

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 JUNE 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman),
Cllr Mark Griffiths, Cllr Malcolm Hewson (Substitute), Cllr Christopher Newbury,
Cllr Stephen Petty, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Francis Morland

54 Apologies for Absence

Apologies for absence were received from Councillor Knight (substituted by Councillor Malcolm Hewson).

Councillor Mark Griffiths also offered his apologies as he would have to leave the meeting between 6.30 and 7.00 pm.

55 Minutes of the Previous Meeting

The minutes of the meeting held on 25 May 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 25 May 2011.

56 Declarations of Interest

W/11/01190/FUL - 8 Merlin Way, Bowerhill, Wiltshire, SN12 6TJ. Part change of use of existing building from D2 to Nightclub for evening works; proposed single storey side extensions and associated works.

Councillor Steve Petty declared a personal interest as a member of the Melksham Without Parish Council and explained that he had not taken part in

the Parish Council's decision. Councillor Petty gave his assurance that he would consider the application with an open mind.

Councillors Jonathon Seed, Mark Griffiths and Rod Eaton declared a personal interest as members of the Wiltshire Council Licensing Committee which may be asked to consider a licensing application from the same applicant. They gave their assurance that any decision made by the Western Area Planning Committee would have no prejudice on any future Licensing Application.

57 **Chairman's Announcements**

There were no Chairman's Announcements although the Chairman took the opportunity to inform the committee that the planning department had temporarily moved to Shurnhold, Melksham but that the Western Area Planning Committee would still meet in the Council Chamber, Bradley Road, Trowbridge.

58 **Public Participation**

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

59 **Proposed Diversion Of Edington Bridleway 15 (Part) And Keevil 5 (Part)**

The Chairman informed the committee that the objections to the proposed diversion had been withdrawn. He further explained that Rights of Way officers could therefore confirm the Order without need for the matter to be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for confirmation.

Resolved:

To note that the objections to the proposed diversion had been withdrawn and that Rights of Way officers would therefore confirm the Order without need for the matter to be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for confirmation.

60 **Planning Applications**

The Committee considered the following applications:

60.a W/11/01206/FUL

Public Participation:

- Mr Brian Smyth spoke in objection to the application.
- Mr Robert Oglesby spoke in objection to the application.

- Mr Francis Dobbyn, Semington Parish Council representative, spoke in objection to the application.

Officers introduced the report which sought approval.

During the ensuing debate members of the committee, despite sympathy for the applicants' circumstances, could not be satisfied that all the requirements stated in Policy CF12 had been met. It was also established during the debate that the site was located in open country side therefore the committee felt that the application was not compliant with the Development Plan. Members of the committee also felt that it was necessary to give weight to emerging Planning Policies.

It was therefore

Resolved:

That planning permission be REFUSED

For the following reasons:

1. The proposed development conflicts with the following criteria in policy CF12 of the West Wiltshire District Plan 1st alteration in that:

(a) It would result in a potential nuisance to adjoining land uses, including the crematorium;

(b) The site is located in the open countryside and the proposed development encroaches into it, having an adverse impact on the appearance of the area;

(c) The site is not suitable for long-term occupation as it is located on the opposite side of a busy road from the village of Semington and therefore does not provide a safe location with safe access to village facilities for those using the site;

(d) The proposal involves access directly onto the A361, which forms part of the Primary Route Network in Wiltshire and therefore is contrary to Policy T8 of the Wiltshire and Swindon Structure Plan 2016, which seeks to prevent access from new developments directly onto the National Primary route network;

(f) The proposal is located remote from services and employment opportunities and is therefore contrary to the key aims of PPG 13.

2. The proposal conflicts with emerging local and national planning policy in that it is inappropriately located and could prejudice the Gypsy and Traveller Site Allocations Development Plan Document.

Councillor Mark Griffith asked for his abstention from the vote to be recorded as he had not been present when the application was presented and debated.

60.b W/11/01190/FUL

Public Participation:

- Mr Richard Harlow, agent, spoke in support of the application.
- Mr Gary Cooke, applicant, spoke in support of the application.
- Mr Mike Mills, Chairman of Melksham Without Parish Council, relayed the Parish Council's concerns.

Officers introduced the report which sought approval. During the ensuing debate it was agreed that most of the concerns raised could more properly be addressed in consideration of any subsequent application for a premises licence under the provisions of the Licensing Act 2003.

Resolved:

That planning permission be GRANTED

For the following reason:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

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. No development shall take place until a specific noise assessment is carried out with regard to the proposed plant, in this instance a kitchen extract unit. The measurement and assessment shall be made in accordance with BS4142: 1997 and the report must include any attenuation measures, if required. The assessment and mitigation works if necessary shall be submitted to and approved in writing by the local planning authority prior to any works taking place and shall be implemented prior to the extraction unit being brought into use.

REASON: In the interests of amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies E2 and C38.

3. In order to prevent noise break out from the venue the development shall be constructed in accordance with Section 5.1 to 5.3 of the Acoustic Report, Ref 30901.1v1, submitted as part of the application. The noise level of music within the proposed development shall not exceed the levels given in each frequency specified in Table 2 of the report and consequently the SRI values set out in Table 3 must be achieved. The applicant will need to submit written details for approval by the Local Planning Authority (LPA) that all the measures in the above Sections have been implemented prior to the use commencing and the details shall also include post installation acoustic testing showing compliance. If there are any proposed changes to the measures outlined in the report or the figures used (Table 2 and Table 3) they must be agreed in writing by the LPA prior to being implemented. Upon completion of the works forming part of the scheme no alterations to the structure, roof, doors, windows or external facades of the building shall be undertaken without the prior written approval of the LPA.

REASON: In the interests of amenity and in order to define the terms of this permission.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies E2 and C38.

4. The hereby approved development shall not be first brought into use until the access gates have been widened to allow safe pedestrian access onto the existing raised pavements. Details of which shall be submitted to and approved in writing by the local planning authority prior to the works taking place.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E2.

5. No part of the development hereby permitted shall be first brought into use until overflow parking spaces have been provided in accordance with the details previously approved under planning permission W/09/03317/FUL. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E2.

6. No development shall commence on site until a Green Travel Plan (including the provision of a shuttle bus service) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E2.

7. Outside of the building, including the hereby approved "Covered Decking Area" no sound amplifying equipment, loudspeaker or public address system shall be installed/operated or music played.

REASON: In the interests of local amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies E2 and C38.

8. Prior to the hereby approved development first coming into use details of CCTV monitoring of the premises and its curtilage shall be submitted to and approved in writing by the Local Planning Authority, and then subsequently installed in accordance with those approved details.

REASON: In the interests of public safety and the character of the area

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E2.

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

Drawing: AH2010/41 sheet 1 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 2 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 3 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 4 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 5 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 6 of 7 received on 4 April 2011;

Drawing: AH2010/41 sheet 7 of 7 received on 4 April 2011;

Document: Design and Access Statement received on 4 April 2011; and

Document: Hepworth Acoustics Noise Assessment received on 4 April 2011.

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

Informative(s):

1 The developer will need to obtain a premises licence under the provisions of the Licensing Act 2003 and should contact the Licensing Department.

2 The developer is advised that under the terms of the Wildlife and Countryside Act 1981, it is an offence to disturb nesting birds. You should note that the work hereby granted consent does not override the statutory protection afforded to nesting birds and you are advised to seek expert advice if you suspect that the works, including hedge works, would disturb any nesting birds.

60.c W/11/00726/FUL

Public Participation:

- Mr Wyatt Birchall spoke in objection to the application.
- Mr Clive Letchford spoke in objection to the application.
- Mr Roger Smith, agent, spoke in support of the application.

Officers introduced the report which sought approval. During the ensuing debate it was clarified that the existing access created by a previous owner was to an unclassified road and planning permission had not been required; any further dispute over the legality of the access was not a material planning consideration for this application.

Resolved:

That planning permission be GRANTED

For the following reason

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

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. No development shall commence on site until details and samples of the materials to be used for all 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 policies H1 and C31a.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
LOCATION PLAN - drawing no. 2451-08 received 25.02.2011
SITE PLAN - drawing no. 2451-01 Rev H received 09.05.2011
EXISTING FLOOR PLANS - drawing no. 2451-02 received 25.02.2011
EXISTING ELEVATIONS - drawing no. 2451-03 received 25.02.2011
PROPOSED FLOOR PLANS - drawing no. 2451-04 Rev A received 25.02.2011
PROPOSED ELEVATIONS - drawing no. 2451-05 received 25.02.2011
PLANS FOR PLOTS 6 & 7 - drawing no. 2451-07 received 25.02.2011
GARAGING PLOTS 1 & 2 - drawing no. 2451-10 Rev A received 17.03.2011

GARAGING PLOTS 3, 6 & 7 - drawing no 2451-11 received 25.02.2011
PLANS FOR PLOTS 4 & 5 - drawing no. 2451-12 received 25.02.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the Local Planning Authority.

4. The dwellings and flatted units hereby approved shall only be occupied as single private residential units and shall not be occupied as an HMO (Houses in Multiple Occupation). Before any of the dwellings hereby approved are first occupied, the use of Smallbrook house as an HMO shall permanently cease.

REASON: In the interests of highway safety and in order to define the terms of this permission.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In order to define the terms of this permission and to ensure that the Local Planning Authority has control over future extensions on this site.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no windows or door openings, other than those hereby approved, shall be added to any of the gables forming plots 4,5,6 and 7 without the express planning permission of the Local Planning Authority.

REASON: In order to define the terms of this permission and in the interests of protecting residential amenity and privacy.

7. The development hereby permitted shall not be brought into use until the recommendations cited within paragraph 5.2 of the submitted bat search and assessment survey (produced by CTM Wildlife dated February 2011) have been implemented on site and that the bat enhancement measures are maintained on site unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of maximising ecological and biodiversity interests.

POLICY: PPS9: Biodiversity and Geological Conservation.

8. The garages hereby approved shall be used solely for the purpose of housing private motor vehicles or other uses incidental to the enjoyment of the dwellings/flatted units and that the garages shall not be converted to habitable accommodation and that no trade or business shall be carried out in or from the garage buildings.

REASON: In order to define the terms of the permission and in the interests of highway safety and local amenity.

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

9. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preventing light pollution and nuisance

POLICY: West Wiltshire District Plan - 1st Alteration policies C35 and C38.

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;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- 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.

11. All soft 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.

12. The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Phil Goldsmith and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

13. No part of the development hereby permitted shall be occupied until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

14. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access), 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.

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

15. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

Informative(s):

1. The attention of the applicant is drawn to the contents of the letter from Wessex Water dated 8 March 2011.

61 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 9.10 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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