

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 11 JANUARY 2018 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 Pip Ridout and Cllr Gordon King (Substitute)

Also Present:

Cllr David Halik and Cllr Fleur de Rhé-Philippe

113 **Apologies**

Apologies for absence were received from Cllr Stewart Palmen who was substituted by Cllr Gordon King.

114 **Minutes of the Previous Meeting**

The minutes of the meeting held on 13 December 2017 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 13 December 2017

115 **Declarations of Interest**

There were no declarations of interest.

116 **Chairman's Announcements**

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

117 **Public Participation**

There were no questions 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.

118 **Planning Appeals and Updates**

The Planning Appeals Update Report was received.

Resolved

To note the Planning Appeals Update Report for 1 December to the 21 December 2017.

119 **Planning Applications**

The Committee considered the following applications:

120 **17/04730/VAR: Land West of Norrington Lane, Broughton Gifford, Norrington Common, SN12 8LR**

Public Participation

Clive Taylor spoke in objection to the application.

William Monk spoke in objection to the application.

Dorothy Treasure 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.

Matters highlighted included: the scale and visual impact of the as built development on the open countryside, conservation area, including the common, and heritage assets such as the grade II listed Gifford Hall, over and above the consented scheme; how the as built plans compared to the permitted scheme; the information gathered from the site visit including the views of the site in the context of other features in the area including the heritage asset; how planting and fencing had been implemented; the comparison with nearby permitted schemes; the views submitted by the public, including Mr Gerber; that the officer's report concluded that the proposals addressed previous reasons for refusal on the variation application from 2014, including replacement of metal fencing and omission of CCTV proposals; and that furthermore, that the as built scheme did not cause any substantial harm over the consented scheme.

Mr Wilmott, Head of Development Management, summarised additional issues for note including: how the difference in the scheme impacted, or otherwise, on the ability to appreciate the listed building in its setting; that whilst there was a recognition that whilst retrospective applications are not often welcome, that the application had be assessed as to whether the changes result in additional

harm to that permitted, and that the officers view was that it did not and that approval should be sought.

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

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

The meeting adjourned to consider the written objections submitted by Mr Gerber during the site visit. There were no additional questions from the committee arising from the additional information.

Councillor Philip Alford proposed, subsequently seconded by Councillor Ernie Clark, that the application be refused on the basis that the application had a detrimental impact on the setting of the grade ii listed building, did not preserve or enhance the setting of the heritage asset, did not protect the landscape, and due to the cumulative negative affect on the landscape.

Councillor Jonathon Seed spoke in the debate and stated that having read the officers report, and having visited the site, he was satisfied that the amendments to the previously permitted plans did not demonstrated significant additional harm and therefore he could not support refusal. Councillor Peter Fuller similarly spoke against the refusal.

Councillor Ernie Clark spoke in support of refusal citing the impact on the heritage asset.

Councillor Alford was given an opportunity to respond to the issues raised in the debate.

At the conclusion of the debate, the motion was lost.

Admin note: As requested, the votes of Councillors Philip Alford and Ernie Clark were recorded for refusal.

Councillor Jonathon Seed proposed, subsequently seconded by Councillor Andrew Davies, that permission be granted subject to the conditions outlined in the officer's report.

At the conclusion of debate, it was;

Resolved:

To approve planning permissions subject to the following conditions.

- 1. The development hereby approved shall be discontinued and the land restored to its former condition on or before 31 December 2039 in accordance with the hereby approved Decommissioning Plan approved under W/12/02072/FUL; unless before that date**

planning permission has been sought and granted for the retention of these structures for an extended period of time.

REASON: In the interests of amenity and the circumstances of the use; and in the interests of consistency with W/12/02072/FUL.

2. In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 2 then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with the hereby approved Decommissioning Plan approved under W/12/02072/FUL, within six months of the cessation of the generation of energy from the site.

REASON: In the interests of amenity and the circumstances of the use; and in the interests of consistency with W/12/02072/FUL.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the hereby approved plans:
 - 1295/2575 (Revision V5) - Location Plan by aardvark, dated 20 Feb 14;
 - 001-9-5575 SHT 1 of 1 - Substation general arrangement by Ormazabal, dated 23/01/14;
 - B2281200-L-14 Rev 3 - Landscape Mitigation Plan by Jacobs, dated 03/11/2017;
 - HESR FRAME 3 Version 1 by Power Electronics, dated 3/06/2013;
 - Sheet 1 - Track detail 1 by prosolia, dated 04/14;
 - 150641- Detail Doors Locks by prosolia, dated 10/12;
 - DXX70 - Detail Fibergate GRP by prosolia, dated 02/14;
 - JG16-350/XSEC2D/01 Rev 0 - Cross Section by Jacobs, dated Nov 16; JG16-350/Topo3D/01 Rev D - As built Plan by Jacobs, dated Nov 17; Proposed fence design V1 by Lightsource, dated 25.07.17;
 - B2281200-JAC-SKT-D-00001 Rev 1.0 by Jacobs, dated Aug 17 (within Jacobs Memorandum dated 28 November 2017);
 - Drawing: 1295/2576 (Revision V2) - Existing Site Plan;
 - Drawing: 1285/2580 (Revision V1) – Topographic Survey; Drawing: 1295/2559 (Revision V3) – Footpath Site Plan; and
 - Drawing: 1295/2585 (Revision V1) – Indicative interpretation board specification details.

REASON: To define the terms of this permission.

4. The development shall be maintained in accordance with the hereby approved Landscape and Ecological Enhancement Plan – Addendum dated 29 August 2017; and the Landscape and Ecological Enhancement Plan dated October 2013 approved under the discharge of conditions against W/12/02072/FUL.

REASON: To ensure a satisfactory landscaped setting for the development, the protection of existing important landscape features; the protection and enhancement of biodiversity interests and in the interests of consistency with W/12/02072/FUL.

5. Within 4 months of the grant of this approval the drainage works identified at paragraph 3.6 of the “As Built Surface Water Drainage System” Memorandum by Jacobs, dated 28 November 2017 and detailed on drawing reference B2281200-JAC-SKT-D-00001 Rev 1.0 by Jacobs, dated Aug 17 at Appendix C shall have been carried out as hereby approved. The surface water drainage system shall be maintained through the lifetime of the development as per the provisions of this document.

REASON: To minimise flood risk by ensuring the satisfactory management of surface water from the site through its lifetime; and in the interests of consistency with W/12/02072/FUL.

Admin note: As requested, the votes of Councillors Philip Alford and Ernie Clark were recorded against permission.

121 **17/06733/FUL: The Meadow, Crockerton, BA12 7DU**

Public Participation

Barry Pirie, applicant, spoke in support of the application.

Cllr Richard Baxter, Longbridge Deverill Parish Council, spoke in objection to the application.

Steven Vellance, planning officer, introduced the report which recommended approval be granted for the change of use of existing buildings and part of site to a nursery school, to include proposed works to existing buildings.

Matters highlighted included: that the application had been called in by the local member on grounds including car parking; the location of the site and the existing uses on the land; the support for the proposals from officers responsible for child care provision; the proposed elevations of the proposals and the site entrance for the new access; the existing boundary treatments and vegetation on the site; and the views of the highways officers.

Members of the Committee had the opportunity to ask technical questions of the officer, including clarification of the existing planning permissions on adjacent land.

The local division member, Councillor Fleur De Rhe-Philipe, then spoke in relation to the application stating that whilst she understood the objections of the parish council, she considered that the matters raised had been mitigated against successfully.

Upon the proposal of Councillor Jonathon Seed, seconded by Councillor Ernie Clark, at the conclusion of debate, it was unanimously;

Resolved

To Approve the planning application 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: Drawing 10203-P01 Rev B - Existing Location Plan received on 03.11.2017; Drawing 10203-P02 Existing Elevations received on 03.08.2017; Drawing 10203-P03 Existing floor Plans received on 03.08.2017; Drawing 10203-P04 Rev B Proposed Block Plan received on 03.11.2017; Drawing 10203-P05 Proposed elevations received on 03.08.2017; Drawing 10203-P06 Proposed floor Plan received on 03.08.2017; Drawing 10203-P07 Existing site plan received on 03.08.2017; Drawing 10203-P08 Proposed Site (Land Identification) Plan received on 26.09.2017

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

3. The development hereby approved shall not be brought into use (in relation to the conversion and extension to the stable building) until a scheme for the discharge of foul water has been submitted to, approved in writing by the Local Planning Authority, and completed.

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

NOTE: If the applicant proposes to use an existing system, the applicant is hereby required to confirm that it is adequate and has the necessary capacity to accommodate the proposed increased use.

4. The development hereby approved shall not be brought into use (in relation to the conversion and extension to the stable building) until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 and location of top ground water level to ensure that the base of any soakaway is at least

1m of unsaturated soil above the agreed top water level of ground water taking into account seasonal variations, has been submitted to, approved in writing by the Local Planning Authority, and completed.

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

5. No part of the development hereby approved shall be brought into use until the access, drop off area and parking spaces have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes at all times for the lifetime of the development.

REASON: In the interests of highway safety.

6. No part of the development hereby approved (in relation to the conversion and extension to the stable building) shall commence 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: In the interests of visual amenity and the character and appearance of the area.

7. No part of the development hereby approved (in relation to the conversion and extension to the stable building) shall be brought into use until the access has been widened, the existing gates have been permanently removed and the visibility improvement works along the western site boundary (as illustrated on plan drawing 10203-PO4 Rev B) have been completed to achieve improved visibility from a point measured 2.4m back into the access measured from the carriageway edge, to a point measured 210m to the nearside carriageway edge in a northerly direction. The visibility splay thus provided shall thereafter be maintained.

REASON: In the interests of highway safety.

8. The maximum number of children at the nursery shall be 24, as stated within the accompanying Design and Access Statement.

REASON: To define the terms of the permission and the interests of highway safety and because this permission is granted having regard to the particular circumstances advanced in support of the application.

9. The development shall be carried out in strict accordance with the measures stipulated in the Discussion and Conclusions section of the approved Extended Phase 1 Ecological Survey Report (produced by Stark Ecology Ltd and dated November, 2017) with respect of the need to time the works during the winter and outside of the nesting birds season (which is March to August inclusive).

REASON: To ensure appropriate mitigation for nesting birds, and to ensure compliance with wildlife legislation, Core Policy 50 of the Wiltshire Core Strategy and the NPPF.

10. No part of the development hereby approved (in relation to the conversion and extension to the stable building) shall commence until the exact details of the ecological enhancement and mitigation measures for bats and birds as recommended in the Discussion and Conclusions section of the approved Extended Phase 1 Ecological Survey Report have been submitted to and approved in writing by the Local Planning Authority. Details must include the number, specification and location of the features to be incorporated within the development and this shall also be shown on a site plan. Thereafter, the ecological enhancement measures for roosting bats and nesting birds shall be installed in accordance with the approved details and plan.

REASON: To ensure appropriate compensation for nesting birds and enhancement for bats in accordance with Core Policy 50 of the Wiltshire Core Strategy and the NPPF.

11. No new external lighting shall be installed at the application site without prior written approval from the local planning authority. Any plans for new lighting must be submitted to the local planning authority for consideration and approval and must include details of mitigation measures to minimise the potential for impacts on foraging and commuting bats at the site. Thereafter, new lighting must be installed and operated in strict accordance with the approved lighting plan.

REASON: To ensure appropriate mitigation for bats, and to ensure compliance with wildlife legislation and Core Policy 50 of the Wiltshire Core Strategy.

12. Notwithstanding the provisions enshrined within 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 development hereby approved shall be used as a nursery school falling within use class D1 and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case and site location.

Informatives:

Pursuant to conditions 3 and 4, the surface water and foul water discharge treatment needs to satisfy Environment Agency guidelines. Non domestic supplies required for firefighting or commercial use would require a separate assessment with network modelling subject to design requirements. The applicant should make contact with Wessex Water to agree new water connections.

122 Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.46 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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