

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 MARCH 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr Malcolm Hewson, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne, Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While

Also Present:

Cllr Julie Swabey and Cllr Francis Morland

104. **Apologies for Absence**

There were no apologies

105. **Minutes of the Previous Meeting**

The minutes of the meeting held on 17 February 2010 were confirmed as a correct record and signed by the Chairman.

106. **Declarations of Interest**

THE WILTSHIRE COUNTY COUNCIL SHEET ST95NW PARISH OF KEEVIL – KEEVIL 23 AND WILTSHIRE COUNTY COUNCIL SHEET ST96SW PARISH OF SEEND – SEEND 57 RIGHTS OF WAY MODIFICATION ORDER 21 2008
Councillor Jonathon Seed declared a personal interest in this item as Joint Master of the Avon Vale Hunt and gave his assurance that he would consider the application on its own merit and with an open mind.

W/09/00690/FUL

Councillors Rod Eaton, Mark Griffiths, Jonathon Seed and Roy While declared a personal interest in this item as members of the Melksham Area Board and gave their assurance that they would consider the application on its own merit and with an open mind

107. **Chairman's Announcements**

There were no Chairman's Announcements

108. **Public Participation**

The Chairman explained the rules of Public Participation.

109. **The Wiltshire County Council sheet ST95NW parish of Keevil - Keevil 23
And Wiltshire County Council sheet ST96NW parish of Seend - Seend 57
rights of way modification order 21 2008**

Sally Madgwick introduced the report and reminded members of the committee that they must decide whether the Order be confirmed, confirmed with modification or not be confirmed and must be satisfied that on the balance of probabilities evidence supported their decision.

It was explained that the Committee's decision had to be based on the historical evidence that had been presented, rather than on any views as to the merits of the proposed reclassification.

Public Participation:

1. Mr Robert Noad spoke in objection to the rights of way modification order
2. Mr Francis Banfield spoke in objection to the rights of way modification order
3. Ms Lucy Garton spoke in support of the rights of way modification order
4. Mr Richard Berry spoke in support of the rights of way modification order
5. Mrs Debbie Hiscock spoke in support of the rights of way modification order

Councillor Francis Morland, Unitary Member for Southwick, spoke in support of the rights of way modification order

Resolved:

That the Wiltshire County Council Sheet ST95NW Parish of Keevil – Keevil 23 and the Wiltshire County Council Sheet ST96SW Parish of Seend – Seend 57 Rights of Way Modification Order 21 2008 be submitted to the Secretary of State for Environment, Food and Rural Affairs, together with the objection and representations, with the recommendation that the Order be confirmed with the modification that all references to Seend 57 be altered to read Seend 59.

Councillor Malcom Hewson left the meeting

110. **Planning Applications**

**110.1 W/09/00690/FUL Erection of a single storey 1,937sq m gross extension to the east and western elevations of the store; car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces; relocation of the petrol filling station from the river Avon to the south eastern area of the site; revised service yard arrangements; provision of an online service facility; construction of a new pedestrian link with town centre; and landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south west
- Sainsbury Store Bath Road Melksham Wiltshire SN12 6L**

Members of the committee were informed of additional comments received from the Conservation Officer, the Councils Area Highway Engineer and Planning Officer as detailed in the Minutes' Annex.

Public Speaking:

1. Mr Robert Machen spoke in objection to the application
2. Mr James Veakins spoke in objection to the application
3. Mr Richard Wiltshire spoke in objection to the application
4. Mr David Lowin, agent for the applicant, spoke in support of the application
5. Mrs Sarah Cardy, Melksham Town Council, spoke in objection to the application

Resolved:

That planning permission be REFUSED contrary to officer recommendation

For the following reasons:

- 1 The risk of increased flooding in the vicinity of the proposed development including the extended car park would outweigh the benefits of the proposed development and as such would be contrary to advice in Planning Policy Statement 25 - Development and Flood Risk**
- 2 The relocation of the petrol filling station to the former Bear Yard car park would be detrimental to the amenities of nearby residents by the**

reason of noise, light and fumes contrary to the provisions of policies C35 and C38 of the West Wiltshire District Plan 1st Alteration 2004.

- 3 The proposed development, most notably the petrol Filling Station canopy and the extensions to the store and its car park would by reason of their design, materials, form and location be detrimental to the character and appearance of the adjoining Conservation Area and harmful to the setting of nearby Listed Buildings contrary to policies C17, C18 and C19 of the West Wiltshire District Plan 1st Alteration 2004**

110.2 W/09/02622/FUL Mobile home, day room and retention of existing pair of sheds - Land At Capps Lane Bratton Wiltshire

Members of the committee were informed of additional comments received from a local resident and the Planning Officer as detailed in the Minutes' Annex.

Public participation:

1. Mr Tony Venn spoke in objection to the application
2. Miss Leanne Harris, daughter of the applicant, spoke in support of the application
3. Mrs Sally Woodbury, chairman of the Roman Gypsy Advisory Group, spoke in support of the application

Councillor Julie Swabey, Unitary Member for Ethandune, spoke in objection to the application

Resolved:

That the application be DEFERRED until the following additional information has been obtained:

- **To clarify the enforcement action applying to the previous owner**
- **To investigate the restriction of further expansion**
- **To clarify the use of the land for commercial purposes (keeping of horses)**
- **To clarify which buildings are to be kept or removed**
- **To establish the use to be made of the proposed buildings**
- **To reconsider the location of the proposed buildings**
- **To investigate the possibility to add a personal condition**
- **To investigate the possibility to add a time clause**
- **To receive details of the planned external lighting**

- To receive details of the planned landscape development
- To consult with the Improvement and Development Agency for local government

110.3 W/10/00163/FUL Extension of existing bed and breakfast accommodation to provide 5 additional rooms together with refurbishment of Cornicks Cottage to 2 additional rooms, formation of new vehicular access and car parking, and alterations to thatched boundary wall - Dove Inn Corton Wiltshire BA12 0SZ

Members of the committee were informed of additional comments received from Highways and Planning Officer as detailed in the Minutes' Annex.

Councillor John Knight left the meeting

Public participation:

1. Mr Terry Bryant spoke in objection to the application
2. Mr Ian King spoke in objection to the application
3. Mr Anthony Rucker spoke in objection to the application
4. Mr William Harrison-Allen, owner, spoke in support of the application
5. Mr Tony Jackson spoke in support of the application
6. Mr John White spoke in support of the application

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. Prior to the development hereby permitted being brought into use, the proposed access shall be constructed in accordance with the approved plans, drawing reference S4431/104B, and made available for use, and the existing vehicular accesses shall be stopped up and their use permanently abandoned.

Reason: In the interests of highway safety.

3. Prior to the development hereby permitted being brought into use, the parking spaces shown on drawing reference S4431/104B, together with the access thereto, shall be completed in accordance with the approved plans.

Reason: In the interest of amenity and highway safety.

4. Notwithstanding the approved plans, prior to the commencement of the works, details of the surface finishes of the courtyard, access, turning areas and parking spaces shall be agreed in writing with the Local Planning Authority. Such surfaces shall be of a permeable finish and the first five metres of the access, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The works shall be carried out in accordance with the approved details prior to the occupation of the additional bed and breakfast accommodation hereby approved and shall be maintained as such thereafter.

REASON: In the interests of sustainability and visual amenity.

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

5. 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: C35 and C38

6. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the parking spaces/access/driveway/gutters and rainwater pipes), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved surface water drainage scheme and the additional bed and breakfast accommodation shall not be occupied until the works are complete.

REASON: To ensure that the development can be adequately drained.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2.

7. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved foul water drainage scheme and the additional bed and breakfast accommodation shall not be occupied until the works are complete.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a.

8. No development shall commence on site until details and samples of the materials to be used for the external walls, dormer windows and roofs, including the timber cladding, walkway, stairs and balustrade, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the first occupation of the additional bed and breakfast accommodation hereby approved.

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

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

9. No development shall commence on site until construction details and samples of the material finishes to be used for the new section of frontage boundary wall, which shall match the existing 'cob' wall in height, width and external appearance, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the additional bed and breakfast accommodation hereby approved being brought into use.

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

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

Informative(s):

You are advised that the proposal is not located within a sewered area and that Wessex Water state that there are no sewers in the vicinity. You are advised that the proposed development is within a Source Protection Zone and any surface water discharge will need to be in accordance with the Environment Agency guidelines.

There is a water main in the vicinity. It will be necessary to agree with Wessex Water a point of connection onto the system for the satisfactory supply of water. It is also important that you check with Wessex Water whether there are any uncharted mains within or very near to the site.

**110.4 W/09/03641/FUL Siting of a mobile home - Land Adjacent 28
Fairwood Road Dilton Marsh Wiltshire**

Public Speaking:

1. Mr Bill Lowe spoke in support of the application

Councillor Julie Swabey, Unitary Member for Ethandune, spoke in support of the application

Resolved:

That planning permission be REFUSED

For the following reason(s):

- 1. Annex A to Planning Policy Statement 7 (Sustainable Development in Rural Areas) advises that new residential accommodation can be permitted in the open countryside only where the nature and demands of the rural enterprise may make it essential for one or more persons to live at or very close to the site of their work. The planning application and the supporting statements do not make any case for a functional need on the holding in association with the current business practice, and the rationale for the proposed temporary dwelling lies outside the scope of Annex A of PPS7. The proposed dwelling is therefore not warranted under Annex A of PPS7.**
- 2. The dwelling in the open countryside is not fully justified in connection with the essential needs of agriculture or other rural occupation where a functional need has not been demonstrated. This is contrary to policy H19 West Wiltshire District Plan 1st Alteration 2004.**

Observations and recommendations made since preparation of the agenda

111. Planning Appeals Update Report

Resolved:

To note the Planning Appeals Update Report

112. **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.55 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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PLANNING COMMITTEE

10th March 2010

Observations and recommendations made since preparation of agenda

Item	Comments
Planning Applications	
01	<p>W/09/00690/FUL - Sainsbury Store Bath Road Melksham</p> <p>Additional comments received:</p> <p>Conservation Officer</p> <p>Has commented that following a meeting with the agent and architect a revised design of the petrol filling station (PFS) to lower its impact on the Conservation Area has been submitted. The revised design and materials of the PFS canopy overcomes the previous objection in relation to the harm to the Conservation Area.</p> <p>Regarding the eastern extension, this is not harmful enough by itself to warrant a maintained objection. The proposed eastern extension would continue the form of the existing building and the proposed 4m high wall would screen the delivery yard and the vehicles within. The proposal would therefore be in keeping with its host building and in the context of the Conservation Area, would not represent a major change in scale or built form.</p> <p>Likewise, the settings of the nearby listed buildings would not be adversely affected. The relative distances between the listed buildings on Church Walk and the proposed development would ensure their settings are preserved and maintained.</p> <p>Councils Area Highway Engineer</p> <p>Has commented in response to Cllr Seed concerning consultation over drainage that the Council's Senior Drainage Engineer had spoken to the Environment Agency about the Sainsbury application. In view of the Environment Agency withdrawing their objection and the proposed mitigation measures included with the development there would be no reason to object to this development on the grounds of flooding.</p> <p>Planning Officer comments</p> <p>Further letters has been received from objectors with regards to questions on the transport assessment, noise report and flood Risk Assessment.</p> <p>The transport assessment, noise report and flood risk assessment have been fully assessed by the Councils Highway, Environmental and Drainage Officers, and Environment Agency who have no objection to the proposal subject to appropriate planning conditions being attached.</p>
02	<p>W/09/02622/FUL – Land at Capps Lane, Bratton</p> <p>Additional comments received:</p> <p>Observations from a local resident:</p> <p>A letter containing various enclosures, including photographs, has been received from a local resident who is concerned that the applicant may be planning to divide the land and turn it into a</p>

	<p>6 pitch gypsy family site.</p> <p>Planning Officer Comments:</p> <p>Although there may be speculation within the local community that the land could be divided into 6 pitches there is nothing within the application to suggest that is the case.</p> <p>The application must be determined on the basis of the submitted information for a mobile home, day room and retention of a pair of sheds, and should be considered on its merits as such. Local speculation is not a material planning consideration and should be disregarded.</p> <p>In the event of the site subsequently being divided into 6 family pitches planning permission would be required. Should this occur any future application would be considered on its merits at that time.</p>
<p>03</p>	<p>W/10/00163/FUL – Dove Inn, Corton</p> <p>Additional comments received:</p> <p>Highways:</p> <p>‘Following a telephone conversation with a resident of the village I have examined the forward visibility available at the proposed access and at the existing main access to the site (at the northern part of the site).</p> <p>I have used the ordnance survey to estimate the forward visibility, i.e. the road/traffic in front as a vehicle travels around the bend in a northerly direction. At the proposed access location the forward visibility for vehicles travelling north, and wishing to turn into the proposed access, is appropriate for vehicles speeds of around 14mph and at the existing access the forward visibility is appropriate for vehicles speeds of approximately 23mph.</p> <p>It is clear the forward visibility is greater at the existing access. However I would expect vehicle speeds to be slow at this location and given the improvement gained by the loss of the two extremely substandard accesses to the south of the site I would not wish to object to the proposal as there is a highway safety gain in the loss of the two southern accesses.’</p> <p>On commenting further having visited the site:</p> <p>‘Having visited the site again I can confirm that the forward visibility at the proposed access point is slightly less than that at the existing northern access point. It also should be noted however that because the forward visibility is lower vehicle speeds would tend to be lower and therefore the stopping distance is reduced. Right turning vehicles benefit from having greater forward visibility to give them more time to manoeuvre.</p> <p>I believe that the use of the existing access would be a slightly better arrangement than using the proposed access. However I would not want the opportunity of closing the existing southern accesses to be lost as I feel that overall the scheme proposed is an improvement to the existing situation with three accesses, two extremely poor, remaining in use.</p> <p>Would it be possible to recommend a condition be attached to any permission granted to agree the northern access arrangement so that amendments were not required at this stage? From the plans I have I am confident that the use of the northern most access (existing access) would not have a detrimental impact on the proposed parking provision and layout.’</p> <p>Planning Officer Comments:</p> <p>The closure of the two original access points will be beneficial to highway safety.</p> <p>The Highway Officer is of the view that the retention of the third access would be a slight improvement on the proposed position which is to the south of the existing third access.</p> <p>However, she acknowledges that there is highway safety gain in closing the two existing points and on that basis would not wish to object. Furthermore, that traffic in the area of the proposed</p>

	<p>would be moving at slow speeds with sufficient space and time for manoeuvre.</p> <p>She has suggested a condition to the effect that notwithstanding the approved plans that the original access to the north is retained. This would be possible but in securing a slight improvement to highway safety other planning gains would be lost.</p> <p>Corton is a small village in which traffic movements are limited by the number of dwellings and visitors. The public house is close to the entrance to the village and the road through the village forms a loop of narrow width with a number of bends on which traffic speeds are slow.</p> <p>Even though there would be a slight improvement to visibility by retaining the existing northern access this would be outweighed by the fact that the entrance to the site would be to the rear of the public house. This is far from ideal.</p> <p>The access as currently proposed would open up the site and enhance its visual appearance and by making it more inviting to users. Views would be seen into the site of an enclosed courtyard arrangement with Cornicks Cottage and the frontage of the original public house would be given due prominence. Furthermore, the formation of the wall in place of the original rear access would act as a screen to parked vehicles and bin storage to the rear of the public house.</p> <p>Recommendation:</p> <p>No change to recommendation.</p>

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