

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 SEPTEMBER 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Horace Prickett, Cllr Pip Ridout, Cllr David Vigar, Cllr Tony Jackson (Substitute), Cllr Gordon King (Substitute), and Cllr Mike Sankey (Substitute)

Also Present:

Cllr Nick Holder

58 Apologies

Apologies for absence were received from:

- Councillor Trevor Carbin, who was substituted by Councillor Gordon King
- Councillor Jonathon Seed, who was substituted by Councillor Tony Jackson
- Councillor Suzanne Wickham, who was substituted by Councillor Mike Sankey

59 Minutes of the Previous Meeting

The minutes of the previous meeting held on 7 August 2024 were considered. Following which, it was:

Resolved:

The Committee approved and signed the minutes of the previous meeting held on 7 August 2024 as a true and correct record.

60 Declarations of Interest

There were no declarations of interest.

61 Chairman's Announcements

There were no specific Chairman's announcements.

62 **Public Participation**

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

There were no questions or statements submitted by Councillors or members of the public.

63 **Planning Appeals and Updates**

Before hearing from Kenny Green, Development Team Leader, the Chairman invited Mr Francis Morland to address the Committee under public participation where he highlighted a missing appeal decision within the published appeal list relating to application PL/2022/09842, Land off Storrige Road, Westbury. Mr Morland also informed the Committee that as part of the appeal, which had been successfully defended by the Council and was dismissed, the appointed Appeal Inspector concluded that after examining the Council's Housing Land Supply Position, the Council was now in deficit, having 3.85 years supply when tested against the extant 4-year requirement.

Kenny Green provided a summary of the key outcomes of the Storrige Farm appeal decision which identified that despite there being a Housing Land Supply deficit, material weight could still be applied to the Council's strategic policies, but more crucially, where there was a robust technical reason for refusing new housing developments (such as noise detriment and concerns over future amenities and living conditions), the Council was able to defend the appeal.

Officers acknowledged that the appeal decision would have been reported to the next Strategic Planning Committee meeting and that there had been no meeting of the Strategic Planning Committee taking place in September 2024. Members were also informed that the appeal had been made after 23 August 2024, and therefore after the publication of the Western Area Planning Committee agenda. At the Chairman's request, Kenny Green assured Members that the appeal decision would be circulated to Members after the meeting.

In addition to the above, reference was made briefly as to officers seeking legal advice on other pending appeals, including Land at Glenmore Farm, Westbury, and Land at Westbury Road, Warminster.

The reported and dismissed appeal for application PL/2023/10654, as set out within the Agenda Pack, was also summarised, and pertained to an outline application for 4 no. dwellings in open countryside and was issued prior to the Storrige Road appeal decision. Members were nevertheless informed of the Council's successful appeal defence, with the Planning Inspector endorsing the delegated refusal reasons citing the unsustainable site location and conflicts with the Council's strategic policies for housing growth alongside robust technical reasons for refusal such as highway safety and unacceptable impacts on the National Primary Road Network.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 26 July 2024 to 23 August 2024.

64 **PL/2023/10641: Emmaus School, School Lane, Staverton, Trowbridge, BA14 6NZ**

Public Participation

- Ms Belinda Bates, Nestlings Pre-School, spoke in objection to the application.
- Ms Heather Derrick, Nestlings Pre-School, spoke in objection to the application.
- Mr James Burgess, representative from Emmaus School, spoke in support of the application.
- Ms Hope Brett, representing the families of the school, spoke in support of the application.
- Mr Neal Thompson, agent, spoke in support of the application.

Russell Brown, Senior Planning Officer, presented the report which recommended that the Committee grant permission for the demolition of an existing modular classroom and rear extension to the main school building to accommodate the erection of a two-storey building on the existing playground with the erection of a single storey rear extension and associated landscaping.

Key material considerations were identified including the principle of development; design and landscape implications; residential amenity; ecology; drainage; and highways safety issues.

Members of the Committee then had the opportunity to ask technical questions to the officer. Members raised the proximity to neighbouring residential properties as well as the adjoining Nestlings Pre-School and queried the associated impacts. Clarity was also sought on safety issues in respect of the playground's proximity to the adjacent carriageway and reassurance that there would be no landscape harm. Previous planning history was noted and Members further queried land ownership/application site adjustments alongside the proposed building materials, design, and its massing.

In response, officers explained the changes that had been made through negotiation to re-draw the red line boundary and revising the proposed extension and its associated features to address some of the raised concerns. As such, officers advised Members that they were satisfied that the application would not materially harm neighbouring/nearby properties, land uses, or the wider landscape character. Furthermore, no objections to the scheme had been raised by the Council's Highway Team or statutory consultees.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Councillor Ernie Clark then presented a statement on behalf of Councillor Trevor Carbin, the Local Unitary Member, who was unable to attend the meeting.

A debate then followed where Members discussed the separation distances between the proposal and neighbouring properties, the existing structure and present school accommodation, and the reasons for the application.

At the conclusion of the debate, Councillor Ernie Clark moved to grant the application in line with officer recommendations which was seconded by Councillor Tony Jackson. Following a vote on the motion, it was:

Resolved:

The Committee APPROVED the application 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:**

Drawing No. 1421L-01A received on 5 December 2023

Drawing No. 23-06-02E received on 28 March 2024

Drawing Nos. 23-06-01I, 23-06-03F, 23-06-04F received on 12 July 2024

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

- 3. No development shall commence on site, until a Construction Method Statement, which shall include the following:**
 - a) the parking of vehicles of site operatives and visitors;**
 - b) loading and unloading of plant and materials;**
 - c) storage of plant and materials used in constructing the development;**
 - d) wheel washing facilities;**
 - e) measures to control the emission of dust and dirt during construction;**
 - f) hours of construction, including deliveries; and**
 - g) timing of works in relation to Staverton CofE Primary School and Emmaus School term dates;**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

4. No development shall progress above slab level until details of the number, design and locations of features for wildlife and new planting for biodiversity shall be submitted to the local authority for approval. These details should be clearly shown on an enforceable plan (e.g., site plan/technical elevations drawing). The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

5. No development shall progress above slab level 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 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. No development shall progress above slab level until a drainage strategy, including a scheme for the discharge of surface water from the site and 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: 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 that the development can be adequately drained.

7. The development will be carried out in strict accordance with the following documents:

- Preliminary Ecological Appraisal Including a Protected Species Assessment at: Emmaus School Staverton, Wiltshire. November 2023. Skilled Ecology Consultancy Ltd.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

8. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

9. The school shall be limited to a maximum of 75 students at any one time.

REASON: In the interests of highway safety, amenity of the area and drainage.

Informatives:

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1 March and 31 August but some species are known to breed outside these limits.

Protected Species General

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to

the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Network Rail

Network Rail have various structures in this location e.g. retaining walls, bridges which will need to be considered and mitigated through Network Rail's asset protection process, contact to be made at AssetProtectionWestern@networkrail.co.uk. No works are to be conducted until permission for works has been granted.

Sustainable Construction

The applicant is encouraged to consider sustainable construction and employ the following energy hierarchy:

- i. Reduce energy consumption through energy efficiency measures;
- ii. Use renewable or low-carbon energy from a local/district source; and
- iii. Use building-integrated renewable or low-carbon technologies.

65 PL/2023/08046: Land at Pathfinder Way, Bowerhill, Melksham

Public Participation

- Mr Tom Molyneux-Wright, agent, spoke in support of the application.
- Mr Anthony Dixon, Senior Project Manager and applicant on behalf of Wiltshire Council, spoke in support of the application.
- Councillor Alan Baines, on behalf of Melksham Without Parish Council, spoke in objection to the application.

Gen Collins, Principal Planning Officer, presented the report which recommended that the Committee delegated authority to the Head of Development Management to grant planning permission, subject to conditions and informatives, for the reserved matters application pursuant to the construction of a new Primary School (including Nursery and Special Educational Needs (SEN) provision).

Key material considerations were identified including the principle of development; design/visual appearance; heritage impact; impact on the residential amenity; highways/parking issues; ecology; drainage; and Section 106/Community Infrastructure Levy (CIL).

Members of the Committee then had the opportunity to ask technical questions to the officer. The representations received from neighbouring/local residents were raised in relation to the relevant planning history of the site and where the school was indicatively illustrated at outline stage, alongside queries regarding drainage and rainwater harvesting as an option on-site. Additional queries were raised in reference to highway safety and safe walking routes to the school, referencing the objections made by Melksham Without Parish Council.

In response, officers explained that the scheme had been subject to significant revisions and a series of consultations with local Parish/Town Councils and neighbouring residents which had led to design solutions to address the impact on neighbouring amenities. Furthermore, officers confirmed that connectivity and accessibility to the application site and proposed neighbouring 16/01123/OUT development had been discussed in detail alongside the suggestion of a left-turn only junction. However, as set out in the report on Page 72 of the Agenda, the Highways Team had concluded that this would not be required or supported in that location.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Councillor Nick Holder, as the Local Unitary Member, then spoke to the application and thanked all officers for their hard work, but reiterated the concerns raised with regard to highway safety and made the case for having a No Right Turn exit restriction.

A debate then followed where Members acknowledged the highway concerns raised by local residents and sought officer advice on whether a condition could be imposed to require the school not to be brought into use until a designed No Right Turn exit junction onto Pathfinder Way from the school had been delivered on site.

Members then discussed a number of additional planning informatives including: encouraging the applicant to consider the use of rainwater harvesting for the school; to seek the completion of the site security boundary fencing prior to the school being brought into use; to encourage the Council, as the applicant, to maximise and bring forward a safe walking route to the school from Berryfield and Semington Road; and to expedite the delivery of the footpath connectivity from the school to the wider site northern boundary using Section 106 money already secured from the housing developer as part of the 16/01123/OUT development.

At the conclusion of the debate, Councillor Mike Sankey moved to endorse the officer's recommendation, seconded by Councillor Andrew Davis, with the additional planning condition regarding a designed No Right Turn exit onto Pathfinder Way, and the aforementioned additional planning informatives as discussed during the debate.

Following a vote on the motion, it was then:

Resolved:

The Committee delegated authority to the Head of Development Management to GRANT planning permission subject to the conditions and informatives listed below:

1. The development hereby permitted shall begin no later than two years from the date of the last suspensive planning condition being discharged pursuant to this reserved matters approval or three years from the date of this permission.

REASON: To comply with the provisions of Section 92 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 following plans and documents:

Location Plan – drawing ref. MKS-AWW-XX-XX-D-A-0010-P03

Existing Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0011-P05

Proposed Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0100-P03

Proposed Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0300-P03

Proposed Site Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0305-P02

Proposed Ground Floor Plan – drawing ref. MKS-AWW-XX-00-D-A-0200-P03

Proposed Ground Floor Context Plan – drawing ref. MKS-AWW-XX-XX-D-A-0101-P05

Proposed First Floor Plan – drawing ref. MKS-AWW-XX-01-D-A-0201-P03

Proposed Roof Plan – drawing ref. MKS-AWW-XX-XX-D-A-0202-P02

Proposed Lighting Plan – drawing ref. MKS-HYD-XX-XX-D-E-0851 Rev: P01

Landscape Plan and Schedule (Sheet 1 of 2) ref: MKS-AWW-XX-XX-D-A-0380-P0

Landscape Plan and Schedule (Sheet 2 of 2) ref: MKS-AWW-XX-XX-D-A-0381-P03

Enclosure Details - Bin Store ref: MKS-AWW-XX-XX-D-A-0388-P02

External Canopy Details ref: MKS-AWW-XX-XX-D-A-0385-P02

Cycle Parking Details ref: KS-AWW-XX-XX-D-A-0386-P03

Enclosure Details - Air Source Heat Pump ref: MKS-AWW-XX-XX-D-A-0387-P03

Drainage Report ref: MKS-HYD-XX-XX-T-C-9000

Transport Statement ref: FS0614-HYD-XX-XX-DR-D-5001-P01-S4

Travel Plan ref: FS0614-HYD-XX-XX-DR-D-6001-P01-S4

Desk Study and Ground Investigation Report prepared by Hydrock;

Ecological Report prepared by Wessex Ecological Consultancy;

Flood Risk Assessment ref: 27203-HYD-XX-XX-WET-RP-0001 P02 prepared by Hydrock;

Drainage Strategy MKS-HYD-XX-XX-D-C-9000 P01 & MKS-HYD-XX-XX-D-C-9001 P01 prepared by Hydrock;

Noise Impact Assessment prepared by Hydrock

**Energy Statement prepared by Hydrock
BREEAM Pre-Assessment prepared by Hydrock**

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

3. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:

The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- The movement of construction vehicles;
- The parking of vehicles and storage of materials
- The cutting or other processing of building materials on site;
- Wheel washing and vehicle wash down facilities;
- The transportation and storage of waste and building materials;
- The recycling of waste materials (if any);
- The loading and unloading of equipment and materials;
- The location and use of generators and temporary site accommodation;
- There shall be no burning undertaken on site at any time.
- No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday

The development shall be undertaken in accordance with the details set out in the approved Construction Management Statement.

REASON: To ensure the amenities and safety of future occupants and highway safety of the development

4. No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Precautionary Methodology of Working for Great Crested Newts shall be submitted to the local planning authority for approval in writing and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase.

Development shall be carried out in strict accordance with the approved Precautionary Methodology of Working for Great Crested Newts.

REASON: To ensure adequate protection and mitigation for Great Crested Newts prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

5. No development shall commence above ground slab level until a plan showing the details for siting, positioning and installation of integral nesting features for bats and birds has been submitted to, and approved in writing by, the local planning authority.

The integral nesting features should identify:

- a) the bird/bat species likely to benefit from the proposed integral nest feature;
- b) the type of integral nest feature to be installed;
- c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- d) the location on each building where features are to be installed.

The integral nest box plan should be implemented in accordance with the approved details and all boxes shall be retained (or replaced as necessary) for the lifetime of the development.

REASON: For the protection, mitigation and enhancement of biodiversity.

6. No development shall commence on site above slab level until details of the materials to be used for the external walls, cladding and roofs, windows and doors 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. The development hereby approved shall not be brought into use until details of a design showing a no right hand turn exit onto Pathfinder Way from the school entrance have been submitted to the LPA and approved in writing. The approved scheme shall be delivered on site prior to first use of the building and shall be retained as such for the lifetime of the development

REASON: In the interests of highway safety

8. No part of the development hereby permitted shall be first brought into use until the car parking spaces shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05, have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site and in the interests of highway safety.

9. No part of the development hereby permitted shall be first brought into use until the cycle and scooter parking as shown on the

approved drawing ref: Cycle Parking Details 0386 Rev P03, has been provided in the locations shown and in accordance with the approved details. This provision shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made within the site for the parking of cycles and scooters in the interests of sustainable travel.

10. No part of the development hereby permitted shall be first brought into use until the pedestrian access gate and path have been provided on the northern site boundary (to the west of the Gas Governor) to connect with the path on the site perimeter and as shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05. The access and gate shall be retained and maintained for the lifetime of the development and made available for use at school drop off and pick up times.

REASON: To encourage sustainable travel choices and in the interests of highways safety.

11. No part of the development hereby permitted shall be first brought into use until, a small sign shall be provided near to the school main entrance gate, to direct pedestrians arriving along the footway adjacent Pathfinder Way from the north to the pedestrian access gate (located to the west of the Gas Governor). The sign shall be retained for the lifetime of the access use.

REASON: In the interests of pedestrian safety

12. No part of the development hereby permitted shall be first brought into use until the window in the southwest facing elevation at first floor level and the last window on the western side of the rear facing elevation at first floor level have been glazed with obscure glass to an obscurity level of no less than level 3 and thereafter, the windows shall be permanently maintained with obscure glazing in perpetuity

REASON: In the interests of residential amenity and privacy.

13. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

14. The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy ref: MKS-HYD-

XX-XX-D-C-9000 P01 & MKS-HYD-XX-XX-D-C-9001 P01 prepared by Hydrock.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

15. The development hereby approved shall be undertaken in accordance with the approved landscape strategy.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

16. 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.

Informatives:

- 1. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.**
- 2. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.**
- 3. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise**

the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

4. Wiltshire Council as Highway Authority is proposing to install 'No Waiting At Any Time' markings on Pathfinder Way. The applicant must liaise with the Highway Authority to ensure the timescales for the necessary TRO correspond with the school delivery programme to meet Condition 7.
5. The applicant is encouraged to consider the inclusion of rainwater harvesting as part of school site to maximise the sustainability performance of the school.
6. The applicant is also encouraged to enter discussion with the Council's highways team, the respective Town and Parish Councils and education colleagues to bring forward a safe walking route to the school for residents from Berryfield and Semington Road.
7. It is noted that the proposed boundary treatments for the school site can be erected under permitted development rights, and it is understood that the applicant intends to erect a secure boundary fence of 2m in height and secure gates to ensure the safety and of users of the school. It is strongly encouraged and advised that the applicant provides this before the school is brought into use
8. The applicant is also strongly advised to enter discussions with respective colleagues within the Council to expedite the delivery of the footpath connectivity from the school to the wider site northern boundary using received s106 money secured from the housing developer as part of the 16/01123/OUT development.

66 Urgent Items

There were no urgent items.

(Duration of meeting: 3.00 - 5.25 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services, direct line 01225 718259, e-mail ellen.ghey@wiltshire.gov.uk

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