development within the red-line application site area. There is a question of land ownership over the narrow strip of land adjacent to the access which it is proposed to utilise for access widening.

19 **14/06682/FUL - 64 Wingfield Road, Trowbridge**

Public Participation

Mr Michael Oleszynski spoke in objection to the application.

Mr Robert Hillman spoke in objection to the application.

Mr Trevor Barclay Jenkins spoke in objection to the application.

Mr Chris Beaver, agent, spoke in support of the application.

The Senior Planning Officer introduced a report which recommended that planning permission be granted subject to conditions and a s.106 legal agreement. Key issues were stated to include the principle of the proposed development of 8 dwellings, the impact on neighbouring amenity and access and parking considerations.

Members of the Committee then had the opportunity to ask technical questions of the officer, where clarity was requested over the proposed conditions and informatives, and in response to queries it was stated that in response to new government guidance, affordable homes provision could not be requested on sites with fewer than 10 dwellings.

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

The local Unitary Member, Councillor John Knight, then spoke in support of the application.

A debate followed, where the principle of the number of dwellings on the site was considered, along with the extent and nature of the s.106 contributions recommended, and an assessment of the impact on the neighbouring area.

At the conclusion of debate, it was,

Resolved:

To delegate authority to the Area Development Manager to grant planning permission subject to a legal agreement to secure an index-linked financial contribution of £3,296 towards the provision of open space facilities, and subject to the following conditions:

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

REASON:

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

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

REASON:

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

- 3 Subject to the further requirements of Condition 4, all soft landscaping comprised in the approved details of landscaping on Plan 3631/01 Rev H 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.

- 4 The hedgerow along the north-eastern boundary of the development hereby approved and as shown on Plan 3631/01 Rev H shall not be removed without the prior written approval of the Local Planning Authority. If, contrary to this condition, the hedge or part of the hedge is removed or destroyed, details of new hedging shall be submitted to the local planning authority and the approved details shall be implemented during the first available planting season after the date of approval.**

REASON:

To protect a flight line for Lesser Horseshoe bats.

- 5 Notwithstanding any other approved plan and prior to the commencement of development a plan shall be submitted showing existing and proposed finished land levels and finished floor and ridge levels to all new buildings for written approval by the Local Planning Authority. There shall be no raising of existing ground levels on the site by importation of materials. The development shall be implemented in accordance with the approved levels.**

REASON:

In the interests of visual amenity.

- 6 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:

In the interests of highway safety.

- 7 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) and visibility splays have been provided in accordance with the details shown on drawing GAO1 REV A as contained within the "Transport Statement" dated July 2014. The access shall be maintained as such thereafter.

REASON:

In the interests of highway safety.

- 8 No development shall commence on site until details of all boundary treatments, which shall include the retention of the stone materials to the Wingfield Road frontage to include the reconstruction of the wall to be re-aligned under Condition 6, 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.

- 9 The development hereby approved shall be carried out in accordance with the 'Discussion and Conclusions' section on pages 11 - 12 of the Bat Survey report by Stark Ecology dated August 2014 and drawing 3631/04 REV B received on 22 December 2014, as modified by any relevant Natural England bat licence for the development, or unless otherwise agreed in writing with the local planning authority.

REASON:

To ensure adequate mitigation for a European protected species - Lesser horseshoe bat.

- 10 Only passive infrared sensor lights shall be used on the exterior eastern elevation of Plot 6 and no external lighting shall be installed to the rear of the garages containing the Lesser Horseshoe bat roost (Plots 6 and 7), as modified by any relevant Natural England bat licence for the development. No other external lighting shall be installed without the prior approval of the Council's Ecologist.

REASON:

To maintain the eastern boundary as a dark corridor for bats.

- 11 The development hereby approved shall be carried out in accordance with the 'Discussions and Conclusions' section on

pages 14 - 15 of the Ecological Appraisal and Initial Bat Survey report by Stark Ecology dated July 2014 in relation to reptiles, badgers and nesting birds, unless otherwise agreed in writing with the Council's Ecologist.

REASON:

To ensure adequate mitigation for UK protected species

- 12 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON:

To ensure that the development can be adequately drained.

- 13 The development hereby permitted shall be carried out in accordance with the following approved plans:
3631-001 REV H Received on 22 December 2014;
3631-011 REV A Received on 26 November 2014;
3631-013 REV B Received on 22 December 2014;
3631-018 REV B Received on 26 November 2014;
3631-019 REV A Received on 26 November 2014;
3631-020 REV B Received on 26 November 2014; and
3631-040 REV B Received on 3 January 2015.

REASON:

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

- 14 **INFORMATIVES:**

- a) There is a low risk that great crested newts could occur in suitable terrestrial habitats on the application site. Great crested newts are legally protected by 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). Please be advised that, if great crested newts are discovered, all works should stop immediately and Natural England should be contacted for advice on any special precautions before continuing, as a derogation licence may be required.
- b) Any noise during the construction phase should be limited to 0730-1800hrs Monday to Friday and 0800-1300 on Saturdays and not at all on Sundays and Public Holidays.
- c) The entire site frontage will be subject to parking restrictions by a Traffic Regulation Order (TRO) (parking

restrictions currently existing either side of the site), this will ensure that the maximum visibility is achieved at all times.

20 **14/10385/VAR - Land South West of 429 Redstocks, Melksham**

Public Participation

Mrs Margaret Ryan spoke in objection to the application.

Mrs Audrey Hill spoke in objection to the application.

Mr Ben Pearce spoke in support of the application.

The Senior Planning Officer presented a report which recommended that the proposed variation to the originally proposed conditions be granted to permit changes to storage of materials on the application site.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on Highways concerns, and it was clarified that Wiltshire Council Highways officers had made initial objections to the proposed variation, but that these had been withdrawn.

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

The local Unitary Member, Councillor Roy While, then spoke in objection to the application.

A debate followed, where the impact on Highways of the proposed variation, and whether that impact was severe was considered, and whether an increase in generated traffic would have an unacceptable impact on neighbouring amenity.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be REFUSED for the following reason:

The proposed variation to conditions imposed on application W/12/01907/FUL would have an unacceptable and inappropriate impact on Redstocks lane and neighbouring amenities. The increased on-site storage proposal would result in an increased generation of traffic using the narrow lane located off the A365, and whilst there is an established use for the site, the proposed expansion for the use of the site has had and would continue to have consequential and detrimental unsustainable highway impact contrary to the provisions contained within the second and third bullet points of paragraph 32 of the National Planning Policy Framework.

Councillor Jonathon Seed left the meeting after this item.

21 **14/09952/FUL - 221 Melksham Road, Holt**

Public Participation

Mr Martin Williams spoke in objection to the application.

The Planning Officer introduced a report which recommended that planning permission be approved subject to conditions. Key issues were stated to include the principle of the proposed two storey extension, the design and scale of the proposals and impact on neighbouring amenity.

Members of the Committee then had the opportunity to ask technical questions of the officer.

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

The local Unitary Member, Councillor Trevor Carbin, then spoke in objection to the application.

A debate followed, where the scale of the proposal was assessed within the context of the surrounding area and its impact on the neighbouring properties. Details on parking provision were also sought.

At the conclusion of debate, it was,

Resolved:

To REFUSE planning permission for the following reason:

The rear extension by reason of its size, mass, bulk and height would result in a substantial addition to the dwellinghouse which accommodates a narrow plot; and it would lead to an unacceptable level of overbearing and overlooking to the immediate neighbours at No 220 and No 222 Melksham Road which would result in loss of amenity and privacy contrary to the requirements of Adopted Wiltshire Core Strategy Core Policy 57.

The Committee requested it be recorded that the resolution to refuse permission was unanimous

22 **Urgent Items**

Councillor Ernie Clark's submitted question and response was received, and it was agreed to include it under Item 14 of these Minutes.

(Duration of meeting: 3.00 - 5.00 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

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