

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 OCTOBER 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr David Halik (Substitute)

54 Apologies

Apologies for absence were received from:

Cllr Peter Fuller who was substituted by Cllr David Halik

Cllr Jonathon Seed

55 Minutes of the Previous Meeting

The minutes of the meeting held on 25 September 2019 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 25 September 2019.

56 Declarations of Interest

There were no declarations of interest.

57 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.

58 **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.

59 **Planning Appeals and Updates**

The Planning Appeals Update Report for 13/09/2019 and 11/10/2019 was received.

Kenny Green, Development Management Area Team Leader, informed the committee of the recent dismissal of an appeal pursuant to refused application 17/08216/FUL and reported that the appointed planning inspector concurred with the committee resolution to refuse permission; and, in particular highlighted the unwarranted harm to the Green Belt. The committee were also informed that the appellant's application also for costs against the Council was refused.

Resolved:

To note the Planning Appeals Update Report for 13/09/2019 and 11/10/2019.

60 **Planning Applications**

The Committee considered the following applications:

61 **19/06692/VAR - Barney Lodge Day Nursery, 5 Westbury Road, Warminster, BA12 0AN**

Public Participation

Mrs Lyn Ashton (Applicant) spoke in support of the application.

David Cox, Senior Planning Officer, introduced the report which recommended that permanent permission be granted for the removal of condition 3 appended to approved planning permission 18/01851/FUL that restricted consent for a temporary 2-year period for child care nursery use and to vary condition 3 of planning consent W/06/00806/FUL to change the permitted number of children from 45 to 70) and to allow the use of the site for 70 children to be made permanent.

Key issues included; The principle of the development; impact on neighbourhood amenity; impact highway safety; impact on the designated heritage asset and other considerations.

The case officer informed the committee that since the application was reported there had been one road traffic accident along Westbury Road/near to Cophead roundabout, but it had been confirmed that the accident was not related to the nursery.

Members were also informed that an environmental health noise related complaint had been made by a neighbour since 2018, however the complaint was investigated by the Council's public protection team and they found no statutory noise nuisance; and as part of the consultation for this application, the same team raised no objection.

When the application was reported to committee in May 2018 the same neighbour had submitted complaints of a similar nature which were duly considered at the meeting and explained by the case officer and was considered as part of the planning balance. The objections raised under this application were also fully assessed and members were informed that officers were satisfied that the proposed development would not result in substantive harm to the neighbour(s).

Members of the Committee had the opportunity to ask technical questions of the officer, however no questions were asked.

A motion to approve the officer's recommendation was moved by Councillor Pip Ridout and seconded by Councillor Christopher Newbury.

At the end of the debate it was;

Resolved

To approve planning permission with 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:

Location Plan, Block Plan and Design and Access Statement – all received 8 March 2018; Consolidated Transport Statement, Children Space Requirement Statement, Noise Mitigation Statement – all received 9 April 2018; Further Children's Space Requirement and Garden Use Statement – Received 18 April 2018; Garden Zone Plan – received 8 May 2018; Proposed Plans and Elevations – received 11 May 2018

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

NOTE: There have been no changes to the proposal since the granting of the temporary 18/01851/FUL permission and therefore all approved plans and supporting documents are considered to have been rolled over from their original submission date.

3. The extended nursery premises hereby permitted shall not accommodate any more than 70 children at any one time.

REASON: In the interests of Highway Safety and neighbouring amenity

4. The extended nursery premises hereby permitted shall only operate between the hours of 0700 in the morning and 1800 in the evening Monday to Friday. The use shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.

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

5. The extended nursery premises hereby permitted shall continue to comply with the details submitted in the Green Travel Plan as discharged on 3 July 2018. Future monitoring reviews of the Travel Plan should be submitted to the Local Planning Authority on request, together with any changes to the plan arising from those results.

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

6. The white line painting for the 6 on-site car parking spaces and the centre line at the site's intersection with the public footpath (i.e. on the nursery site land) shall be maintained in perpetuity.

REASON: In the interests of road safety.

7. The outside play area, shown as ZONE 1 on the submitted garden plan shall only be used during the hours of 0930 to 1130 and 1430 to 1630.

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.

62 **19/02724/FUL - No.212 The Common Holt BA14 6QN**

Public Participation

Peter Auburn spoke in objection to the application.

Simon Thornton Norris (Applicant) spoke in support of the application.

Jemma Foster, Senior Planning Officer, introduced the report which recommended approval for the proposed two-storey and single storey rear extensions and associated internal works.

Key issues included; the scale of the development and the relationship and impacts the proposed development would have upon adjacent properties.

Members of the Committee had the opportunity to ask technical questions of the officer, however no questions were asked.

Members of the public, as detailed above, had the opportunity to speak on the application.

Following the public forum, Cllr Davis asked the officer to clarify the difference between what was previously approved and what was now proposed.

In response, the case officer explained that the proposed two storey rear extension matched the previously approved two storey rear projection in terms of its footprint, height and rear projection. Members were advised that the additional single storey element was introduced to provide additional ground floor accommodation. Members were furthermore advised that officers were satisfied that the proposed development would not be overdevelopment of the plot, member's attention was drawn to the proposed two upper floor side windows illustrated for the North East elevation and South West Elevation which would serving a bathroom and en-suite and that these windows are recommended to be conditioned and be obscure glazed. The case officer also informed the committee that whilst the development would result in some additional overshadowing of the neighbouring property, after factoring in the current conditions, this would be towards the end of the day, and that the level of impact was not considered sufficient enough to refuse the application.

A motion was put forward by Councillor Trevor Carbin for the committee members to defer the application until they had visited the site to appreciate both the applicant's proposal and the neighbouring impacts. The motion was seconded by Councillor Ernie Clark.

At the end of the debate it was;

Resolved

To defer the application for a site visit which would take place at 1pm on the 20 November 2019 prior to the next scheduled area planning committee.

63 19/07875/FUL - 8 Fulmar Close Bowerhill SN12 6XU

Public Participation

Robert Palin spoke in objection to the application

Richard Harlow (Agent) spoke in support of the application

Mr Alan Turley spoke in support of the application

Mr Morley spoke in support of the application

Selina Parker-Miles, Planning Officer, introduced the report which was recommended for approval for: Retrospective application for garage roof works (material variation to approved application 16/02681/FUL) – that was allowed on appeal.

Key issues included; The impact on the character and appearance of the host dwelling and wider area and the impact on neighbour amenity.

Members of the Committee had the opportunity to ask technical questions of the officer. In particular, Cllr Davis enquired about the previous planning inspector's decision and the material weight that it should be afforded as well as enquiring about the material differences between what was previously allowed and what had been built.

In response, the area team leader informed the committee that the planning inspector's decision was a material consideration and that it established that the previously proposed 45cm roof height increase was acceptable in planning terms. The allowed appeal decision did not prohibit any further extension and that this retrospective application should be tested on its own merits and appraise the 30cm roof height differential. Members were advised that officers had undertaken a fresh assessment and found no substantive harm to warrant a refusal. The committee were also advised of the supportive letters received (including a fourth following the publication of the committee agenda) and were advised that the immediate neighbours that abut the garage were in support of the application.

Members of the public, as detailed above, had the opportunity to speak on the application.

A motion to move the officers recommendation was made by Councillor Trevor Carbin which was seconded by Councillor David Halik.

At the end of the debate it was;

Resolved

To approve the application subject to the following conditions:

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

Existing and Proposed Plans - Drawing No AH2016/24 Sheet 1 of 1 dated 09.08.2019

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

3. The development hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as No. 8 Fulmar Close and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited 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 a wholly separate dwelling.

64 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 3.55 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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