

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 3 JULY 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr David Vigar and Cllr Suzanne Wickham

40 **Apologies**

An apology for absence was received from Cllr Stewart Palmen.

41 **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 June 2024 were presented, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

42 **Declarations of Interest**

Cllr Pip Ridout declared a non-disclosable non-pecuniary interest in application PL/2023/02682 by virtue of previous interactions with interested parties. She confirmed she would voluntarily not participate or vote on the application.

Cllr Andrew declared a non-disclosable non-pecuniary interest in application PL/2023/02682 by virtue of having been lobbied about the application by the applicant. He confirmed he would participate and vote on the application.

43 **Chairman's Announcements**

There were no Chairman's Announcements.

44 **Public Participation**

The procedure for public speaking was noted.

45 **Planning Appeals and Updates**

The planning appeals update report was noted. Attention was drawn to application PI/2022/09147 where refusal for an agricultural workers dwelling was upheld by the Planning Inspectorate, though it was noted that had the appellant been able to evidence an essential need for such a dwelling in the Green Belt, that would constitute as very special circumstances.

It was then,

Resolved:

To note the planning appeals update report.

46

PL/2024/02246: Trowbridge Rugby Football Club, Paxcroft, Hilperton, BA14 6JB

Public Participation

Richard Cosker, agent, spoke in support of the application.

Kevin Davis, Trowbridge Rugby Football Club, spoke in support of the application.

Richard Culverhouse on behalf of Hilperton Parish Council spoke in objection to the application.

Jemma Foster, Senior Planning Officer, presented a report recommending permission be granted for the retrospective application to regularise the use of part of the rugby club car park for (a) The stationing of storage and collection lockers and (b) Heavy Goods Vehicle Driving Licence training area.

Key issues included the principal of the application, impact upon the character and appearance of the area, and on highways. No objections had been received by statutory or technical consultees.

Members of the Committee were given the opportunity to ask technical questions of the officer. Details were sought on the planning conditions requested by the Council's ecologist, noting in particular that the biodiversity action plan request was not included within the planning report on the basis of that condition not meeting the legal tests to which all planning conditions must satisfy.

Members of the public were then able to address the Committee with their views, as detailed above.

The Local Member, Cllr Ernie Clark, then noted the objections raised by the Parish Council, and the officers recommended conditions to mitigate the potential impacts of the application. He also drew the Committee's attention to the original permission for the site and the restricted use which was permitted.

Following moving a motion to refuse which was not seconded, Cllr Ernie Clark moved that the application be approved as set out in the officer's report. This was seconded by Cllr Trevor Carbin.

During debate there was discussion around the restricted hours of operation for the HGV training on the site, and noting the play park was located on the opposite side of the site.

At the conclusion of debate, it was,

Resolved:

To grant planning permission subject to the following conditions:

1. The development hereby permitted retrospectively is based on the following approved plans and documents:

BDS-02-24-03 (proposed block plan), BDS-02-24-04 (storage lockers) received by the Local Planning Authority on 29th February 2024
BDS-02-24-01 (location plan) received by the Local Planning Authority on 14th March 2024
Highways Note received by the Local Planning Authority on 10th April 2024

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

2. The use hereby approved shall enure solely for B&W Truck Training and B&W Recruitment being identified as Lorry Manoeuvring Training on Drawing Number BDS-02-24-03 and shall operate only between the hours of 09:00 to 16:00 on Mondays and between 08:00 and 12:00 Tuesday to Fridays. No equipment including trucks and trailers associated with this consented use shall be present on the site outside of these hours. The use shall not operate on weekends or Bank Holidays.

REASON: In the interests of the users of the Trowbridge Rugby Club car park

3. The ByBox Storage area identified on drawing number BDS-02-24-03 shall only be used for the stationing of storage lockers as shown on drawing number BDS-02-24-04 and for no other use within Use Class B8 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 the interest of parking, highway safety and neighbouring amenity

4. No external light fixtures or fittings shall be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved in writing by the Council. The submitted details must demonstrate how the proposed lighting would impact on bat habitat compared to the existing situation alongside measures to minimise light pollution. Any lighting shall then be carried out in accordance with the approved details.

REASON: to avoid illumination of habitat used by bats

47 **PL/2023/02682: 6 Ash Walk, Warminster, BA12 8PY**

Public Participation

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

Kenny Green, as Planning Manager, and in the absence of the case officer, presented the report recommending that permission be refused for the

conversion and extension of a partially constructed single storey ancillary garden building to a 2-storey detached dwelling and associated works. The Committee's attention was also drawn to the site planning history which was set out in detail in the published report.

Key issues included the impact on the setting of nearby heritage assets and the impact the proposed development would have upon the character of the area and the appropriateness of the proposed amenity provision when tested against the framework, the WCS, the made Warminster Neighbourhood Plan and the recent adopted Wiltshire Design Guide.

The Committee were informed the applicant had commenced the erection of an outbuilding which was without a roof and that the applicant maintained it was permitted development, although officers were unable to verify if that was the case since the structure was within 2m of the boundary and was very close to the 2.5m maximum height threshold, and without having a roof, it was not possible to confirm matters. Notwithstanding the above, the Committee were advised to only consider the merits of what was proposed in the form of a 2-storey dwelling.

Members of the Committee were given the opportunity to ask technical questions of the officer. Details were sought on the immediate heritage asset setting effects mindful of the modern construction of the of the Imber Court residential retirement home (to the south of the application site (and within the Conservation Area), confirmation was also sought that there had been no statutory objections or third-party representations received.

The appointed planning agent representing the applicant, was then able to address the Committee with his views, as detailed above.

The Local Member, Cllr Andrew Davis, then provided his reasons for the committee call-in and provided his own observations on the application's key issues, and informed the Committee that he had only visited the site recently and after reading the published committee agenda and wished to hear from his fellow Members with the potential benefits of a Member site visit being one option.

A motion was then moved by Cllr Bill Parks, seconded by Cllr Ernie Clark, to refuse the application as recommended by officers. During debate the design of the proposed dwelling and the garden sizes for both the proposed new house and the host dwelling that would have its plot sub-divided were discussed, along with noting the reasons for dismissing the previous planning appeal by the Planning Inspectorate. Members also wished to understand what weight a self-build proposal should be afforded in the planning balance.

At the conclusion of debate, it was,

Resolved:

To refuse planning permission for the following reasons:

1. **The proposal would have a harmful effect on the character and appearance of the area and the setting of the nearby designated heritage assets, which would detract from the wider uniformity and arrangement of dwellings in the locality. The proposal would make the existing dwelling appear cramped on a much smaller plot, with the new dwelling being squeezed onto a plot that is substantially smaller than others in the locality, and would appear out of character with the existing built form, scale and plot size of the area. This would fail to preserve the setting of the designated conservation area and nearby Grade II listed buildings; and would result in less than substantial harm to the significance of the nearby designated heritage assets and, in the absence of substantive public benefits to outweigh this harm, the proposal is contrary to policies Core Policy 57 criteria iii and iv and Core Policy 58 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, and conflicts with paragraphs 203, 205-208 of the National Planning Policy Framework and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
2. **In order to accommodate the proposed new dwelling, the existing plot of No.6 Ash Walk would be subdivided and significantly reduced in size, resulting in an inadequately sized residual rear garden area for the occupiers of 6 Ash Walk, which would result in a diminished amenity value. Furthermore, the rear outside amenity space that would serve the new dwelling (created through the subdivision of No.6) would be of an insufficient size when assessed against the requirements of Council's adopted Design Guide. The proposal is therefore in direct conflict with criterion vii of Core Policy 57 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, chapter 9.2 of the adopted Wiltshire Design Guide and paragraph 135f of the National Planning Policy Framework which requires a high standard of amenity for existing and future users.**

48 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 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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