

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 20 JUNE 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

Present:

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

Also Present:

Cllr Andrew Davis, Cllr Francis Morland, Cllr Graham Payne and Cllr Fleur de Rhe-Philippe

49 **Apologies for Absence**

There were no apologies for absence.

50 **Minutes of the Previous Meeting**

The minutes of the meeting held on 30 May 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 30 May 2012.

51 **Chairman's Announcements**

There were no Chairman's Announcements.

52 **Declarations of Interest**

W/12/00467/FUL - Land North Of Craysmarsh Farm, Bowerhill Lane, Bowerhill, Wiltshire

W/12/00511/FUL - Land North Of 592 Semington Road, Melksham, Wiltshire

Cllr Steve Petty declared a personal interest as a member of the Melksham Without Parish Council. Cllr Petty was not a member of the Melksham Without

Parish Planning Committee and gave his assurance that he would consider the application with an open mind.

W/11/02689/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire

Cllr John Knight declared a personal interest as a member of Trowbridge Town Council and its Development Control Committee, as well as Mayor of Trowbridge. Cllr Knight gave his assurance that he would consider the application with an open mind and would listen to the public participation and debate before reaching a decision.

Councillor Peter Fuller declared a personal interest as a member of Trowbridge Town Council and its Development Control Committee and gave his assurance that he would consider the application with an open mind.

W/12/00724/FUL - Eastleigh Court, Bishopstrow, Warminster, Wiltshire

Cllr Jonathon Seed declared a personal interest as he had had dealings with the National Trust and gave his assurance that he would consider the application with an open mind.

53 Public Participation and Councillors' Questions

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. He also took the opportunity to remind everyone to be mindful of allowing speakers to be heard during the public participation or Councillors' debate.

54 Planning Applications

The Committee considered the following applications:

54.a W/11/02689/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire

Public Participation:

- Mr Jonathon Knees spoke in objection to the application.
- Mr Shaun Clarke, representing the town traders, spoke in objection to the application.
- Mr Chris Tookey, representing ASDA, spoke in objection to the application.
- Ms Rebecca Millard spoke in support of the application.
- Mr Angus Horner, Managing Director for Prorsus, spoke in support of the application.

- Mr Peter Keenan, planning consultant, spoke in support of the application.

The Area Development Manager introduced the report which recommended refusal of the application. He clarified that notwithstanding the Committee's decision on this application at its last meeting, the application remained undetermined. The Committee was asked to consider the application in the context of relevant policies, the National Planning Policy Framework, the emerging Wiltshire Core Strategy, other material considerations and taking into account representations received.

The Area Development Manager confirmed that no agreement had been secured with Network Rail over closing off the station access as had been claimed by the applicant. He explained that highway objections had not been overcome, concerns over the adverse impact the proposal would have on the town centre. For these reasons in particular, he recommended that planning permission be refused.

Cllr de Rhe Philipe, Cabinet member for Economic Development and Strategic Planning commented on the application. She referred to the planning permission recently granted to develop the St Stephen's Place site to provide cinema facilities. She explained that whilst she understood the desire for regeneration, the former Bowyers site offered a real opportunity to bring forward a town centre use that complements, not undermines other developments in the town. Cllr de Rhe Philipe assured the Committee that should the application be refused, she would instruct officers to work with the applicant with a view to achieving this.

Members of the public then had the opportunity to speak as detailed above.

A thorough debate ensued, during which it was moved and seconded that planning permission be refused as recommended for the reasons detailed in the report presented. For the avoidance of doubt, immediately before the vote was taken, the Chairman read out the motion in full and it was

Resolved:

That planning permission be REFUSED

For the following reasons:

- 1 The proposed development would be likely to have a significant adverse impact on the holistic planning of the Central Area of Trowbridge and undermine the sustainable development of the town contrary to policies LE1, SP3 and E5 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 28, 29, 38, 61 and 62 of the emerging Wiltshire Core Strategy and policies and objectives within the National Planning Policy Framework.

- 2 The proposal would result in a severe adverse impact on the local highway network, and for which no measures have been put forward by way of mitigation. As such the proposal is contrary to policies E4, E5 and LE1 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 61 and 62 in the emerging Wiltshire Core Strategy and policies and objectives within the National Planning Policy Framework.
- 3 The proposal fails to take advantage of the key relationship with the adjoining railway station, contrary to policy E4 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 28, 61 and 62 of the emerging Wiltshire Core Strategy and the policies and objectives within the National Planning Policy Framework.

The above decision was the subject of a recorded vote and recorded as follows:

For the motion (7):

Cllrs Trevor Carbin, Ernie Clark, Mark Griffiths, Christopher Newbury, Pip Ridout, Jonathon Seed and Roy While.

Against the motion (3):

Cllrs Rod Eaton, John Knight and Steve Petty.

Abstention:

Cllr Peter Fuller.

54.b W/12/00467/FUL- Land North Of Craysmarsh Farm, Bowerhill Lane, Bowerhill, Wiltshire

Public Participation:

- Mr Tony Hill spoke in objection to the application.
- Ms Aimee Cannon, (statement read out by the Chairman on Ms Cannon's behalf) in support of the application.
- Mr Tony Murch, representing Seend Parish Council, spoke in objection to the application.

The Area Development Manager introduced the report which recommended approval for the application.

Members of the public then had the opportunity to speak as detailed above.

A debate ensued during which it was moved and seconded that planning permission be granted as recommended and it was

Resolved:

That Planning permission be GRANTED.

For the following reasons:

This proposal would make a significant and highly valued contribution towards Wiltshire's renewable energy targets, and whilst local concerns exist over the industrialisation of the countryside, it has to be acknowledged that to provide the scale of renewable energy necessary to meet climate change targets, this type of development needs to be located in rural and semi-rural areas. The application has been subject to a rigorous assessment and it is concluded by officers that this is a well chosen site and through negotiations and revisions made to the scheme, the visual and landscape impacts would be low.

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 In the event of the PV modules hereby permitted ceasing to be used for the generation of renewable energy, they shall be removed from the site, together with any supporting infrastructure, including the inverter/transformer cabin and switch room, and the land restored to agricultural use, within six months of their cessation of use.

REASON: In the interests of amenity and the circumstances of the use.

POLICY: Wiltshire Structure Plan 2016 Policies C12 and RE1 and West Wiltshire District Plan 1st Alteration (2004) Policies C1 and C34; and the National Planning Policy Framework (NPPF).

- 3 The development shall be carried out and managed throughout the operational life of the development strictly in accordance with the hereby approved ecology priority matrix as detailed within table 5.11 of the Ecological Appraisal (published by Avian Ecology) dated 29 February 2012.

REASON: In the interests of safeguarding ecological and biodiversity interests.

POLICY: Wiltshire _ Swindon Structure Plan (2016) Policy C1 and The National Planning Policy Framework (NPPF).

- 4 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 5 No development shall commence on site until the applicant/developer has submitted details of the exact colour of the deer fence for the written approval of the Council and following its construction, it shall be retained and maintained for the lifetime of the development.

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

POLICY: Wiltshire Structure Plan 2016 Policies C12 and RE1 and West Wiltshire District Plan 1st Alteration (2004) Policies C1, C31a and C34; and the National Planning Policy Framework (NPPF).

Note: The Council would expect a recessive green colour to be submitted for formal approval.

- 6 No development shall commence on site until the applicant/developer has submitted details of the exact colour of the sub-station and inverter buildings for the written approval of the Council and following its construction, it shall be retained and maintained for the lifetime of the development.

REASON: In the interests of visual amenity and the character and appearance in the open countryside.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C1, C31a and the National Planning Policy Framework (NPPF).

Note: The Council would expect a recessive green colour to be submitted for formal approval.

- 7 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) published by PFA Consulting dated March 2012 and approved plan drawing no. SKD19 Rev G and the following mitigation measures detailed within the FRA:

Photovoltaic modules will be set no lower than 46m AOD

There will be no ground raising in the floodplain.

There will be no compounds or access roads in the floodplain.

REASON: To reduce the risk and impact of flooding to the proposed development and future occupants.

- 8 The development hereby approved shall fully accord with the details contained within the Construction Traffic Management (CTM) Plan.

REASON: In the interests of road safety and preventing nuisance to local amenities.

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

- 9 The defined bridleway (PROW ref MELK25) and footpath (PROW ref MELK29) shall both be kept free from obstruction during and after the construction period.

REASON: In order to protect and safeguard the public's right to use the public right of ways (PROW ref(s) MELK 25 and MELK29)

POLICY: West Wiltshire District Plan - 1st Alteration Policy T12.

- 10 The development hereby approved shall fully accord with the details contained within the Construction Method Statement dated 9 March 2012, including the restriction that the development hereby approved shall be constructed between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays only.

REASON: In order to safeguard the amenity of the area and prevent nuisance to local amenities.

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

- 11 No permission is hereby given for any external lighting/illumination at or on the site.

REASON: To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies C1 and C38 and the National Planning Policy Framework (NPPF).

- 12 The landscaping proposals hereby approved and as indicated on plan drawing no. L.0196_01-B shall be carried out in the first planting and seeding season following the completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within the period of twenty 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 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.
POLICY: West Wiltshire District Plan – 1st Alteration Policy C32.

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

LOCATION PLAN received on 02.05.2012

TOPOGRAPHICAL SURVEY – plan drawing no. 11349-500-001 received 20.03.2012

SITE LAYOUT PLAN – plan drawing SKD19 Rev G received on 08.05.2012

PROPOSED PLANTING PLAN – plan drawing no. L.0196_01-B received on 03.05.2012

FRAME SYSTEM DETAILS – plan drawing no. DET19 received on 02.05.2012

HV TRANSFORMER ELEVATION – plan drawing no. 202 Issue 6 received on 20.03.2012

DEER FENCE DETAILS – plan drawing no. DEF received on 10.05.2012

FENCE SPECIFICATION DETAILS – plan drawing no. FLEX 13/190/15 received on 10.05.2012

INVERTER HOUSING DETAILS- plan drawing (66) 603 Rev C3 received on 25.04.2012

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.

54.c W/12/00724/FUL- Eastleigh Court, Bishopstrow, Warminster, Wiltshire

Public Participation:

- Richard Bagnall spoke in objection to the application.
- Ms Karen Taylor, Head of Planning for the National Trust, spoke in support of the application.

Cllr Andrew Davis, Unitary Councillor for Warminster East, addressed the committee.

The Area Development Manager introduced the report which recommended approval for the application. He explained that there was a balance to be struck between the impact on a heritage asset and relevant policies. He did not consider that harm would be caused as a result of granting planning permission.

Members of the public then had the opportunity to speak as detailed above.

In the debate which ensued, a motion for permission as recommended was moved and seconded and it was

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 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 details shown on the following plans:
Plan Ref: PE1 04 Existing & Proposed Front & Side Elevations, dated March 2011, received by this office 18th April 2012
Plan Ref: PE1 05 Existing & Proposed Side & Rear Elevations, dated March 2011, received by this office 18th April 2012
Plan Ref: PE1 01/1 Rev A Proposed Ground Floor Plan, dated March 2011, received by this office 29th May 2012
Plan Ref: PE1 02/1 Rev A Proposed First Floor Plan, dated March 2011, received by this office 29th May 2012
Plan Ref: PE1 03/1 Rev A Proposed Second Floor Plan, dated March 2011, received by this office 29th May 2012

REASON: In order to define the terms of this permission.

54.d W/12/00511/FUL - Land North Of 592 Semington Road, Melksham, Wiltshire

Public Participation:

- Ms Sandra Yendry spoke in objection to the application.
- Mr Peter King spoke in objection to the application.
- Ms Carol May, applicant, spoke in support of the application.
- Mr Mark Percival spoke in support of the application.

The Area Development Manager introduced the report which recommended approval for the application.

Members of the public then had the opportunity to speak as detailed above.

In the debate which ensued, it was suggested that the Committee should defer for a site visit to gain a better perspective of the proximity of the proposed dwelling and other properties.

Resolved:

To defer the application until a site visit had been organised to enable the committee to view the site and its surroundings.

55 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 11.10 pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024, e-mail yamina.rhouati@wiltshire.gov.uk

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