

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 SEPTEMBER 2013 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Graham Payne (Substitute), Cllr Fleur de Rhé-Philipe (Substitute), Cllr Pip Ridout and Cllr Roy While (Vice Chairman)

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#### **68 Apologies for Absence**

Apologies for absence were received from Councillors Horace Prickett, Russell Hawker and Jonathon Seed.

Councillor Seed was substituted by Councillor Graham Payne.

Councillor Prickett was substituted by Councillor Fleur de Rhé-Philipe.

#### **69 Minutes of the Previous Meeting**

The minutes of the meeting held on 14 August 2013 were presented. It was,

#### **Resolved:**

**To approve as a true and correct record and sign the minutes.**

#### **70 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.

#### **71 Declarations of Interest**

Councillor Andrew Davis declared a non-pecuniary interest on the applications under Minutes 76 and 77 - *W/13/00451/FUL and W/13/00711/FUL* - by virtue of being a member of Warminster Town Council's Planning Committee where the items had previously been considered, but would consider the applications on their merits and participate in the debate and vote.

Councillor Magnus Macdonald declared an interest in Minute numbers 76 and 77 - *W/13/00451/FUL and W/13/00711/FUL* - by virtue of being a paid director of Selwood Housing, the applicants. Councillor Macdonald took no part in the debate or vote on the items.

## 72 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

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

## 73 **Planning Applications**

The Committee considered the following applications:

### 74 **W/13/00882/FUL: Land East of 2 Manor Farm Cottages, The Marsh, Longbridge Deverill, Wiltshire**

#### Public Participation

Mr Philip Crowther spoke in objection to the application.

Mr John Robins, applicant, spoke in support of the application.

Mr Michael Fowler, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended refusal. In a correction to the report, it was stated the footprint of the proposed double story building would be approximately 197m<sup>2</sup> and not 210m<sup>2</sup>. It was further stated there had been four letters of objection, and twelve in support of the application.

It was then confirmed the proposed buildings lay outside the village policy limit within the open countryside and in an Area of Outstanding Natural Beauty (AONB), and that there was no outstanding permission on the site resulting from that previously granted in 1967, which had since lapsed, and the key issues included the principle of development and impact on the countryside, AONB and the access.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to queries it was confirmed by the officer that two out of the four dwellings of the original outline permission on the site had both been given reserved matters approval with a restriction that they be occupied in connection with the agriculture industry. However, as one of those dwellings permitted had been proven to have been occupied in defiance of that justification for a period of ten years or more, a certificate of lawfulness had been granted allowing it to be occupied without the said agriculture tie, although the tie remained in place on the other dwelling.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Fleur de Rhé-Philippe, then spoke in support of the application.

A debate followed, where the status of the site as being in the open countryside was raised, and the impact on neighbouring properties and the wider area, including regarding highways, was assessed. The legal position of the 1967 permission on the site as detailed in the report was discussed, and it was reiterated that it had been established by officers that the permission was no longer extant.

At the conclusion of debate,

**Resolved:**

**To REFUSE the planning application for the following reasons:**

- 1. The proposed residential development is located outside of the defined Village Policy Limits for Longbridge Deverill as identified in the West Wiltshire District Plan 1st alteration in an area of open countryside carrying an Area of Outstanding Natural Beauty designation. The status of the site, including the Village Policy Limit, is not proposed for any change in the draft Wiltshire Core Strategy that has been submitted to the Secretary of State and has been subject to examination in May/June 2013. The proposed development, located on open land within the Area of Outstanding Natural Beauty, would have an adverse impact on the character and appearance of the area, constituting an unwarranted urbanisation of, and intrusion into, the AONB and countryside, to the detriment of the visual openness and quality of the area and to the enjoyment that users of the nearby public footpath currently enjoy. No rural occupation or other exceptional circumstances have been presented which would outweigh the harm associated with the development. The proposals are therefore contrary to policies C1, C2, H17 and H19 of the West Wiltshire District Plan 1st Alteration (2004), the emerging Core Strategy and the National Planning Policy Framework 2012.**
- 2. The proposal, located outside of village policy limits, is contrary to the National Planning Policy Framework (Section 4 paragraphs 29, 30 & 37), and the emerging Core Strategy for Wiltshire (Policy 60), which seek to reduce the need to travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.**

75     **13/01781/FUL: Ellbridge Farm, Chalfield Road, Lower South Wraxall, Wiltshire**

The Chair announced that the application had been withdrawn by the applicant prior to the commencement of the meeting.

76 **W/13/00451/FUL: Garage Blocks, South of 8 to 10, Epping Close, Warminster, Wiltshire**

Public Participation

Ms Esther Einfelds spoke in objection to the application.

Mr Paul Walsh, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended approval be granted. Key issues were stated to include the principle of the development, impact upon the area and amenity from the design and scale, and highways considerations. It was further stated that drainage issues for the surrounding estate would be mitigated as a result of the application.

Members of the Committee then had the opportunity to ask technical questions of the officers.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Pip Ridout, then spoke in objection to the application, and requested it be noted that she lived on the same estate as the current and next applications on the agenda.

A debate followed, where the width of the road leading to the proposed development and parking difficulties were raised, and the scale of the development and proposed resolution of drainage difficulties in the area assessed.

At the conclusion of debate, it was,

**Resolved:**

**To GRANT planning permission for the following reasons:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies H1, C18, C31a and C38 and the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

**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 drawing numbers:

120901: 101, 110737 L(0): 01, 04 received on 13th March 2013

110737 L(0): 03A, 05, 06 received on 3rd April 2013

110737 L(0) 02A received on 25th April 2013

120901: 201 received on 16th August 2013

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

- 3** 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 having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

- 4** No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with drawing number 110737 L(0)01 received by the Local Planning Authority on 13th March 2013. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety having regard to advice in the National Planning Policy Framework and the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

- 5** Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

**REASON:** In the interest of neighbouring amenity have regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

77 **W/13/00711/FUL: Land South East of 3 to 7 Savernake Close, Warminster, Wiltshire**

Public Participation

Ms Ann Whitaker spoke in objection to the application.

Ms Esther Einfelds spoke in objection to the application.

Mr Paul Walsh, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended permission be granted. Key issues were stated to include the principle of the development which would lead to a loss of open space, access arrangements and drainage issues. Attention was drawn to the existence of a large area of open space immediately to the southwest of the site, and plans to improve the drainage of the estate as a whole.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought of the impact of the proposed design and access arrangements on the neighbouring row of houses to the east of the site, and the exact width of the proposed access as compared to other roads in the area.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Pip Ridout, then spoke in objection to the application.

A debate followed, where the design of the estate with small gardens and areas of open space was noted, and the quality and appropriateness of the large open space to the south was assessed. Parking issues were discussed, and whether the proposals would enhance the area or set a precedent for open space development.

At the conclusion of debate, it was,

**Resolved:**

**To REFUSE planning permission for the following reason:**

**The proposed development by reason of the layout, design, siting, and scale within an existing area of open space would be harmful to the character and amenity of the area contrary to policies H1 and C31a of the West Wiltshire District Plan 1st Alteration (2004).**

78 **13/01472/FUL: 32 Horse Road, Hilperton Marsh, Trowbridge, Wiltshire, BA14 7PF**

**Public Participation**

Ms Heather Evans spoke in objection to the application.

Ms Felicity Marks spoke in objection to the application.

Cllr Kate Hayes, Hilperton Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended that permission be granted. The key issues were stated to include the scale of the proposed extension and the impact upon neighbouring properties and the surrounding area, which officers considered acceptable.

The Committee then had 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 Member, Councillor Ernie Clark, then spoke in objection to the application and moved a motion for refusal.

A debate followed, where the potential loss of neighbouring trees, the impact of a second storey extension on the amenity of the neighbours and if the changes would respect or enhance the view from the nearby Hilperton gap open space was discussed. It was noted the Council's Arboriculture Officer had stated that neither of the trees under potential threat was of such quality to warrant a Tree Preservation Order (TPO) being placed upon them, and therefore providing grounds for refusal.

At the conclusion of debate, it was,

**Resolved:**

**To GRANT planning permission for the following reason:**

**On balance the alterations and extensions would not cause any harmful impact on either the appearance of the host dwelling, character of the surrounding area or the amenity of neighbouring properties and therefore is in accordance with the policy.**

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

**Drawing No's P-001; P-002; P-003; P-004; P-005; P-006; P-007; P-008; and Arboricultural Report, received 24 June 2013**

**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 During the construction work construction vehicles shall not enter or leave the site from Monday until Friday between the hours of 08:30 and 09:15 and between 14:45 and 15:30.**

**REASON: In the interests of highway safety**

- 4 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.**

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

**79 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.40 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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