

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 AUGUST 2010 AT COUNCIL CHAMBER - BRADLEY ROAD, TROWBRIDGE.

#### **Present:**

Cllr Trevor Carbin (Reserve), Cllr Ernie Clark, Cllr Andrew Davis (Reserve), Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne, Cllr Stephen Petty and Cllr Fleur de Rhe-Philippe (Reserve)

#### **Also Present:**

Cllrs Julie Swabey and Francis Morland.

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#### 163 **Apologies for Absence**

Apologies for absence were received from Councillors Roy While (substituted by Councillor Andrew Davis), Jonathon Seed (substituted by Councillor Fleur de Rhé-Philippe) and Malcolm Hewson (substituted by Councillor Trevor Carbin).

#### 164 **Minutes of the Previous Meeting**

The minutes of the meetings held on 23 June 2010 and 14 July 2010 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meetings held on 23 June 2010 and 14 July 2010.**

#### 165 **Declarations of Interest**

**W/10/01753/S73** – Councillor Mark Griffiths declared that he had been personally lobbied prior to the meeting. He gave his assurance that he would consider the application on its own merit and with an open mind.

#### 166 **Chairman's Announcements**

There were no Chairman's Announcements.

167 **Public Participation**

The Chairman welcomed all present and explained the rules of public participation.

168 **Planning Applications**

The Committee considered the following applications:

**168.a W/10/01716/FUL - The siting of a mobile home, touring caravan and dayroom - Land Adjoining Railway Line Court Lane Bratton Wiltshire**

Councillor Julie Swabey, Unitary Member for Ethandune, expressed her concerns regarding the application.

Councillor Francis Morland, Unitary Member for Southwick, expressed his concerns regarding the application.

Officers introduced the report, which recommended approval for a temporary and personal planning permission. A debate followed during which key issues such as preserving the character of the countryside, increased traffic on a lane with reduced visibility, pedestrians using an unlit lane and the safety concerns associated were discussed.

Members of the Committee were concerned and could not be satisfied that the applicant met the definition of a nomadic habit of life. The Committee also expressed frustration with the limited use they could make of said definition and the requirement to meet its criteria.

The Committee agreed to a short recess to enable the Planning Officers and Legal Representative to consider the validity of the reasons put forward for refusal in the context of planning regulations and policies.

It was therefore

**Resolved:**

**That planning permission be REFUSED**

**For the following reason(s):**

1. The proposed mobile home and associated structures, vehicles and general paraphernalia would, by reason of the open character of the site and surrounding land, appear unduly prominent and intrusive within the landscape to the detriment of the character and appearance of the countryside contrary to West Wiltshire District Plan – 1st Alteration 2004 Policy C1 and CF12, and Wiltshire Structure Plan 2016 Policy DP1 and DP15.

2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.

3. The site has insufficient frontage to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety contrary to West Wiltshire District Plan – 1st Alteration 2004 Policy CF12.

**Informative(s):**

You are advised that the applicant has not supplied proof of a nomadic habit of life.

**168.b W/10/01506/FUL - Change of use of land for one mobile home, one utility block and one touring caravan - Field No 3757 Lower Westbury Road Bratton Wiltshire**

Councillor Julie Swabey, Unitary Member for Ethandune, expressed her concerns regarding the application.

Officers introduced the report, which recommended approval for a temporary and personal planning permission. Officers also drew the Committee's attention to the late list which clarified the reasons for this application to have been called in. A debate followed during which key issues such as the suitability of the site and preserving the character of the countryside were discussed.

Members of the Committee were concerned and could not be satisfied that the applicant met the definition of a nomadic habit of life.

**Resolved:**

**That planning permission be REFUSED**

**For the following reason(s):**

1. The proposed mobile home and associated structures, vehicles and general paraphernalia would, by reason of the open character of the site and surrounding land, appear unduly prominent and intrusive within the landscape to the detriment of the character and appearance of the countryside contrary to West Wiltshire District Plan - 1st Alteration 2004 Policy C1, C3 and CF12, and Wiltshire Structure Plan 2016 Policy C9, DP1 and DP15.

2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.

**Informative(s):**

You are advised that the applicant has not supplied proof of a nomadic habit of life.

**168.c W/10/01753/S73 - Removal of conditions 2 and 3 attached to planning permission reference 07/03063/FUL and replaced with condition to allow for gypsy traveller occupation only - Land West Of Penn Farm Capps Lane Bratton Wiltshire**

1. Mr Philip Barthram spoke in objection to the application.
2. Mr Anthony Venn spoke in objection to the application.
3. Mrs Suzanne Sherred, agent for the applicant, spoke in support of the application.

Councillor Julie Swabey, Unitary Member for Ethandune, expressed her satisfaction with the recommendation within the report and was pleased that the applicant and the objectors had engaged in a positive discussion and reached a mutual agreement.

Officers introduced the report, which recommended approval. A debate followed during which the details of the conditions contained within the report were scrutinised.

It was therefore

**Resolved:**

**That planning permission be GRANTED**

**Subject to the following condition(s):**

1. The occupation of the site hereby permitted shall be carried on only by Mr W Sherred, the applicant and his resident dependants.

REASON: Planning permission has only been granted on the basis of the personal circumstances and status of the applicant.

2. When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use including the amenity block hereby approved, shall be removed. Within 1 month of that time the land shall be restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON: Planning permission has only been granted on the basis of the personal circumstances and status of the applicant.

3. No caravan, other than the twin unit hereby permitted, and one touring caravan shall be placed on the land.

REASON: In order to define the terms of this permission and avoid proliferation of caravans at the site.

4. Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution to the water environment.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy U4.

5. No controlled waste shall be burnt on site.

REASON: In order to minimise nuisance.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy C38.

**Informative(s):**

The developer is advised that under paragraph 46 of ODPM Circular 01/2006 that the granting of any temporary planning permission should not be regarded as setting a precedent for the determination of any future applications for full permission. If you have not done so already you are therefore advised as a matter of urgency to contact the Council's spatial planning team responsible for the production of the Council's DPD on Traveller and Gypsy Site Allocations to discuss bringing this site forward for consideration under this planning document. They may be contacted on 01225 713489.

**168.d W/10/01439/FUL - Timber stable building - Land Adjoining 25 Iford Fields Westwood Wiltshire**

1. Mr David Pearce, representing Mr & Mrs Sage, Spoke in objection to the application.
2. Mr Derek Fisher spoke in objection to the application.
3. Mr Tony Robinson spoke in objection to the application.
4. Mr Dan Plunkett, representing the applicant, spoke in support of the application.

5. Mrs Ginnie Johnston, representing Westwood Parish Council, spoke in objection to the application.

The Officers introduced the report which recommended approval and drew the Committee's attention to the late list containing comments from Councillor Linda Conley, the Unitary Member for Winsley and Westwood, as well as an additional condition to be included should permission be granted.

A debate followed during which members of the Committee discussed and sought clarification on issues including the proximity of residential dwellings, the withdrawal of permitted development rights and the planning regulations linked with the green belt status.

It was therefore

**Resolved:**

**That planning permission be GRANTED**

**For the following reason(s):**

The proposed development would not materially affect the amenities of the neighbours and any planning objections have been overcome by conditions.

**Subject to the following condition(s):**

1. The development hereby permitted shall begin 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: C31a.

3. 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/or to protect the living conditions of nearby residents.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

4. No materials shall be burnt on site.

REASON: In order to minimise nuisance and safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan First Alteration 2004 policy C38 and E10

5. There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

6. No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

7. No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

8. 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 C2.

**Informative(s):**

1. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

2. Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse of water source by the release of contaminated run-off.

3. The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

4. There must be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

5. The developer/applicant is advised to take into account the contents of the Wessex Water letter dated 26 May 2010

**168.e W/10/01766/FUL - Ground and first floor extension/alterations for managers accommodation - Angel Cottage 34B Upton Scudamore Wiltshire BA12 0AQ**

The Officers introduced the report which recommended refusal.

A debate followed during which members of the Committee sought clarification on points such as whether objections had been received or not, the exact address of the adjoining property and the details of the proposed conditions.

It was therefore



**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 begin 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C31A.

3. The windows in the south elevation of the proposed extension facing 1 Manor Farm Cottages shall be glazed with obscure glass only prior to the first occupation of the development hereby permitted and shall be permanently maintained as such at all times thereafter. There shall be no additional windows inserted in this elevation without the prior approval of the local planning authority.

REASON: In the interests of residential amenity and privacy.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38.

169 **Planning Appeals Update Reports**

**169.a Planning Appeals Update Report - June 2010**

The Planning Appeals Update Report for June 2010 was received.

**Resolved:**

**To note the Planning Appeals Update Report for June 2010.**

### **169.b Planning Appeals Update Report - July 2010**

The Planning Appeals Update Report for July 2010 was received.

#### **Resolved:**

**To note the Planning Appeals Update Report for July 2010.**

### 170 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.50 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](mailto:marie.gondlach@wiltshire.gov.uk)

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