

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 JUNE 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Rosemary Brown (Reserve), Cllr Andrew Davis (Reserve), Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne, Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Councillor Pip Ridout

141 Apologies for Absence

Apologies for absence were received from Councillor Rod Eaton (substituted by Councillor Andrew Davis), Councillor Malcolm Hewson (substituted by Councillor Rosemary Brown) and Councillor Ernie Clark.

142 Minutes of the Previous Meeting

The minutes of the meeting held on 2nd June 2010 were confirmed as a correct record and signed by the Chairman.

143 Declarations of Interest

W/10/01008/FUL and W/10/01209/REG3 - The Chairman clarified that members of the committee did not need to declare a personal or prejudicial interest as members of Wiltshire Council.

W/09/0094/FUL – Councillor Graham Payne declared a personal interest as he had known the applicant as a regular attendee at meetings of the former West Wiltshire District Council. Councillor Payne gave his assurance that he would consider the application on its own merit and with an open mind.

W/10/00947/FUL – Councillor Peter Fuller declared a personal interest as a member of Trowbridge Town Council which had considered the application. Councillor Fuller gave his assurance that he would base his decision on the

information now presented to him, would consider the application on its own merit and with an open mind.

As a fellow member of Trowbridge Town Council, Councillor John Knight also declared a personal interest and gave his assurance that he would base his decision on the information now presented to him, would consider the application on its own merit and with an open mind.

W/10/00991/FUL – Councillor Jonathon Seed declared a personal interest as he knew the applicant but was not a close associate. Councillor Seed gave his assurance that he would consider the application on its own merit and with an open mind.

144 **Chairman's Announcements**

There were no Chairman's Announcements.

145 **Public Participation**

The Chairman welcomed all present and explained the rules of public participation.

146 **Planning Applications**

The Committee considered the following applications:

147 **W/09/0094/FUL - Land East of Clivey Barn Farm**

The officer introduced the report and in doing so highlighted the details of the experience and qualifications of the Council's two agricultural workers housing advisors and the comments on the financial report as the Committee had requested for these to be included.

1. Mr Frank Brine, the applicant, spoke in support of the application;
2. Mt Tom Killen, agricultural adviser for the applicant, spoke in favour of the application.

Members of the Committee expressed some concerns over the experience and qualification of the Council's two agricultural worker housing advisors. They also felt that the intention to expand an existing business should be supported when appropriate.

The Committee sought clarification from the officers on the possible conditions to be included should approval be granted.

It was therefore

Resolved:

That planning permission be GRANTED contrary to officer recommendation.

For the following reason(s):

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

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. 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.

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

3. A recessed entrance having a minimum width of 4.5 metres shall be constructed 4.5 metres back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

REASON: In the interests of highway safety.

4. The entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5 metres from the carriageway edge.

REASON: In the interests of highway safety.

5. 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.

6. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a

7. 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.

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

8. 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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the visual amenity of this rural area and to enable the Local Planning Authority to consider whether planning permission should be granted for additions, extensions or enlargements to this agricultural workers dwelling.

West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C31a and H19

9. 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 those to be retained, together with measures for their protection in the course of development;

- details of all new planting including species, sizes and planting densities, of all new shrubs, trees and hedgerows within and on the boundary of the site;
- retention and reinforcement of existing hedges with native species;
- hard surfacing materials and details of culverting works to the ditch where alterations will be made to the existing access.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing trees and hedgerows.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32.

10. 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 dwelling 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 - POLICY: C31a and C32

148 **W/10/00947/FUL - Trowbridge Retail Park 235 Bradley Road, Trowbridge**

The officer introduced the report and reminded Members of the Committee that the main issues to consider were the siting of the proposed use in this locality in terms of current national guidance (Planning Policy statement 4 – Planning for Sustainable Economic Growth), highway safety and parking, visual impact and neighbouring amenity.

1. Mrs Jane Robinson spoke in objection to the application;
2. Ms Helen Tedman spoke in objection to the application.

Members of the Committee expressed concerns over the issues raised by the public speakers and local residents through their Ward Member; including anti social behaviour, car races, litter, noise pollution and unpleasant smells.

The Chairman invited the officer to respond to some of the points raised by the public speakers. She drew the Committee's attention to page 19 of the agenda which detailed the Environmental Health Officer's advice on conditions that

should be placed upon the application, which were included in paragraphs 6, 7 and 8 on pages 25 and 26 of the agenda.

The Senior Engineer, Highways, explained that there currently was an over provision of car parking spaces on site and pointed out that highway officers had no significant issues with regards to the highway and parking aspects of this proposal.

At this point consideration of the item was suspended to allow officers to obtain information requested by the committee. The next agenda item was considered in the meantime.

The Committee received Legal Advice, and then resumed its consideration of the application after having received the requested information.

Resolved:

That planning permission be REFUSED contrary to officer recommendation.

For the following reason(s):

1. The proliferation of fast food outlets in this location and the cumulative increase in noise, fumes and nuisance from cooking, increased traffic movements and general disturbance would be harmful to neighbouring amenity, contrary to Policy C38 of the West Wiltshire District Plan – 1st Alteration 2004.
2. The proposals would result in the loss of parking provision which would be likely to result in congestion and vehicles parking on the highway to the detriment of the amenity and convenience of neighbours and other road users, contrary to Policy C38 of the West Wiltshire District Plan – 1st Alteration 2004.
3. The proposals would have an adverse impact on the existing town centre function and facilities, harmful to the vitality and viability of the nearby town centre, contrary to Policy SP3 of the West Wiltshire District Plan – 1st Alteration 2004.

149 **W/10/00745/FUL - 70 Victoria Road, Warminster**

Councillors Graham Payne and John Knight left the room at 7.20 pm and returned at 7.25 pm.

The Officer introduced the report and drew the Committee's attention to additional comments received as detailed in the Minutes' Annex.

1. Mr Richard Haes, Warminster Trust, spoke in objection to the application;

2. Mr Tony Jackson spoke in objection to the application;
3. Mr Paul Macdonald spoke in objection to the application;
4. Ms Georgina Tibbs, agent, spoke in support of the application.

Councillor Pip Ridout, Unitary Member for Warminster West, spoke in objection to the application.

Councillor Christopher Newbury left at that point.

Members of the Committee felt that the views of the local resident should not be seen as insignificant despite the fact that the application was only for a further 2 semi-detached dwellings as part of a new housing development on which a total of 197 new dwellings were under construction.

It was therefore

Resolved:

That planning permission be REFUSED contrary to officer recommendation.

For the following reason(s):

The proposal would result in a cramped form of development resulting in over development of the site, harmful to the street scene, visual amenity, spatial form and character of the area contrary to Policies H1, H24 and C31A of the West Wiltshire District Plan – 1st Alteration 2004.

150 **W/10/01008/FUL - St Catherines, Wellhead Drove, Westbury**

Councillors Mark Griffiths and Graham Payne left the room between 8.10 and 8.15 pm.

The officer introduced the report and drew the Committee's attention to an error on the report as the applicant should state Quarriers (and not Mr Quarriers as per page 37 of the agenda) and additional comments received as detailed in the Minutes' Annex.

1. Dr Peter Ager spoke in objection to the application;
2. Mrs Rosemary Macdonald spoke in objection to the application;
3. Mrs Georgie Denison-Pender spoke in objection to the application;
4. Mr Chris Chart, applicant, spoke in support of the application.

Councillors expressed grave concern over the highway safety issues as detailed in the Highways' comments and highlighted by public speakers, despite recognising the admirable intentions of the project.

It was therefore

Resolved:

That planning permission be REFUSED.

For the following reason(s):

Vehicles resulting from the proposed development turning out of Wellhead Drove onto the busy Class 1 road A350, at a point where visibility from and of such vehicles would be severely restricted, would impede, endanger and inconvenience other road users to the detriment of highway safety.

151 **W/10/00991/FUL - 207 Norrington Lane, Broughton Gifford**

The Officer introduced the report and talked the Committee through the proposed extension.

1. Mr Keen, applicant, spoke in support of the application.

Members of the Committee considered that the distance to the nearest neighbouring dwellings and the proximity of a power plant lessened the impact of the main issues to be considered; listed as Visual Impact and Impact on neighbour's amenity.

It was therefore

Resolved:

That planning permission be GRANTED contrary to officer recommendation.

For the following reason(s):

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

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 materials to be used in the construction of the walls and roof of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

West Wiltshire District Plan 1st Alteration 2004 – C31A.

152 **W/10/00914/FUL - R and R Coaches, Bishopstrow Road, Warminster**

The officer introduced the report.

1. Mr Michael Newberry spoke in objection to the application;
2. Mr Alan Moon, Architect, spoke in support of the application;
3. Mrs Sheila Thomson, Bishopstrow Parish Council, spoke in objection to the application.

The Committee asked for some clarification about the change of recommendation by the Highways officer since the application was originally up for consideration at the 17th February 2010 meeting of the Western Area Planning Committee. The officer explained that a site visit, during which measurements were taken and due consideration given for local speed limits, had led the highways officer to raise no objection subject to a condition in relation to the visibility splays.

It was therefore

Resolved:

That planning permission be GRANTED.

For the following reason(s):

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

Subject to the following condition(s):

- 1 The visibility splays shown on the approved plans shall have been provided with no obstruction to visibility at or above a height of 900mm within 30 days of

the date of the granting of this permission. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

2 A plan showing details for the discharge of surface water from the site, incorporating sustainable drainage details and details of measures for the protection of the river from any polluted runoff, shall be submitted to and approved in writing by the Local Planning Authority within 30 days of the date of this permission. Any mitigating measures required in terms of the plan shall be completed within 90 days of the date of this permission.

REASON: To ensure that the development can be adequately drained.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

Informative(s):

1. The applicant is advised to contact the Environment Agency with regard to updating the Agency on progress on assessing the possible contamination of the Coach Depot site as a whole.

2. The Environment Agency advises that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Wylde, designated a 'main' river. This may include buildings, fences etc. The need for this consent is over and above the need for planning consent. Notwithstanding the retrospective nature of this application the applicant is advised to contact Daniel Griffin on 01258483351 in this regard.

153 **W/10/01209/REG3 - St Georges Primary School, Pound Lane, Semington**

The officer introduced the report and highlighted the issues of parking and loss of trees.

1. Mr Nigel Webster, Chair of Governors, spoke in support of the application;
2. Ms Laura Almond, Headteacher, spoke in support of the application.

Councillors complimented the school on its achievement and high reputation but expressed concerns over parking and requested for an additional informative to be included should the application be approved.

It was therefore

Resolved:

That planning permission be GRANTED.

For the following reason(s):

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

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

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

3 The development shall be carried out as specified in the pre development Tree Condition and Arboricultural Impact Assessment, and shall be supervised by an arboricultural consultant.

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

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32

4 The hall hereby permitted shall only be used between the hours of 8am and 6pm from Mondays to Fridays and between 9am and 6pm on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

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

Planning Policy Guidance 24: Planning and Noise

Informative(s):

1 The developer/applicant is advised to take into account the contents of the Wessex Water letter dated 30 April 2010.

2. You are advised that construction traffic should not park on the highway but within the school grounds.

154 **Planning Appeals Update Report**

Resolved:

To note the Planning Appeals Update Report.

155 **Urgent Items**

There were no urgent items.

Observations and recommendations made since preparation of the agenda

(Duration of meeting: 6.00 - 9.30 pm
A short recess took place between 9.10 and 9.15 pm)

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

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