

WESTERN AREA PLANNING

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 18TH NOVEMBER 2009 AT 6.00PM AT BRADLEY ROAD, TROWBRIDGE

Present:

Cllr. Ernie Clark, Cllr. Andrew Davis, Cllr. Rod Eaton, Cllr. Peter Fuller (Chairman), Cllr. Mark Griffiths, Cllr. Malcolm Hewson, Cllr. John Knight, Cllr. Christopher Newbury, Cllr. Stephen Petty, Cllr Jonathan Seed, Cllr. Roy While.

71. Apologies for Absence

Apologies for absence were received from Cllr Graham Payne (substituted by Cllr Andrew Davis).

72. Minutes

The minutes of the meeting held on 28th October 2009 were confirmed as a correct record and signed by the Chairman subject to the following:

Minute No.66 refer.

That the Declarations of Interest for Councillors Ernie Clark, Rod Eaton and Roy While be amended to read as follows:

W/09/01581/REM, W/09/01579/FUL, W/09/01580/FUL, W/09/01964/FUL – Councillor Clark declared a personal interest in these items as a board member of Selwood Housing Society. Councillor Clark gave his assurance that he would consider the applications on their own merits and with an open mind. As fellow board members of Selwood Housing Association Councillors While and Eaton also declared a personal interest in these items, but also gave assurances that they would consider the applications on their own merits and with an open mind.

72. Chairman's Announcements

The Chairman welcomed the Democratic Services Officer now clerking the Western Area Planning Committee.

73. Public Participation

The Chairman explained the rules of public speaking, in doing so he pointed out that four people had required to be registered to speak as objectors to planning application W/09/01471/FUL. The Chairman decided to allow all four speakers to address the Committee but would limit their time to speak to two minutes each.

74. Declarations of Interest

W/09/01471/FUL - Cllr Andrew Davis declared a personal interest this item as a Warminster Town Councillor but pointed out that he had abstained from voting on this application when it was presented to Warminster Town Council. Councillor Davis gave his assurance that he would consider the application on its own merit and with an open mind.

75. W/09/01471/FUL. Redevelopment of existing car park to the rear of the Three Horseshoes Mall allowing a new class A1 food store (3,980 sq m) and a new class D1 library/museum/tourist information office building (1,200 sq m), and revised car parking layout together with new and enhanced pedestrian access, new public space and hard/soft landscaping - Car Park Station Road Warminster Wiltshire

Public Participation:

1. The following late additional comments were reported:
 - i) Warminster Town Council – maintain their objection
 - ii) Avenue School and Children’s Centre – maintain their objection
 - iii) Local resident representations – five further objections
2. Mr Richard Haes, Warminster Civic Trust, spoke in objection to the application.
3. Mr Peter Blackburn, Warminster Chamber of Commerce, spoke in objection to the application.
4. Mr Michael Mound, Warminster and Villages Development Trust, spoke in objection to the application.
5. Mr Simon Crosby, architect for the project, spoke in support of the application

6. Mr Julian Stephenson, Multi Evans Planning Consultant, spoke in support of the application.
7. Mr Simon Hoad, Stockland UK, spoke in support of the application.
8. Mr Nicklin, Warminster Town Council, spoke in objection to the application.

Resolved:

That planning permission be REFUSED, contrary to officer recommendation.

For the following reasons:

1 The proposed development of a 3,980 square metre food store, separated by a car park from the primary retail frontages, in this edge of town centre location for which there is no proven retail need would be contrary to Policies SP1 and SP3 of the West Wiltshire District Plan - 1st Alteration 2004.

2 The proposals fail to provide sufficient public car parking spaces, because of the increased usage arising from the proposed food store, which would lead to an inadequate number of parking spaces for public use to the disadvantage of retailers, local residents and other users including the adjoining school and doctors' surgeries contrary to Policies SP1 and SP3 of the West Wiltshire District Plan - 1st Alteration 2004.

3 The proposed layout of the car park together with the servicing route for the proposed food store, library and existing retail premises would result in conflict between users including lorries, cars, cyclists and pedestrians to the detriment of safety and convenience of users of the town centre contrary to Policies SP1 and SP3 of the West Wiltshire District Plan - 1st Alteration 2004.

4 The proposals, which would result in the loss of bus parking and waiting areas, make inadequate provision for public transport contrary to Policies SP1, SP3 and T9 of the West Wiltshire District Plan - 1st Alteration 2004.

5 The proposed scale, mass, height, design and location of the supermarket and library would not be in keeping with the scale and spatial characteristics of the area and would be harmful to the character and appearance of the conservation area contrary to

Policies C17, C18, C31A, SP1 and SP3 of the West Wiltshire District Plan - 1st Alteration 2004.

76. W/09/02038/FUL. Permanent 2 storey, 5 bedroom agricultural dwelling to replace existing temporary dwelling - Land North Of New Manor Farm South Wraxall Wiltshire

Public Participation:

1. Mr Sebastian Abbott, local resident, spoke in support of the application.
2. Mr Tom Farthing, applicant, spoke in support of the application.
3. Mr Paul Richards, Architecture Verte, agent for the applicant, spoke in support of the application.

Resolved:

That planning permission be PERMITTED, contrary to officer recommendation

For the following reason(s)

The applicant has demonstrated the size and scale are necessary and therefore accord with Policy H19 of the West Wiltshire District Plan, First Alteration 2004 and advice given in PPS3 and PPS7.

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 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an

essential need for a new dwelling/residential accommodation in this location having been demonstrated.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 policy H19

- 3 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.

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

- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended by the Town & 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), there shall be no additions, extensions, enlargements, or external alterations to the building, including the insertion of windows, doors, or other form of openings other than those shown on the approved drawings.

REASON: in order to protect the character and appearance of the Conservation Area, the openness of the Western Wiltshire Green Belt, and the character of the building.

Wiltshire Structure Plan 2016 – Policy DP12, and West Wiltshire District Plan - First Alteration 2004 – Policies C19, and C31a.

- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended by the Town & 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), no garages, sheds, greenhouses, and other ancillary domestic outbuildings, nor no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected anywhere on the site without the express permission of the Local Planning Authority.

REASON: in order to protect the character and appearance of the Conservation Area, the openness of the Western Wiltshire Green Belt, and the character of the building.

Wiltshire Structure Plan 2016 – Policy DP12, and West Wiltshire District Plan - First Alteration 2004 – Policies C19, and C31a.

- 6 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(s) 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.

- 7 No part of the development hereby approved shall be brought into use until the drive and parking area shown on the approved plan has been consolidated, surfaced and laid out in accordance with the approved details as outlined in the hard landscaping details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - Policy T10

- 8 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

- 9 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

West Wiltshire District Plan 1st Alteration 2004 - Policy U2

- 10 No development shall commence on site 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:-
- indications of all existing trees and hedgerows on the land;
 - details of any to be retained, together with measures for their protection in the course of development;
 - all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - finished levels and contours;
 - means of enclosure;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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 - Policies C31a and C32

- 11 All landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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.

West Wiltshire District Plan 1st Alteration 2004 – Policies C31a and C32

- 12 No floodlights or other forms of external lighting shall be installed on the site without the prior permission, in writing, of the Local Planning Authority.

REASON: To protect the amenities of the locality

- 13 The mobile home and its constituent parts shall be removed from the land within one month of occupation of the dwelling hereby by approved, and the land shall be restored to its former appearance, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the building does not remain within this Green Belt landscape thus protecting the openness of the area.

Informative(s):

- 1 The site lies over an Area of Ground water Source Protection (Policy U4 of the West Wiltshire District Plan – First Alteration 2004) and the Environment Agency are concerned that all options should be investigated before a Consent to Discharge may be required from them

77. Planning Appeals Update Report

Members of the committee notes the appeal decisions and appeals pending, outlined within the “Planning Appeals Update Report – 9 October 2009 to 30 October 2009”.

(Duration of meeting: 6.00 pm – 8.30 pm. A short recess took place between 7.30 pm and 7.45 pm)

Chairman

Date

The Officer who has produced these minutes is Marie Gondlach, democratic Services Officer, direct line (01225) 713 597 or email

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