

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 SEPTEMBER 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

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

Also Present:

Cllr Francis Morland and Cllr Jeff Osborn

85 **Apologies for Absence**

Apologies for absence were received from Councillors Mark Griffiths, John Knight and Jonathon Seed. No substitute member had been able to attend the meeting.

86 **Minutes of the Previous Meeting**

The minutes of the meeting held on 7 September 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 7 September 2011.

87 **Declarations of Interest**

W/11/02014/FUL - Application to replace extant permission (reference W/07/03825/FUL - allowed on appeal) for the conversion of existing house to form two 1-bed flats and new build creating a further two 1-bed flats - 6 Summerdown Walk Trowbridge Wiltshire BA14 0LJ.

Councillor Peter Fuller declared a personal interest as a member of Trowbridge Town Council Development Committee which had previously discussed the

project. Councillor Fuller gave his assurance that he would consider the application with an open mind.

88 **Chairman's Announcements**

There were no Chairman's Announcements.

89 **Public Participation**

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

90 **Planning Applications**

The Committee considered the following applications:

90.a W/11/02014/FUL - Application to replace extant permission (reference W/07/03825/FUL - allowed on appeal) for the conversion of existing house to form two 1-bed flats and new build creating a further two 1-bed flats - 6 Summerdown Walk Trowbridge Wiltshire BA14 0LJ

Public Participation:

- Mrs Lisa Wiltshire spoke in objection to the application.
- Mr Barry Jones spoke in objection to the application.
- Mrs Sue Smith spoke in objection to the application.

Councillor Jeff Osborn, Unitary Councillor for Trowbridge Grove, urged the committee to consider objecting to the application as he felt there had been material changes since the appeal decision and that access and traffic difficulties would be exacerbated.

Officers introduced the report which sought approval.

During the ensuing debate members of the committee, although noting that private residential gardens were now excluded from the definition of previously developed land in Annex B of Planning Policy Guidance PPS3, and appreciating the issues raised by the objectors, could not be satisfied that there were sufficient grounds to depart from the previous appeal decision.

Resolved:

That planning permission be GRANTED.

For the following reasons:

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

Subject to the following condition(s):

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

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

2. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted 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: To ensure that the development harmonises with its setting.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

3. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These shall include the replacement of the existing close boarded timber fence around the outside of the site with new hedging, the details of which shall be included within the landscaping scheme, together with details of any trees on the site that are to be retained and the means for protecting them during construction; means of enclosure and the surfacing materials to be used in construction of the approved access, parking spaces, turning area, pedestrian circulation areas and patio. The works shall be carried out as approved and completed prior to first occupation of any of the flats hereby permitted or in accordance with a timetable to be agreed in writing by the local planning authority.

REASON: To provide a satisfactory landscaped setting for the development, in accordance with policy C32 of the West Wiltshire District Plan 1st.

4. The approved parking spaces and turning area shall be kept free from obstruction and retained for their intended purpose thereafter.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

5. None of the flats shall be occupied until works for the disposal of sewerage and surface water on site have been provided in accordance with details to be submitted and approved in writing by the local planning authority.

REASON: To ensure that the development can be adequately drained.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

6. Demolition or construction works and deliveries to and from the site shall not take place outside 0800 hours to 1730hours Monday to Fridays and 0800 hours to 1400 hours on Saturday and shall not take place at any time on Sundays or public holidays.

REASON: To minimise the disturbance to neighbouring amenities.
West Wiltshire District Plan 1st Alteration 2004 – Policy C38

7. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
Plan 653-03 received on 11/7/2011.

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

90.b W/11/01460/FUL - Siting of temporary dwelling (3 years) for agricultural worker with package treatment plant and new access track - Oak Tree Farm Os 6600 Great Chalfield Atworth Wiltshire

Public Participation:

- Mr Graham Heard, National Trust employee, spoke in objection to the application.
- Mr Nick Burns-Howell spoke in support of the application.
- Miss Janet Kennedy, applicant, spoke in support of the application.
- Mr Brian Griffin, agent, spoke in support of the application.

Councillor Peter Fuller relayed Councillor Mark Griffith's regret at not being able to attend the meeting.

Officers introduced the report which sought refusal and in doing so drew the committee's attention to the late list which contained comments from the agent and response from officers.

During the ensuing debate members of the committee discussed issues including animal welfare, value of local enterprises, impact on heritage assets and the open countryside.

Resolved:

That temporary planning permission be REFUSED

For the following reason:

The applicant has failed to satisfy the Council that there is an essential need for a temporary dwelling to be sited at this particular site. The application fails the

functional test as set out in Annex A to PPS7. The applicant currently occupies a dwelling in the village of Broughton Gifford, a short drive, cycle or walk from the site. The existing dwelling provides the required level of accommodation necessary to fulfil the functional needs of the enterprise. On this basis, an additional dwelling on the site would run contrary to the advice contained within Annex A of PPS7 and to West Wiltshire District Plan Policies C1 and H19.

**90.c W/11/01642/FUL - Change of use from A1 to A5 - 2 High Street
Westbury Wiltshire BA13 3BW**

There was no public participation.

Officers introduced the report which sought approval, in doing so he clarified some of the figures included on page 39 of the agenda:

- 21 business units were A1 shops;
- 4 units were A2;
- 1 unit was a D1 institutional use;
- 1 Café;
- 2 units were A5 takeaways;
- 1 unit was a restaurant / takeaway.

He also pointed out that the visitor centre was open and that there were no vacant units.

During the ensuing debate members of the committee were satisfied that the conditions should address any concerns such as intrusive levels of noise or odour control.

Resolved:

That the change of use from A1 to A5 be GRANTED.

For the following reason:

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

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 use hereby permitted shall only take place between the hours of 08:00 and 23:00.

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

3. Prior to the operation commencing a scheme of noise control shall be submitted to the LPA for approval. The scheme shall be fully implemented prior to the use commencing.

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

4. Prior to the operation commencing a scheme of odour control shall be submitted to the LPA for approval. Once approved, the scheme shall be fully implemented prior to the use commencing.

REASON: To ensure the creation/retention of an environment free from intrusive odours in the interests of the amenity of the area.
POLICY: West Wiltshire District Plan - 1st Alteration - C38.

Informative:

1. The applicant is advised to contact the food safety team when considering more detailed design and layout and prior to the operation of any food business.

91 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.20 pm)

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

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PLANNING COMMITTEE Minute Item 90

28th September 2011

Observations and recommendations made since preparation of agenda

Item	Comments
Planning Applications	
6b	<p>W/11/01460/FUL</p> <p>Comments from agent in support of the application, claiming that the applicant needs to live on site and referring to the Council's decision in 2009 at Willowbrook Farm Broughton Gifford to allow an agricultural workers dwelling on a holding that has an alpaca herd when there was a dwelling close by in the village. He claims his client has a record of losses of stock and will be managing a larger enterprise than either Mudmead or Willowbrook.</p> <p><i>Officer comment: The Willowbrook Farm decision is not comparable as alpacas were only part of the livestock activities that also included a beef unit on a much longer established farming business.</i></p>

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