

## WESTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 16 MARCH 2016 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman),  
Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett,  
Cllr Magnus Macdonald, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While and  
Cllr Jerry Wickham (Substitute)

#### **Also Present:**

Cllr Pat Aves

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#### **11 Apologies for Absence**

An apology for absence was received from Cllr Graham Payne (substituted by Cllr Jerry Wickham).

#### **12 Minutes of the Previous Meeting**

The minutes of the meeting held on 3 February 2016 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 3 February 2016.**

#### **13 Chairman's Announcements**

The Chairman reported a permanent change of committee membership as agreed at the last Council meeting on 23 February 2016 whereby Cllr Horace Prickett had been replaced by Cllr Graham Payne.

#### **14 Declarations of Interest**

There were no declarations of interest.

**15 Public Participation and Councillors' Questions**

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

No formal questions had been received for this meeting.

**16 Planning Applications**

The Committee considered the following applications:

**15/08809/FUL : Roundponds Farm Shurnhold Melksham Wiltshire**

**15/12584/FUL - Land adjacent to 9 Clay Close, Dilton Marsh**

**17 15/08809/FUL : Roundponds Farm Shurnhold Melksham Wiltshire**

The Senior Planning Officer outlined the report that recommended that the application be approved with conditions.

Mr. Clive Taylor and Mr. Mark Sullivan spoke in objection to the application; and Mr. Jake Stentiford spoke in support of the application.

In the absence of the local members, Cllr Jonathon Seed began the debate.

Issues discussed in the course of the presentation and debate included: the use of the land in the context of the site history; the potential visual impact upon the surrounding area; the highway and access considerations and potential impact on amenity. Also discussed were solar farms, the use of the generators and the need to separate the purpose of operation of the two; the frequency of use of the generator; the environmental impact on the surrounding area and emissions from the generator which could be the equivalence of 500 diesel cars running;

Cllr Jonathon Seed proposed, subsequently seconded by Cllr Roy While that the Committee should approve the application as per the officer's recommendations detailed in the report.

In questioning the Senior Planning Officer, the Committee sought clarity on Core Policy 48/58/51 and its relevance and compliance with the application before the Committee, health concerns and the assessment of air quality, why the application was not considered as a Schedule 1 EIA Development, the heat generating capacity in relation to the

established threshold of 300 megawatts, quality of input from Highways and vehicular movement for the delivering of fuel to power the generator

In response to the above, the Senior Planning Officer reiterated that the sole purpose of the generator was to provide backup power to the National Grid in periods of high demand. He explained that the application was not Schedule 1 EIA Development applicable because it did not involve a thermal power station and the associated combustion.

The generating power of the generator was confirmed as 10 megawatts with the delivery of fuel for powering the generator estimated as once a month.

**Resolved to grant 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 existing hedgerow (and hedgerow trees) along the northern boundary of the site as shown on the Landscape Proposals plan YOR\_2567\_03 Rev-F shall be protected during construction in accordance with BS 5837:2012 and shall not be removed without the prior written approval of the Local Planning Authority.

REASON: In the interests of biodiversity and landscape.

- 3 The hedgerows to be planted on the southern and western boundaries of the site, as shown on the Landscape Proposals plan YOR\_2567\_03 Rev-F, shall be planted in accordance with a schedule to be submitted and approved by the Local Planning Authority and shall be protected and maintained in accordance with the specification provided on the said plan for a period of no less than 30 years.

REASON: In the interests of biodiversity and landscape. To ensure the newly planted hedgerows are protected and maintained for a period of at least 30 years, after which they would be protected by the Hedgerow Regulations 1997.

- 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.

- 5 The development shall not be first brought into use until plans showing any bunding required within the compound to accord with legislation in respect of pollution control have been submitted to and approved in writing by the Local Planning authority, and such facilities have been constructed and completed in accordance with plans.

REASON: To prevent pollution of the water environment,

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

Location Plan received on 24 September 2015  
449-03-A received on 18 January 2016  
449-04 received on 24 September 2015  
449-05 received on 24 September 2015  
449-06 received on 24 September 2015  
449-07 received on 24 September 2015  
449-08 received on 24 September 2015  
YOR,2567\_03 received on 18 January 2016

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

- 7 INFORMATIVES:

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

The Environment Agency invites the applicants' attention to the following link for further advice/information on oil storage regulations:

<https://www.gov.uk/oil-storage-regulations-and-safety/overview>

### **Recorded Vote**

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

#### For the decision (5):

Councillors Andrew Davis, Dennis Drewett, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While.

#### Against the decision (4):

Councillors Trevor Carbin, Ernie Clark, John Knight and Magnus Macdonald.

#### Abstention (2):

Councillors Christopher Newbury and Jerry Wickham.

## **18 15/12584/FUL - Land adjacent to 9 Clay Close, Dilton Marsh**

The Planning Officer presented the report which recommended that the application be approved with conditions.

Cllr Alison Irving, Dilton Marsh Parish Council spoke in objection to the application.

Cllr Jerry Wickham spoke as the local member.

Issues discussed in the course of the presentation and debate included: the Highway, environmental issues and reasons for which the application was previously rejected; safety concerns in relation to the volume of traffic in the area.

Cllr Jerry Wickham proposed, subsequently seconded by Cllr Pip Ridout that the application be refused.

In questioning the Planning Officer, the Committee sought clarity on the ownership of the land, whether the appropriate procedure had been followed in notifying the owners of 7 Clay Close and how the application now satisfied Highways concerns originally raised.

The Area Team Leader informed members regarding ownership that an applicant for planning permission did not need to be the owner of the land subject of a planning application and the consent of a person who has an interest in the land was not required. For planning permission though applicants were legally obliged to notify, under Section 66 of the Act and this had been confirmed by the applicant by means of certificate B submitted which was signed on 20 November 2015 as the notice being served on 7 Clay Close.

In response to the Highway query from members, the Area Team Leader explained that plans submitted along with applications were sufficient for the Highways Officer to comment on and as such the Highways Officer recommended no objection as the reasons for initial refusal had now been overcome.

Members were also informed by the Chairman that the Highways officer was present to take any questions

On the suggestion that a site visit should be undertaken, it was confirmed that all Members bar one had visited the area in question at least once within the last twelve months and were therefore sufficiently familiar with the site.

Having been put to the vote, the meeting:

**Resolved to refuse permission based on the following reasons:**

1. Vehicles resulting from the proposed development by entering, leaving and standing within B3099 (a Class B road) and the High Street, at a point where visibility from and of such vehicles would be restricted, would impede, endanger and inconvenience other road users to the detriment of highway safety. The proposed access lies in close proximity to the railway bridge and the visibility of a vehicle exiting the proposed site would be impeded by traffic coming from under the bridge. The exiting from the access is not a suitable connection to the highway which is safe for all road users. The proposal would therefore be contrary to Core Policy CP61 of the adopted Wiltshire Core Strategy 2015 and the NPPF.
2. The proposed new dwelling through its position, mass, height, scale and design being sited within close proximity of neighbouring garden and dwelling of 7 Clay Close would result in an unacceptable form of development due to its domineering and intrusive impact and overshadowing effect upon the occupiers on the neighbouring property

which would adversely effect the enjoyment of their amenity area and dwelling. It is also considered to appear at odds with the existing character and appearance of the area. The development would be contrary to CP57 of the Wiltshire Core Strategy (2015) and the National Planning Policy Framework.

## 19 Planning Appeals Update Report

A report was presented which updated the Committee on appeal decisions and appeals pending since the last report to Committee.

### Resolved:

1. To receive and note the Planning Appeals Update Report.
2. That further information be presented in the next appeals update report regarding the appeal decisions on the following applications:

<u>Application No.</u>	<u>Address</u>
14/10213/CLP	Sandridge Park House Sandridge Hill Sandridge Common Melksham Wiltshire SN12 7QU
15/01975/PNCOU	Tiled Barn Haygrove Farm & Nurseries 44 Lower Westwood Bradford On Avon Wiltshire BA15 2AR
15/03555/PNCOU	Oakley Farm Lower Woodrow Forest Melksham Wiltshire SN12 7RB
15/03564/PNCOU	The Store Conkwell Winsley Bradford on Avon Wiltshire

20 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.50 p.m.)

The Officer who has produced these minutes is Shirley Agyeman, of Democratic Services, direct line 01225 718089, e-mail [Shirley.Agyeman@wiltshire.gov.uk](mailto:Shirley.Agyeman@wiltshire.gov.uk)

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