

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 1 AUGUST 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice-Chair, in the Chair)

Also Present:

Cllr Rosemary Brown, Cllr Francis Morland and Cllr Fleur de Rhe-Philippe

63 **Apologies for Absence**

Apologies for absence were received from Cllr Peter Fuller.

64 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 July 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 11 July 2012.

65 **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.

66 **Declarations of Interest**

W/11/01132/FUL - Land At Grange Farm, Bratton Road, West Ashton, Wiltshire

Cllr Jonathon Seed declared that he knew both the applicant and objectors for this application, but gave his assurance that he would consider the application with an open mind.

W/12/00596/S73 - Upper Poles Hole, Southwick, Wiltshire

Cllr Jonathon Seed declared that he knew the applicant for this application, but gave his assurance that he would consider the application with an open mind.

67 Public Participation and Councillors' Questions

The Chairman welcomed all present.

No questions had been received from members of the public but a question had been received from Cllr Ernie Clark, which was circulated at the meeting and is attached, with the answer given, to these minutes.

Cllr Clark asked a supplementary question regarding the accuracy of the first paragraph of the second bullet point in the response and it was agreed that this would be answered outside of the meeting.

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

68 W/12/01033/FUL - 486 Semington Road, Melksham, Wiltshire, SN12 6DR

The Chairman explained that the applicant had withdrawn this application which would therefore not be considered by the Western Area Planning Committee. The order of the agenda would be amended to reflect this.

69 Planning Applications

The Committee considered the following applications:

69.a W/12/00975/FUL - The Corsley Centre at The Old School, Deep Lane, Corsley, Warminster, Wiltshire

- Ms Jennifer Gale spoke in objection to the application
- Mr Guy Marson, Headteacher for the Steiner Academy School, spoke in support of the application.
- A statement from Ms Marion Liquorice in support of the application was read out.

The Area Development Manager introduced the report which recommended approval and listed the planning policies to be considered, he also pointed out that the National Planning Policy Framework encouraged support for new schools.

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

Cllr Fleur de Rhé-Philipe, Unitary Councillor for Warminster Without, expressed her relief at seeing that her original concerns had been addressed by the

applicant after consultation with Wiltshire Council, and therefore could not see any planning reasons to refuse this temporary application.

During the ensuing debate it was clarified that the number of mobile classrooms stated in the report was accurate, that the number of parking spaces was deemed appropriate and that the school had little control over the date by which it must be open.

Resolved:

That planning permission be GRANTED.

For the following reason(s):

The proposed development is supported by both the policies of the West Wiltshire District Plan (CF1) and the National Planning Policy Framework. As the proposal is for a temporary use only, it is considered that the limited envisaged impacts on both the highway network and the setting of the listed building will be short-term in duration and are consequently acceptable for this limited period.

Subject to the following condition(s):

1. When the site ceases to be occupied by The Steiner School; or by the end of September 2014, whichever shall first occur, the use hereby permitted shall cease and the temporary buildings brought on to the premises by the applicants in connection with the use shall be removed.

REASON: The permission has been sought for a temporary period only and the envisaged limited impacts are acceptable for this limited time period. Granting permission for this temporary proposal accords with the guidance issued by the Government in relation to supporting new schools.

2. The proposed fencing shall be powder coated black.

REASON: To protect the setting of the listed building.

3. The development shall be carried out in accordance with the details contained within the Steiner Academy Travel Plan for the site and the monitoring and review procedures contained therein shall be adhered to in accordance with the timings contained within the Plan.

REASON: In the interests of road safety.

4. This permission relates to the following plans: J8/04020; AL(00)01 D; AL(00)02B; 03B; 04B; 05B; 06C; 07C; 08F; 09C; 10C; 11C; 12; 13.

REASON: To define the approved plans.

69.b W/11/03178/FUL - Land Rear Of 69 Woolley Street, Bradford On Avon, Wiltshire

- Mr Gordon Duncan spoke in objection to the application.
- Mr Ted King, representing the Friends of Woolley, spoke in objection to the application.
- Mr Phil Rimmer spoke in objection to the application.
- Mr Gary Llewellyn, planning consultant, spoke in support of the application.
- Mrs Gwen Allison, Bradford on Avon Town Councillor, spoke in objection to the application.

The Area Development Manager introduced the report which recommended approval and pointed out that the following had been received since the publication of the agenda:

- A petition with 142 signatures objecting to the application;
- Late representations from the Friends of Woolley regarding the impact on trees;
- Late representations from a local resident regarding the impact on amenities;
- Late representations expressing the view that holding a planning meeting during the holiday period was inconsiderate.

In response to technical questions asked the following was clarified; the footpath to access the allotment was privately owned and not a Public Right of Way.

Private rights may exist, but these were not a planning matter. and it may be unavoidable for the footpath to be unavailable during certain stages of the development, future occupiers of the houses would be expected to fund the private management company responsible for of the green spaces, 14 parking spaces would be available in total.

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

Cllr Rosemary Brown, Unitary Councillor for Bradford on Avon North, spoke in objection to the application and urged members of the committee to consider a site visit.

During the ensuing debate Councillors raised issues about the status of the orchard and the status of the Woolley Plan, and considered that a site visit was necessary before being able to determine this application, it was therefore

Resolved:

To defer the application until:

- 1. A site visit had taken place;**
- 2. Clarification of whether the orchard was a county wildlife site had been obtained;**

3. Clarification about the status of the Woolley Plan as a material consideration had been established.

69.c W/11/01132/FUL - Land At Grange Farm, Bratton Road, West Ashton, Wiltshire

- Mr Hugh Hancock spoke in objection to the application.
- Mr Peter Westlake, West Ashton Parish Councillor, spoke in objection to the application.

The Area Development Manager introduced the report which recommended approval.

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

Cllr Francis Morland, Unitary Councillor for Southwick, explained his reasons for calling in the application and expressed his concerns.

During the ensuing debate the following was clarified; there was only one application (for the formation of a lake and erection of four workshops) as it was a single holding seeking diversification, an application for change of use would have to be submitted for the workshops to be used for anything else other than B1 uses.

Resolved:

That planning permission be GRANTED.

For the following reason(s):

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 commence on site until details and samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C2 and C31a.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the workshop buildings permitted in terms of this application shall be used solely for purposes within Class B1 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: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same classes, having regard to the circumstances of the case.

West Wiltshire District Plan 1st Alteration 2004 : POLICY C1 & C38

- 4 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C32

- 5 No development shall commence 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:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, which shall include the roadside hedge alongside the Bratton Road within the site proposed for the lake, together with measures for their protection in the course of development;
- (c) a planting scheme for the lake and surrounds to include details of all species, planting sizes and planting densities;
- (d) site levels and contours, including the area surrounding the lake and the location of any bunding in relation to the existing roadside hedge, and finished floor levels to the workshop buildings in relation to ground levels;

- (e) means of enclosure;
- (f) car park layouts and details of the bollards to be placed at the northern end of the workshop access;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials.

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: C1, C31a and C32

- 6 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first implementation of the development hereby permitted; 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.

POLICY: C31a and C32
West Wiltshire District Plan 1st Alteration 2004 -
POLICY: C1, C31a and C32

- 7 No development shall commence until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

- 8 No materials for the construction of any landscaping features including new mounding or the proposed bund shall be imported to the site unless a Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details.

REASON: In the interests of local amenity, road safety and managing vehicular traffic to the development.

West Wiltshire District Plan 1st Alteration, 2004 : Policies C1, C31a and TO4, Transport Aims

- 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.

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

- 10 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

- 11 No development of the recreational lake site hereby permitted shall commence on site 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 120 metres to the west and 160 metres to the east 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 0.9m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

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

- 12 The recreational lake hereby permitted shall not be first brought into use 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.

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

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

10/10/1/1 A received on 29 March 2011
10/10/1/2 (Revised) received on 25 May 2012
10/10/1/3 (Revised) received on 25 May 2012
Location Plan - Overall Farm Ownership received on 29 March 2011
10/10/1/5 received on 25 May 2012
10/10/1/6 received on 29 March 2011
10/10/1/7 received on 29 March 2011
10/10/1/8 received on 29 March 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

Informative(s):

- 1 The applicant is advised to contact the Environment Agency with regard to licensing relation to fish stocking and water abstraction.
- 2 The work in relation to Condition 7 should be conducted by a professional recognised archaeological contractor and there will be a financial implication for the applicant.
- 3 The applicant is advised that the landscaping plan shall include the retention of the hedge to the Bratton Road boundary to the fishing lake site and, in the event that any portion of hedge requires re-alignment to accommodate vehicle access visibility splays, details of a programme for replacement.

69.d W/12/00596/S73 - Upper Poles Hole, Southwick, Trowbridge, Wiltshire

- Mr Tony Doel, applicant, spoke in support of the application.
- Mr Mark Willis, agent, spoke in support of the application.
- Mr Ted Pomeroy, Southwick Parish Councillor, spoke in support of the application.

The Area Development Manager introduced the report which recommended refusal of the removal of condition 2 (holiday use) of planning permission W/04/01008/FUL dated 16/07/04.

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

Cllr Francis Morland, Unitary Councillor for Southwick, read out his reasons for calling in the application as they had been summarised in the report. Cllr Morland spoke in support of the application but invited members of the committee to review the original conditions for the application should they be minded to remove condition 2.

During the ensuing debate members of the committee deplored the lack of evidence to support the applicant's claim that there was no demand for that type of holiday let, however most members felt that there may be more demand for this type of accommodation as a permanent dwelling and that it would be better to have the building in use than lying vacant.

Resolved:

To remove condition 2 (holiday use) of planning permission W/04/01008/FUL dated 16/07/04.

For the following reason(s):

There is inadequate demand for holiday accommodation of the nature presented by these two small properties in this location, and the removal of the condition will prevent the properties from remaining vacant whilst helping meet local housing needs for small single bedroom dwellings.

Subject to the following condition(s):

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-C of the Order, shall be carried out to either property without the express planning permission of the Local Planning Authority.

REASON: In order to protect the amenity of the occupiers of these properties and to control the extension of the dwellings that could lead to family occupation on a site that is remote from services and a safe pedestrian access to the nearest settlement of Southwick.

70 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 9.00 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

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council

Western Area Planning Committee

01 August 2012

**Question from Councillor Ernie Clark
(Hilperton Division)
Public Participation – item 5**

Question

Could I please be reminded of the principles by which planning applications are referred to the Strategic Planning Committee rather than an Area Planning Committee?

Response

**Strategic Planning Committee
Role and Functions**

The committee will exercise the following functions:

To make strategic planning decisions as follows:

- The implications of major developments outside of Wiltshire that could have an impact on local residents.
- To consider the following categories of applications for planning permission:
 - Large-scale major developments (defined by the Department for Communities and Local Government as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature, (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance
 - Planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility
 - Significant applications by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person (Regulation 3 applications)
 - Applications which, if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval

- Applications called in by a division-member that cross the boundary of two area committees

- Any application where the director of the development service considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses

- Consider documents relating to the Local Development Framework and advise Cabinet where appropriate

There shall be no referral up of applications to the Strategic Planning Committee from the area planning committees.

Area planning committees Role and Functions

To consider applications not within the remit of the Strategic Planning Committee and not delegated to officers except where the director of the development service considers it inappropriate to exercise delegated powers having considered public representations and consultee responses.

To consider matters of local importance within the area such as:

- the designation and amendment of conservation areas
- village design statements and parish plans where Council approval is required for them to be considered as material considerations in dealing with planning applications
- consideration of planning applications called to an area committee by division members, with the exception of those that fail to be determined by the Strategic Planning Committee
- registration of common land for town and village greens
- variation of rights of common
- determination of applications under the Explosives Act 1875
- public rights of way, including modification of the definitive map and the regulation of the use of the highway.

There shall be no referral up of applications from the area planning committees to the Strategic Planning Committee.

Part 3C

Scheme of Delegation Specific to Planning

1. The Director of Development (and any officers designated by that officer) is authorized to: -
 - determine any planning application and discharge conditions under delegated powers (including tree/hedgerow work applications);
 - deal with all enforcement matters (including deciding on the expediency of taking/not taking action and issuing enforcement notices, including listed building enforcement and urgent works notices and taking any further action, including prosecution and direct action in respect of any breach of control);
 - deal with all types of appeal and their format;
 - where an appeal has been lodged against a planning decision and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the council's case and time constraints prevent the matter being brought back to committee, officers, in consultation with the committee Chairman and Local Division Member are authorised to inform the appellant and the Planning Inspectorate that the council will not seek to defend such reason(s) at appeal, provided any such action does not overturn the substantive decision of the Planning Committee;
 - make and confirm Tree Preservation Orders; Tree Replacement Notices and serve notices requiring action in relation to dangerous trees, and to initiate any associated direct action required to deal with dangerous trees; deciding whether to prosecute for breaches of the Planning Acts in relation to tree and hedgerow matters;
 - determining any applications made under the High Hedges provisions of the anti-social behaviour legislation; including any necessary enforcement action;
 - deal with decisions, correspondence and consultations under relevant local government, social, planning, listed building, conservation, building and environmental and other legislation. This includes proposals to change legislation or national guidance and consultation by other planning authorities;
 - determine the requirements for, and amend when necessary the local validation list for planning applications;
 - make and confirm Article 4 directions restricting or removing permitted development rights;
 - nominate officers to represent the council on forums and working parties;
 - authorise officers to enter land and buildings in the course of their duties in accordance with the provisions of the Town & Country Planning Acts;
 - enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act 1990);

- make changes to conditions approved at committee (in the light of changing circumstances between the meeting and the issue of the decision) provided this is in line with the principles of the committee's decision. Any such changes will be reported back to a subsequent committee for member's information;
- annually recommend to the budget process all planning fees and charges
- refuse applications following a resolution to grant permission or consent if the required legal agreements are not completed by the applicant within the timeframe set out in the officer's report and present an information report for acceptance by the relevant Planning Committee on a quarterly basis ;
- institute and defend judicial reviews and statutory challenges in consultation with the head of legal services.
- Make and serve Building Preservation Notices.

With the following exceptions:

1.1 Applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations.

1.2 Reference to Committee by Wiltshire Council Division Member

Division Members can request in writing/email that a planning application within their Division proceed to determination by way of an area committee. (Any request must be received within 21 days of the circulation of the weekly list of 'applications received' in which it appears, and set out the material planning consideration(s) which warrant the application going before committee). Officers will confirm what action is being taken following receipt of the request.

Where it has not been possible or appropriate to call an application in within this time, officers will accept call in requests in the following circumstances: -

1. An application has not been determined and it can still go to committee and be determined within the target date.
2. The application is already going to go out of time (because of negotiations/amended plans etc.) and taking it to committee will make no difference to performance.

Where neither of the above apply, and the Division Member thinks there is a strong case to delay the determination of the application and take it to committee, they can discuss the case with the relevant Area Development Manager who will then make an informed decision whether or not to exercise delegated powers.

- a. It is perfectly acceptable for councillors to nominate a substitute(s) to undertake their planning responsibilities, including application 'call in', if they have a conflict of interest or during periods of absence such as holidays or illness.

32

- b. Applications for tree work, prior approvals, Certificates of Lawfulness; notifications and variations/discharge of legal agreements - where the latter would bring them in line with a planning decision already made by the council, will not be eligible for call-in and will be dealt with under delegated powers.
- c. If private applications are made by an elected member or a senior officer of the council or their close relations, or by a planning officer and objections are received raising material planning considerations the application will be determined by committee.

There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Director of Development considers it inappropriate to do so, having considered any public representation and consultee responses. In these cases the applications will be determined by an appropriate planning committee.

1.3 The following applications shall be dealt with by the Strategic Planning Committee:

- Large-scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person which have similar implications or raise similar issues.
- Planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;
- Applications, which if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;
- Applications called in by a Division Member that cross the boundary of two area committees;
- Any application that the Director of Development deems raises issues that should be considered by the Strategic Planning Committee.

Definitions

Planning application means any application submitted to the council for determination and included within the Governments' PS1 and PS2 returns. (This is a statistical questionnaire dealing with performance which local authorities have to submit regularly to the government and which divides planning application into distinct categories; householder, minor, major etc.)

'Large scale major development' means any application for 200 or more houses; residential development of 4ha or more or other development of more than 10,000 square metres or more than 2 ha, as defined by the Government in the PS1/2 return.

Householder development and the other descriptions of development referred to above shall have the meaning ascribed to them in the Government's PS1/2 return.

Enforcement notices includes all other formal notices under the Planning Acts used to investigate and remedy alleged breaches of planning control or improve the appearance of an area, including Breach of condition notices and Section 215 notices.

A private application is one which has no connection with a member or officer's council duties. For example, if an officer submitted a Regulation 3 application on behalf of Wiltshire Council it would not be a private application.

A 'senior officer' will mean any Service Director, Corporate Director or the Chief Executive.

A close relation is defined as spouse, partner, sibling, parent or offspring.