

## WESTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 FEBRUARY 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Trevor Carbin, Cllr Terry Chivers (Substitute), Cllr Ernie Clark, Cllr Andrew Davis, Cllr John Knight, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

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#### 1 **Chairman's Announcements**

There were no Chairman's Announcements.

The Democratic Services Officer gave details of the exits to be used in the event of an emergency.

#### 2 **Apologies for Absence**

Apologies for absence were received from Cllr Russell Hawker, who was substituted by Cllr Terry Chivers.

#### 3 **Minutes of the Previous Meeting**

The minutes of the meeting held 18 December 2013 were presented and it was;

#### **Resolved:**

**To sign and approve minutes of the meeting held on 28 December 2013 as a true and accurate record.**

#### 4 **Declarations of Interest**

A number of members declared non pecuniary interests for items at the meeting. Including;

Cllr Ernie Clark stated that he was a member of Hilperton Parish Council, and had been in attendance when the application 13/02820/FUL had been discussed. Cllr Clark stated that he had not previously voted on the application.

Cllr Christopher Newbury stated that he had been in attendance when Warminster Town Council had discussed application 13/05406/FUL. Cllr Newbury stated that he would proceed to vote with an open mind.

Cllr John Knight stated that he had been in attendance when Trowbridge Development Committee had discussed application 13/06834/VAR. Cllr Knight stated that he would proceed to vote with an open mind.

Cllr Jonathon Seed declared a personal interest, stating that he knew the applicant for application 13/06834/VAR personally. Cllr Seed stated that he would contribute to the debate and approach the matter with an open mind.

## 5 **Public Participation and Councillors' Questions**

The Following Question had been submitted by Cllr Ernie Clark:

*Q) There seems to be confusion between different departments at Wiltshire Council as to whether a 'material commencement' has been made on construction of the Hilperton Relief Road. In planning terms, has a 'material commencement' been made, and if so, on what date? If it has been made, by what date must any S.106 funds have been allocated/spent in order that the monies do not revert to the applicant? If a 'material commencement' has not been made it is presumed that a new planning application will have to be made as the earlier permission would now have expired?*

The following response was made from The Area Development Manager (Central Area), and read out by the Chairman:

*A) A material commencement was made on the construction of the Hilperton Relief Road in early December 2010. Highway contributions of £50,895 were received in relation to the requirements of the associated Section 106 agreement. Unless the terms of the agreement are modified by consent between the Council and the landowner, any monies that are unspent from this sum after the expiry of 5 years from commencement are required to be reimbursed to the developer. The five year period expires in early December 2015.*

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

## 6 **Right of Way Items**

The following Rights of Way items were discussed:

## 7 **The Wiltshire Council North Bradley 1 (Part) Extinguishment Order and Definitive Map Modification Order**

### Public Participation

Mr Francis Morland spoke in objection to the order.

Mr Roger Evans spoke in support of the order.

The Definitive Map and Highways Records Team Leader, presented the report on the Wiltshire Council North Bradley 1 (Part) Extinguishment Order and Definitive Map Modification Order, which recommended the Order be forwarded to the Secretary of State for Environment Food and Rural Affairs, to confirm the extinguishment of the existing Right of Way. It was stated that after extensive evaluation, it had been determined that the existing Right of Way was “not needed for use”.

Members were given the opportunity to ask technical questions of the application of which there were none. The Chairman then invited members of the public to speak (as detailed above).

The Committee then debated the application, noting in particular the impact that closure of the path would have on the users of both the football pitch and local walkers. Members also discussed the proposed diversion and the impact that this would have on users. It was agreed that the impact of the diversion would be minimal and as a result, at the end of the debate it was;

### **Resolved:**

**That the Wiltshire Council North Bradley 1 (Part) Extinguishment Order and Definitive Map Modification Order, be forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination, with the recommendation that the existing Rights of Way be extinguished.**

## **8 Planning Applications**

The Committee considered the following planning applications:

### **9 13/02820/FUL - 202a Devizes Road, Hilperton, Trowbridge, Wilts, BA14 7QR**

### Public Participation

No members of the public spoke on this application.

The Area Team Leader (ATL): Central Area, outlined the officers report which recommended the application be retrospectively approved. The ATL reviewed the site description and the relevant planning policy which included West Wiltshire District Plan 1st Alteration 2004, C19 – Alterations in Conservation Areas; C31a – Design; C38 – Nuisance. The ATL outlined the consultations that had taken place, which included an objection from Hilperton Parish Council, and no objection raised from Wiltshire Council’s Drainage Engineer. The main planning considerations were summarised as the impact of the development on

Drainage, and the impact of the development on neighbours and the immediate surroundings.

Members of the Committee were invited to ask technical questions of the ATL and Drainage Engineer. The Committee in particular, questioned the installation and location of drainage on the site, with concerns about the drainage of surface water, and the drainage of water into the sewer. The answers to these questions were not readily available.

Members of the public were then given the opportunity to address the committee (as detailed above).

The Committee then entered into debate on the application, which was primarily focussed on the drainage concerns as raised previously.

At the end of the debate it was;

**Resolved:**

**To DEFER the application, in order to allow the Drainage Engineer to review the adequacy of the drainage installed on the site and liaise with Cllr Clark.**

10 **13/06123/FUL - Lansdowne, Littleton, Semington**

Public Participation

Mr Tony Phillips spoke in support of the application.

Mr Brian Smith spoke in objection to the application on behalf of Semington Parish Council.

The Area Team Leader (ATL) outlined the Officers report which recommended the application be granted planning permission subject to conditions. The ATL outlined the site details and the proposal, which included 4 additional pitches and landscaping on the site. The ATL reviewed the relevant planning policy including: West Wiltshire District Plan 1st Alteration (2004) C1: Countryside Protection; C31a: Design; C38: Nuisance; and CF12: Gypsy Caravan Sites. Some weight was also given to the Emerging Wiltshire Core Strategy (eWCS) although the document was yet to be formalised by Wiltshire Council. The main considerations were said to be CP1: Settlement Strategy; and CP47: Meeting the needs of Gypsies and Travellers. The ATL also referenced the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). The ATL reviewed the previous planning history and referred to 2 recent planning appeal decisions which were allowed by the Planning Inspectorate.

Members were given an opportunity to ask technical questions of the application. These included questions surrounding access, highways usage and the impact on the surrounding area. Members were concerned about access to

the site via an unclassified single track road, and it's suitability for regular usage. Members were also concerned about pedestrian access to the site and neighbouring village given the proximity to the A350.

After the technical questions from the Committee, members of the public were given an opportunity to address the committee (as detailed above).

Cllr Seed as local member was given the opportunity to address the committee and highlighted his objection to the application. Cllr Seed cited the impact on the countryside, impact on the neighbouring towns and parish, impact on surrounding agricultural land, unsuitable vehicular access and inadequate pedestrian access as the main concerns with the application.

Members then entered debate on the application, with particular focus on the value of a site visit. The Committee also questioned a mismatch between CP47 and CF12, in particular; the balance of requirement versus need and whether this requirement was a minimum or maximum requirement. Members debated the suitability of access to the site and pedestrian safety, and at the end;

**Resolved:**

**To DEFER the application, in order to allow for the Highways Officer to re-assess with a detailed response to concerns of the members regarding; the suitability of the access lane and its safety implications because of the increased number of users, the unauthorised access and use of it, the use of the unclassified road for pedestrian and vehicular access, and pedestrian access along the A350 into the village.**

**11 13/05142/FUL - Land to the Rear of 63 Shaw Hill, Shaw, Wiltshire**

**Public Participation**

Mr Nathan Hall spoke in objection to the application.

Mrs McNeilage spoke in objection to the application.

Dr John Brennan spoke in objection to the application.

Mr Mark Hallett spoke in support of the application.

Mr Adam Nardell spoke in objection to the application on behalf of Melksham-Without Parish Council.

The Senior Planning Officer (SPO) outlined the officer's report which recommended the application for approval. The SPO outlined the site description and the proposed development, focussing on the location of the development in relation to the surrounding countryside and neighbouring properties. The SPO also outlined the applicants plan to widen the access lane to improve both vehicular and pedestrian access along the lane. The relevant planning policy was outlined as being: the National Planning Policy Framework (2012) and West Wiltshire District Plan 1st Alteration 2004 - :C1 Open Countryside; H17 Development within Village Policy Limits; T12 Footpaths and bridleways; C31a Design; and C38 Nuisance. The main planning considerations

were summarised as being: impact on the highway, impact on the open countryside, impact on the public right of way, design considerations and impact on neighbouring amenity.

Members of the committee were given the opportunity to ask technical questions of the application. Member's questions focussed on the agreed amendment to the lane and the intrusion of the construction on the open countryside. This was confirmed as impacting 12m<sup>2</sup> of the land deemed to be open countryside.

Members of the public were given the opportunity to address the committee (as detailed above).

Cllr Chivers as local member was given the opportunity to address the committee, and objected to the application for the following reasons: scale of the development; visual impact; relationship to adjacent property; design and the environmental/highway impact. Cllr Chivers supported the Parish Council in their objection, stating that the lanes access onto the main carriageway was unsuitable and dangerous, citing a recent accident.

The Committee then debated the application, focussing on the impact of the development on open countryside and the impact of the proposed changes to access and safety of road users. Members debated the benefit of a site visit, and after discussion, a proposal to refuse the application was defeated. After further discussion the Committee;

**Resolved:**

**To APPROVE the 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:**

**Block Plan and Street Scene A21 dated 7/10/2013, Block Plan and Street Scene A01 dated 7/10/2013, Elevations proposed dwelling A24 dated 7/10/2013, Elevations refurbished No.63 A23, Dated 7/10/2013, Garage floor plans, Planting Scheme proposed A26 dated 7/10/2013, Proposed Floor Plans A22 dated 7/10/2013, Proposed Materials A27 7/10/2013, Road Layout Plan Detail A dated 7/10/2013, Road Layout**

**Plan Proposed dated 23/10/2013, Road Layout Plan Detail dated 7/10/2013.**

**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.**

**REASON: To ensure a satisfactory landscaped setting for the development.**

- 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. 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-H shall take place on the dwellinghouse hereby permitted or within their 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.**

- 6. Prior to the commencement of development details shall be submitted to and approved by the Local Planning Authority for the provision within the curtilage of No.63 Shaw Hill for the parking and turning of three vehicles; (please note a garage is not considered to be a car**

parking space). The parking and turning shall thereafter be carried out in accordance with the approved details.

**REASON:** To ensure sufficient off road parking is provided.

7. No development shall commence on site until details of the stopping up of all existing accesses for No.61A Shaw Hill, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

**REASON:** In the interest of highways safety.

8. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces for No.61A Shaw Hill and the proposed dwelling have been completed in accordance with the details shown on the approved plan reference Road Layout Plan Detail dated 7/10/2013 and Block Plan and Street Scene A21 dated 7/10/2013. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interest of highways safety.

9. The alterations proposed for No.63 Shaw Hill shall not commence until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

**REASON:** In the interest of highways safety.

10. No development shall commence on site until a 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 brought into use until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that sufficient surface water drainage is provided on site.



**11.No development shall commence on site until the widening of the access road to 5.8m has been constructed in accordance with the Road Layout Plan dated 7/10/2013.**

**REASON: In the interests of highway safety.**

NB

Cllr Chivers vote against the application has been publicly recorded

12 **13/04201/FUL - Ellbridge Farm, Lower South Wraxall, Bradford On Avon, Wiltshire, BA15 2RR**

Public Participation

Mr Adam Tucker spoke in support of the application.

Mr David Ingram spoke in support of the application.

The Area Team Leader (ATL) outlined the report which recommended the application for refusal. The ATL stated that the application was for retrospective permission for a wooden structure on agricultural land. The ATL outlined the site description and proposals, and focussed on the relevant planning policy. This was said to be: National Planning Policy Framework (NPPF) and West Wiltshire District Plan First Alteration 2004 H19: Development in the Open Countryside. The ADM focussed on the agricultural consultants report which recommended that the business model did not support a viable prosperous and sustainable business.

Members were given the opportunity to ask technical questions of the application, and particular focus was given to the sustainability of the business given the lack of a viable business model and failure to provide additional supporting documentation to the agricultural consultant. Members also questioned the nature of the Parish Councils objection as it was mentioned that the objection was a result of a bureaucratic requirement to indicate a comment on the consultative document.

Members of the public were given an opportunity to address the Committee (as detailed above). Cllr Carbin had called the item to committee as he believed that the business supported the local economy, and was given the chance to address the committee as the local member.

After receiving comments from the public, the Committee debated the applications merit, focussing on the business' viability and contribution to the local economy. The Committee also questioned the agricultural consultant's report stating that it appeared to contradict itself. The Committee noted that the site required an occupant to manage the land, but did not agree with the consultant comments regarding the current occupants attempt to start a

business located on the site. The Committee were sympathetic with attempts to support the local economy and following debate, the Committee;

**Resolved:**

**To APPROVE the application subject to the following conditions:**

**1. The occupation of the timber chalet hereby permitted shall only be by the applicant (Mr. Adam Tucker) and his resident dependants, whilst he is solely or mainly working in the locality in agriculture or in forestry. When the timber chalet ceases to be occupied by the applicant; or, he is no longer solely or mainly employed in agriculture in the locality; or, at the end of three years from the date of this permission, whichever event occurs first, the residential use hereby permitted shall cease and the timber chalet and other structures, vehicles, materials and equipment brought on to the land or works undertaken to it in connection with the use, shall be removed and the site restored to its condition before the development took place.**

**REASON: Permission would not normally be granted for this development because the site is in an area where residential development is not normally permitted unless there is a proven essential need for agricultural or forestry purposes; and to allow the local planning authority to review whether such a need has been established at the end of the limited period specified.**

**2. Within six months of the date of this permission, the accesses to the site shall have been built in accordance with the approved access plan PL3072/2A, dated 5th July 2013.**

**REASON: To ensure that there is satisfactory access to the development, in the interests of highway safety.**

**3. The development shall be carried out in accordance with the hereby approved plans (other than where amended by details submitted to and approved in writing in any subsequent discharge of planning condition application(s):**

**Location Plan Drawing No. PL3072/1, received 5th July 2013  
Plans and Elevations Drawing No. PL3072/3, received 5th July 2013**

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

13 **13/05406/FUL - 2 The Downlands, Warminster, Wilts, BA12 0BD**

**Public Participation**

Mr Mark Thornton spoke in objection to the application.

Mr Richard Wardell-Yerburgh spoke in objection to the application.

Mr Tony Greenouff spoke in objection to the application.  
Mr Mike Turner spoke in support of the application.  
Dr Michael Turner spoke in support of the application.

The Area Team Leader (ATL) outlined the officers report which recommended the application be granted with conditions. The ATL addressed a late item that had been received which was a notification of incorrect details within the officers report. The ATL made a verbal amendment to the report in section 9.2 (amending the distances stated 36m to 17m and 37m to 18m). The ADM then reviewed the design and layout of the proposals, and detailed the site description. The relevant planning policy was clarified as being the West Wiltshire District Plan 1st Alteration (2004): C31a Design and C38 Nuisance. The ATL outlined amendments that had been made to the plans in order to reduce the impact of overlooking on a neighbouring property.

The Committee were then given the opportunity to ask technical questions of the application, which included clarifying the measurements stated on the officer's report, and the possibility of permitted development rights should the application be refused.

Members of the public were given an opportunity to address the committee as detailed above, and local member Cllr Newbury was also given an opportunity to address the Committee. Cllr Newbury stated that there was a disparity between the Neighbours and the Planning department regarding the potential impact of overlooking.

After receiving submissions from the public, the Committee entered into debate, and focussed on the possibility of a site visit to overcome the conflicting opinions regarding overlooking. Members discussed the site as a possible example of overdevelopment and considered the previous planning application history as an indicator. Members also discussed the positioning of windows on the proposed development and considered the possibility of obscured glazing conditions.

At the end of the debate it was;

**Resolved:**

**To REFUSE permission for the development for the following reasons:**

- 1. The proposed two storey pool building by reason of its height, size and scale in this location would represent overdevelopment of the site and would be out of keeping of the area contrary to Policy C31a of the West Wiltshire District Plan (1st Alteration 2004).**
- 2. The proposed two storey pool building by reason of its height, size, scale and proposed roof lights would have an overbearing and unacceptable impact on the amenities of the neighbouring**

**properties contrary to Policy C38 of the West Wiltshire District Plan (1st Alteration 2004).**

**14 13/06834/VAR - Land to the Rear of 90, 88a and 88b Dursley Road, Trowbridge, Wiltshire**

Public Participation

Mr Geoffrey Taylor spoke in support of the application.

Mr Brian Toogood spoke in support of the application.

The Senior Planning Officer (SPO) outlined the officer's report which recommended the application for retrospective approval subject to conditions. The SPO outlined the site plans and proposals and discussed the consultations with various agencies. The SPO discussed the relevant planning policy, mainly the West Wiltshire District Plan 1st Alteration 2004 C31a Design, C38 Nuisance and H1 Further Housing Development within Towns. The SPO noted there had been no objections received from highways with regard to the impact on traffic as a result of the development. The SPO detailed the planning history on the site and noted the extent of applications that had previously been approved and then deviated from, resulting the retrospective permission being sought. It was noted that as a result of the deviation from the existing permission, there had been no substantial impact on any existing planning policy.

Members of the Committee were given the opportunity to ask technical questions of the application. These focussed on the level change from the approved original plan, and the retrospective application presented to the Committee.

Members of the Public were given the opportunity to address the Committee, and Cllr Chivers spoke on behalf of Cllr Payne as the local member. The main concerns were noted as being an increase in the size of the development by 11.8% beyond the reasonable size of the plot and position relative to other houses. It's significant detriment to the amenity of neighbouring properties and the visual impact upon the surrounding area as a result of the scale of the development.

Members then entered into a debate, focussing on the impact on the residential amenity, neighbouring properties and the surrounding area.

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:**

**2013-16: 01A, 02A, 03A, 04 received by the Local Planning on 31st December 2013**

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

- 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated in the application form received by the Local Planning Authority on 8th April 2013 for application W/13/00618/FUL unless otherwise agreed in writing by the Local Planning Authority.**

**REASON: In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004**

- 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 to, or extensions or enlargements of any 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 enlargements having regard to Saved Policy C31a and C38 of the West Wiltshire District Plan 1st Alteration 2004**

- 4. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on drawing number 2013-16 03A received on 31/12/13 unless otherwise agreed in writing by the local planning authority. The parking and turning areas shall be maintained for those purposes only at all times.**

**REASON: In the interests of highway safety having regard to advice in the National Planning Policy Framework and the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy.**

## **15 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 9.40 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail [samuel.bath@wiltshire.gov.uk](mailto:samuel.bath@wiltshire.gov.uk)

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