

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 NOVEMBER 2013 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Russell Hawker, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Fleur de Rhé-Philippe (Substitute), Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

#### Also Present:

Cllr Gordon King

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#### 97 **Apologies for Absence**

Apologies for absence were received from Councillors Horace Prickett and John Knight.

Councillor Prickett was substituted by Councillor Fleur de Rhé-Phillipe.

#### 98 **Minutes of the Previous Meeting**

The minutes of the meeting held on 16 October 2013 were presented for consideration. It was,

#### Resolved:

**To APPROVE as a true and correct record and sign the minutes.**

#### 99 **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.

#### 100 **Declarations of Interest**

Councillor Pip Ridout declared a non-pecuniary interest in application 13/02371/FUL - 57 Damask Way, Warminster, Wiltshire, BA12 9PP - by virtue of representing the local member who was not able to be present, and therefore

being more involved with the application than usual, but following advice would speak and vote on the item as normal and consider on its merits.

Councillor Russell Hawker declared a non-pecuniary interest in application 13/02904/FUL - 17 Chalford, Westbury, Wiltshire, BA13 3RG - by virtue of being Chair of Westbury Town Council's Planning Committee where the item had been previously discussed, and would contribute to the debate and vote.

#### 101 **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.

#### 102 **The Definitive Map and Statement for the Bradford and Melksham Rural District Council Area Dated 1952 as Modified Under the Provisions of the Wildlife and Countryside Act 1981**

##### Public Participation

Karen Howe, on behalf of the Landowner Mr Harris, spoke in objection to the orders.

Mr Martin Moyes spoke in support of the orders.

Mr Rodney Moody spoke in support of the orders.

Mr Bob Mizen spoke in support of the orders.

The Rights of Way Officer presented a report on The Wiltshire Council Parish of Holt (Holt Path No. 71) Rights of Way Modification Order 2013, and The Wiltshire Council Parish of Holt (Holt Path No. 72) Rights of Way Modification Order 2013, recommending the orders be forwarded to the Secretary of State for Environment, Food and Rural Affairs with the recommendation the orders be confirmed.

The Committee was advised that orders were made where it was reasonably alleged, on the balance of probabilities, that a walking route existed, and that the period of alleged use ran from 1991-2011. As an objection had been received to the order, the matter was required to be determined by the Secretary of State, with the Committee to make a recommendation only, following consideration of all the available evidence.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was confirmed there was no minimum use requirement on the suggested paths, and it was also stated that while aerial photographs were often useful considerations, weather, use, timing of photo, soil composition and other factors meant that it was possible for existing or well utilized routes to not be obvious.

Members of the public then had the opportunity to present their views to the Committee.

The Local Member, Councillor Trevor Carbin, then spoke in support of forwarding the orders for confirmation to the Secretary of State.

The Committee then discussed the process by which a determination would be made by the Secretary of State and the impact of the Committee's resolution on the matter on that determination.

It was,

**Resolved:**

**That the Wiltshire Council Parish of Holt (Holt Path No.71) Rights of Way Modification Order 2013 and the Wiltshire Council Parish of Holt (Holt Path No. 72) Modification Order are forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination with the recommendation that the Orders be confirmed.**

**103 Planning Applications**

The Committee considered the following applications:

**104 13/02371/FUL: 57 Damask Way, Warminster, Wiltshire, BA12 9PP**  
**Public Participation**

Mr John Brewster spoke in objection to the application.

Mr Christopher Hubert spoke in objection to the application.

Mrs Maddocks spoke in objection to the application.

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

The Area Development Manager presented a report which recommended that planning permission be granted. Key issues were stated to include the impact upon the immediate area and local amenity.

Members of the Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

Councillor Pip Ridout on behalf of the Local Member, Councillor Keith Humphries, then spoke in objection to the application.

A discussion followed where the impact of the proposed windows on the proposed extension was discussed, and whether the glazed windows on the first floor were sufficient to prevent overlooking of neighbouring properties, and whether the alignment of the land between the two properties led to a negative impact from the designs.

At the conclusion of debate, it was,

**Resolved:**

**To DEFER the application until the next meeting to allow for a site visit to take place.**

Public Participation

Mr Martin Dennafoord, applicant, spoke in support of the application.

The Area Development Manager introduced a report which recommended planning permission be granted. It was clarified that the proposed change of use and six stable barn, with access route, would be for private equestrian use, not commercial use, and lie within the Green Belt.

Members of the Committee then had the opportunity to ask technical questions of the officer, where it was confirmed that private equestrian use came under the policy of recreation use, which permitted development in the Green Belt. Details were also sought on water and electricity provision for the proposed stables.

The Local Member, Councillor Trevor Carbin, then detailed the concerns of the parish council in objecting to the application, and that he felt that as it was not for commercial use as had been initially feared, the suggested conditions addressed most other concerns.

At the conclusion of discussion, it was,

**Resolved:**

**To GRANT 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 only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.**

**REASON: In the interests of highway safety and to protect the openness of the Green Belt**

- 3 The development hereby approved shall be carried out in accordance with the materials stated in the application form received by the Local Planning Authority on 12th August 2013.**

**REASON: To ensure the proposal is appropriate and to reduce its impact upon the Green Belt**

- 4 The development hereby approved shall be carried out in accordance with the arboricultural method statement received by the Local Planning**

**Authority on 12th August 2013.**

**REASON: To ensure the mature trees located within the Green Belt are not harmed during construction of the development**

- 5 The development hereby approved shall be carried out in accordance with the Planning Statement received on 11th October 2013 by the Local Planning Authority and no horse manure or any other materials shall be burnt on site.**

**REASON: To ensure manure and waste from the site is stored and disposed of appropriately**

- 6 The landscaping shown on the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the building 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.**

- 7 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.**

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

**Site Plan, Landscaping Plan, Proposed Access Track and Hardstanding, Stable Elevation and Floor Plans, Cross Section through Menage received on 11th October 2013.**

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

Public Participation

Mr John Norris spoke in objection to the application.

Mr Graham Dobson, applicant, spoke in support of the application.

The Area Development Manager presented a report which recommended that planning permission be granted. Key issues were stated to include the principle of the proposed alterations to create a studio workshop from existing garages, with dormer windows, and the impact upon neighbouring amenity from the design. It was clarified that previous residential applications for the site had been refused due to access concerns, but that highways had not objected to the current application.

Members of the Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Gordon King, then detailed the local concerns as raised by the objector and the Town Council.

A debate followed, where the usefulness of a site visit by the Committee was discussed and by majority felt not to be necessary in this instance given the information provided and principle matters of concern. The requirement that the site not be used for commercial use was raised and whether suggested conditions needed strengthening, along with consideration of the impact of the proposed dormer windows.

At the conclusion of debate, it was,

**Resolved:**

**To GRANT 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage, studio, store and workshop hereby permitted shall not be converted to habitable accommodation.**

**REASON: To safeguard the amenities and character of the area and in the interest of highway safety.**

- 3. The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Chalford, Westbury and shall not be separately let or sold.**

**REASON: The building is sited 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 a non-residential use, in particular in relation to traffic generation at the access point onto Warminster Road.**

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

**Drawing number 13712 - 1 received on the 17 October 2013;  
Drawing number 13712 - 2 received on the 9 August 2013; and  
Drawing number 13712 - 3 received on the 9 August 2013.**

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

#### **107 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.55 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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