

## WEST WILTSHIRE DISTRICT COUNCIL

### MINUTES

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 12 March 2009**

Held in: **THE COUNCIL CHAMBER, COUNCIL OFFICES,  
BRADLEY ROAD, TROWBRIDGE**

Councillors: Cllrs Fuller (Chairman), Alford, Binding, Burden, Clark, Carbin, Denison-Pender, Fortescue, Halik, March, Martindale, Newbury, Parks, Phillips OBE and Repton.

Also Present Cllrs Davies, Mudge, Osborn and Swabey.

Officers: Principal Planning Officer (MK), Principal Planning Officer (RM), and Democratic Support Officer (KR).

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### 32. APOLOGIES & CHANGES TO THE MEMBERSHIP OF THE COMMITTEE

Apologies were received from Cllrs James & Mounde.

### 33. DECLARATIONS OF INTEREST

<b>Application Item</b>	<b>Cllr / Officer</b>	<b>Reason</b>
Application No. 1	Cllr Burden	Personal Interest – Mayor of Warminster.
Application No's. 2,3, 4 & 5	Cllr Denison-Pender	Personal Interest – My children attend the same School as the applicants children.
Application No. 6	Cllr Martindale	Prejudicial Interest – Member of Wingfield Parish Council

Application No. 7	Cllr Fuller	Personal Interest - Member of Trowbridge Town Development Committee, will review application with an open mind
	Cllr Halik	Personal Interest – Member of Trowbridge Town Council. Will review application with an open mind.
Application No. 9	Cllr Alford	Personal Interest – Will review with an open mind.

### **34. MINUTES OF THE 26 FEBRUARY MEETING**

The minutes of the meeting held on 26<sup>th</sup> February 2009 were approved.

### **35. ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman announced that there had been a lot of emails sent back and forth regarding the Asda development, but that was not something to be debated at today's meeting.

Emails had been copied to the Melksham Members by Dave Hubbard, Development Control Manager.

Cllr Newbury requested that emails be circulated to all Members.

### **36. OPEN FORUM**

For all open forum presentations in respect of planning applications please refer to minute number 37.

### **37. PLANNING APPLICATIONS**

Open Forum speakers:

**Application No.1**  
**08/01046/FUL**  
**Morrisons, Weymouth Street, Warminster**

Brian Smith  
Cllr Tony Nicklin  
Cllr Sue Fraser  
Cllr Stephen Wheeler  
Cllr Paul Batchelor

**Application no. 2 & 4**  
**W/09/00061/FUL & W/09/00068/FUL**  
**Five Lords Farm, Clivey, Dilton Marsh**

Mr Nathan Browne  
Mr Frank Brine  
Cllr Julie Swabey

**Application No. 6**  
**08/02716/FUL**  
**Snarlton Farm, Farleigh Road, Wingfield**

Mr Michael Stillwell  
Mr Alan Mines

**Application No. 7**  
**08/03498/FUL**  
**Land rear of 25 Westmead Crescent, Trowbridge**

Mrs Sheila Beard  
Mr Martin Vaughan

**Application No.8**  
**W/09/00036/FUL**  
**294d, Bradley Lane, Holt**

Mr Richard Harlow  
Mrs Sheila A'Court

**Application No.9**  
**W/09/00137/FUL**  
**Aqua Leisure, 2 Market Place, Melksham**

Mr Andrew Croft  
Mr John McKeown  
Mr Will Roseff  
Cllr Mudge

**Application No. 1 - 08/01046/FUL – Morrisons, Weymouth Street, Warminster.**  
Refusal for the following reason

1. The proposal would result in the loss of public car parking spaces which would lead to an insufficient and inadequate number of parking spaces for public use to the disadvantage of other retailers, local residents and other users of the car park.

**Application No. 2 – W/09/00061/FUL – Five Lords Farm, Clivey, Dilton Marsh.**  
Permission with the following justification and conditions

### **Justification**

In the light of the poor structural condition of the existing building, its demolition and replacement is considered to ensure that the character and setting of the principal listed building is conserved.

### **Condition(s):**

1. FULL 3 YEAR

2. All existing roof tiles and bricks shall be carefully dismantled, set aside and stored in a safe place for re-use in the construction of the proposed replacement building. Any additional new materials to be used in the construction shall be formally agreed in writing by the Local Planning Authority prior to their use on site and following the submission of samples. The development shall be carried out strictly in accordance with the approved details.

REASON: To ensure that the character and setting of the listed building is conserved and in the interests of visual amenity

POLICY: WWDP C28 and C31a

3. Before any rebuilding is undertaken, a sample wall panel, not less than 1 metre square, shall first be constructed on site and approved by the Local Planning Authority. This wall shall show the proposed materials, method of laying, mortar composition and colour, and method of pointing and shall be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.

REASON: To ensure that the character and setting of the listed building is conserved and in the interests of visual amenity

POLICY: WWDP C28 and C31a

4. Prior to the commencement of development and notwithstanding the submitted plans, details of existing and proposed land levels across the site, illustrated by datum levels and sections, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out strictly in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

REASON: To ensure that the character and setting of the listed building is conserved and in the interests of visual amenity.

POLICY: WWDP C28 and C31a

5. LBROOF
6. LBRWG
7. LBWDR
8. ECOSUR

9. The building hereby permitted shall be used solely for the private stabling of animals and relevant ancillary storage in connection with Five Lords Farm and shall not be used either for residential accommodation, the commercial stabling of animals or livery, or the stabling of other animals not associated with the application site.

REASON: To accord with the terms of the application

### **Application No. 3 - W/09/00065/LBC – Five Lords Farm, Clivey, Dilton Marsh.**

Turnaround Consent with the following justification and conditions

#### **Justification**

In the light of the poor structural condition of the existing building, its demolition and replacement is considered to ensure that the character and setting of the principal listed building is conserved

#### **Condition(s):**

1. LBCOT

2. All existing roof tiles and bricks shall be carefully dismantled, set aside and stored in a safe place for re-use in the construction of the proposed replacement building. Any additional new materials to be used in the construction shall be formally agreed in writing by the Local Planning Authority prior to their use on site and following the submission of samples. The development shall be carried out strictly in accordance with the approved details.

REASON: To ensure that the character and setting of the listed building is conserved and in the interests of visual amenity

POLICY: WWDP C28 and C31a

3. Before any rebuilding is undertaken, a sample wall panel, not less than 1 metre square, shall first be constructed on site and approved by the Local Planning Authority. This wall shall show the proposed materials, method of laying, mortar composition and colour, and method of pointing and shall be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.

REASON: To ensure that the character and setting of the listed building is conserved and in the interests of visual amenity

POLICY: WWDP C28 and C31a

4. Prior to the commencement of development and notwithstanding the submitted plans, details of existing and proposed land levels across the site, illustrated by datum levels and sections, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out strictly in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

REASON: To ensure that the character and setting of the listed building is conserved and in the interests of visual amenity.

POLICY: WWDP C28 and C31a

5. LBROOF
6. LBRWG
7. LBWDR
8. LBPHOT

**Application No. 4 - W/09/00068/FUL – Five Lords Farm, Clivey, Dilton Marsh.**  
Refusal as recommendation

**Application No. 5 – W/09/00067/LBC – Five Lords Farm, Clivey, Dilton Marsh.**  
Refusal as recommendation

**Application No. 6 - 08/02716/FUL – Snarlton Farm, Farleigh Road, Wingfield.**  
Turnaround Permission with the following conditions

**Justification:**

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

**Condition(s):**

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 No development shall take place until samples of the materials details to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan -1st Alteration 2004- Policy C31A.

- 3 That, notwithstanding the details shown on the approved drawings, the rebuilt sections of walling on the south east and south west elevations hereby granted planning permission shall be finished in natural stone to match the existing building to the satisfaction of the Council and planning authority.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan -1st Alteration 2004- Policy C31A.

- 4 That the conversion hereby granted planning permission shall not be occupied by any person or persons other than the owner, manager or other full time employee of Snarlton Farm and any immediate family or dependants of such person or persons. The live/work unit hereby approved shall remain ancillary accommodation and part of the same interconnected planning unit at Snarlton Farm. Once the conversion is brought into use, neither the dwellinghouse nor the conversion shall be sold, leased or otherwise disposed of for use as , separate planning units without a further grant of planning permission.

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

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C31a and C38.

- 5 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed 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.

POLICY: West Wiltshire District Plan -1st Alteration 2004- Policy U2.

- 6 The development hereby permitted shall not be commenced until foul water drainage details have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out as approved and be maintained for the lifetime of the development.

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

POLICY: West Wiltshire District Plan -1st Alteration 2004- Policy U2.

- 7 The live/work unit shall not be brought into use until the visibility splays shown on the approved drawings have been provided with no obstruction to visibility at or above a height of 1 metre above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction for the lifetime of the development.

REASON: In the interests of road safety.

POLICY: West Wiltshire District Plan -1 st Alteration 2004 -Policy C31 a.

- 8 The development hereby permitted shall not be commenced until details of compensatory bat roosts have been submitted to and approved in writing by the Council. Once approved in writing, such roosts shall be retained for the lifetime of the development or as otherwise agreed in writing by the Council.

REASON: In the interests of nature conservation.

POLICY: West Wiltshire District Plan -1 st Alteration 2004 -Policy C1 and Planning Policy Statement 9.

- 9 No works for the carrying out of development shall take place between 1 March and 31 August in any year to avoid causing disturbance to breeding birds.

REASON: In the interests of nature conservation.

POLICY: West Wiltshire District Plan -1 st Alteration 2004 -Policy C1 and Planning Policy Statement 9.

- 10 Details of the elevations of all new or replacement external windows and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the building. The works shall then be carried out strictly in accordance with those details.

REASON: Protect and preserve character of rural building

**Note(s) to Applicant:**

- 1 The applicant/developer is advised to take care when removing all roofing material and dunting any wall sections. Each roof sheet and section of wall must be removed by hand and checked for roosting bats before disposal or stacking.

All operatives on site must be appropriately briefed on the bat presence and instructed to stop work and seek expert advice should bats be discovered. Any

bats should only be moved by a competent person if it is in immediate danger. Works which could further disturb bats should be suspended until expert help is available.

Any timber treatment to the former pig sty must be from the list approved by Natural England. Timber treatment to this area should be completed during the period when bats are less likely to be present (i.e. between mid October and the end of March).

- 2 The applicant/developer is advised to note the guidance contained within the letter from the Environment Agency dated 2 October regarding the provision of a non-mains foul drainage system.

**Application No. 7 - 08/03498/FUL – Land rear of 25 Westmead Crescent, Trowbridge.**

As recommendation but change to 'PERMISSION' not approval

**Application No. 8 – W/09/00036/FUL – 294D Bradley Lane, Holt.**

Refusal as recommendation

**Application No. 9 – W/09/00137/FUL – Aqua Leisure, 2 Market Place, Melksham.**

As recommendation but with an added condition

(3) Notwithstanding the details shown on the submitted plans the colour of the fascia boards of the front and side elevations shall be 'heritage green' in colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development harmonises with attached listed building

**Application No. 10 – W/09/00131/LBC – Aqua Leisure, 2 Market Place, Melksham.**

As recommendation but change to CONSENT and not permission with the added condition

(3) Notwithstanding the details shown on the submitted plans the colour of the fascia boards of the front and side elevations shall be 'heritage green' in colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development harmonises with the attached listed building



**Application No. 11 – W/09/00152/FUL – Neston Park Farm Shop, Bath Road, Aworth.**

Permission, however needs to be referred to the Secretary of State as a departure from the development plan.

**Directive**

That planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the Secretary of State remits the application to this Council for decision.

**Justification**

“The proposal represents a valuable community facility that would provided local employment and would sustain and enhance the local economy”

**Condition(s):**

- 1 The development hereby permitted shall begin before the 10th February 2010.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting, and retains the traditional agricultural character of the building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E8.

- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscape setting for the development.

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

- 4 The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

\* The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in

accordance with a timetable to be agreed in writing with the Local Planning Authority;

\* All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

\* The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

\* The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

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

- 5 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

- 6 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 7 Access to serve the site should be constructed with 10m radius kerbs and a minimum width of 5.5m for the first 10m. The access would have visibility splays of 4.5m x 215m in both directions unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy E8.

- 8 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

- 9 Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In the interests of public health and safety.

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

- 10 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items.

REASON: In the interests of the appearance of the site, and to protect the appearance of the countryside.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies E2, E4 & E6.

- 11 The use hereby permitted shall not be open to customers outside the following times: 0800 hours and 1900 hours on Mondays to Saturdays, and 1000 hours and 1700 hours on Sundays and Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

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

- 12 Delivery and despatch of goods to and from the site shall be limited to between 0800 hours and 1900 hours on Mondays to Saturdays, and 1000 hours and 1700 hours on Sundays and Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

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

- 13 The range and type of goods sold from the unit hereby granted permission shall be restricted to organic farm goods, Farm Assurance farm goods, farm goods awaiting organic registration, and locally grown farm produce.

REASON: To avoid undue effect on the vitality and viability of existing facilities in nearby settlements.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy SP3.

- 14 Before any development is commenced on site, including site works or storage of any description, all trees to be retained must be protected. Heras or similar protective fencing must be 2.4 metres in height and supported on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fencing shall conform to specifications in BS5837: 2005 "Trees in Relation to Construction", the details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Alternatively the protective fencing should be erected at a minimum of 2 metres outside the canopy edge of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres out side the group canopy.

Such fencing shall be erected before any equipment, machinery or materials are brought on to the site and before any ground clearance, demolition or construction work, including the erection of site huts, is commenced. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority, but shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

Within the areas so fenced, the existing ground levels shall not be altered and there shall be no development or development-related activity of any description, including trenches or pipe runs for services or drains, the deposit of spoil or the storage of materials.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand or a mole used avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 2005

The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete

The Local Planning Authority shall be advised in writing when the protective fencing has been erected so that it can be checked on site before development commences.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land].

**Reason:** To prevent trees that are to be retained on or adjacent to the site from being damaged during the construction works

**Policy:** West Wiltshire District Plan – 1st Alteration 2004 – Policy C32.

### **Note(s) to Applicant:**

- 1 Under the Wildlife & Countryside Act 1981, as amended by the Countryside & Rights of Way Act 2000, it is an offence to kill, injure or take any wild bird, destroy any nest whilst in use or being built, or take or destroy the egg of any wild bird. Work should be timed to avoid the nesting season. You are advised to contact English Nature for further advice and guidance.
- 2 You are advised to contact the Environment Agency as regards a Consent to Discharge under the Water Resources Act 1991.
- 3 You are advised to contact Wessex Water to agree points of connection with their apparatus.

**Application No. 12 - 09/03105/FUL – Land adjoining 25 Union Street, Melksham.**  
As recommendation but change to Permission and not approval

### **Member Attendance**

Cllr Alford left the meeting during the officer's presentation of Application no. 2 W/09/00061/FUL Five Lords Farm, Clivey, Dilton Marsh and returned during the Officer presentation of the same.

Cllr Binding joined the meeting during the debate of Application No. 7 08/03498/FUL Land rear of 25 Westmead Crescent, Trowbridge.

Cllr Carbin left the meeting during the officer's presentation of application No.11 – W/09/00152/FUL Neston Park Farm shop, Atworth and returned during the Officer presentation of the same.

Cllr Denison-Pender left the meeting during of the officer's presentation of Application No. 6 08/02716/FUL Snarlton Farm, Farleigh Road, Wingfield and returned during the debate of the same.

Cllr Denison-Pender left the meeting at the end of Application. No.10 w/09/00131/LBC Aqua Leisure, 2 Market Place Melksham and did not return.

Cllr Fortescue left the meeting at the start of the officer's presentation of Application No. 6 08/02716/FUL Snarlton Farm, Farleigh Road, Wingfield and returned during the officer presentation of the same.

Cllr Griffiths left the meeting during the debate of Application no. 4 W/09/00068/FUL Five Lords Farm, Clivey, Dilton Marsh and returned during the debate of the same.

Cllr Martindale left the meeting at the end of Application No.8 W/09/00036/FUL 294d, Bradley Lane, Holt, Warminster and did not return.

Cllr Newbury left the meeting at the end of Application No. 10 W/09/00131/LBC Aqua Leisure, 2 Market Place Melksham and did not return

Cllr Phillips left the meeting during the Officers Presentation of Application No. 7 08/03498/FUL Land rear of 25 Westmead Crescent, Trowbridge and returned during the debate of the same.

Cllr Repton left the meeting during the Officers Presentation of Application No. 7 08/03498/FUL Land rear of 25 Westmead Crescent, Trowbridge and returned during the officers presentation of the same.

**At 10.00pm a motion was put to the vote that the meeting continue to the end of the agenda. The motion was carried.**

### **38. PLANNING APPEALS UPDATE REPORT**

The Planning Committee noted the update report.

### **39. DATE OF NEXT MEETING**

The next meeting of the Planning Committee will be held on **Thursday 26 March 2009** at **7.00pm** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge.

(19.00 – 23.35)

These minutes were prepared by Karen Richardson, Democratic Support Officer who can be contacted on 01225 776655 ext 115 or by e-mail [kfielding@westwiltshire.gov.uk](mailto:kfielding@westwiltshire.gov.uk)