

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 13 DECEMBER 2017 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr Roy While (Substitute)

100 Apologies

Apologies for absence were received from Councillor Edward Kirk.

Councillor Kirk was substituted by Councillor Roy While.

101 Minutes of the Previous Meeting

The minutes of the meeting held on 17 November 2017 were presented.

In relation to a query raised at that meeting from the Codford Residence Group it was stated that subsequently it had been confirmed that an email sent by the parish council clerk to a council inbox had unfortunately not been forwarded to the Democratic Services Officer. Nevertheless, the committee had amended the minutes of its October meeting to further clarify that the parish council had taken a neutral position in relation to the Codford Path No. 15 Right of Way Modification Order 2016.

Resolved:

To approve as a true and correct record and sign the minutes of the meeting held on 17 November 2017.

102 Declarations of Interest

Councillor Ernie Clark referred to his register of interest.

Councillor Jonathon Seed noted that he had been in contact with the applicants of item 10 during a public engagement, although he did not have an interest in the item.

103 **Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

104 **Planning Appeals and Updates**

The Planning Appeals Update Report was received for the period 03/11/2017 and 01/12/2017

Resolved:

To note the Planning Appeals Update Report for 03/11/2017 and 01/12/2017.

105 **Public Participation**

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

A question was received from Councillor Ernie Clark and a written response had been provided as detailed in agenda supplement 2.

A supplementary question from Councillor Ernie Clark was asked: Why is it taking so long to publish the information?

It was agreed that the Head of Spatial Planning would be asked to provide a response, to be circulated to all Members of the committee.

106 **Commons Act 2006 - Sections 15(1) And (3) - Application to Register Land as a Town or Village Green - Great Lees Field, Semington**

Public Participation

Susanna Isaac spoke in objection to the application.

William Stuart-Bruges spoke in objection to the application.

Dr William Scott, Friends of Great Lees Field, spoke in support of the application.

Brian Smyth on behalf of Semington Parish Council spoke in support of the application.

Janice Green, Rights of Way Officer, presented the report, which recommended that the committee appoint an independent Inspector to preside over a non-statutory public inquiry.

Members of the Committee then had the opportunity to ask technical questions of the officers, where no questions were asked.

Members of the public then had the opportunity to address the Committee, as detailed above.

In response to points raised during the public forum the Rights of Way Officer informed the committee that the planning application had been submitted to Wiltshire Council as the Planning Authority on 14 June 2016, prior to the Village Green application which was received by Wiltshire Council as the Registration Authority on 24 June 2016. However, in order for the planning application to be a valid trigger event over the land, which would extinguish the right to apply to register the land as a town or village green, the planning application must be first published under s.65(1) of the Town and Country Planning Act 1990. In this case the planning application was not published until 29 June 2016, therefore at the time the application was received no trigger events were in place over the land.

Upon receipt of the Town/Village Green application, the Registration Authority consulted with the Planning Authorities who confirmed that there were no planning trigger events in place over the land at the time the Town/Village Green application was received by the Council. The Rights of Way Officer confirmed that where there is a dispute in the evidence provided to the Registration Authority, the holding of a non-statutory public inquiry would assist the Registration Authority in its determination of the application.

A debate followed, where the following key points were raised: the complex nature of the application and the publishing dates of the planning application on the parish list.

A motion was moved by Councillor Johnathon Seed to move the officers recommendation, which was seconded by Councillor Ernie Clark.

At the end of the debate it was;

Resolved:

That Wiltshire Council, as the Commons Registration Authority, appoints an independent Inspector to preside over a non-statutory public inquiry, in order that a recommendation can be made to the Council as the Registration Authority, to assist in its determination of the application to register land off Pound Lane, Semington, known as Great Lees Field, as a Town or Village Green, as soon as is reasonably practicable.

107 **Planning Applications**

The Committee considered the following applications:

108 **17/01158/FUL - St Pauls Church, Staverton**

Public Participation

Nicola Trumper spoke in objection to the application.

Malcolm Archer, Applicant, spoke in support of the application.

Adrian Browning, Church Commissioners (vendor), spoke in support of the application.

Simon Ferris, Diocese of Salisbury, spoke in support of the application

Steve Sims, Planning Officer, introduced a report which recommended planning permission be granted subject to conditions for the change of use of a church to a 2 bedroom dwelling, with the external and internal alterations and the formal provision of two car parking spaces on land to the rear of No. 95 Staverton.

Key issues highlighted included the Principle of the development; Impact on the The key issues highlighted included the principle of the development; the impact on the setting of listed buildings (including the church itself); the impact on the character of the area; the impact on the living conditions and amenities of neighbouring residents; the impact on highway safety interests; ecology and drainage issues were also highlighted.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the modified red line site plan during the planning process and the location and use of the access track.

Members of the public then had the opportunity to address the committee, as detailed above.

A debate followed, where the following key points were raised: acknowledging the subject property's former use as a church and its lack of dedicated car parking and the recognition of finding a viable and suitable use for what is a listed building and appraising the consequential impacts of the development on neighbouring residents and highway safety.

A motion to approve the officer's recommendation was moved by Councillor Ernie Clark and was seconded by Councillor Sarah Gibson.

At the end of the debate is was;

Resolved:

To approve planning permission subject to 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 be carried out in accordance with the following approved plans:**

**Amended Site Location Plan scale 1:1250 (dwg no. 0504 01 rev B)
Existing Floor Plans scale 1:100 (dwg no 0504 02A)**

Proposed Floor Plans and Section B scale 1L100 (dwg no. 0504 03A)

Existing Elevations scale 1:100 (dwg no. 0504 04)

Proposed Elevations scale 1:100 (dwg no. 0504 05)

Amended Block Plan scale 1:500 (dwg no. 0504 07 rev G)

Proposed Section A-A scale 1:50 (dwg no. 0504 09 rev A)

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

- 3. No development hereby approved shall commence within the area indicated as the proposed development site until:**
- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
 - The approved programme of archaeological work has been carried out in accordance with the approved details.**

REASON: To enable the recording of any matters of archaeological interest.

- 4. The development hereby approved shall be carried out in strict accordance with Section 7 of the Ecological Assessment report (Greena Ecological Consultancy, 27th August 2017 V1A) and the mitigation measures proposed therein with respect to roosting, commuting and foraging bats and nesting birds.**

REASON: To ensure the implementation of appropriate mitigation and protection for protected species, notably bats and birds.

- 5. No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): "Trees in Relation to Design, Demolition and Construction -Recommendations". Before any fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

6. **No part of the development hereby approved shall be occupied until the 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.

INFORMATIVES TO APPLICANT:

1. **New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.**
2. **The work should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.**

109 **17/04707/FUL - Land at Whaddon Lane, Hilperton**

Public Participation

Steve Yalland, applicant, spoke in support of the application.

Ian Cradock spoke in support of the application

Steve Sims, as the senior planning case officer, presented the report which had recommended that the proposed agricultural workers dwelling be granted temporary planning permission for a period of three years subject to conditions.

Steve Sims, as the senior planning case officer, presented the report which recommended that the proposed agricultural workers dwelling be granted temporary planning permission for a period of three years subject to conditions.

Key issues highlighted included: the principle of the development; the visual impact upon the surrounding area; the design, bulk, height, general appearance and the environmental/highway impacts. The Committee was informed that Hilperton Parish Council objected to the application proposal. The committee was informed that the applicant had already moved onto the site with a different mobile home to that being proposed under the application after leaving their previous residency. Members were informed that the on-site occupation was unauthorised and that in the event permission was granted for the development being proposed, a condition could remedy the breach. The financial and functional agricultural justification was also summarised and members were informed that the Council's appointed agricultural adviser had provided a report that was summarised in the committee papers.

The committee presentation identified land that was owned and rented by the applicant to which the Council's agricultural adviser duly referenced in his report. The committee were informed of the parcels of rented land the applicant asserted to have agreements in place with the requisite land owners, however on the day of the committee meeting a late representation had been shared with officers questioning the accuracy of the submission which led officers to make direct contact with the applicant and agent in an attempt to seek clarification before the meeting to ascertain whether the extent of rented land available to the applicant had changed since the application was submitted and what land parcels could be evidenced to have formal rental agreements in place to support the claim that the farm enterprise could fully justify on-site residency for an agricultural worker.

The committee was informed that officers had not received the evidence or clarity being sought on the day of the meeting and out of fairness to the applicant, the committee was asked to consider a deferral until the information was shared and have the case reported back to committee for consideration. Members were furthermore advised that in the event that the land available for the use of the applicant had materially changed, it would be necessary to re-engage the services of the Council's agricultural consultant to review any fresh submission and justification.

Members of the Committee then had the opportunity to ask technical questions of the officers which focused on: The confidential nature of the representation received; the nature of when proof of landownership is normally requested and the enforcement history.

It was also noted that there had been previous enforcement investigations relating to the site whereby an unauthorised mobile home had previously been stationed on the site that was subsequently removed. The current unauthorised mobile home is not yet subject to formal enforcement proceedings and officers advised that this will remain the case until the outcome of the planning application is known.

Members of the public then had the opportunity to address the Committee, as detailed above.

The local member, Councillor Ernie Clark, moved to defer the application, which was seconded by the Chairman, to enable officers to obtain more information to be supplied.

A debate followed, where the following key points were raised which related to the need for the agricultural consultant to review the information again and to submit a clear recommendation.

The original motion was amended to include the need for the agricultural consultant to review the information and to provide a fresh recommendation.

At the end of the debate it was;

Resolved:

To defer the application to enable officers to request more information from the applicant in terms of land available for his agricultural use and for the council's agricultural consultant to review the information and evidence and provide a revised report and recommendation.

110 **17/08557/FUL - Princecroft School, Warminster**

Public Participation

Mr Healy, local resident, spoke in objection to the application.

Michael Park, Headteacher, spoke in support of the application.

Anthony Dixon, applicant, spoke in support of the application.

The planning officer, Katie Yeoman, presented a report which recommended planning permission be granted for proposed extensions and alterations to Princecroft School including the construction of a new school hall. Key issues were stated to include the principle of the development, impact upon the host building, neighbouring amenity and highways safety, all of which were considered acceptable.

Members of the Committee were given the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to address the committee with their views, as detailed above.

The local Unitary Member, Councillor Pip Ridout, then spoke in support of the application.

A debate followed, where the impact upon local highways was raised, along with conditioning use of a school travel plan, construction statement, as well as details of the catchment areas and level of traffic in the area.

A motion to approve the officer's recommendation was moved by Councillor Ridout, seconded by Councillor Andrew Davis, and at the conclusion of discussion, it was,

Resolved:

That planning permission be granted 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 be carried out in accordance with the following approved plans:**

Site location plan – drawing no. 005 Rev A – received 15/09/2017;
Existing location plan – drawing no. 010 Rev A - dated 15/09/2017;
Proposed location plan – drawing no. 011 – received 15/09/2017;
Existing site plan – drawing no. 050 Rev A – dated 06/07/2017;
Proposed site plan – drawing no. 051 Rev C – dated 15/09/2017;
Existing ground floor plan – drawing no. 060 Rev A – 06/07/2017;
Proposed ground floor plan new hall – drawing no. 061 Rev C –
dated 15/09/2017; Proposed ground floor plan – drawing no. 062
Rev C – dated 15/09/2017; Existing elevations – drawing no. 2001
Rev A – dated 31/08/2017; Proposed elevations – drawing no. 2002
Rev C – dated 08/11/2017; Existing roof plan – drawing no. 0208 –
dated 23/11/2017; Proposed roof plan – drawing no. 0209 Rev B –
dated 08/11/2017; Proposed 3D views 01 birds eye – drawing no.
9401 Rev A – dated 29/08/2017; Proposed 3D views 02 birds eye –
drawing no. 9402 Rev A – dated 30/08/2017; Proposed 3D views 03
street level – drawing no. 9403 Rev A – dated 29/08/2017; Detailed
drainage layout – drawing no. 500C – dated 30/10/2017; Manhole
schedule – drawing no. 510C – dated 30/10/2017; Construction
details – drawing no. 520 sheet 1 – dated 30/10/2017; Construction
details – drawing no. 521 sheet 2 – dated 30/10/2017; Construction
details – drawing no. 522 sheet 3 – dated 30/10/2017; Infiltration
crate details – drawing no. 523 – 30/10/2017; Soakaway crate detail
– sheet 1-5 – dated 27/10/2017

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

3. The development shall not be first occupied until the surface water drainage has been constructed in accordance with the approved scheme.

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

4. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

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 during the construction phase of the development.

5. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: To minimise any detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the

natural environment through the risks of pollution and dangers to highway safety.

6. No development shall commence on site until a dust management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of dust during the demolition and/or construction phase of the development. The construction/demolition phase of the development will be carried out fully in accordance with the dust management plan at all times.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel and road cleaning when necessary;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Measures for the protection of the natural environment;
- The hours of construction, including deliveries

Has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

8. **No development shall commence on site until a photographic pre-condition highway survey of the following roads; Westleigh, Princecroft Lane and Pound Street, has been carried out and issued to the Highway Authority. Within 3 months of the completed development, a post condition survey should be made available to the development management team.**

REASON: To ensure Westleigh, Princecroft Lane and Pound Street are maintained to an acceptable standard and any defects attributed to the construction traffic are rectified in the interests of highway safety.

9. **No part of the development shall be brought into use until a fully updated School Travel Plan, reflecting the increase in pupil numbers, 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 and with guidance from the school travel plan adviser who can be contacted on 01225 713483.**

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

10. **The development shall be carried out in accordance with the submitted Arboricultural survey, impact assessment and protection plan (prepared by Barton Hyett) in relation to the protection of trees.**

REASON: In the interests of tree protection and the amenities of the area.

11. **No development shall commence on site until details of on-site compensatory tree planting, as referred to in the Arboricultural survey, impact assessment and protection plan (prepared by Barton Hyett) has been submitted to an approved in writing by the Local Planning Authority.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

12. **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

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

13. The hereby approved new hall and additional classroom accommodation shall not be brought into use until the 5 additional car parking spaces identified on the approved site plan (drawing no. 3345_L_051) have been provided and are available for use. Thereafter, the parking spaces shall be retained for such purposes.

REASON: To ensure the school has a satisfactory on-site car parking provision.

INFORMATIVES TO APPLICANT:

1. The developer is requested to note that Wales and West Utilities have pipes in this area which may be affected and at risk during construction works. The promotor of these works, hereby permitted, should contact Wales and West Utilities directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.
2. The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway conditions survey which can be attributed to the site construction traffic under the provision of Section 59 of the Highways Act 1980.
3. Pursuant to conditions 2 and 3, Wessex Water advises that the surface water discharge treatment needs to satisfy the Environment Agency guidelines. Non domestic supplies required for firefighting or commercial use would require a separate assessment with network modelling subject to design requirements. Wessex Water recommends the use of storage tanks where network capacity is not available or where off site reinforcement is necessary to provide the stated demand.

111 **17/04730/VAR - Land West of 198 Norrington Lane, Broughton Gifford**

Public Participation

Clive Taylor spoke in objection to the application.

Angela Andrews spoke in objection to the application.

Daniel Gerber spoke in objection to the application.

Peter Maclaren, agent, spoke in support of the application.

Cllr Martin Freeman, Broughton Gifford Parish Council, spoke in objection to the application.

James Taylor, senior planning officer, introduced the report which recommended approval be granted for minor material amendment to planning permission W/12/02072/FUL (varying conditions 4 and 10) to facilitate the "as built" plans of the solar park. Key issues included the scale and visual impact of the as built development on the open countryside, conservation area and heritage assets such as the listed Gifford Hall, over and above the consented scheme. The report concluded the proposals addressed previous reasons for refusal on the variation application from 2014, including replacement of metal fencing and omission of CCTV proposals. Furthermore, that the as built scheme did not cause any substantial harm over the consented scheme.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on the differences between the as built site and the extant permission, and it was confirmed that there had been an increase in the number of rows, but that the solar arrays were lower and narrower. It was confirmed that the number of solar panels and the surface area of the panels on the as built scheme was less than the consented scheme and were contained within the same site area.

The local unitary member, Councillor Philip Alford, then spoke in objection to the application.

A debate followed, where the visual impact of the present site was discussed, and whether the density of panels was significantly above that of the consented plans of fewer rows of greater height and width on the same site. The potential impact on the designated conservation area, heritage assets and landscape of the as built vs consented scheme were raised, but a site visit was proposed in order for the committee to consider the level of impact of the site in its present form before making any decision.

Upon the proposal of Councillor Alford, seconded by Councillor Ernie Clark, at the conclusion of debate, it was,

Resolved:

To undertake a site visit at approximately 1pm on 10th January 2018.

112 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 6.25 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

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