

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 JUNE 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 Edward Kirk, Cllr Stewart Palmen and Cllr Pip Ridout

Also in attendance:

Cllr Gordon King and Cllr Jerry Wickham

39 **Apologies**

There were no apologies for absence. Cllr Gordon King was in attendance to speak to agenda item 7a on behalf of the local unitary member Cllr David Jenkins.

40 **Minutes of the Previous Meeting**

The minutes of the meeting held on 31 May 2017 were presented and Cllr Christopher Newbury, seconded by Cllr Andrew Davis, moved that they be approved as a correct record.

Resolved:

To approve and sign as a correct record, the minutes of the meeting of the Western Area Planning Committee held on 31 May 2017.

41 **Declarations of Interest**

There were no declarations of interest.

42 **Chairman's Announcements**

The Chairman had no announcements to make.

43 **Public Participation**

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

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

44 **Planning Appeals and Updates**

The Planning Appeals Update Report for the period between 19/05/2017 and 16/06/2017 was received.

Kenny Green, as Development Management Team Leader, reported that 5 new appeals had been lodged during this period and that the first and fifth appeals (as listed), were of relevance to applications on the agenda.

In both instances, the Council had completed the necessary statements defending the refusal reasons. In addition, members were reminded of the appeal decision (circulated to members) which had been issued on 22 June relative to land at Forest Farm in which the planning inspector dismissed and confirmed that across the North and West Housing Market Area, the Council could demonstrate a 5 year housing land supply. Members were advised that this would be of relevance and material to the consideration of some of the planning items on the agenda.

Members were also informed that of the listed determined appeals for the period stated, all had been upheld with one exception of a conservatory extension.

Resolved:

To note the Planning Appeals Update Report for 19/05/2017 to 16/06/2017.

45 **Planning Applications**

The Committee considered the following applications:

45a 16/12397/FUL - 2-3 Ham Cottages, The Ham, Westbury

Public Participation

Mr Alex Trott, resident, spoke in objection to the application

Mr Roger Smith, agent, spoke in support of the application

Mrs Jennifer Noyes, applicant, spoke in support of the application

Cllr Ian Cunningham, Westbury Town Council, spoke in objection to the application.

James Taylor, as senior planning officer, presented the report which comprised the erection of three detached houses with garages and associated works. It was recommended that the application be approved subject to conditions.

The key planning issues identified in the officer's presentation were outlined to include: the visual impact upon the surrounding area; the relationship to adjoining properties; the height, bulk and appearance of the dwelling; the impact on the highway; and drainage considerations. The officer explained the housing density would range from 19-26 dwellings per hectare which was in keeping with the area and that drainage concerns had been adequately addressed through a surface water drainage scheme.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to questions it was confirmed that the building line adhered to had been dictated by the settlement boundary.

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

Cllr Gordon King spoke in objection to the application, on behalf of the local unitary division member for Westbury North, Cllr David Jenkins, and made the following points: that the site access was not safe or suitable and that the highway promoted motor vehicular access at the expense of bicycles and walkers; that the traffic calming measures in place combined with proposed layout of the dwellings would exacerbate the existing highway issues; that the design of the dwellings was not in keeping with the traditional buildings in the area.

In response to the points raised during public participation, it was clarified: that the design of the dwelling would make more efficient use of the land; that the railway line was well used but that there had been no objection raised by Network Rail or the Council's public protection team and that elsewhere in the town, existing dwellings neighboured the railway line without any known/reported substantive conflicts; that the lack of a footpath connection for the site was regrettable but that an existing grass verge had been identified as a well used alternative; and that the positioning of the windows in relation to neighbouring dwellings were at an oblique angle and would not result in harming existing or future amenities.

Cllr Christopher Newbury, seconded by Cllr Pip Ridout, moved that permission be granted with the conditions set out in the officer's report with an amendment to condition 3 to include a requirement for *"details of new planting to help screen the development from the public highway"*.

In the debate that followed, issues discussed included: that the highway had a lot of through-traffic due to its location between Westbury and Warminster; that there had been no objections raised by highways officers; that the town council, as a part recipient to CIL receipts, could dedicated funds to delivering local infrastructure improvements; that condition 3 recommended by the officer's report could be amended to include additional screening of the development from the highway; that it was lamentable that the area had been cleared before an ecological survey had been done; and that any illegal or hazardous parking

on the public highway was a matter for the police and highways enforcement officers.

At the conclusion of the debate, it was:

Resolved:

To approve planning permission subject to the following conditions and informatives.

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: 2646-16 Site Location Plan by Ashley Design and dated March 2017; 2646-10C Proposed Plans and elevations Plot 1 by Ashley Design and dated November 2016; 2646-11A Proposed Plans and elevations Plot 2 by Ashley Design and dated November 2016; 2646-12C Proposed Plans and elevations Plot 3 by Ashley Design and dated November 2016; 2646-13G Site Plan by Ashley Design and dated December 2016; 2646-14A Plot 2 Garage by Ashley Design and dated December 2016; and 17602-200-001 Topographical survey by Brunel Surveys Limited and dated Nov 2016.

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

3. 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:-

- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- * details of new planting to help screen the development from the public highway;**
- * finished levels and contours;**
- * means of enclosure;**
- * car park layouts;**
- * other vehicle and pedestrian access and circulation areas;**
- * all hard and soft surfacing materials;**
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc.); and**
- * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.).**

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.

4 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. 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.

5 No development above slab level shall commence on site until the exact 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: 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, in the interests of visual amenity and the character and appearance of the area

6 Notwithstanding the submitted details, no development shall commence on site until a final 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 first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: 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 that the development can be adequately drained.

7 Notwithstanding the submitted details, no development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: 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 that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

8 No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

9 The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

10 No part of the development hereby permitted shall be first occupied until the access, 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.

11 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

INFORMATIVES TO APPLICANT:

1. Works that could affect nesting birds should not take place between March and August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited

exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting in the existing dwelling which is to be subject to works as part of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between September and February inclusive. Further advice on the above can be sought from the Council Ecologists.

2. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that planning permission does not override the statutory protection afforded to any such species. In the event that a suspected protected species is encountered during the works, the applicant is advised to stop work and seek the advice of a suitably qualified and experienced ecologist. Please visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

3. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the following website:

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

45b 17/01394/FUL - Cuckoos Rest, 28 Fairwood Road, Dilton Marsh

Public Participation

Ms Julia Underwood, resident, spoke in objection to the application

Ms Rachel Yeomans, planning consultant, spoke in support of the application

Mr Crispin Thomas, applicant, spoke in support of the application

Mr Martin Smith, agent, spoke in support of the application

Cllr Francis Morland, on behalf of Dilton Marsh Parish Council, spoke in objection to the application

Matthew Perks, as senior planning officer, presented the report which comprised: a revised routing pitch layout with additional 5 pitches giving 20 in total; the re-siting and design of 4 previously approved timber lodges; the revised siting and design of a permanent manager's house and relocation of the temporary manager's house; a new timber café/office building and toilet block; and a path/jogging track. The officer reported that previous permission had been granted for a different on-site arrangement. It was recommended that the application be approved subject to conditions to cover the management of the caravan park, and its landscaping, flood management, and emergency procedure arrangements.

The key planning issues identified in the officer's presentation were outlined to include: the principle of development; drainage matters; impacts on neighbour amenity; the visual impact on its surroundings; ecology matters; and parking/highways impacts.

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

In response to questions it was confirmed that: the previous permission had been for 15 units in a different configuration; that the previous consent did not remove permitted development rights (with regard to the caravan pitches); and that if the application was approved a condition could be imposed to bind the development to the proposed and regularised layout as well as removing permitted development rights.

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

Cllr Jerry Wickham, as the local division member for Ethandune, spoke in reference to the application.

In response to the issues raised during the public participation, the following points were clarified: that the implementation of an ecological management plan would reduce the harm to local wildlife including water voles; and that the potential harm to neighbour amenity including noise pollution was not considered significant.

Cllr Jonathon Seed, seconded by Cllr Pip Ridout, moved that the application be approved with the conditions given in the officer's report subject to an additional condition being imposed removing permitted development rights, the inclusion of a bespoke condition binding the works already undertaken and as proposed to this permission to avoid the implementation of the previous consent; and an amendment to Condition 17 to increase the separation of development from lakes numbered 2 and 3 from 3m to 5m, where feasible.

Note: condition 17 as cited became condition 19 in the decision notice.

In the debate that followed, issues discussed included: that the distance between the running track and the edge of the lake should be maximised where possible to reduce harm to the site's ecology; that the retrospective nature of the work may reduce the impact of the conditioned ecologic management plan; and that adequate screening and landscaping would be important.

At the conclusion of the debate it was

Resolved:

To approve planning permission subject to the following conditions and informatives.

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Survey Drawing No. 2626-01 received on 13 February 2017

Proposed Plan Drawing No. 2626-05 K received on 13 February 2017

Site Plan as approved Drawing No. 2626-03 A received on 13 February 2017

Café – Office Building Drawing No. 2626-09 received on 13 February 2017

Proposed Manager's House Drawing No. 2626-13 A received on 27 February 2017

Proposed Shower Block Drawing No. 2626-12 received on 13 February 2017

Timber lodges Drawing No. 2626-13 A received on 27 February 2017

Site Access Plan Drawing No. 2626-14 received on 15 May 2017

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

2. Pursuant to the approved plans as set out within condition 1, and notwithstanding the provisions of Schedule 2, Part 5, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), the site shall be limited to 20 touring caravan pitches only.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning

permission should be granted for additions, extensions or enlargements to the existing camping/caravanning site facilities.

3. Pursuant to the approved plans as set out within condition 1, and in full recognition of the retrospective nature of this application, and for the avoidance of any doubt, through the implementation of the development hereby approved, the works consented under application w/13/00340/FUL will be superseded and no longer available for enactment, even in part.

REASON: To define the terms of the development hereby approved and to establish that whilst the applicant and site would benefit from two planning consents, only once can be practicably implemented. The above condition is imposed to ensure that the site is developed in complete compliance with the plans listed within condition 1.

4. The construction of the manager's dwelling 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.

5. The occupation of the site manager's dwelling hereby permitted shall be limited to a person solely working, or last working, in association with the fishing lakes and recreational business currently known as "Cuckoos Rest Fishing Lakes", 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, forestry or established rural enterprise 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.

6. The site manager's dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved

7. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 the use and stationing of caravans on pitches hereby permitted and the log cabin structures shall be for holiday/recreational accommodation only and for no other purpose.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

8. No person shall occupy a caravan sited on pitches or log cabin structures hereby permitted for a continuous period of more than 28 days in any calendar year and it shall not be re-occupied by the same person/s within 21 days following the end of that period.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

9. Within 14 days of the first occupation of the dwelling hereby approved the 'mobile' dwelling used as temporary residential accommodation for the site manager shall be removed from the site and the site shall be restored in accordance with details to be 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 order to protect the appearance of the area.

10. Should no works commence to construct the permanent dwelling within three years of the date of permission; an application will be required to renew the temporary residential mobile home alongside a contemporaneous planning justification for its continued retention and occupation. Otherwise, the mobile home shall be removed from the site and the site shall be restored in accordance with details to be 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 order to protect the appearance of the area.

11. The owners/operators of the site shall maintain an up to date register of the names of all owners and occupiers of the log cabin structures and individual caravans on pitches on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

12. 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 those Orders with or without modification), no development within Part 1, Classes A to E shall take place on the dwelling house hereby permitted or within its curtilage.

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

13. The access shall be laid out in accordance with Drawing Number 2626-14; at the point of the access, a 2.4m strip across the entire site frontage taken from the nearside edge of carriageway shall be clear of obstruction at and above a height of 900mm and shall be maintained as such.

REASON: In the interests of highway safety.

14. The cafe facility shall be restricted for the use of the patrons and occupants of the site only.

REASON: In the interests of highway safety.

15. Within 60 days of the date of the decision to approve permission, plans showing details of all external lighting to include the type of light appliance, the height and position of fitting, illumination levels and light spillage shall be submitted to the Local Planning Authority for its written approval. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

16. Within 60 days of the date of the decision to approve permission, a Flood Risk Management Plan including a flood warning/evacuation plan shall be submitted to the Local Planning Authority for its written approval.

REASON: In the interests of public safety and the minimisation of flood risk.

17. Within 60 days of the date of this decision a programme of habitat enhancement/protection measures, including time frames, shall be submitted for approval by the Local Planning Authority in accordance with Section 6 (Mitigation and Enhancement) of the submitted document "Cuckoos Rest Fishing Lakes & Caravan Park, Dilton Marsh, Wiltshire : Ecological Appraisal" (29th November 2016, Malford Environmental Consulting). The programme shall be carried out in accordance with the approved details.

REASON: In the interests of biodiversity and habitat protection.

18. Within 60 days of the date of this permission a scheme of hard and soft landscaping which shall be in accordance with the recommendations of the applicant's supporting LVIA shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;**
 - full details of any to be retained, together with measures for their protection in the course of development;**
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
 - finished levels and contours;**
 - means of enclosure;**
 - car park layouts and other vehicle and pedestrian access and circulation areas;**
 - all hard and soft surfacing materials;**
 - a schedule for the removal of all temporary structures and remaining construction related materials on site upon completion of development.**
- The landscaping scheme shall be implemented in accordance with the approved details and within a time frame to be included in the submitted detail.**

REASON: 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 to ensure the proposed planting is appropriate in terms of species composition and arrangement and will be of biodiversity and landscape value.

19. Notwithstanding the submitted plans and any unauthorised works already undertaken, the jogging track and any associated shallow excavations must be a minimum of at least 5m from the toe of the banks of lakes 2 and 3. Revised layout plans clearly showing buffer zones for water vole along the soft edge waterbodies shall be submitted to the local planning authority for approval prior to the commencement of any further works on site. Works shall be carried out in accordance with the submitted details

REASON: To ensure appropriate mitigation is proposed and implemented to safeguard the identified water vole population.

NOTE: Where it is argued that this cannot be delivered, a robust justification should be presented to the Council as part of seeking the discharge of the condition.

20. The development hereby permitted shall be carried out in full accordance with the recommendations made within section 6 of the Ecological Appraisal, dated 29th November 2016, prepared by Malford Environmental Consulting (with the exception of section 6.2 as changes to this section are required by condition 17 above) which is submitted in support of the planning application.

REASON: To ensure adequate protection and mitigation for protected species / priority species / priority habitats.

21. All visitor vehicular access shall be via the existing site entrance onto Fairwood Road and no access to or egress from the site shall be permitted from the track to the west of the site, barring in relation to use as an escape route in terms of an approved Flood Risk Management and Evacuation Plan.

REASON: In the interests of highway safety and neighbouring amenity.

INFORMATIVES TO APPLICANT

1. The applicant is advised that the site does not fall within a specific Environment Agency Flood Warning area, The Flood Risk Management Plan referred to in condition 13 should be based on that contained in the submitted Flood Risk Assessment following Consultation with Council's Emergency Planning Team.

2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect.

3. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery**
- wheel washing and vehicle wash-down**
- oils/chemicals and materials**
- the use and routing of heavy plant and vehicles**
- the location and form of work and storage areas and compounds**
- the control and removal of spoil and wastes.**

45c 16/12498/FUL - Land at No. 184 Melksham Lane, Broughton Gifford

Public Participation

Mr Juan Lopez, applicant, spoke in support of the application

David Cox, as senior planning officer, presented the report which comprised an outline application for a 4 bedroom detached dormer bungalow. It was recommended that the application be refused for the reasons outlined in the report.

The key planning issues identified in the officer's presentation were outlined to include: the principle of development; the impact on the area's flood risk; highway safety and parking; and impacts on the character and appearance of the open countryside.

Members of the Committee then had the opportunity to ask technical questions of the officer. There were none.

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

Cllr Phil Alford, the unitary division member for Melksham Without North, spoke in support of the application and expressed his opinion that the proposed development would improve highway safety and would not have a detrimental impact on the neighbour amenity or surrounding environment.

Cllr Phil Alford, seconded by Cllr Stewart Palmen, moved that the application be granted subject to 10 conditions outlined in summary form by the senior planning officer.

In the debate that followed, issues discussed included: that the site was in the open countryside and outside of the settlement boundary; that there was no policy support for the application or any justification or special exception to counter this; and that the former nursery building was no longer on the site and that it was considered garden ground rather than previously developed brownfield land.

At the conclusion of the debate the motion was lost.

Cllr Ernie Clark, seconded by Cllr Andrew Davis, moved that permission be refused for the reasons given in the report.

After a brief debate it was:

Resolved

To refuse planning permission for the following reasons:

1. The proposal relates to a site in the open countryside outside of the settlement boundary for Melksham and not forming part of the recognised village of Broughton Gifford and is not allocated for residential development within the adopted Wiltshire Core Strategy or included as part of the draft Housing Site Allocations DPD or a Neighbourhood Plan. The development fails to meet any of the special circumstances for the creation of additional residential units in such circumstances listed under Paragraph 4.25 of the Wiltshire Core Strategy. The proposal therefore fails to promote a sustainable pattern of development and is contrary to Core Policies 1, 2, 15, 60 & 61 of the Wiltshire Core Strategy.

2. The applicant has not satisfactorily demonstrated how surface water would be dealt with on site in an area known to be prone to ground water flooding. The proposal cannot therefore satisfactorily demonstrate that it would not increase flood risk elsewhere. The proposal is therefore contrary to Core Policy CP67 and paragraphs 100 and 103 of the NPPF.

45d 17/01935/FUL - 37 Newhurst Park, Hilperton

Public Participation

Mr Ricky Kerry, resident, spoke in objection to the application
Mr Tony Jones, resident, spoke in objection to the application
Mr Neville Yates, applicant, spoke in support of the application

Steven Sims, as senior planning officer, presented the report which comprised the conversion of the existing double garage and its change of use to a fitness studio. Members were informed that this was a partially retrospective application and that it was a resubmission of application 16/11005/FUL. It was recommended that the application be approved with conditions in accordance with the officer's report.

The key planning issues identified in the officer's presentation were outlined to include: the principle of development; the impact on the living conditions of neighbouring residents; the impact on the character of the area; parking issues; and impact on highway safety.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to questions it was confirmed that: the number of allocated parking spaces would broadly satisfy the Council's car parking strategy requirements (the nominal shortfall was explained); that the proposed change of use would likely result in the property becoming subject to business rates but that this was not a planning issue; that the hours of operation would be limited to 25 a week and that any breach of a planning condition would be a matter for the planning enforcement team to investigate; and that it would be advisable to include a condition to limit any permission to the applicant only and not for future owners.

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

Cllr Ernie Clark, the unitary division member for Hilperton, spoke in objection to the application.

Cllr Ernie Clark, seconded by Cllr Edward Kirk, moved that permission be refused.

In the debate that followed, issues discussed included: that the previous application had been refused on the grounds of its impact on the highway and that this remained the case; that based on the residency of the property it was likely that the site would require an additional parking space to the 4 proposed; that the noise generated on the site had a negative impact on its neighbours; and that the condition to mitigate the harm to neighbours and highways would not be enforceable.

At the conclusion of the debate it was:

Resolved:

To refuse planning permission for the following reasons:

The change of use of the former domestic garage to a commercial fitness studio use is considered inappropriate development by virtue of a lack of off road parking provision for the existing dwelling as well as a commercial gym studio located in a mainly residential area that would encourage the use of the private car and it is a use that does not encourage the use of sustainable transport alternatives; and, in recognising the retrospective nature of the development, vehicles have parked on the highway to the detriment of highway safety interests. The development is therefore contrary to Wiltshire Core Strategy Core Policies CP57, 60, 61 and 64.

46 **Urgent Items**

There were no Urgent Items.

It was agreed to hold a site visit to commence at 12 noon, prior to the meeting of the Western Area Planning Committee scheduled for 26 July 2017. Further details would be circulated to members.

(Duration of meeting: 3.00 - 6.00 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

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