

## WESTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 AUGUST 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

#### **Present:**

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis (Substitute), Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Fleur de Rhe-Philippe (Substitute) and Cllr Roy While (Vice Chairman)

#### **Also Present:**

Cllr Rosemary Brown and Cllr Francis Morland

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#### 71 **Apologies for Absence**

Apologies for absence were received from Cllrs Pip Ridout and Jonathan Seed.

Cllr Ridout was substituted by Cllr Fleur de Rhé-Philippe.

Cllr Seed was substituted by Cllr Andrew Davis.

#### 72 **Minutes of the Previous Meeting**

The minutes of the meeting held on **01 August 2012** were presented. It was,

#### **Resolved:**

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

#### 73 **Chairman's Announcements**

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

The Chairman further announced that the meeting would be the last time the Planning Committee would be held at the Bradley Road Council Offices.

#### 74 **Declarations of Interest**

Cllr Christopher Newbury declared a non-pecuniary interest in Minute No. 76c - W/12/01107/FUL: *Jasmin House, 115a Hilperton Road, Trowbridge* - as he was

acquainted with the applicant. Once he became aware of the connection, during the meeting, he declared he would contribute no further to the debate and would not vote on the application.

## 75 **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.

## 76 **Planning Applications**

### **76.a W/11/03178/FUL - Land Rear Of 69 Woolley Street, Bradford On Avon, Wiltshire**

#### **Public Participation**

Mr Kevin Burnside spoke in objection to the application.

Mrs Rachel Croft spoke in objection to the application.

Mr Gordon Duncan spoke in objection to the application.

Mr Gary, Llewellyn, agent, spoke in support of the application.

The Area Development Manager presented a report which recommended that authority be delegate to the Service Director (Development Services) to grant the planning permission subject to a legal agreement as detailed in the report.

It was noted that the application had been deferred from the last meeting in order to organise a site visit for Members, which had now occurred, and to clarify whether the site was a County Wildlife site. It was confirmed that the listing of the site as a County Wildlife site in the Wiltshire Core Strategy had been an error. It was also noted that the Woolley Plan for the area was not a policy consideration, but was a material consideration due to being a demonstration of local opinion on this and other developments in the area.

The Area Development manager also gave details of further representations received since the previous committee meeting, and reiterated that as before the main issues included the principle of the development and whether it preserved or enhanced the character of the Conservation area, which did not include the bungalow proposed for demolition.

The Committee then had the opportunity to ask technical questions of officers. In response to queries it was confirmed that further public consultation was not necessary regarding the incorrect listing of the site as a County Wildlife site in the Core Strategy, as it was an error, not an amendment to policy. Details on the definition of town policy limits were also sought, with the implications for the application site.

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

The Local Member, Cllr Rosemary Brown, then spoke in objection to the application.

A discussion followed, where the lack of objection from Highways and Landscape officers, and the objections of the Wiltshire Wildlife Trust, were noted, and the principle of the development was questioned. The impact of the application on the wider area was debated in addition to the nature of the impact on neighbouring properties, and the planning history of the site as detailed in the report was also raised, along with the suitability of the access to the site.

At the conclusion of debate, it was,

**Resolved:**

**That Planning Permission be REFUSED for the following reasons:**

- 1) The proposal by reason of its overall design, density and layout would neither preserve nor enhance the character or appearance of the conservation area contrary to Policies C17 & C18 of the West Wiltshire District Plan - 1st Alteration 2004, and would, furthermore, disrupt the character of Coronation Avenue and the surrounding area contrary to Policies H1(d) and H24 of the West Wiltshire District Plan - 1st Alteration 2004.**
- 2) The proposal by reason of the restricted access and lack of visibility onto Coronation Avenue, together with the poor visibility at the intersection of the new access with the existing public footpath, would be prejudicial to highway safety and result in conflict between vehicular traffic entering the site and pedestrians using the public footpath contrary to Policy H1 of the West Wiltshire District Plan - 1st Alteration 2004.**
- 3) The proposal would have an unacceptable adverse impact on the amenity of the residents of 69, Woolley Street, by reason of overbearing impact created by the close proximity of the gable wall of the proposed dwelling on plot 4, accentuated by the change in levels between the application site and the lower level that 69, Woolley Street is located at. This would conflict with policy C38 of the West Wiltshire District Plan – 1st Alteration 2004.**

**76.b W/12/01303/FUL - Church Farm, Winsley Bypass, Winsley, Wiltshire, BA15 2JH**

**Public Participation**

Mrs Fleur Shanalan, on behalf of Winsley Parish Council, spoke in objection to the application.

The Area Development Manager presented a report which recommended planning permission be granted. It was noted that the application was retrospective, and that no public objections had been received. It was also confirmed that the solar panels already in operation were much shorter than most such applications.

The Committee then had the opportunity to ask technical questions of officers, where the impact on the Green Belt land was raised.

Members of the public then had the opportunity to address the Committee with the views, as detailed above.

A debate followed, where the impact of the specific design of the solar panels on the land was raised, and the Parish Council's desire for more time to consider the issue was discussed. In response to queries, it was confirmed the application had undergone the normal consultation period, and it was stated that the proposed conditions contained in the report specified the site would be returned to grass agricultural land within six months of the solar panels ceasing to be in operation in the future.

After discussion, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**The proposal would make a contribution towards Wiltshire's renewable energy targets, and the modest scale and low height of the renewable energy installation and the consequent limited impact on the appearance of the landscape mean that the proposal is acceptable.**

**Subject to the following conditions:**

- 1) Within six months of the solar pv ground mounted system ceasing to be used for the generation of renewable energy, the solar panels and its associated infrastructure, including the scalplings and the membrane shall be removed from the site and the land restored to seeded grass agricultural land, in accordance with paragraph 3.20 of the accompanying Design and Access and Planning Supporting Statement.**

**REASON:** In order to define the terms of this permission.

**POLICY:** Wiltshire Structure Plan 2016 Policies C12 and RE1 and West Wiltshire District Plan 1st Alteration (2004) Policies C1 and C34; and the National Planning Policy Framework (NPPF).

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

**LOCATION PLAN received on 11.07.2012**

**SURVEY SITE PLAN received on 11.07.2012**  
**PROPOSED PHOTOVOLTAIC ARRAY PLAN received on 11.07.2012**

**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.**

**76.c W/12/01107/FUL - Jasmin House, 115A Hilperton Road, Trowbridge, Wiltshire, BA14 7JJ**

Public Participation

Mr Peter Grist, agent, spoke in support of the application.

The Area Development Manager introduced a report which recommended planning permission be granted. It was stressed that the proposed development did not extend into the paddock land referred to within the report on which previous applications had been refused, and that there were no objections from Highways officers. The main issues for consideration therefore included the principle of development and the impact on the surrounding area, which officers deemed acceptable.

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

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

The Local Member, Cllr Ernie Clark, then spoke in objection to the application, and had prepared some additional information for the Committee, which are attached to these minutes.

A debate followed, where the previous history of the site and nearby sites was raised, and the extent of the acceptable building line as a result discussed. The acceptability of a residential building on the site in place of an ancillary building as a result of previous inspectorate decisions was also raised, and the ensuing impact upon the nearby Conservation area.

At the conclusion of debate, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**This proposed application would be an appropriate form of development within the defined Town Policy Limits without causing harm to the surroundings, neighbouring interests, trees or conflict with highway safety.**

**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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.**

- 3** 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 that Order with or without modification), there shall be no additions/extensions or external alterations to the subject building forming part of the development hereby permitted.

**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 external alterations.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 4** 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 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, without a separate application being submitted and obtaining the formal approval of the local planning authority.

**REASON:** In the interests of residential amenity and privacy.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 5** No development shall commence on site until details of the design, external appearance and decorative finish of the fenced enclosure along the north-western and southern site boundary have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 6 No development shall commence on site until details have been submitted for the written approval of the Council showing the means by which the tree on the site which is protected by a Tree Preservation Order shall be enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before any fence is erected, the exact specifications and position must be approved the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

**REASON:** To enable the Local Planning Authority to ensure the protection of the Copper Beech tree on the site in the interests of visual amenity.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - **POLICY:** C32

- 7 No development shall commence until a full No-Dig specification for works within the root protection area/canopies of the protected and retained Copper Beech tree has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

**REASON:** In order to protect the TPO'd Copper Beech tree on the site with surfacing placed near to or over the trees root system.

- 8 No part of the development hereby permitted shall be brought into use until the turning area and parking spaces as shown on the submitted floor plan layout plan 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 order to define the terms of this permission and in the interests of highway safety.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - **POLICY:** C31a and T10.

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

**EXISTING PLAN AND SOUTH EAST ELEVATION** received on 07.06.2012  
**PROPOSED PLAN AND SOUTH EAST ELEVATION** received on 07.06.2012  
**PROPOSED ELEVATIONS AND SITE PLAN** received on 07.06.2012

**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.

**Informative(s):**

- 1 The developer/applicant is advised to make contact with Wessex Water to agree connections to the public water supply and waste water system.

*(Cllr Ernie Clark requested that his vote in favour of a motion to refuse the application be recorded)*

77 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.15 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services,  
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