

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 SEPTEMBER 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr David Vigar, and Cllr Mike Sankey (Substitute)

#### **Also Present:**

Cllr Horace Prickett

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#### 42 **Apologies**

Apologies for absence were received from:

- Councillor Suzanne Wickham, who was substituted by Councillor Mike Sankey.
- Councillor Edward Kirk.

#### 43 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 5 July 2023 were considered. Following which, it was:

#### **Resolved:**

**The Committee approved and signed the minutes of the previous meeting held on 5 July 2023 as a true and correct record.**

#### 44 **Declarations of Interest**

Councillor Ernie Clark highlighted that he was a Member of Hilperton Parish Council which had given its opinion on planning application PL/2022/08726 (Agenda Item 7). Cllr Clark noted that he had abstained from voting on the application during that meeting of the Parish Council, as detailed in those minutes, and as such, he stated that he had not predetermined his decision on the application.

45 **Chairman's Announcements**

There were no specific Chairman's announcements.

46 **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.

47 **Planning Appeals and Updates**

The Chairman invited Kenny Green, Development Management Team Leader, to update the pending and determined appeals as per the appeals report included within the Agenda Pack.

The appeal decision for application PL/2022/00784, pertaining to a delegated refused application to convert the Kings Head pub in Chitterne to residential use, was highlighted, and the Committee was informed of the successful defence of the appeal with direct reference made to the adopted Wiltshire Core Strategy and Policy that seeks to safeguard valued community assets.

Following which, it was:

**Resolved:**

**The Committee noted the appeals report for the period 23 June 2023 to 15 September 2023.**

48 **PL/2022/08726: Land off Ashton Road, Hilperton, Trowbridge**

**Public Participation**

- Sasha Berezina, Planning Consultant Representative on behalf of Andrew Cresci, local resident, spoke in objection to the application.
- Gavin Johnson, local resident, spoke in objection to the application.
- Alex Moss, local resident, spoke in objection to the application.
- Simon Chambers, agent for the applicant, spoke in support of the application.
- Lucie Castleman, on behalf of Hilperton Parish Council, spoke in objection to the application.

The Senior Planning Officer, Gen Collins, introduced the report which recommended that the Committee gave delegated authority to the Head of Development Management to grant planning permission for the erection of one dwelling and detached garage, subject to planning conditions, and the completion of a S106 legal agreement covering the matters set out within Section 10 of the report.

It was noted that prior to the Committee meeting, a Member site visit had been undertaken, with the Case Officer being present.

Key material considerations were identified including the principle of development/Wiltshire Council's 5-year housing land supply; the impacts on the living conditions of neighbouring residents; the impacts on the character of the area/setting of the Conservation Area; highways issues; ecology; and drainage issues.

Attention was drawn to late representations that had been submitted following publication of the agenda, one of which being from an ecological consultant representing a local resident, and additional submissions with respect to the impact on the adjacent Conservation Area, Wiltshire Council's Ecologist's assessments, the potential effect on landscape connectivity for bats, and the impacts on daylight and shadowing of neighbouring properties.

Following from this, the Case Officer reassured Members that following publication of the agenda, Natural England had provided written confirmation that it was satisfied the development would not result in significant or harmful ecological effects, and ratified the Council's Ecologist's assessment, and thus resolved one of the published headline recommendations within the report.

The Committee took a comfort break from 4.00pm to 4.10pm.

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer.

Details were sought on which trees and/or boundary hedging would be removed, retained, or replanted and how these would affect the screening between neighbouring properties. Questions were also asked about the Trowbridge Bat Mitigation Strategy (TBMS), the established bat flight lines and habitats, the assessments undertaken by the Council's Ecologist, and how the development may impact the adjacent Conservation Area.

Members also queried the settlement boundaries of Trowbridge and Hilperton, the materiality of the made Hilperton Neighbourhood Plan and Hilperton Village Design Statement, the proposed scale and materials to be used, the relevance of Wiltshire Core Strategy Core Policy 2, and if the development was to be considered as an exception due to it being situated between the two boundaries.

Wiltshire Council's housing shortfall and the inability of the Council to demonstrate a 5-year housing land supply was discussed alongside the receipt of Natural England's written confirmation and agreement with the ecological assessments.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Councillor Ernie Clark, then spoke in objection to the application where he noted concerns in respect of the loss of green space and harm to the adjacent Conservation Area, the impact on the bat corridor, the scale and specifications of the development, and finally the importance of maintaining the separate historic character and identity of Hilperton village.

A debate followed where the visual impact of the development and the principle of the 5-year housing land supply were discussed alongside the Bath and Bradford on Avon Special Area of Conservation (SAC) and the “Bechstein 1500m Core Roost Buffer” for bats. The relationship and work undertaken between Wiltshire Council Planning Officers, Ecology Officers, and Natural England throughout the application process were also noted.

During the debate, a motion to refuse planning permission was moved by Councillor Ernie Clark and was seconded by Councillor Trevor Carbin. Following a vote on the motion, it was:

**Resolved:**

**The Committee REFUSED planning permission, against officer recommendations, for the following reasons:**

- **The development site is located outside any settlement limit and the proposal would result in developing an important gap that separates the settlements of Hilperton village and the town of Trowbridge. The site has had planning permission for residential development refused previously and dismissed on appeal, most recently in 2000 under APP/F3925/A/00/1041721, whereby the appointed planning inspector concluded that this plot constitutes part of a continuous undeveloped gap that is necessary to safeguard the separate identity of the village of Hilperton and to maintain the setting character of the Hilperton Conservation Area.**
- **Notwithstanding the acceptance that the Council cannot currently demonstrate a 5-year housing land supply, the development of this important spatial gap would materially conflict with adopted Wiltshire Core Strategy Core Policies CP1, CP2 and CP51, which inter alia seeks to protect landscape character and the separate identity of settlements. In the case for Hilperton, maintaining this site as an undeveloped gap is considered necessary as a transition plot separating the historic edge of the village and Paxcroft Mead (being part of Trowbridge) as well as providing a valued natural landscape setting to the village and the Conservation Area. The proposal would therefore conflict with Wiltshire Core Strategy Core Policy 58 by eroding the natural landscape setting to the Conservation Area and the wider setting of properties including the non-designated heritage asset at the Grange.**

- **The proposal by virtue of its design, size and height, would also appear unduly prominent and unsympathetic to surrounding/neighbouring buildings, contrary to part 2 of the village design character statement and Wiltshire Core Strategy Core Policy 57.**
- **The harm that would result would not be outweighed by the benefits of providing 1 additional dwelling at a time of a recognised housing supply shortfall. Moreover, given the material conflicts with maintaining settlement identity and safeguarding the setting of the Conservation Area, and delivering high quality development, the provisions of paragraph 11 of the NPPF have been taken into account, but the weighted harm would significantly and demonstrably outweigh any benefits.**

49 **PL/2021/09739: Land Rear of 54 Woodmarsh, North Bradley, BA14 0SB**

Public Participation

- Francis Morland, local resident, spoke in objection to the application.
- Nigel Bedford, agent to the applicant, spoke in support of the application.
- Councillor Roger Evans, on behalf of North Bradley Parish Council, spoke in objection to the application.

The Senior Planning Officer, David Cox, introduced the report which recommended that the outline application be approved for the construction of up to 23 residential units including detailed access on the land to the rear of No. 54 Woodmarsh, North Bradley, with all other matters including appearance, landscaping, layout, and scale to be reserved, subject to planning conditions, and the applicant first entering into a S106 agreement to deliver the essential infrastructure made necessary by the development as set out within Section 9.6 of the report.

Key material considerations were identified including the principle of the development; ecology issues and the impact on bats as part of the Trowbridge Bat Mitigation Strategy (TBMS); access and highway safety; impact on neighbouring amenity; drainage issues; archaeology and heritage matters; and S106 contributions.

Members of the Committee then had the opportunity to ask technical questions of the Planning Officer.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Councillor Horace Prickett, then spoke in objection to the application.

A debate followed where the Bath and Bradford on Avon Bat Special Area of Conservation (SAC) and TBMS were discussed in respect of habitat and flight path concerns, the impacts of the increased traffic and light pollution created by the scheme, and who would be responsible for maintaining the green areas and existing bat habitats within the application site. The significant weight that Natural England, as a statutory consultee, carried in the planning process was highlighted alongside the lack of a 5-year housing land supply, with Members noting that the proposed scheme proffered less housing than was allocated within the made Plan, and the impacts of the enhanced tree planting and master planned open space were discussed.

Other issues raised included the North Bradley Neighbourhood Plan, maintaining the separation between the village of North Bradley and Trowbridge, and the proportion of affordable housing that would be delivered within the scheme.

During the debate, a motion to grant planning permission was moved by Councillor David Vigar and was seconded by Councillor Trevor Carbin. Following a vote on the motion, it was:

**Resolved:**

**The Committee GRANTED planning permission subject to the applicant first entering into a S106 agreement to deliver the essential infrastructure made necessary by the development set out within Section 9.6 of the report, and subject to the following planning conditions:**

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

**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. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**
  - (a) The scale of the development;**
  - (b) The layout of the development;**
  - (c) The external appearance of the development;**
  - (d) The landscaping of the site;**

The development shall be carried out in accordance with the approved details.

**REASON:** The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of 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.

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

Site Location Plan (A17 21 26 SK01), Existing Survey/Site Plan (A17 21 26 SK02), Design and Access Statement, Transport Statement, Ecological Appraisal and Dusk Survey for Bats (All Ecology Ltd, July 2021) - all received 12 October 2021;

Update Ecological Appraisal (NPA, 20/01/2022) – Received 3 November 2022

Revised Proposed Site Access Plan (21073 - 010-B) – received 10 November 2022

Site Specific Flood Risk Assessment and Drainage Strategy (IMA-22-103 June 2023), Ecology Addendum (NPA 11257 103 – PO1), Ecology Parameters Plan (Drg No 11257 NPA ZZ ZZ DR Y 1201 P02 - (NPA, 05/08/2022)) and 11257 Biodiversity Metric 3.1 calculation tool - v 7 Layout Rev M Jun23 – all received 29 June 2023

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

**NOTE:** The indicative masterplan (Drg No A17 21 26 SK10 Rev L) and indicative colour masterplan (Drg No A17 21 26 SK12) are only indicative and do not therefore form part of the approved plan list.

5. No part of the development hereby permitted shall be first occupied until the site junction, access road, footways have been completed in accordance with the details shown on the approved plans (Proposed Site access 21073-010 Rev B (Nov 2022) and properly

consolidated. The areas shall be maintained for those purposes at all times thereafter.

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

- 6. No part of the development shall be first occupied, until the visibility splays and informal crossing points shown on the approved plans (Proposed Site access 21073-010 Rev B (Nov 2022), Visibility splays 2.4m x 43m, and informal crossing points have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction**

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

- 7. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.**

**REASON:** To ensure that the development is served by an adequate means of access.

- 8. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.**

**REASON:** To ensure that the roads are laid out and constructed in a satisfactory manner.

- 9. The development hereby permitted shall be carried out in accordance with the Ecological Parameters Plan. Drwg. No. 11257**



**NPA ZZ ZZ DR Y 1201. Rev. 02. (NPA, 05.08.2022). This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.**

**REASON: To protect the ecology on the site.**

**10. The development will be completed in accordance with the Biodiversity Metric 3.1 (NPA, 27/06/023) or a subsequent revised metric calculation submitted to and approved by the Local Planning Authority. This condition shall be discharged when a report has been submitted to and approved by the Local Planning Authority which demonstrates that the development has been completed in accordance with the approved metric calculation. The report will demonstrate for habitats and hedgerows and that the development will achieve at least 100% mitigation (i.e. no net loss) for land lost to development.**

**REASON: to meet the requirements of the Trowbridge Bat Mitigation Strategy.**

**11. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The CEMP shall include a detailed plan showing detail of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:**

- a) Phasing plan for bat habitat creation and landscape works in the north and east of the site.**
- b) Identification of ecological protection areas/buffer zones/bat habitat and tree root protection areas and details of physical means of protection, e.g. exclusion fencing and including who will be responsible for its installation.**
- c) Location of construction compounds.**
- d) Details on locations of any construction lighting (if required: Note: this must be kept away from boundary features).**
- e) Working method statements for protected/priority species, such as nesting birds, and reptiles.**
- f) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts/bats; this should comprise the pre-construction/construction related elements of strategies only.**
- g) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including**

details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

h) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

i) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

j) details of drainage arrangements during the construction phase

Development shall be carried out in strict accordance with the approved CEMP.

**REASON:** To ensure adequate protection and mitigation for ecological receptors 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.

**12.** No development shall commence on site until a scheme for the provision and creation of a SuDs located in the northern part of the site/within the public open space area has been submitted to the LPA for approval. The SuDs shall be designed as a permanent waterbody with a diverse marginal structure using trees, shrubs and grasses to provide suitable aquatic habitat for foraging bats.

The scheme shall be completed in accordance with the approved details and in accordance with the timetable detailed in the approved scheme.

**REASON:** For the mitigation and enhancement of biodiversity.

**13.** No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based on the approved Ecological Parameters Plan. Drwg. No. 11257 NPA ZZ ZZ DR Y 1201. Rev. 02. (NPA, 05.08.2022) the approved Biodiversity Metric 3.1 (NPA, 27/06/023) submitted with the application, or a revised Biodiversity Metric submitted and approved. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal mechanism(s) by which long-term implementation of the plan will be secured. The

**LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.**

**REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.**

**NOTE: The s106 should have a clause that a management company will be required to manage the land required under the terms of the LEMP condition.**

**14. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority.**

**The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.**

**This condition shall only be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.**

**REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to core bat habitat meets the requirements of the Trowbridge Bat Mitigation Strategy.**

**15. No development shall commence on site until a plan (details) for the selection, 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 plan should show the green infrastructure that the development is to provide, illustrating how birds and bats using the boxes have access to the relevant habitat/food resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.**

**The integral nesting feature should identify, as a minimum:**

- 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, shown on all appropriate building plans and elevations;.

No dwelling shall be first occupied until the approved details of the integral nest box plan have been implemented in accordance with the approved details. All boxes shall be retained in good working order in perpetuity.

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

16. Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

**REASON:** In the interests of ensuring the site can be adequately drained.

**NOTE:** This will require calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100 year return period storm events. This will also require the applicant to undertake a sensitivity analysis on the network considering surcharged outfall conditions and has shown overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 year plus climate change rainfall event.

**Informatives:**

1. The application involves creation of informal crossing points and lowered kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

2. **Wiltshire Council issues land drainage consents for discharges to ordinary watercourses and also for any works within 8m. The Environment Agency issue environmental permits for discharges to main rivers and any works within 8m, however we agree the flow rate for this as well). Within the calculations, the Additional Storage Volume factor must be set to zero and the margin for “flood risk” warning in hydraulic models been set to  $\geq 300\text{mm}$ .**

50 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 6.05 pm)

The Officer who has produced these minutes is Ellen Ghey - Democratic Services  
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