

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 30 MAY 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 Horace Prickett

12 Apologies

There were no apologies.

13 Minutes of the Previous Meeting

The minutes of the meeting held on 7 March 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 7 March 2018.

14 Declarations of Interest

Councillor Ernie Clark referred to his register of interest.

15 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.

16 Public Participation

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.

17 **Planning Appeals and Updates**

The Planning Appeals Update Report for 23/02/2018 and 18/05/2018 was received.

Resolved:

To note the Planning Appeals Update Report for 23/02/2018 and 18/05/2018

18 **Planning Applications**

The Committee considered the following applications:

19 **17/04707/FUL: Land at Whaddon Lane, Hilperton, BA14 6NR**

Public Participation

Martyn Jones spoke in support of the application.

Steve Yalland, applicant, spoke in support of the application.

Cllr Fisher of Hilperton Parish Council, spoke in objection to the application.

Steve Sims, Senior Planning Officer, introduced the report following its deferment from the December 2017 meeting, and recommended approval be granted for Siting of a temporary rural workers dwelling and access track.

Key issues included; the scale of the development, the visual impact upon the surrounding area, the design - bulk, height, general appearance, the environmental and highway impacts, the financial viability of the proposed development, that areas of the 'rented land' seem to have only informal grazing rights at limited times of the year; and the amount of land owned by the applicant was not large enough to warrant any type of agricultural dwelling.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the viability of the business, the need for accommodation year round and on which piece of land the accommodation would be located.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member Councillor Ernie Clark spoke on the application noting that he supported the business however he expressed concerns about whether there was an essential need for the proposed on site accommodation.

A motion was moved to refuse the application by Councillor Ernie Clark and seconded by Councillor Andrew Davis.

A debate followed and the members were informed that officers had obtained an updated appraisal from the Council's agricultural consultant who had concluded that the on-site farming practice justified a temporary dwelling, especially in terms of the lambing husbandry responsibilities,

A vote was taken and the motion was lost.

Motion to move the officer's recommendation, with a note that the temporary accommodation would be available for three years from the date of the decision made, was moved by Councillor Jonathon Seed and seconded by Councillor Sarah Gibson.

At the end of the debate it was;

Resolved:

To approve temporary planning permission subject to the following conditions:

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

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

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

Proposed Site Location Plan; Site plan scale 1:500 received 19 May 2017; Proposed Layout and Elevations Plan (dwg no. 2629/02) received 19 May 2017; Septic Tank details received 19 May 2017; Attenuation treatment details received 19 May 2017; Visibility splay details received 27 July 2017.

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

3 The occupation of the temporary dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

4 The temporary dwelling hereby approved and all external residential paraphernalia associated with the residential unit shall be removed and the land restored to its former condition on or before 30 May 2021 in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: Permission is granted on a temporary basis only to establish whether there is a functional need for permanent on site residential accommodation at this agricultural holding.

5 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, 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: 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.

6 The development hereby permitted shall not be occupied until the means of foul water drainage for the temporary dwelling (i.e. the septic tank details received 19 May 2017) have been completed in accordance with the submitted details.

REASON: To ensure that the development is provided with a satisfactory means of drainage.

7 The development hereby approved shall not be first occupied until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 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 90 metres in both directions from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

8 The development hereby approved 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.

9 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.

10 Within 1 month of the occupation of the temporary agricultural workers dwelling hereby approved the existing unauthorised caravan shall be permanently removed from the site.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit additional permanent residential accommodation in tandem with the approved.

INFORMATIVE TO APPLICANT:

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

20 **18/01841/FUL: Land Adjoining Hatch House, Up Street, Upton Lovell, BA12 OJP**

Public Participation

Lucy Bray spoke in objection to the application.
Lucy Street spoke in support of the application.
Mark Street spoke in support of the application.
Patricia Molyneux spoke in support of the application.
Cllr Maria Ironside, Upton Lovell Parish Council, spoke in objection to the application.

David Cox, Senior Planning Officer, introduced the report which recommended approval be granted subject to conditions for a change of use from agricultural land to a dog exercise area with retention of a small paddock for agricultural use.

As part of the case officer's verbal presentation, Members were informed that two 'late' written representations both in support of the application had been received. Members were also advised that the shepherds hut was no longer a constituent part of the application.

The key issues were identified as; the principle of the development, impact on neighbouring amenity, impact on the visual amenity and the Area of Outstanding Natural Beauty, drainage and flood risk, highway safety and parking, impact on ecology and the impact on designated heritage assets.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the monitoring and any lodged complaints received to date from dogs barking and the disposal of dog waste.

Members of the public, as detailed above, had the opportunity to speak on the application.

A motion to approve a temporary permission for two years was moved by the Chairman and seconded by Councillor Trevor Carbin

A debate followed and the key points included: that if the land was open, many dog walkers could use it, many more than proposed.

At the end of the debate it was;

Resolved:

To approve temporary permission for two years from the date of decision subject to the following conditions:

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

Design and Access Statement; Ecological Statement; Location Plan and Site Plan - all received 5 March 2018

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

- 2 The use hereby permitted shall be discontinued on or before 30 May 2020 unless an extended timeframe is approved under a separate application.**

REASON: In the interests of amenity.

- 3 The use hereby permitted shall be restricted to dog exercise and training purposes only taking place between the hours of 0900 - 1700 on Mondays to Fridays. The use shall not take place at any time on Saturdays, Sundays or during Bank or Public Holidays.**

REASON: To define the terms of this permission and in order to protect residential and local amenities.

- 4 No more than 9 dogs shall be brought onto or be exercised at the site at any one time.**

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area

- 5 Within 1 month of this decision, details of the proposed dog waste bin container and composting for the site shall be submitted and approved in writing by the local planning authority. The bin location shall be restricted to the siting as shown on the approved site plan in perpetuity for as long as the dog exercise/training land use operates.**

REASON: In the interests of protecting the nearby SSSI from contaminated waste.

- 6 No external lighting shall be installed anywhere on site.**

REASON: In the interests of preserving the scenic beauty of the Area of Outstanding Natural Beauty and to protect neighbouring amenity.

21 **18/01851/FUL: Barney Lodge Day Nursery, 5 Westbury Road, Warminster, BA12 0AN**

Public Participation

Lyn Ashton, applicant, spoke in support of the application.

Cllr Sue Fraser, Warminster Town Council, spoke in objection to the application.

David Cox, Senior Planning Officer, introduced the report which recommended approval be granted subject to conditions for a change of use to part of the existing building from residential to nursery uses (Part Retrospective) and Variation of Condition 3 of planning consent W/06/00806/FUL to change the permitted number of children at the nursery from 45 to 70.

The key issues were identified as; the principle of the development, impact on neighbouring amenity, impact on highway safety and the impact on designated heritage assets.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: Access in and out of the setting, highways concerns and details on the lack of childcare spaces in the town.

Members of the public, as detailed above, had the opportunity to speak on the application.

The local unitary member, Councillor Pip Ridout then spoke in relation to the application noting the excellent work provided by the nursery and expressed concern over the number of children that would be accommodated within the premises and the increased amount of traffic.

A motion was moved by the Chairman to approve temporary permission for two years which was seconded by Councillor Jonathon Seed.

A debate followed and the key points included: that the number of the childcare spaces was too high and the need to monitor the application over the two year period to assess the successfulness of the changes including changes of the staff parking being proposed by the nursery owner.

At the end of the debate it was;

Resolved:

To approve temporary permission for two years from the date of decision 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, Block Plan and Design and Access Statement - all received 8 March 2018; Consolidated Transport Statement, Children Space Requirement Statement, Noise Mitigation Statement - all received 9 April 2018; Further Children's Space Requirement and Garden Use Statement - Received 18 April 2018; Garden Zone Plan - received 8 May 2018; Proposed Plans and Elevations - received 11 May 2018

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

- 3 The use hereby permitted shall be discontinued on or before 30 May 2020 unless an extended timeframe is approved under a separate application.

REASON: In the interests of amenity.

- 4 The nursery shall not accommodate any more than 70 children at any one time.

REASON: In the interests of Highway Safety and neighbouring amenity

- 5 The extended nursery hereby permitted shall only operate between the hours of 0700 in the morning and 1800 in the evening Monday to Friday. The use shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area

- 6 The extended use of the nursery shall not commence until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include measures to be adopted pursuant to actively encouraging parents to use sustainable modes of transport when accessing and using the nursery and to reduce private car dependency levels as well as require the applicant to submit full details of the Plan's implementation and its monitoring. Thereafter, the on-site use should operate in accordance with the agreed details. Future monitoring reviews of the Travel Plan should be submitted to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

NOTE: The applicant should make contact with the Council's green travel plan officer Ruth Durrant to assist with its preparation and to ensure best practices are employed.

- 7 The extended use of the nursery shall not commence until the 6 on-site car parking spaces and a centre line at the site's intersection with the public footpath (i.e. on the nursery site land) have been white line painted. Thereafter, all the line painting shall be maintained in perpetuity.

REASON: In the interests of road safety.

- 8 The outside play area, shown as ZONE 1 on the submitted garden plan shall only be used during the hours of 0930 to 1130 and 1430 to 1630.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area

21a 17/12066/FUL: Land to the Rear of 1 Frome Road, Trowbridge, BA14 ODB

Public Participation

Philip Bradley spoke in objection to the application.

David Pringle spoke in objection to the application.

Robert Gillespie, agent, spoke in support of the application.

Steven Vellance, Planning Officer, introduced the report which recommended approval be granted for a change of use of former car park land to a car wash facility with the erection of an enclosed sound proofed building, with new drainage and associated works (Resubmission of 17/05075/FUL).

As part of the case officer's verbal presentation, Members were advised that the references made to 'revocation' on page 85 at paragraphs 4 and paragraph 5 on page 86 should instead have read as 'nullification'

The key issues were identified as; the principle of the development, impact on neighbouring amenity, impact on highway safety, impact on drainage and the impact on designated heritage assets.

At 17:20, due to unforeseen circumstances the meeting had to move to another venue, at which point, the meeting paused and resumed at 17.30 in the Kennet room.

On the resumption of the meeting, Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the proposed operating protocols; whether the doors in the new building would be shut whilst the cars were being washed; the amount of noise from the new car wash; what the proposed generators would be used for; what the temperature controls would be during the summer months; clarifying increased pollution levels from cars waiting to go into the car wash; what the land would be used for beyond the fenced off part of the site; whether the size and design of the development would fit in with the local area; and in addition, details were sought on the existing permission on the land and the system for waste water.

Officers reported that the car wash would be able to accommodate up to two cars at a time, the door would open to let the cars in and out and close during the cleaning process operations. That the noise levels would be significantly lower than the current provision as it would be enclosed compared to the existing open air facility; and would be located further from residential boundaries; and that a noise survey had been completed and based on doors being open, there would be an overall betterment compared to the existing arrangements and processes. Members were informed that the generators were required to operate the valeting equipment. No information had been received on temperature controls during the summer months, although experts had inspected the plans and were satisfied. Members were advised that the site was a former car park and is currently used for cars parked up awaiting car wash and valeting. The size and design of the proposed bespoke car wash facility building had been negotiated by officers. The height of the building would be lower than the adjacent barn on the neighbouring land and would not appear out of keeping or visually obtrusive from the public realm or nearby conservation area. The building materials were also subject to officer negotiation and the use of brick would reflect the material used for the housing nearby. Officers advised Members that the building would be sympathetic to the surroundings.

Members were also informed that in addition to the consented car wash facility, the site also benefited from two residential permissions, once comprising the conversion and adaption of the former Ship Inn public house and the construction of a block of flats at the rear of the site.

Members were informed that if this current application was to be supported it would be essential for the Council to secure the applicants/land owners agreement to surrender the extant planning permission for the open air car wash facility upon the commencement on any implemented development pursuant to this development to avoid two car wash facilities operating on the site.

Members of the public, as detailed above, had the opportunity to speak on the application.

The local member Councillor Steven Palmen spoke on the application noting that the Town Council were concerned that the area was being over industrialised and that he had concerns about the intensification of the use of the site by virtue of the proposed extended hours of operation and having concerns about the design of the new building.

A motion was moved to refuse the application by Councillor Stewart Palmen and was seconded by Councillor Edward Kirk.

A debate followed which included a discussion about potentially amending the hours of operation.

At the end of the debate it was;

Resolved

To refuse planning permission for the following reasons:

- 1. The proposed intensification of use of the site and of the hours of operation, to include weekend working, would have an adverse impact on the amenities of nearby residents arising from the activities on site, such that they would be contrary to Core Policy 57 of the adopted Wiltshire Core Strategy."**
- 2. The proposed car wash building size, height, mass and unrelated design in a prominent location would create a visually incongruous and discordant feature that would be contrary to Core Policy 57 of the Wiltshire Core Strategy, as adopted 2015".**

21b 18/01371/FUL: Yew Tree House, Brokerswood, BA13 4EG

Public Participation

Mr Cassidy spoke in support of the application.

Kenny green, Team Leader, introduced the report which recommended refusal for an erection of a detached building.

The key issues were identified as; the principle of the development, development plan policy conflict, impact on the character of the area, impact on residential amenity, sustainability and highways matters.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on whether the site would be classed as a brownfield site and whether the site could be supported as an infill opportunity.

The Officer informed Members that the site was not part of a designated settlement and that it was classed as being located in the open countryside and in such locations; the adopted Wiltshire Core Strategy required a planning justification for new housing. Members were informed that the applicant had recently converted the former Kicking Donkey public house and had taken over its former car park and submitted this application seeking to build a new house for himself arguing in part, that the site was too large for a domestic garden. Members were informed that this was insufficient grounds to justify a grant of planning permission. Members were also advised that following the conversion of the former pub, the land which is now within residential curtilage is not considered brownfield land.

Members of the public, as detailed above, had the opportunity to speak on the application.

The local unitary member, Councillor Horace Prickett spoke in support of the application. He gave an outline of the history of the site noting that the development would match the street scene, no consultees had rejected the plans, no one from the community area had objected to the development, that

the community had a need for new builds and the village had a desire to reasonably expand.

A motion to move the officers recommendation was moved by the Chairman and seconded by Councillor Trevor Carbin.

A debate followed whereby the adopted policies of the WCS were duly noted.

At the end of the debate it was;

Resolved

To refuse planning permission for the following reasons:

- 1. The proposed site is located in the open countryside outside any identified limits of development which has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), a Housing Site Allocations DPD or Neighbourhood Plan. The development fails to satisfy the policy based criteria which support the delivery of additional residential units in the open countryside, and in the absence of a robust planning justification, the proposal is not considered to be a sustainable form of development and is contrary to Core Policies 1, 2, 29, 60 & 61 of the Wiltshire Core Strategy.**
- 2. The proposed development would constitute as unwarranted encroachment of the open countryside, without any justification. The proposal would lead to the loss of a spatial gap between existing buildings that would introduce an urbanising effect that would harm the rural character and appearance of the area, contrary to Core Policies 1 and 51 of the Wiltshire Core Strategy and Paragraph 17 of the National Planning Policy Framework which seek to preserve the intrinsic character of the countryside.**

22 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 6.50 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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