

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 FEBRUARY 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne, Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While

Also Present:

Cllr Rosemary Brown and Cllr Malcolm Hewson

88. Apologies for Absence

Apologies for absence were received from Councillor Malcom Hewson (substituted by Councillor Trevor Carbin)

89. Minutes of the Previous Meeting

The minutes of the meeting held on 27 January 2010 were confirmed as a correct record and signed by the Chairman.

90. Declarations of Interest

Councillor Rod Eaton declared that he had been heavily lobbied on both items on the agenda tonight but would consider each application on its own merit and with an open mind. This was echoed by a number of councillors.

91. Chairman's Announcements

The Chairman explained that due to the high level of public interest and the controversial nature of application W/09/03175/FUL he would allow 6 speakers in objection to the application and 6 speakers in support of the application.

92. Public Participation

The Chairman explained the rules of public participation

93. **Planning Applications**

93.1. W/09/03175/FUL. Land Adjoining Bradford On Avon Library Bridge Street Bradford On Avon Wiltshire

The committee received additional comments from the Ecologist Officer, the Urban Design Officer and Planning Officer as detailed in appendix 1

Public Participation

1. Mr David Moss, Chairman of Bradford on Avon Preservation Trust, spoke in objection to the application
2. Mr Godfrey Marks, of the Bradford on Avon Preservation Trust, spoke in objection to the application
3. Mr John Carter, of the Bradford on Avon Trust, spoke in objection to the application
4. Miss Kate Nottage, of Bradford Bridge Concern, spoke in objection to the application
5. Mrs Christine Steel, of Bradford Bridge Concern, spoke in objection to the application
6. Mr John Seekings, of Bradford Bridge Concern, spoke in objection to the application
7. Mr Colin Johns, Architect and Planning & Conservation Area Advisor to the Town Council, spoke in support of the application
8. Mrs Isabel Martindale, Chairman of the Town Council, spoke in support of the application
9. Mr Richard Craft spoke in support of the application
10. Mr David Littlefields spoke in support of the application
11. Mr Andrew Eberlin spoke in support of the application
12. Mrs Vicky Landell-Mills, Bradford on Avon Town Councillor and Chairman of the Town Council's Foot/Cycle Bridge Working Group, spoke in support of the application

Councillor Rosemary Brown, Unitary member for Bradford on Avon North, declared a personal and prejudicial interest as the back of her

property overlooks the area concerned. She spoke in support of the application then left the meeting.

Councillor Malcolm Hewson, Unitary member for Bradford on Avon South, declared a prejudicial interest as a Bradford on Avon Town Councillor. He spoke in support of the application then left the meeting.

Resolved:

That planning permission be GRANTED

For the following reasons:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

Subject to the following condition(s):

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 and samples of the materials to be used for the development 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.

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

3. Prior to commencement of the development further details of the exit point barriers or other suitable treatment, shall be 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 interest of highway safety

4. No development shall commence on site until details of any signage 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 amenity and public safety

5. The soffit of the bridge should be set no lower than 30.85 mAOD.

REASON: To ensure the bridge structure does not increase flood risk to the area.

6. 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 :-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours;
- means of enclosure;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.
- 11no. *Tilia cordata* (Lime) and supplied and planted as Extra Heavy Stand trees with a 16-18 cm girth and at a height of 450-500cm and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

7. 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.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

8. The details of the external illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details prior to the first public use of the bridge and so maintained.

REASON: In the interest of amenity and highway safety

9. No development shall commence on site until a Construction Method Statement which shall demonstrate how the River Avon will be protected during construction of the development hereby approved is submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimize detriment to the natural environment through risks of pollution during construction phase.

10. No development shall commence on site until additional ecological updated survey information (this area has records for loddon pondweed, kingfisher, otter and possibly breeding birds) has been submitted to and approved in writing by the Local Planning Authority. The details of which shall also include the method by which the works will be carried out in a manner that does not harm protected species during the construction of the bridge and following the use of it.

REASON: To ensure appropriate protection of protection species.

11. No development shall commence on site until details of the fixings of the mesh panels to the structure has 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.

West Wiltshire District Plan 1st Alteration 2004 – Policy C31a

12. Details of measures to protect the Cor-Ten steel during the initial stabilisation period of the Cor-Ten steel shall be submitted to and approved in writing before the construction of the bridge is commenced. The approved details shall be implemented in full.

REASON: For the avoidance of doubt and in the interests of visual amenity and the character and appearance of the area.

Informative(s):

1. In order for the bridge to be adopted as public highway, it must connect to the existing highway network; to achieve this, land owned by the council which is not designated as highway must be dedicated. This will involve the agreement of and permission from the appropriate council departments. The applicant will need to liaise with all the concerned parties to obtain the necessary permissions and to obtain a legal agreement to complete the works.

2. Wiltshire Council is in discussion with Bradford Town Council regarding the scheme design which will form part of the highway network once completed. Prior to Wiltshire Council making land available for the bridge to be constructed the Town Council's consulting engineer is to provide design and check certificates indicating that the bridge has been designed in accordance with current codes and standards.

3. Please note that under the terms of the Water Resources Act 1991, Flood Defence Consent is required prior to the commencement of construction for any works in, under, over or within 8 metres from the top of bank of Main River, such as the River Avon. Please contact our Development & Flood Risk team on (01278) 484603 for guidance on how to apply for this consent.

4. Although it is not necessarily a significant issue in terms of flood risk, we would recommend that the void/undercroft shown on drawing 1280-014 (section LL-1) under the bridge ramp on the southern bank is filled in. Otherwise ongoing maintenance (clearance of debris) will be difficult to carry out.

Councillors Graham Payne and Rod Eaton asked for their vote against the resolution to be recorded.

93.2 W/09/00690/FUL. Sainsbury Store Bath Road Melksham Wiltshire SN12 6LL

The committee were informed that additional letters had been received as detailed in appendix 1.

Public Participation:

1. Mr Robert Machen spoke in objection to the application
2. Mr James Veakins spoke in objection to the application
3. Mr Tristan Hutton, agent for the applicant, spoke in support of the application
4. Mr Richard Wiltshire, Melksham Town Councillor, spoke in objection to the application

Resolved:

That the application be deferred until the following additional information has been obtained:

- to ascertain the latest flooding legislation, advice and guidance and any implications arising for the proposals
- to investigate gating the car park out-of-hours;
- to ascertain the comments of the Conservation Officer on the revised plans;
- to reconsider the impact of the petrol filling station on Church Walk;
- to reword the conditions 13 and 14 regarding opening and delivery hours;
- to check whether the planning system can increase the number of toilets in the store, or whether this is covered by other legislation;
- to ascertain the arrangements for disabled access on the petrol filling station;
- to chase the missing consultation comments;
- to request an increase to the two-hour parking restriction on the

- site; and
- to request information signage to the town centre

94. **Planning Appeals Update Report**

Resolved:

To note the Planning Appeals Update Report

95. **Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 8.45 pm.
A short recess took place between 7.25 and 7.35 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

PLANNING COMMITTEE Minute Annex

10th February 2010

Observations and recommendations made since preparation of agenda

Item	Comments
Planning Applications	
01	<p>W/09/03175/FUL Land adj Bradford-on-Avon Library, Bridge Street, B-O-A</p> <p>Additional comments received:</p> <p>Ecologist Officer</p> <p>Has suggested that two further conditions are attached</p> <p>1) <i>No development shall commence on site until a Construction Method Statement to which shall demonstrate how the River Avon will be protected during construction of the development hereby approved is submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.</i></p> <p><i>REASON: To minimize detriment to the natural environment through risks of pollution during construction phase.</i></p> <p>2) <i>No development shall commence on site until additional ecological updated survey information (this area has records for loddon pondweed, kingfisher, otter and possibly breeding birds) has been submitted to and approved in writing by the Local Planning Authority. The details of which shall also include the method by which the works will be carried out in a manner that does not harm protected species during the construction of the bridge and following the use of it.</i></p> <p><i>REASON: To ensure appropriate protection of protection species.</i></p> <p>The Ecologist Officer has also commented that flocks of the larger bird species already fly well overhead because of the height of existing buildings. Smaller bird species are more manoeuvrable and would be expected to avoid the structure.</p> <p>Kingfishers which are protected from being disturbed during the breeding season can be expected to fly under the bridge.</p> <p>In relation to bats, they keep close to the water since they are feeding on the water surface. More generally bats use echolocation in order to find their way around the landscape and to find their prey (small insects) so they can be expected to be able to avoid the supporting column and cable stays.</p> <p>Urban Design Officer</p> <p>Has commented that the slender and lightweight minimal nature of the bridge design in general terms is welcomed.</p> <p>A concern though is the standard appearance of the mesh panels to the leaning balustrades. Can the height of the mesh panel being proposed be reduced, say, to half the balustrade height?</p>

Furthermore, can there be a condition attached regarding detailing of the fixing of the mesh panels to the structure to ensure a neater appearance.

A further concern relates to noise generated by persons walking or running across the bridge late in the evening. There does not appear to be any impact absorption material depth within the grit slip resistant surfacing over the steel deck panels.

The masted structure will be a landmark in this part of the town centre and it is important that its true potential to be an elegant, well detailed and functioning bridge is maximized.

Planning Officer's Comments

In response to the Urban Design Officer comments, the applicants preference for the mesh infill (as opposed to vertical spindles) was to maximise the transparency of the structure. The design was also simplified and 'lightened' by amending the raking newel posts to become vertical (in elevation). The mesh infill has been detailed to stop at 1150 above deck level. This is the minimum height required by Highways Standards.

The applicant has also stated that the mesh infill will be designed and detailed to be robust and attractive. The rectangular horizontal members have been selected in order to allow the mesh infill, which is welded around its full perimeter, to be install in a neat and tidy manner, with all wire ends welded to the face of the bar elements.

It is currently intended to provide a 25mm thick steel deck plate with a 25mm epoxy/aggregate build up over. This will result in minimal traffic generated noise from the deck surface. Environmental Health have no objection regarding noise.

A further condition can be attached namely

No development shall commence on site until details of the fixings of the mesh panels to the structure has 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.

West Wiltshire District Plan 1st Alteration 2004 – Policy C31a

02

W09/00690/FUL – Sainsbury Store, Bath Road, Melksham.

Additional letters have been received from the following:

- Sainsbury have written to all the Members of the Planning Committee explaining the need and benefits of their proposal. They state that the planning application seeks to provide “a more comfortable shopping experience and a wider product choice for customers”, which will achieve the following:-
 - 91 additional car parking spaces for both the store and the town;
 - Improved access to the store from the town centre, particularly with the new pedestrian link;
 - Relocation of the petrol filling station away from the listed town bridge;
 - An improved landscaping scheme, including an enhanced riverside walk; and
 - The creation of approximately 30 jobs.

There has been an extensive community consultation to address local concerns, including matters such as lighting, acoustic issues, litter, landscaping and enhancement of the riverside walk.

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| | <ul style="list-style-type: none">• Two letters of objection for the scheme from the same property have been received stating:-<ul style="list-style-type: none">• They were not notified of the proposal;• The loss of the floodplain will impact on properties in the surrounding area;• The flooding has been very close to the property in the past, so what provision will there be to stop it happening in the future;• What measures will the Council and Sainsbury take to stop properties flooding? |
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Planning Officer's Comment: The statutory requirements for publicising an application were observed and included direct neighbour notification of properties, site notices and newspaper notices. As regards the flooding matters raised, the main report details the comments of the Environment Agency and the Council's flooding officer, neither of which object to the scheme in view of the mitigation measures proposed. Both expert consultees are satisfied that the scheme is acceptable subject to the suggested conditions.

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