

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 AUGUST 2016 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While and Cllr Gordon King (Substitute)

#### **Also Present:**

Cllr Stephen Oldrieve, Cllr David Jenkins and Cllr Horace Prickett

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#### **64 Apologies for Absence**

Apologies for absence were received from Cllr Graham Payne and Cllr Trevor Carbin who was substituted by Cllr Gordon King.

#### **65 Minutes of the Previous Meeting**

It was noted that the minutes of the meeting held on 18 May remained outstanding.

#### **Resolved:**

**To confirm the minutes of the meeting held on 29 June 2016 and request that the minutes of the meeting held on 18 May 2016 be presented at the next available meeting.**

#### **66 Chairman's Announcements**

There were no Chairman's Announcements.

**67 Declarations of Interest**

Cllr Jonathon Seed advised that he was a holiday park owner however did not consider this to be an interest to preclude him from the debate and vote on item 6a - 16/00587/FUL- land at Brokerswood Country Park and he would participate with an open mind.

**68 Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

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

Following a request from the local member, the Committee agreed to bring forward determination of agenda item 6c- application 16/03456/FUL – The Bungalow, Pepperacre.

**69 Planning Applications**

The Committee considered the following applications:

**70 16/03456/FUL - The Bungalow, Pepperacre Lane, Trowbridge, BA14 7JQ**

The Senior Planning Officer introduced the application for the conversion of an existing dwelling into two dwellings and the erection of one further dwelling, two detached garages, associated landscaping and access works. The application was recommended for approval, subject to the conditions outlined in the report. The officer presented the existing and proposed site plan, the proposed elevations of the dwellings and photographs of the site on Pepperacre Lane. A summary was provided of the recommended planning conditions which covered: materials, ecology, timescales, parking, landscaping, energy performance and plans.

As there were no technical questions the Chairman invited members of the public to speak.

Mark Sutton and Norbert Crossley spoke in objection to the application.

Chris Beaver (the applicant's agent) spoke in support of the application.

The local member, Cllr Steve Oldrieve, spoke in objection to the application. The councillor had no objection to the principle of the development however had concerns about overlooking, access arrangements, and the impact of the development on the character and tranquillity of the area.

Following questions from members about the Elmhurst development to the south west of the site, the Senior Planning officer advised that the access roads would probably be adopted by the Council due to the number of properties and this proposed development on the bungalow site would also accord with the character of the neighbouring development. Questions were raised over the potential for the proposed development to overlook the neighbouring development and officers reassured the Committee that there was sufficient distance between dwellings and that habitable rooms were not directly overlooked due to the direction of the windows.

Cllr Christopher Newbury, seconded by Cllr Ridout, moved the officer recommendation.

In the debate that followed members considered the density of the proposed development and understood that the footprint of the existing bungalow would not be changed. The Committee noted that there had been no objection from ecologists and there was to be further landscaping on the site.

**Resolved:**

**To grant planning permission, 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. No development shall commence on site until details 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.**

- 3. The development hereby approved shall be carried out in accordance with the Badger Mitigation Strategy and the Bat Mitigation and Enhancement Strategy, both prepared by Stark Ecology as submitted by**

email on 20th June 2016 and as modified by a Natural England European protected species licence. The bat roosting features incorporated within the garages shall be provided in a suitable condition for use by bats for the lifetime of the development hereby approved.

**REASON:** To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

4. 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, the details of which shall include:-
  - a. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
  - b. finished levels and contours;
  - c. means of enclosure;
  - d. all hard and soft surfacing materials.

**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, to ensure a satisfactory landscaped setting for the development.

5. 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 buildings or the completion of the development whichever is the sooner. 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.

6. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**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, to ensure that the development can be adequately drained.

7. No development shall commence on site until details for the disposal of sewage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

**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, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

8. No part of the development hereby permitted shall be first occupied until the turning areas and parking spaces/garaging 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 the interests of highway safety.

9. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

**REASON:** To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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

PEP 001 Rev B Plot 2 & 3 Existing Building Plan Registered on 27 April 2016;  
PEP 001 Rev B Plot 2 & 3 Existing Elevations Registered on 27 April 2016;  
PEP 003 Rev C Registered on 27 April 2016;  
PEP 004 Rev C Registered on 27 April 2016;  
PEP 005 Rev D Registered on 27 April 2016;  
PEP 006 Rev D Received on 24 May 2016;  
PEP 007 Rev E Registered on 27 April 2016;  
PEP 008 Rev B Registered on 27 April 2016;  
PEP 009 Rev C Registered on 27 April 2016;  
PEP 0011 Rev D Received on 24 May 2016; and  
PEP 0014 Rev B Registered on 27 April 2016.

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

11. **INFORMATIVE:**

Please note that this consent does not override the statutory protection afforded to any protected species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).

Please also be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence.

## **12. INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior

**to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website**  
**[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).**

**71 16/00587/FUL- Brokerswood Country Park, Brokerswood Road, Southwick, BA13 4EH**

The Senior Planning Officer introduced the application for a change of use to locate 90 holiday lodges, 10 touring units and 10 camping pods together with associated infrastructure and Liquid Petroleum Gas storage area (in place of 89 touring unit pitches). The application was recommended for approval, subject to the conditions and informatives outlined in the report. A history of the site was given, including previous planning permissions and details of land ownership. It was explained that the key policy relevant to the proposal was Core Policy 39 (Tourism Development) of the Wiltshire Core Strategy. The officer advised that the application was an extension of the existing site and stated that the paddock area had existing planning permission for pitches. Statutory declarations regarding the use and non-use of this paddock had been received from the agent and residents.

The officer drew attention to the late observations and noted that a site visit, attended by Committee members, had taken place earlier that day to allow members to familiarise themselves with the site. The proposed layout of the lodges, units and camping pods was provided, alongside details of existing structures to be removed and plans of the existing entrance and exits which were to be used for access. The Senior Planning Officer acknowledged that 1.7% of the woodland would be lost to the development however there would be no damage to the ancient trees and it was considered that the application, which included a woodland management plan, would be of significant benefit to the woodland.

Members were advised that the site would be open to visitors using the lodges, caravan and camping pods all year round, however traffic to the site was expected to reduce in comparison with current usage due to the site being closed to day visitors; as such no objections had been raised by Highways officers. It was noted that local residents had undertaken a traffic survey however this was not considered to be reliable and could not be taken into consideration due to a lack of information regarding when, how and where the survey had been undertaken, it had also not been submitted to the Local Planning Authority. Photographs of the site were shown and the officer summarised that the application was not considered to have an adverse impact

on the neighbouring amenity and would see enhanced ecology, employment opportunity, rural tourism and a positive impact on highways.

In response to technical questions, it was stated that in the locality there was a farm shop, nearby pubs and nearby towns and villages that could benefit from the development attracting tourists to the locality.

Tracey Peachment, Simon Langdon and Nigel Godsiff spoke in objection to the application.

Neil Benson, James Whiteford and Jeremy Lambe (the applicant's agent) spoke in support of the application.

Cllr Marion Masters, Southwick Parish Council, and Cllr Alison Irving, Dilton Marsh Parish Council, spoke in objection to the application.

The local member, Cllr Horace Prickett, spoke in objection to the application on the grounds that it did not meet the requirements of Core Policy 39, was an unsustainable development and he considered it to be more than an extension of the existing permission.

In response to statements from members of the public, the Senior Planning Officer stated that the addition of 21 pitches on the site was an extension of the existing permissions and that parts of the site within the application submission was a change of use. It was clarified that the site would still be a visitor attraction and would only alter the type of visitor being attracted as the site would no longer be open to day visitors.

Cllr Andrew Davis, seconded by Cllr While, moved the officer recommendation. The proposer and seconder accepted an amendment moved by Cllr Seed to include a further informative asking the applicant to consider the possibility of a vehicular exit from the site onto Brokerswood Road.

In the debate that followed, members discussed the impact of the development on traffic levels and consequently the local highways network. Some members expressed disappointment that the applicant had not considered a separate access to this site and the Committee agreed that an informative be added to request that the applicant consider the possibility of a vehicular exit from the site onto Brokerswood Road. Councillors discussed the impact of the proposals on the ancient woodland and the Woodland Trust's response. Overall, it was considered that the development would be an improvement to the woodland. The situation of the site in the open countryside was discussed and councillors considered the risk of the site becoming derelict without intervention and the subsequent loss of amenity. It was commented that the proposal would be an effective way of preserving the amenity.

On going to the vote, Cllr Ernie Clark wished it be recorded that he voted against the motion.



**Resolved:**

**That planning permission be granted, 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 use of the site hereby permitted is restricted to 90 lodges, 10 touring unit pitches and 10 camping pods and shall not be used for any other purpose. No more than either one tent, caravan, lodge (as defined in the Caravan Sites and Control of Development Act 1960 (amended by Statutory Instrument No 2374 1<sup>st</sup> October 2006) and the Caravan Sites Act 1968) or pod[s] shall be stationed on each pitch at any time.**

**REASON: To control the number of pitches to ensure the adequacy of parking provision and in the interest of the character and appearance of the area.**

- 3. Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification), the accommodation hereby permitted (lodge numbers 1 to 67 and 69 to 90, camping pods 1 to 10 and touring unit pitches 1 to 10) shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. An up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.**

**REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.**

- 4. The occupation of the lodge number 68 as annotated on drawing number LPD/BWCP16/HL5 shall be limited to a person solely or mainly employed or last employed in the business occupying the plot edged red on the submitted location plan, or a widow or widower of such a person, or any resident dependents.**

**REASON:** The site lies within an area where planning permission would not normally be granted for development unrelated to the essential needs of the established business for which nearby staff accommodation is now required and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

- 5. No demolition or site clearance shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:**
  - A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;**
  - A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;**
  - A schedule of tree works conforming to British Standard 3998: 2010;**
  - Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;**
  - Plans and particulars showing the siting of the existing and proposed service and piping infrastructure (including pipes, drains, sewers, gas, electric, telephone and water);**
  - A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;**
  - Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and**
  - Details of all other activities, which have implications for trees on or adjacent to the site.**
  - In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a precommencement site meeting has been held, attended by the developer's arboricultural consultant, the**

designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.

- **Construction Method Statement** to provide details of excavation works within the root protection areas and how the proposed routes of underground services will avoid high density areas of root systems of retained trees and details of alternative routes for these services.

**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, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

6. No development associated with the lodges, camping pods and/or roads shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species;
- b) Description and evaluation of features to be managed; including location(s) shown on a site map;
- c) Landscape and ecological trends and constraints on site that might influence management;
- d) Aims and objectives of management;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) A copy of the final Woodland Management Plan;
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a {5-year period)
- i) Details of the body or organisation responsible for implementation of the plan;
- j) Ongoing monitoring and remedial measures, including an Ecological Monitoring Programme);
- k) Timeframe for reviewing the plan; and
- l) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for

its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

**REASON:** To ensure the long-term management of protected and priority habitats and other landscape and ecological features, and to maintain and enhance these habitats and features in perpetuity.

7. No development associated with the lodges, camping pods and/or roads shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging construction activities
  - b) Identification of 'biodiversity protection zones'
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - d) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset)
  - e) The times during construction when specialists ecologists need to be present on site to oversee works
  - f) Responsible persons and lines of communication
  - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW)
  - h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by the Ecological Clerk of Works certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of the Ecological Clerk of Works following that approval.

**REASON:** The application contained insufficient information to enable this matter to be considered in detail 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 and to ensure adequate protection, mitigation and compensation for ancient woodland, protected species, priority species and priority habitats.

8. No lodge shall be installed on the site until a palette of materials to be used for the external walls and roofs of the lodges hereby approved 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 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, in the interests of visual amenity and the character and appearance of the area.

9. No lodge or camping pod shall be installed on the site until a scheme for the discharge of foul water from the site, incorporating either phased improvements to existing treatment facility to provide increased capacity or an entirely new treatment plant together with any discharge consents required, has been submitted to and approved in writing by the Local Planning Authority. The development, or phase, shall not be first occupied until foul water drainage has been constructed (for that phase) 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, in the interests of ensuring appropriate foul water disposal.

10. No lodge or camping pod shall be installed on the site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied 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, in the interests of ensuring appropriate surface water run off.**

- 11.No lodge or camping pod shall be installed on the site until a timetable for the removal of on-site infrastructure (adventure playground, train and its associated track, outbuildings etc) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.**

**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.**

- 12.The development hereby approved shall be carried out in strict accordance with the additional Ecological Information ref. 15-3614 v2 dated 07.04.16 by Lockhart Garratt Design received by the Local Planning Authority on 25th April 2016**

**REASON: To ensure adequate protection and mitigation for protected species, priority species and priority habitats, including ancient woodland, through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.**

- 13.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 first 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.**

**14. There shall be no lighting installed within the site other than those shown on the approved plans.**

**REASON: In the interests of minimising light levels and light spillage to avoid disturbance in the open countryside and to habitats.**

**15. The camping pods shall be constructed in accordance with the The Pod Brochure received by the Local Planning Authority on 7th June 2016.**

**REASON: To ensure the camping pods are appropriate in material and colour to their ancient surroundings.**

**16. No lodge hereby approved shall be first occupied until the associated parking spaces together with the access thereto, have been provided in accordance with the approved plans.**

**REASON: In the interests of highway safety and the amenity of future occupants.**

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

**received on 20th January 2016**

**LPD/BWCP16/LP4 (Location Plan), LPD/BWCP16/TSL1A (Existing Layout), LPD/BWCP16/LPG1 (LPG Tank Elevation), LPD/BWCP/16/LPG2 (Tank Floorplans)**

**Received on 8th February 2016**

**Lodge Details: Rochester, Chichester  
LPD/BWCP16/TSL1A/SR (Structures to be removed)**

**Received on 12th February 2016**

**Lighting Bollard Details**

**Received on 13th May 2016**

**3762/04/M15-2110 V5 (Operational Intentions Map)  
3762/01/M16-0143 V2 (Ecological Mitigation Plan)**

**Received on 2nd June 2016**

**LPD/BWCP16/HL5 (Proposed Layout)  
The Breeze House, Buckland**

**Received on 13th June 2016**

**LPD/BWCP16/HL5/LB/1B (Lighting Bollard Location)  
3762/04/D15-2713 V3 (landscape strategy plan)**

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

**1. INFORMATIVE TO APPLICANT:**

Should works to, on, over, near or connections to ordinary watercourses form part of this application then a separate application for each will be required to be made to the LLFA for consent. Granting of planning permission does not mean automatic Land Drainage Consent approval  
The applicant will need to contact the Environment Agency regarding and proposal to increase effluent discharge as proposals are likely to mean a need to amend existing or issue a new discharge consent.

**2. INFORMATIVE TO APPLICANT:**

**Foul Drainage**

A private package treatment plant is proposed. The site currently benefits from an existing Environmental Permit for a discharge to river. However, this will need to be varied if it is to be applicable to the proposed treatment plant. The applicant must contact the Environment Agency on 03708 506 506 or view our website for further details in this matter - <https://www.gov.uk/guidance/change-transfer-or-cancel-yourenvironmental-permit>

**Pollution Prevention During Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes.

**3. INFORMATIVE TO APPLICANT**

The Western Area Planning Committee would request the applicant to consider the possibility of a vehicular exit from the site onto Brokerswood Road.

72      **15/11604/OUT - Westbury and District Hospital, The Butts, Westbury, BA13 3EL**

The meeting adjourned at 17:10 for five minutes.

The Chairman permitted Michael Sutton to speak in objection to the application, prior to the planning officer's presentation.

The Senior Planning Officer introduced the outline planning application wither all detailed matters reserved for a later stage, except for the means of access to serve up to 58 dwellings. Members were informed that the submission was supported by several plans which illustratively identified landscape treatment,



provisions of public open space, housing and internal road layout on the site of the former Westbury and District Hospital. It was recommended that the Committee delegate authority to the Head of Development Management to grant outline planning permission, subject to the completion of a s106 agreement within 6 months (taken from the date of the committee resolution) to cover the developer obligations as summarised within section 9.14 of the report and planning conditions and informatives as listed in the report, and to consider the late observations (contained in the agenda supplement) made by the Council's archaeologist.

The Senior Planning Officer presented a parameter plan and illustrative landscape plan, explaining that the number of houses and density of development had materially reduced since the pre-application and initial application stages. An indicative layout showed where affordable housing could be located within the development, which factored in the vacant building credit implications alongside the provision for public open space. A series of extensive photographs of the site, and perspectives from nearby locations were shown and referenced.

The Committee was advised there was no photograph taken from Orchard Road in the officer's presentation. There were no other technical questions.

Erica Watson and Michael Pearce spoke in objection to the application.

Chris Beaver (the applicant's agent) and David Tout spoke in support of the application.

Cllr Ian Cunningham, Westbury Town Council, spoke in objection to the application.

The Chairman said he felt he should point out that he lived in Leighton Green, Westbury, not far from the site, and that in taking part in the debate and the vote he came to the matter with an open mind.

The local member, Cllr Gordon King, spoke in objection to the application since he considered there to be insufficient infrastructure in the town to support a further increase in population. The councillor considered there was sufficient housing supply already in Westbury, with substantial housing numbers and applications having been approved recently. The councillor also raised concerns in respect of drainage, highways, unsustainable development, limited affordable housing and conflict with Core Policy 43.

Cllr Gordon King, seconded by Cllr Magnus MacDonald, moved that the application be deferred to a future meeting to allow for a member's site visit.

In the debate that followed it was suggested that members could assess the potential highways concerns raised by the local member at a site visit. Members also commented this would allow more time for officers to supply further

information on the highways impact of the development and its effect on school places.

**Resolved:**

**To defer determination until a future meeting date to allow for a site visit to assess the impact of the development on highways, and to allow for further information to be provided on the impact of the development on highways and education.**

**73 Appeals Report**

Members considered an update on planning appeals, forthcoming hearings and public enquiries.

A member of the public, Francis Morland, questioned why planning decisions APP/Y3940/W/15/3129040 in Calne, APP/Y3940/W/14/2223354 in Cricklade and APP/Y3940/W/15/3130433 in Westbury were not included in the appeals report.

The Area Team Leader acknowledged Mr Morland's observations and explained that the decisions relating to Calne and Cricklade did not relate to the area covered by the Western Area Planning Committee and the appeals report would be presented to the Northern Area Planning Committee. The officer apologised for any other overlooked and missing decisions that had not been included in the update and advised he would liaise with the appeals administration team to correct matters and that the next appeals report would seek to address any anomalies.

The Area Team Leader explained in detail several key issues raised as part of two recently determined appeals including the dismissed appeal relating to an application the committee refused contrary to officer recommendation in December 2015 for a 4 house residential development at Station Approach, St Margaret's Street in Bradford on Avon. Members were informed that although the Inspector sided with the committee in turning down consent for the development, he found the reason to refuse the development on highway grounds unreasonable; and a partial award of costs was sanctioned. The Area Team Leader explained to members that no costed application had been received from the appellant to date, however, the officer asked members to consider the necessity of applying NPPF paragraph 32 whenever the committee is minded to refuse an application on highway grounds; and of the need to have evidence to substantiate any highway refusal. Without such evidence, Members were reminded that there could be a consequential costs being awarded against the local planning authority if it is found to have acted unreasonably.

The officer also provided members with an outline of what the inspector concluded in allowing an appeal at 48 High Street, Heytesbury and an explanation was given to members on the reasoning behind the withdrawal of the appeal at Land west of Drynham Lane, Trowbridge.

Members expressed particular interest in an update on an decision in respect of land at Trowbridge Rd, Westbury and councillors also requested an update on the latest land figures for the county as they considered this relevant to the determination of planning applications.

**Resolved:**

**To note the update.**

**To request that updates missed from the appeal report at this meeting be included in an expanded and corrected appeals report at the next Committee meeting.**

**To request an update on the appeal decision relating to the appeal at Trowbridge Road, Westbury, be provided at the next meeting.**

**To endorse a request to the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, for an updated statement on housing land supply to be made available to members and published online.**

**74 Urgent Items**

The Committee considered potential dates of the site visit in respect of the Westbury Hospital application, and provisionally agreed upon 2pm on 28 September 2016, to be confirmed at a later date.

(Duration of meeting: 3.05 - 6.25 pm)

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