

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 SEPTEMBER 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr David Halik (Substitute)

#### Also Present:

Cllr Johnny Kidney

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#### 45 Apologies

Apologies for absence were received from:

Cllr Jonathon Seed who was substituted by Cllr David Halik

Cllr Darren Henry.

#### 46 Minutes of the Previous Meeting

The minutes of the meeting held on 21 August 2019 were presented.

#### **Resolved:**

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

#### 47 Declarations of Interest

There were no declarations of interest.

#### 48 Chairman's Announcements

There were no Chairman's Announcements.

#### 49 Public Participation

The Committee noted the rules on public participation.

50 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

51 **Planning Applications**

The Committee considered the following applications:

52 **18/11885/FUL: The Yard, Westwood, Bradford on Avon, BA15 2AL**

**Public Participation**

Margaret Christison spoke in objection to the application

Amanda Bishop spoke in objection to the application

Brian Oliver spoke in objection to the application

George Mumford, Westwood Parish Council, spoke in objection to the application

Verity Giles-Franklin, Senior Planning Officer, introduced the report which was recommended for approval. The planning application was for a Change of use from agricultural equestrian to mixed use - equestrian and dog day care facility for maximum 20 dogs.

Key issues included; Principle of the change of use, impact on the Green Belt, impact on neighbouring amenity and highways issues.

Additional representations had been received which raised issues of the quality, and accuracy of the acoustic report.

The officer noted that the noise assessment report had been revised with the correct address and explained that the two closest neighbours to the application site, had been used for the noise receptors, which concluded that the noise levels were of an acceptable level.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: Whether part of the hay barn was already used as an office; Whether the RSPCA were consultees and whether the noise assessment worst case scenario was robust enough.

The officers response noted that: in 2001 the site had permission for the hay barn, tack room, stables and amenity room for ancillary use; the RSPCA were not statutory consultees for the council but for the applicant to consult with and that expert guidelines and methodology were followed to conduct the noise assessment including the worst case scenario and were therefore considered as robust measures.

Members of the public, as detailed above, had the opportunity to speak on the application.

The local member Cllr Kidney spoke in objection to the application noting the key issues as; noise, concerns about the robustness of the noise assessment, that the community would be at risk of nuisance, concerns on whether the conditions could be enforced and that there was a lack of guidance and policy on the issue.

Officers noted that the noise assessment was a professional acoustic report based on national policy and carried out by professionals, with no expert advice received against the assessment.

A motion was moved by Cllr Sarah Gibson to approve the application for a temporary period of two years with added conditions that no more than five dogs could exercise at one time and that before approval was given, more information was required on the acoustic mitigation being implemented within the accommodation. The motion was seconded by Cllr Pip Ridout.

Following a short debate and advice from officers the motion was amended by removing the condition that no more than five dogs could exercise at one time. The was agreed by Cllr Sarah Gibson and the Seconder Cllr Pip Ridout.

At the end of the debate it was;

## **RESOLVED**

**To unanimously approve planning permission subject to the following conditions:**

**1. The dog day care use hereby permitted shall be discontinued no later than two years from the date the use commences, unless an extended timeframe is approved beforehand through the grant of a further planning permission by the Local Planning Authority. The date of commencement of the use authorised by this first permission shall be notified to the local planning authority no later than 7 days from the use commencing.**

**REASON: A temporary planning permission is considered necessary to enable the local planning authority to assess during this period of operation whether the use can be carried out on a permanent basis without causing an unreasonable level of disturbance to the amenity of nearby residential properties.**

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

**Location Plan, as received on 6 February 2019; and Drawing No: PBPDS/PP187, Rev C, Existing and Proposed Elevations, Floor Plans and Site Plan, as received on 28 May 2019**

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

**3. Before the dog shelter is first brought into use, details of the proposed building works, both internal and external and including noise insulation measures shall be submitted to and approved in writing by the Local Planning Authority. These works shall be completed before the building is first brought into use as a dog shelter.**

**REASON: To protect the appearance of the area and to minimise the noise disturbance to neighbouring properties.**

**4. The use hereby permitted shall only take place between the hours of 0700 - 1800 on Mondays to Fridays. The use shall not take place at any time on Saturdays, Sundays or during Bank or Public Holidays.**

**REASON: To define the terms of this permission and in order to protect residential and local amenities.**

**5. The exercise and play area use within the paddock hereby permitted shall only take place between the hours of 0900 - 1700 on Mondays to Fridays. The use shall not take place at any time on Saturdays, Sundays or during Bank or Public Holidays.**

**REASON: To define the terms of this permission and in order to protect residential and local amenities.**

**6. There shall be no more than 20 dogs on the site at any one time.**

**REASON: In the interests of residential amenity**

**7. The site shall not be used for the kennelling of any dogs at any time.**

**REASON: In the interests of residential amenity**

**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 in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

**REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.**

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**Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.30 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail [jessica.croman@wiltshire.gov.uk](mailto:jessica.croman@wiltshire.gov.uk)

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