

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 11 JANUARY 2017 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald, Cllr Jonathon Seed, Cllr Roy While, Cllr Jerry Wickham (Substitute) and Cllr Graham Payne

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#### 1 Apologies

Apologies for absence were received from Cllr Pip Ridout, who was substituted at the meeting by Cllr Jerry Wickham

Cllr Christopher Newbury gave apologies that he would arrive late to the meeting. The Vice Chairman, Cllr John Knight, was in the Chair.

#### 2 Minutes of the Previous Meeting

The minutes of the meeting held on 14 December 2016 were presented.

#### **Resolved:**

**To approve and sign as a correct record and sign the minutes of the meeting held on 14 December 2016**

#### 3 Declarations of Interest

There were no declarations of interest

#### 4 Chairman's Announcements

The Chairman had no announcements.

#### 5 Public Participation

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.

## 6 **Planning Applications**

The Committee considered the following applications:

### 7 **16/06564/OUT - Land North of No 554 Canal Bridge Semington**

#### Public Participation

Rachel Yeomans, as the agent, spoke in support.  
Mr Kevin Lockwood, as the applicant, spoke in support.  
Mr Steve Payne, resident, spoke in support.

The planning officer, James Taylor, presented the report on an outline application for the erection of two detached dwellings, in which all matters except for access were reserved. It was recommended that the application be refused.

The key planning issues identified in the officer's presentation were outlined, and comprised: the alignment of the size of the proposed development with the housing needs of the area; the 5 year housing land supply shortage; the development's location outside of a main settlement; the distance from public transport routes; the current condition of the site; drainage options for the site; and the impact of the development upon the character of the area.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to questions it was confirmed that the statement in item 7 of the report, stating that Highways had no objection, was a typing error and should state that there was an objection. The planning officer also clarified the position of various local amenities and sites in relation to the proposed development site.

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

Cllr Roy While, as the local unitary division member, spoke in support of the application.

Cllr Ernie Clark, seconded by Cllr Trevor Carbin, moved that the application be refused for the reasons presented in the officer's report.

In the debate that followed issues discussed included: that the air ambulance and local haulage sites were close by; that it was not an isolated site and that development would improve the character of the area; that there were public transport links close by; that it was important to act in accordance with existing housing policy; that the settlement was closer to Semington despite it falling within the Melksham without parish boundaries; and that the 5 year housing supply shortfall should be considered.

During the debate the planning officer clarified the position of a bus-only access gate; and confirmed that there was a 5 year housing supply shortfall.

At the conclusion of the debate, it was:

**Resolved:**

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

**Having regard to all the submissions and relevant policies, including the policies of the NPPF taken as a whole, and mindful of the nominal 5-year housing land supply shortfall, this application is considered to be an inappropriate, unsustainable form of development which would have an adverse impact on the character and appearance of the area and highway impacts cumulatively would significantly and demonstrably outweigh the benefit of providing two additional dwellings in an open countryside location and the provision of employment created through construction processes. As such the proposal is not considered to represent sustainable development being contrary to CP1, CP2, CP51, CP57, CP60, and CP61 of the Wiltshire Core Strategy 2015 and the policies of the NPPF taken as a whole.**

**INFORMATIVE:**

**This application was determined against the following plans: Site Location Plan, BDS-20-06-16 (Illustrated Layout), and BDS-20-06-16 (Topographic Survey) received on 5 July 2016.**

**8 16/06057/FUL - Land NW of Crossways Farm Ashton Common**

The Chairman thanked the Vice Chairman for presiding over the first part of the meeting

The planning officer, Steve Sims, presented the report which comprised an outline application for the use of the site for car boot sales for 6 additional days over and above the 14 days allowed under permitted development rights. It was recommended that the application be approved.

The key planning issues identified in the officer's presentation were outlined, and comprised: the size and nature of the site; the impact on the adjoining and nearby highways; the impact on local residents and the business opposite; and the impact on the local economy.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to questions it was confirmed: that a previous application (in 2008) for the site had been refused. However, the previous application was for significantly more days and was based on a council policy which was now out of date; and that there were currently no operational or time restrictions on the current 14 days allowed under permitted development rights but that the committee could, if justified, condition the use of the site for the additional 6 days. Members were however informed that there had been no objections raised by the highways team around safety or increased congestion placed on the surrounding roads.

There were no members of the public in attendance who wished to speak.

Cllr Jonathon Seed, as the local unitary division member, spoke in support of the application and highlighted the following key points: that the parish council had been concerned about the site for some time; that lots of local correspondence had been received with reference to the application; that the early time at which stall holders arrived to set up was a greater problem than the use of the site on principle due to the noise generated which caused problems for a neighbouring business; and that restricting the permission to a 7am start would be a way of mitigating that problem while balancing the needs of both businesses.

Cllr Jonathon Seed, seconded by Cllr Trevor Carbin, moved that the application be approved subject to a condition restricting access before 7am for the additional 6 days of use requested.

In the debate that followed, issues discussed included: that a restriction on start time would generate difficulties for car boot stall holders; that access on and off the site from the main road was difficult; that there was a recommended informative for a travel marshal to be located at the exit of the site; that approval of this application would not significantly impact the existing congestion of the road; that an early start time might lead to people queuing on the road; that enforcement of the time restriction might be difficult; whether the proposed condition was reasonable and enforceable; and that the interests of both businesses (the applicant and their neighbour) should be considered.

After a vote, the motion was lost

Cllr Jerry Wickham, seconded by Cllr Seed, then moved that the application be refused due to road safety and traffic concerns relating to access to the site.

In the debate that followed, issues discussed included: that the nearby highways junction routinely had traffic problems; that there had been fatal collisions along the road in question; that the previous application on the site had been refused on grounds of the impact on highways; that it would be hard to defend the refusal at an appeal given current use of the site; and that traffic on a Sunday morning was less than at other times.

It was clarified in response to queries that Highways officers had not objected to the proposed increased use of the site, and that evidence would be needed to justify any refusal on highway safety grounds to which the Council would need to be able to demonstrate severe residual cumulative highway harm.

After a vote, the motion to refuse was lost.

Cllr Graham Payne, seconded by Cllr Ernie Clark, moved that the application be approved for the reasons presented in the officer's report.

The motion was debated and at the conclusion of the debate, it was:

**Resolved:**

**To grant planning permission, subject to the following conditions and informative:**

**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: Location plan scale 1:2500, Site plan**

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

**3. The development hereby approved shall be limited to a maximum of 20 car boot sales in any calendar year.**

**REASON: In the interests of the character, appearance and amenities of the area.**

**INFORMATIVE TO APPLICANT:**

**In order to assist vehicles leaving the site in a safe manner, at least one traffic marshal should be available and positioned at the exit point.**

**9 Planning Appeals and Updates**

The Planning Appeals Update Report for appeals received between 02/12/2016 and 16/12/16 was received.

There were no questions

**Resolved:**

**To note the Planning Appeals Update Report for the period between 02/12/16 and 16/12/16**

**10 Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.20 pm)

The Officer who has produced these minutes is Becky Holloway of Democratic Services, direct line 01225 718063, e-mail [becky.holloway@wiltshire.gov.uk](mailto:becky.holloway@wiltshire.gov.uk)

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