

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 2 MARCH 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

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

Also Present:

Cllr Linda Conley, Cllr Francis Morland and Cllr Julie Swabey

17 **Apologies for Absence**

Apologies for absence were received from Councillor Malcolm Hewson (substituted by Councillor Trevor Carbin) and Councillor Graham Payne.

18 **Minutes of the Previous Meeting**

The minutes of the meeting held on 9 February 2011 were presented.

Councillor Ernie Clark asked for some clarification to be provided regarding cost awards against Wiltshire Council and the provision made for these. The Chairman gave a verbal answer at the meeting. The question and answer are appended to these minutes.

Councillor Clark thanked the Chairman for his answer but still expressed unease at the wording of the answer provided on 9 February 2011.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 9 February 2011 with the following amendments (as shown in bold type):

Minute number 11 refers:

W/10/02808/OUT – Proposed extension and conversion of existing house into 7 dwellings - Wayside 62 Bradley Road Trowbridge Wiltshire BA14 0QY

Councillors Peter Fuller and John Knight declared a personal interest as members of Trowbridge Town Council, **and both members of the Town Council Development Committee**. Councillors Peter Fuller and John Knight gave their assurance that they would consider the application with an open mind.

Minute number 14c refers:

For the following reasons:

The proposed two storey extension, replacing the existing single garage, by reason of its position, mass, bulk and height would dominate and overshadow the neighbouring property (111b Beanacre) by reason of a detrimental loss of light to habitable rooms and dominating the amenity space associated with the neighbouring property resulting in detrimental harm **to** the amenities of 111b Beanacre contrary to the provisions of policy C38 of the West Wiltshire District Plan First Alterations 2004 and the guidance contained within the SPG for House Alterations and Extensions.

19 **Declarations of Interest**

There were no declarations of interest.

20 **Chairman's Announcements**

There were no Chairman's Announcements.

21 **Public Participation**

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

22 **Planning Applications**

The Committee considered the following applications:

22.a W/10/03336/FUL - The formation of a new access at Stoke End, the relocation of the existing access to Aroona House, the relocation of the existing tennis court (Aroona House), associated landscaping and formation of a new walled kitchen garden, the relocation of existing parking (approx 7 spaces) and associated infrastructure - Aroona Church Lane Limpley Stoke Wiltshire BA2 7WD

Public Participation:

- Mr John Fletcher spoke in objection to the application

- Mr Peter Crane, on behalf of CPRE (Campaign to Protect Rural England), spoke in objection to the application
- Mr Graham Parker spoke in objection to the application
- Mrs Louise Flemming spoke in support of the application
- Mr Chris Alexander, applicant, spoke in support of the application
- Mr Simon Coombe, Chairman of Limpley Stoke Parish Council, spoke in objection to the application

Councillor Linda Conley, Unitary Member for Winsley and Westwood, reported the high interest in the application by local residents and the emotive nature of objections due to the application being located within the Western Wiltshire Green Belt and Cotswolds Area of Outstanding Natural Beauty. Councillor Conley welcomed the opportunity for the application to be considered by the Western Area Planning Committee to ensure a full and open public debate.

Officers introduced the report which sought approval and, in doing so, drew the Committee's attention to the late list which informed the committee of a petition of 184 signatures objecting to the application as well as the receipt of revised plans (the superseded plans proposed to use gabion walls which had been replaced as part of the proposal by natural Cotswold stone walls flanking the entrance.)

During the ensuing debate the Committee was reassured that the status of the land was agricultural and there was no proposal within the application to change the use of the land.

The Committee questioned the design of the proposed new access from Crowe Hill to Stoke End and it was explained that the "meandering" aspect of the access was due to the nature of the ground (particularly steep slope).

It was also clarified that the proposed walled kitchen garden, replacing the existing tennis court, was not located within the open countryside.

The Committee understood and accepted that the key issues to be considered were road safety and the visual impact on the landscape. With regards to road safety, members of the Committee expressed concerns at the loss of one unofficial pull-in, as the entrance would be blocked in line with the existing wall. Although members of the Committee acknowledged the concerns of the Highways Officers (page 16 of the agenda refers) and recognised that the pull-ins were of an unofficial nature, they felt strongly that the existing pull-ins should be retained.

It was therefore

Resolved:

To delegate authority to the Area Development Manager to grant planning permission subject to the receipt of amended plans showing the two access points to be closed at Church Lane closed at the position of the existing gateways, thereby retaining the existing pull-ins.

For the following reason:

The proposed development would have road safety benefits though the closure of two accesses with poor visibility and the improvement of a third. The proposal would not harm the openness of the green belt and although it would have an impact on the appearance of the landscape, it is considered that the design and mitigation proposed minimise this. Accordingly, it is considered that the proposal is in accordance with the relevant policies of the West Wiltshire Development Plan First alteration (C1; C2; C6; C6a; C31a; C32 and C38).

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 not be first brought into use until the first 4.8m of the accesses (onto Church Lane and Crowe Hill), measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel) together with a system for the collection and discharge of surface water to prevent runoff onto the highway. The accesses shall be maintained as such thereafter.

REASON: In the interests of highway safety

3. Any gates shall be set back a minimum of 4.8m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

4. The gradient of the access ways shall not at any point be steeper than 1 in 12 for a distance of 4.8m metres from its junction with the public highway.

REASON: In the interests of highway safety.

5. The access on Church Lane shall not be brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2m back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 18.5m in both directions from the centre of the access, in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of Highway Safety.

6. The access on Crowe Hill shall not be brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2m back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 15m in both directions from the centre of the access, in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

7. 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:

- * indications of all existing trees and hedgerows on the land;
- * details of any to be retained, together with measures for their protection in the course of development;
- * all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- * finished levels and contours;
- * means of enclosure;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * hard surfacing materials;
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- * retained historic landscape features and proposed restoration, where relevant.
- * tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

8. The development shall be carried out as specified in the approved Arboricultural Assessment.

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

9. 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.

10. No development shall commence on site until a Construction Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include full details of the measures to be taken to reduce damage to the calcareous grassland during the construction period e.g. fencing, bog mats, careful siting of compounds and storage, machinery spec etc, also mitigation measures for reptiles, timing tree removal to avoid breeding bird season.

REASON: In the interests of Ecology Protection on site.

11. No development shall commence until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include full details of the cut and fill and any reseeded and establishment of banks with a suitable seed mix, control of invasive species, cutting regime to encourage botanical diversity and native tree planning.

REASON: In the interests of protecting the Ecology of the application site.

12. No development shall commence on site until a sample wall panels for the proposed blocking up of the existing accesses, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

13. This permission relates to the following plans and documents

ECOLOGICAL SURVEY received on 20.10.2010

ARBORICULTURAL ASSESSMENT received on 20.10.2010
LANDSCAPE AND VISUAL IMPACT received on 20.10.2010
DESIGN AND ACCESS STATEMENT received on 20.10.2010
REVISED ACCESS PROPOSALS received on 22.10.2010
FIGURE 1 SITE LOCATION PLAN received on 01.11.2010
FIGURE 2 EXISTING SITE PLAN received on 01.11.2010
FIGURE 3 LANDSCAPE PLANNING CONT received on 20.10.2010
FIGURE 4 LANDSCAPE CHARACTER received on 01.11.2010
Drawing 622_C_D_103 CROWE HILL ENTRANCE received on 20.11.2010

Drawing: 622_C_D_105 received on 22.10.2010

Drawing: 622_C_D_200 TREES LOST AND RETAINED received on
01.11.2010

Drawing: 622_C_D_102_02 REVISED MASTERPLAN received on 06.01.2011

Drawing: 622_C_D_107 CLOSED STOKE END ENT received on 20.01.2011

22.b W/10/04066/FUL - The siting of a mobile home, touring caravan and dayroom - Land Adjoining Railway Line Court Lane Bratton Wiltshire.

Public Participation

- Miss Dawn Pople, applicant, spoke in support of the application
- Mrs Anita Whittle, representing Bratton Parish Council, spoke in objection to the application

Councillor Julie Swabey, Unitary Member for Ethandune, urged the Committee to consider the application as a whole rather than focusing on highways grounds.

Officers introduced the report which sought refusal, but varying from a decision previously made by Committee on this same site. Officers drew the Committee's attention to the late list which contained additional information received from the applicant and further comments from the Planning Officer.

Members of the Committee asked for and received confirmation that national policy ODPM Circular 01/2006 still applied and would do so until officially replaced.

Following a discussion, members were not convinced that there had been any material change in the circumstances since the decision on the earlier application.

It was therefore

Resolved:

That planning permission be REFUSED

For the following reasons:

1. The proposed mobile home and associated structures, vehicles and general paraphernalia would, by reason of the open character of the site and surrounding land, appear unduly prominent and intrusive within the landscape to the detriment of the character and appearance of the countryside contrary to West Wiltshire District Plan - 1st Alteration 2004 Policy C1 and CF12, and Wiltshire Structure Plan 2016 Policy DP1 and DP15.

2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.

3. The site has insufficient frontage to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety contrary to West Wiltshire District Plan - 1st Alteration 2004 Policy CF12.

23 **Planning Appeals Update Report**

The Planning Appeals Update Report for January 2011 was received.

Resolved:

To note the Planning Appeals Update Report for January 2011.

24 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.05 - 7.30 pm)

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

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Questions from Councillor Ernie Clark, Hilperton Division

In the written answer to my question at the 9th February meeting of this committee, it was stated 'There is no budgetary provision within the Development Service for cost awards ...'

At the Joint Overview & Scrutiny Select Committee Meeting held on 10th February, Cllr. Fleur de Rhe-Philippe (Cabinet member for Finance, Performance and Risk) stated that there was budgetary provision within Wiltshire Council for the awarding of costs against Wiltshire Council.

Could you please explain why the response, whilst referring to the Development Service budget, omitted to mention the provision by the council as a whole?

Response:

To clarify the Council does not have budgetary provision either within Development Services or any other budget line to meet the specific cost of awards.

The Council does however hold a provision within its overall balance sheet to cover potential costs arising for various legal reasons within the Neighbourhood and Planning Department; this was the provision that was referred to by the Portfolio holder for Finance, Performance and Risk at the Scrutiny meeting held on 10 February 2011.

Movements between this provision are controlled and administered by the Chief Finance Officer in his capacity as Section 151 Officer.

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PLANNING COMMITTEE Minute Item 22

2nd March 2011

Observations and recommendations made since preparation of agenda

Item	Comments
Planning Applications	
01	<p>W/10/03336/FUL Aroona Church Lane Limpley Stoke</p> <p>Additional information received:</p> <p>Members are advised that revised plans have been received from the agent for the proposed Crowe Hill entrance. The superseded plans proposed to use gabion walls which have now been replaced as part of the proposal by natural Cotswold stone walls flanking the entrance.</p> <p>A petition signed by 184 people has been received objecting to the proposal stating that it will harm the Green Belt and Area of Outstanding Natural Beauty, the rural ambience of Crowe Hill and the scenic view from Murhill and Winsley and will have a negative impact on traffic flow and pedestrian safety.</p>
02	<p>W/10/04066/FUL Land Adjoining Railway Line, Court Lane, Bratton, Wiltshire</p> <p>Additional information received:</p> <p>The applicant has made further representations for clarification on the access. She is of the view that the proposed entrance to the site conforms with Highway Code stopping distances and, having been "...constructed by a Council-approved contractor..." has the necessary visibility splays. It was previously used for a skip-lorry and a horse-and-cart access. Reference is also made to other accesses in the vicinity which are considered to be more dangerous. The applicant further states that there have been no incidents at this access, but there have been near misses at other points in the vicinity, including the Bonnie Park entrance.</p> <p>The applicant says that there have been further discussions with highway officers.</p> <p>Planning Officer Comments:</p> <p>The Highway Officer has in turn confirmed this, but advises that there is an alternative site access location, 13m north of the small field access, where adequate visibility can be achieved with the loss of some 15m of hedgerow. This would overcome the grounds for refusal of the access shown in the application.</p> <p>However, your planning officers would have some concern over the loss of this length of native hedgerow. Furthermore, under the Hedgerow Regulations 1997 any opening over the maximum length of 9 metres would require a formal application under these regulations.</p>

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