

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 9 NOVEMBER 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 John Knight, Cllr Christopher Newbury, Cllr Stephen Petty,
Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr David Jenkins

99 Apologies for Absence

There were no apologies for absence.

100 Minutes of the Previous Meeting

The minutes of the meeting held on 19 October 2011 were presented.

Resolved:

**To approve as a correct record and sign the minutes of the meeting held
on 19 October 2011.**

101 Declarations of Interest

Planning Appeal in respect of land at Slag Lane and Hawkeridge Road –
Councillor Peter Fuller declared a personal and prejudicial interest as he had
become aware, since the application had been before committee, that the social
housing element of the development would be sold to Jephson Housing
Association, for which he is a Tenant Representative.

W/11/02185/FUL – Land North of Dunch Lane, Melksham, Wiltshire.

Councillor Rod Eaton declared a personal interest as a member of Melksham
Town Council and as he had been lobbied by the Town Council. He gave his
assurance that he would consider the application with an open mind.

102 **Chairman's Announcements**

The Chairman informed the committee of a change to membership as agreed at Full Council on Tuesday 8 November 2011: Councillor Jeff Osborn would replace Councillor Helen Osborn as a substitute for the Western Area Planning Committee.

103 **Public Participation**

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

104 **Planning Applications**

The Committee considered the following applications:

104.a W/11/02427/FUL - 40 Newleaze Park Broughton Gifford Wiltshire SN12 8PL

Public Participation:

- Mr Ronal Bush spoke in objection to the application.
- Mr Richard Harlow (agent) spoke in support of the application.

The Area Development Manager introduced the report which sought approval and in doing so drew the committee's attention to the late list, which is appended to these minutes for ease of reference, and clarified that the neighbouring dwelling referred to in the report was No.42 (No.40 being the applicant).

Members of the committee expressed concerns over the issue of the adjoining garage wall and it was explained that the issue would be regulated by the Access to Neighbouring Land Act and the Party Wall Act 1996. It was also confirmed that the two Acts cited would have to be complied with even if planning permission were granted.

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 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To ensure that the development harmonises with its setting.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A

3 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

4 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location plan received on 5/9/2011

AH2011/03/1 Rev B received on 5/10/2011

AH2011/03/2 Rev B received on 5/10/2011

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

Informative:

1 The dropped kerb should be extended across the full width of the driveway. An application pack will be issued from our Vehicle Crossing Team to implement this requirement.

104.b W/11/02185/FUL - Land North Of Dunch Lane Melksham Wiltshire

Public Participation:

- Mrs Sandra Kenyon spoke in objection to the application.
- Mrs Yvonne McCoubrey spoke in objection to the application.
- Mr Martin Yarwood spoke in objection to the application.
- Mr Richard Harlow (agent) spoke in support of the application.

The Area Development Manager introduced the report which sought approval. In response to technical questions asked by members of the committee it was confirmed that the application was retrospective, that agricultural rights included the keeping of animals, that the stables were deemed permanent and that the horses on site were in private ownership.

During the ensuing debate members of the committee pointed out that the highway access had already been granted and they could not be convinced that there was an environmental issue.

It was therefore

Resolved:

That planning permission be GRANTED.

For the following reasons:

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 conditions:

1 Within one month of the date of this permission, details of the proposals for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) shall be submitted to and approved in writing by the Local Planning Authority. The operation of the use authorised by this permission shall be carried out in accordance with these 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

2 The equestrian use 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 any commercial equestrian tuition.

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

3 No manure or 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

4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site location plan received on 2 August 2011

Block Plan received on 2 August 2011

AH2011/47 Rev A received on 24 August 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.

104.c W/11/02216/FUL - Upper Farm Upper Farm Northwest To Upper South Wraxall Lower South Wraxall Bradford On Avon Wiltshire

Public Participation:

- Mr David Pearce (agent) spoke in support of the application.

The Area Development Manager introduced the report which sought approval. Members of the committee sought and gained reassurance that both of the buildings had been marketed for alternative business, tourist and recreational use.

Resolved:

That planning permission be GRANTED.

For the following reasons:

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 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. LDC.1485.001 received on 06.08.2011
SITE PLAN – Drawing No. LDC.1485.002 Rev C received on 05.10.2011
EXISTING PLANS BARN A – Drawing no. LDC.1485.003 received on 06.08.2011
EXISTING ELEVATIONS BARN A – Drawing No. LDC.1485.004 received on 06.08.2011
PROPOSED PLANS BARN A – Drawing No. LDC.1485.005 Rev C received on 06.08.2011
PROPOSED ELEVATIONS BARN A – Drawing No. LDC.1485.006 Rev B received on 06.08.2011
SECTIONS BARN A – Drawing No. LDC.1485.007 Rev B received on 06.08.2011
EXISTING PLANS BARN B – Drawing no. LDC.1485.008 Rev A received on 06.08.2011
EXISTING ELEVATIONS BARN B – Drawing No. LDC.1485.009 Rev C received on 06.08.2011
PROPOSED PLANS BARN B – Drawing No. LDC.1485.010 Rev C received on 06.08.2011
PROPOSED ELEVATIONS BARN B – Drawing No. LDC.1485.011 Rev C received on 06.08.2011
PROPOSED ELEVATIONS BARN B – Drawing No. LDC.1485.012 received on 06.08.2011
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.

3 No development shall commence on site until details and samples of the materials to be used for the external walls (including the new means of enclosure) 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: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policy C31a and H21.

4 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

5 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

6 No part of the development hereby permitted shall be occupied until the access, turning area 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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

7 No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.9 metres above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

8 The development hereby permitted shall not be occupied until provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

9 No development shall commence on site until details of the external timber boarding finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policy C31a, C17 and H21.

10 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 those Orders with or without modification), no development within Part 1, Classes A-E and Part 2 Class A-C shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for future alterations, additions, extensions or enlargements.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

11 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), no additional wall or roof openings, other than those shown on the approved plans, shall be formed in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policy C31a, C38, E8 and H21.

12 The mitigation measures detailed in the approved Ecological/Bat Surveys undertaken by Skilled Ecology Consultancy Ltd shall be carried out in full prior to the first occupation of the development hereby approved.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

Informatives:

1 The applicant/developer is advised to note that the grant of planning permission does not derogate the applicant's legal responsibilities under the Conservation of Species and Habitats Regulations (2010). It is the applicant's responsibility to obtain a European Protected Species licence from Natural England to legitimise any action likely to breach Regulation 41.

2 The applicant/developer is advised to note the content of Wessex Water's letter dated 30 August 2011.

3 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

4 The applicant is advised to ensure that all asbestos material is removed and disposed of properly in accordance with Hazardous Waste Regulations. The applicant is encouraged to contact the Environment Agency for more information.

5 The applicant/developer is advised to note the content of the Environment Agency's letter dated 5 September 2011.

104.d W/11/02232/FUL - Mayflower Farm New Road Codford Warminster Wiltshire

Public Participation:

- Mr Chris Bayne spoke in objection to the application.
- Mr David Shaw spoke in objection to the application.
- Mr Simon Firth spoke in objection to the application.
- Brigadier Mark Elcomb spoke in support of the application.
- Mr Paul Hember spoke in support of the application.
- Mr Jonathan Nuth spoke in support of the application.
- Mr Richard Burden expressed the concerns of the Area of Outstanding Natural Beauty (AONB) Partnership.
- Mrs Rosemary Wyeth, Codford Parish Council Chairman, spoke in objection to the application.

The Area Development Manager introduced the report which sought approval and welcomed the opportunity for this unusual application to be debated in a public forum.

Members of the committee recognised the unusual nature of the application and the necessity for the committee to balance the need for the building in this location and potential local employment against the impact on an AONB.

Resolved:

That planning permission be REFUSED.

For the following reasons:

1. The visual impact of the proposed development would harm the landscape and be detrimental to the purposes of the Cranborne Chase and West Wiltshire Downs AONB, contrary to Policies C1 and C2 of the West Wiltshire District Plan (1st Alteration).

2. The proposed development is incompatible with the rural character of the area and would lead to a loss of tranquillity and to inappropriate urbanisation of land outside of the built up area of the village. This would conflict with policy E6 of the West Wiltshire District Plan (1st alteration) and with policy EC6 of PPS4 that seeks to protect the countryside for the sake of its intrinsic character and beauty and to strictly control economic development in the open countryside.

105 Urgent Items

There were no Urgent Items.

106 Exclusion of the Press and Public

Councillor Pip Ridout apologised as she had to leave the meeting at that point.

Councillor Peter Fuller left the meeting at that point, minute no.101 refers.
Councillor Roy While in the chair.

Resolved:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute number 107 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

107 Planning Appeal in respect of Land at Slag Lane and Hawkeridge Road, Westbury

Officers introduced a report seeking the committee's approval that, in the light of new information contained in the report, the Council withdraw its opposition to the proposal at the forthcoming public inquiry into the appeal against the decision by the Western Area Planning Committee to refuse planning application W/10/03406/FUL at Slag Lane and Hawkeridge Road, Westbury.

Resolved:

That the Council inform the Planning Inspector at the forthcoming public inquiry that in the light of the new evidence contained in the Draft Wiltshire Workspace and Employment Land Review, it no longer wishes to pursue the reasons for refusal set out in the decision notice on planning application W/10/03406/FUL.

Councillor Christopher Newbury asked for his vote against the resolution to be recorded.

(Duration of meeting: 6.00 - 8.45 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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