

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 30 NOVEMBER 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

Present:

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

Also Present:

Cllr Rosemary Brown, Cllr Jon Hubbard and Cllr Francis Morland

108 **Apologies for Absence**

There were no apologies for absence.

109 **Minutes of the Previous Meeting**

The minutes of the meeting held on 9 November 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 9 November 2011.

110 **Declarations of Interest**

W/11/01373/FUL - Church Farm, Church Street, Hilperton, Wiltshire, BA14 7RG

Councillor Trevor Carbin declared a personal and prejudicial interest as he lived next door to the property, accordingly Councillor Carbin would not be in the Council Chamber whilst the application was being considered.

Councillor Ernie Clark declared a personal interest as he had chaired the meeting of the Hilperton Parish Council when this application was discussed. Councillor Clark neither took part in the debate nor voted on the matter. He gave his assurance that he would consider the application with an open mind.

W/11/01248/FUL - The Forge, Park Street, Heytesbury, Wiltshire

Although it was neither a personal or prejudicial interest Councillor Christopher Newbury wished to declare that he had previously employed the main objector to the application as a solicitor.

W/11/02357/FUL - Former Bradford on Avon Hospital, Berryfield Road, Bradford on Avon, Wiltshire

W/11/01373/FUL - Church Farm, Church Street, Hilperton, Wiltshire, BA14 7RG

W/11/01248/FUL - The Forge, Park Street, Heytesbury, Wiltshire

W/11/02648/FUL - Land Adjoining 16 Wiltshire Crescent, Melksham, Wiltshire

W/11/02194/FUL - Land Rear of 12 Lavender Close, Melksham, Wiltshire

Councillors Rod Eaton, Roy While, Mark Griffiths, Jonathon Seed and Pip Ridout declared a personal interest as they had been heavily lobbied with regards to the applications. They all gave their assurance that they would consider the applications with an open mind.

111 Chairman's Announcements

The Chairman explained that the order of the agenda would be slightly amended to consider applications in the following order:

W/11/02648/FUL - Land Adjoining 16 Wiltshire Crescent, Melksham, Wiltshire

W/11/02194/FUL - Land Rear of 12 Lavender Close, Melksham, Wiltshire

W/10/03480/REM - Land Adjoining 21 Wynsome Street, Southwick, Wiltshire

112 Public Participation

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

The Chairman explained that a question had been received from Councillor Ernie Clark after the deadline for the submission of questions. Although the matter was not urgent the Chairman was conscious that there would not be a meeting of the Western Area Planning Committee until January 2012 and accepted Councillor Clark's question.

A copy of the question and response is appended to these minutes. Councillor Clark declined asking a supplementary question.

113 Planning Applications

A late list was circulated at the meeting and is appended to these minutes. The Committee considered the following applications:

113.a W/11/02357/FUL - Former Bradford On Avon Hospital Berryfield Road, Bradford On Avon, Wiltshire

Public Speaking:

- Mr Michael Thomas spoke in objection to the application.
- Ms Glenys Appleton spoke in objection to the application.
- Mr Chris Beaver spoke in objection to the application.
- Mr John Cottle spoke in support of the application.
- Mr Bruce Epsley spoke in support of the application.
- Mr Jim Tarzey, planning advisor for the applicant, spoke in support of the application.
- Mrs Vicky Landell-Mills, on behalf of Bradford on Avon Town Council, spoke in support of the application.

Councillor Rosemary Brown, Unitary Councillor for Bradford-on-Avon North, spoke in support of the application.

The Area Development Manager introduced the report which sought approval and drew the Committee's attention to the late list by reading through the salient points.

In responding to technical questions asked the Area Development Manager clarified that:

- All elements of sloping roof would be in slate;
- The design had been changed to include more use of stone;
- There were no plans for a helipad;
- The air conditioning would be located in the services area;
- The sub-station would be re-located at a distance from the neighbouring dwellings.

During the ensuing debate it became clear that the committee members would have to balance the impact of the development on the setting of a listed building with the benefit for the community from the development. Other issues to take into account were the impact of the development on the conservation area and its proximity to neighbouring properties.

Members of the committee felt that the best way to assess this would be to have an official site visit.

Resolved:

To defer the application until a site visit had been organised to enable the committee to view the site and its surroundings.

113.b W/11/01373/FUL - Church Farm, Church Street, Hilperton, Wiltshire, BA14 7RG

Councillor Trevor Carbin left the room at that point, Minute No.110 refers.

Public Participation:

- Mr Neil Millar spoke in objection to the application

- Mr Spencer Westwood spoke in objection to the application
- Mr Edward Sweet spoke in objection to the application
- Mr Andrew Penna, agent, spoke in support of the application

During the debate members of the committee discussed the provision of affordable housing, the off and on site parking and the possible impact of the development on the character and appearance of the conservation area.

On being put to the vote a motion to refuse planning permission was lost, Councillor Clark asked for his vote in favour of refusing planning permission to be recorded.

Resolved:

To delegate authority to the Director of Development to grant planning permission subject to a legal agreement to secure the following:

- i) a financial contribution towards the provision of 6 primary school places. Calculated at the 2011/12 cost multiplier of £12598 each, (totalling £75, 588 which would be valid on any S106 signed by 31.03.12);**
- ii) a financial contribution towards the provision of traffic calming, enhanced bus service infrastructure and a contribution of £2000 towards improvements to Bridleway HILP33 which links directly from the village to Middle Lane in Trowbridge;**
- iii) a financial contribution of £20,000 towards improvements to the village hall facilities.**
- iv) a financial contribution of £10,600 to be made in respect to enhancing off-site public open space provision, which shall ring fenced for improving the existing facilities at Hilperton Recreation Ground. [NB. Should the applicant wish to transfer the maintenance of the on-site public open space to the Council, there would be an additional financial contribution levied amounting to £27,915].**
- v) the provision of 3 affordable housing units on site (offered as the 2 x 2 bed units within Building B and 1 of the mid terrace 3- bed units within Building G) for rented accommodation as well as providing a commuted sum for off-site provision which shall be subject to a claw-back clause to allow for the 'open book' test to be revisited before any units are sold to ensure any subsequent improvement in viability is reflected in the commuted sum payment.**

For the following reason(s):

The proposed development conforms to the Development Plan and the legal agreements 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 all the tin clad existing buildings (which are not identified for retention) have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policies C18 and C22.

3 For the avoidance of any doubt, the red brick and pantile roofing material used in building 2 (B _C) and the natural stone built boundary wall fronting Church Street shall be carefully dismantled and stored in a dry and secure place for re-use. The materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

REASON: In the interests of preserving the character and appearance of the Conservation Area.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policies C18 and C22.

4 No development shall commence on site (including any works of demolition), 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (h) measures for the protection of the natural environment.
- (i) hours of construction, including deliveries;

has been 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 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.

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan 1st Alteration 2004 policy C38 [NB. In addition to the requirements listed above, reader's attention is also drawn to the terms of condition 15 below - which specifically covers ecological interests]

5 No development shall commence on site until details and samples of the materials to be used for the development, including the dwellings, external walls (including all the new means of site/plot enclosures) and roof materials 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.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policies C18 and C31a.

6 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policies C18, C31a and C38

7 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preventing light pollution and nuisance

POLICY: West Wiltshire District Plan - 1st Alteration policies C35 and C38.

8 No development shall commence on site until details of the finish to external timber, including any paint or stain have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policy C18 and C31a.

9 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.

10 The public open space on-site provision shall be made available simultaneously with the development being brought into use.

REASON: To ensure a satisfactory provision of public open space throughout the development in the interests of the amenity of future residents.

POLICY: Leisure and Recreation DPD January 2009 policy LP4

11 No development hereby approved shall commence until proposals for the future maintenance of the on-site public open space have been submitted to and approved in writing by the local planning authority. Thereafter, the said areas of open space shall be maintained in complete accordance with the terms of such a scheme as may be so approved unless the planning authority gives written approval to any variation.

REASON: To ensure that the on-site public open space provision satisfies the interests and amenities of future residents.

POLICY: Leisure and Recreation DPD January 2009 policy LP4

12 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 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.

13 The development hereby permitted shall not be occupied until provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of such provision shall have first been submitted to and approved by the Local planning Authority.

REASON: In the interests of Highway safety.

14 The junction onto the public highway shall have minimum 6m radii, whilst the gradient of the access road shall be no greater than 6.7% for the initial 6m and no greater than 8% thereafter.

REASON: In the interests of Highway safety.

15 No demolition work shall commence on the site until a Construction Method Statement for bats has been submitted to and approved in writing by the local planning authority. The Construction Method Statement should provide details of how works to the buildings with medium/high bat potential shall be undertaken (following the Bat Absence/Presence Survey report by Marishal Thompson Group, dated June 2011). Details shall be submitted for the Council's written approval indicating the use of the locations of bat boxes, access tiles or bricks into the scheme. The development must be carried out in full accordance with the approved Construction Method Statement.

REASON: In order to replace lost bat roosting opportunities and to maximise ecological conservation.

POLICY: PPS9 - Biodiversity and Geological Conservation.

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In order to protect the amenity interests of neighbours and to safeguard the character of the Conservation Area and to enable the local planning authority to consider individually whether future additions and alterations should be granted.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan - 1st Alteration policies C18, C31a and C38.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the northern rear

elevation of buildings B _ C; or the northern and southern gable elevations of Building G; or the eastern and western gable elevations of Building H; or the eastern and western gable elevations of Building E, hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C38

18 No development shall commence on site until details of the obscure glazing to be used throughout the scheme for all wc and bathroom windows have been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the development hereby approved and thereafter shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C38

19 Prior to the commencement of any development on site a scheme to deal with the risks associated with contamination of the site shall be submitted to and be approved in writing by the local planning authority. That scheme shall include all of the following elements unless specifically excluded by the Local Planning Authority.

1. A desk study identifying:

- all previous uses of the site for at least 100 years and a description of the current condition of

the site with regard to any activities that may cause contamination;

- a list of potential contaminants associated with those uses;

- a conceptual model of the site indicating sources, pathways and receptors;

and,

- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk

to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken. The risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11".

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

REASON: To ensure that land contamination can be dealt with adequately and to prevent pollution of the water environment prior to the site being brought into residential use.

20 If, during the course of implementing the hereby approved development, contamination not previously identified is found to be present at the site then no

further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To prevent pollution of the water environment.

21 No dwellinghouse shall be occupied until the realignment of the boundary wall fronting Church Street has been completed in accordance with the approved plans.

REASON: In the interests of highway safety and to define the terms of this permission.

22 That for the avoidance of any doubt, the car breakers/reclamation business operations shall cease entirely prior to the commencement of any development hereby approved.

REASON: In order to define the terms of this permission and in the interests of residential amenity.

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan - 1st Alteration policy C38.

23 No demolition shall be undertaken on site until such time as a detailed schedule of the demolition works has first been submitted to and approved in writing by the Local planning Authority; such details to include:

Details of timing of demolition works;

Details of proposed demolition works, including hand demolition of the stone boundary wall fronting Church Street and B & C (identified as existing Building 2);

Details of proposed storage of (and retained) demolished walling and roofing materials;

and such works shall be implemented fully in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area.

POLICY: PPS5 – Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 – Policies C17 and C22.

24 The development hereby approved shall not be carried out except in complete accordance with the details shown on the following submitted plans:

LOCATION PLAN – received on 27.04.2011

EXISTING SITE PLAN – drawing no. PKE2241.01 received on 27.04.2011

EXISTING PLANS, SECTIONS, ELEVATIONS BUILDING 2 – drawing no.

PKE2241.03 received on 27.04.2011

EXISTING ELEVATIONS BUILDING K – drawing no. PKE2241.04 received on 27.04.2011

EXISTING PLANS, ELEVATIONS BUILDING H – drawing no. PKE2241.05 received on 27.04.2011

EXISTING TREE PLAN – drawing no. 5506/3 received on 27.04.2011

PROPOSED SITE LAYOUT PLAN – drawing no. PKE2241.07M received 29.06.2011

PROPOSED BUILDING B, C AND D PLANS – drawing no. PKE2241.09B received 27.04.2011

PROPOSED BUILDING E DETAILS – drawing no. PKE2241.10C received on 27.04.2011

PROPOSED BUILDING F DETAILS – drawing no. PKE2241.11F received on 27.04.2011

PROPOSED BUILDING G DETAILS – drawing no. PKE2241.12D received on 27.04.2011

PROPOSED BUILDING H DETAILS – drawing no. PKE2241.13B received on 27.04.2011

PROPOSED BUILDING K PLANS, SECTIONS ELEVATIONS – drawing no. PKE2241.15A received on 27.04.2011

PROPOSED BUILDING L DETAILS – drawing no. PKE2241.16B received on 27.04.2011

PROPOSED SITE SECTIONS – drawing no. PKE2241.20 received on 27.04.2011

PROPOSED SITE SECTIONS – drawing no. PKE2241.21 received on 27.04.2011

LANDSCAPE DETAILS – drawing no. 5506/1B received on 27.04.2011

TREE DETAIL PLAN – drawing no. 5506/2A received on 27.04.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

1. The applicant's attention is drawn to the existence of the underground reservoir close to the road frontage and the access to it from the roadside.

2. The applicant/developer is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. For information, this relates to retaining walls which are wholly or partly within 3.65m of a street and which are at any point of a greater height than 1.35m above the level of the ground at the boundary of the street nearest that point.

3. Reptiles are protected from injury/ killing under the Wildlife & Countryside Act (1981, as amended) therefore prior to the commencement of construction work, the site must be cleared with due care and attention for reptiles: any significant debris (logs, large stones, piles of garden waste) should be checked by hand for the presence of reptiles sheltering beneath; vegetation

should be cut down to 10cm, and left as such for several days before cutting further and removing the topsoil. All cuttings should be removed from the site. Vegetation clearance should take place outside the breeding bird season (March – August inclusive) unless checked beforehand by a suitably qualified ecologist for the presence of nesting birds.

3 It is recommended that the developer investigates the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:

- a) Interception and reuse
- b) Porous paving/surfaces
- c) Infiltration techniques
- d) Detention/attenuation
- e) Wetlands

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

Pollution Prevention Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. It is recommended that the applicant refers to the EA Pollution Prevention Guidelines, which can be found at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

4 The applicant/developer is advised to take note of the guidance provided by Wessex Water dated 9 May 2011.

5 Whilst the Geo Environmental Report (dated Nov 2007) prepared by Hyder Consulting has been fully assessed, the impacts of removing the underground storage tanks (USTs) requires further analysis. Once completed, a verification report is required to demonstrate the success of the work, as specified in item 4 of the above condition. Details of the proposed remediation should be prepared to address item 3 of the condition].

113.c W/11/01248/FUL - The Forge, Park Street, Heytesbury, Wiltshire

- Mr Christopher Jolly spoke in objection to the application
- Mr Diacon Carpendale spoke in objection to the application
- Mrs Rachel Royce, applicant, spoke in support of the application
- Mr Alan Moon, architect and agent, spoke in support of the application

The Area Development Manager introduced the report which sought approval. During the ensuing debate the Committee considered issues including the materials to be used and scale of the proposed development.

It was agreed that the issue of identifying and dealing with previous alterations that had been made without listed building consent would need to be addressed separately of the application.

Resolved:

That planning permission be GRANTED.

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it 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 take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

REASON: To ensure that the character and fabric of the listed building is protected.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C28.

3 Details of all new external windows and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C28.

4 Details of all new external doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the local planning authority, prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C28.

5 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out in strict accordance with the approved details.

REASON: To ensure that the character and fabric of the listed building is protected.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C28.

6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan/s:

Elevations as existing received on 07 April 2011

Elevations as proposed received on 05 October 2011

Structural alteration to truss received on 11 May 2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

113.d W/11/02648/FUL - Land Adjoining 16 Wiltshire Crescent, Melksham, Wiltshire

Public Participation:

- Dr Elizabeth Christie spoke in objection to the application
- Mrs Trudy Stephens spoke in objection to the application
- Mr Simon Matthews spoke in objection to the application
- Mr Geoffrey Long, applicant, spoke in support of the application
- Mr Richard Harlow, agent, spoke in support of the application

Councillor Jon Hubbard, Unitary Councillor for Melksham South, expressed his concerns over the application.

The Area Development Manager introduced the report which sought approval. In response to technical questions asked it was clarified that access to the site would be on a private right of way.

During the ensuing debate members of the committee considered access to the site.

Resolved:

That planning permission be GRANTED

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it 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 take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

4 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

5 The development hereby permitted shall not be occupied until provision shall have been made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of this provision shall have first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.
POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy U1A

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or

amending that Order with or without modification), no vehicular access shall be made between Longleaze Lane and the adjacent garage court.

REASON: In the interests of highway safety

7 The development hereby permitted shall not be occupied until the access and parking spaces have been surfaced and 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.

8 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres to the west and east from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1; Classes A,B,C,D,E,F & G, of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable.

10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location plan received on 3/10/2011

AH2010/30/1 Rev A received on 19/10/2011

AH2010/30/2 Rev A received on 19/10/2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

1 It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex Systems.

The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains

within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

113.e W/11/02194/FUL - Land Rear Of 12 Lavender Close, Melksham, Wiltshire

Public Speaking:

- Dr Elizabeth Christie spoke in objection to the application
- Mrs Trudy Stevens spoke in objection to the application
- Mr Simon Matthews spoke in objection to the application
- Mr Richard Harlow, agent, spoke in support of the application.

Councillor Jon Hubbard, Unitary Councillor for Melksham South, expressed his concerns over the application.

The Area Development Manager introduced the report which sought approval. During the ensuing debate members of the committee discussed access and vehicular traffic on Longleaze Lane.

Resolved:

That planning permission be GRANTED

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it 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 The development hereby permitted shall not be brought into use until the visibility splay as shown on the approved plan has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

3 The development hereby permitted shall not be first brought into use; until splays have been provided on both sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The access shall be kept free of obstruction above a height of 600 mm; at all times.

REASON: In the interests of highway safety.

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

4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location plan received on 3/8/2011

AH2011/CoU13 received on 3/8/2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

113.f W/10/03480/REM - Land Adjoining 21 Wynsome Street, Southwick, Wiltshire

Public Participation:

- Mrs Janet Lane spoke in objection to the application

Councillor Francis Morland, Unitary Councillor for Southwick, explained the difficult set of circumstances and his concerns over the application.

The Area Development Manager introduced the application which sought approval.

In response to technical questions asked it was clarified that the access lane at the back of the site was a public bridleway, with established vehicular access.

Resolved:

That reserved matters be APPROVED

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Drawing: 1. Elevations received on 28 March 2011;

Drawing: 2. Floor Plans received on 28 March 2011;

Drawing: 3. Cross-section received on 28 March 2011;
Drawing: 4. Site Layout Plan received on 28 March 2011; and
Drawing: DWG004 Location Plan received on 28 October 2011.

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

1 The developer is advised that construction traffic and construction materials should not at any point block the bridleway to the rear of the site. For further information on the bridleway you can contact the Council's public rights of way team.

2 The applicant is advised to satisfy himself that he has a right of vehicular access over the bridleway to the site.

114 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 9.55 pm)

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

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

This page is intentionally left blank

Wiltshire Council

Western Area Planning Committee

30 November 2011

Item 5 – Public Participation

Councillor's question

Questions from Councillor Ernie Clark, Hilperton Division

What is the anticipated date for the merger of the western and eastern planning committees? How will such a merger assist in 'localism' or support for 'Where everybody matters' as against the aspirations of Wiltshire Council to reduce public involvement in decision making? If no such plan exists will the Cabinet member give a public statement to that effect? If not, why not?

Response

I cannot give a date as there are no plans at present to merge these committees.

This page is intentionally left blank

Wiltshire Council

Western Area Planning Committee

30 November 2011

LATE LIST – ITEM 1 W/11/02357/FUL

6 letters of support received. These generally accord with points and themes already brought to members attention in the officer report via the other letters of support.

Officer comments: No comments to add.

1 letter of objection received. This generally accords with points and themes already brought to members attention in the officer report via the other letters of objection.

Officer comments: No comments to add.

Two already registered objectors have written again:

One who is also an immediate neighbour has submitted a plan showing the extant north elevation and proposed north elevation from their property.

Officer comments: It does not provide any new detail that was not earlier assessed by your officers, rather it is an alternative means of representing the same information. No comments to add.

Another who is also an immediate neighbour has instructed planning agents GL Hearn to represent them. Their initial comments had already been included within the committee report in the public objector section. Since the drafting of the officer report they have also submitted a electronic 3D model (which it is understood has been circulated separately to committee members by CD) and a counsel opinion which focuses on two issues; the process followed by the applicant and the Council and evaluation of the impact of the scheme on the setting of Berryfield House. It makes criticism of the process followed by the applicants in public consultation and that officer assessment of this matter in the committee report is incorrect. On the issue of the listed building's setting it concludes that the matter has been inadequately assessed by officers in the committee report.

Officer comments: The 3D modelling and fly through is a useful means of considering the impact of the proposals on the local environment generally including Berryfield house and the impact that the extant scheme would have too. However it does not have any additional information over what was available to officers with the usual and statutorily required submission of accurate scaled plans and elevations; it does not provide any design details that the elevations do show. It does not provide any new detail that was not earlier assessed by your officers, rather it is an alternative means of representing the same information. No comments to add.

Turning to the counsel opinion your officers have given this very careful consideration and remain of the view that the scheme should be recommended for permission subject to conditions. At paragraph 3 there are factual inaccuracies, the extant scheme was a mix of 3, 2 and single storey development and was in places closer to the boundary with Berryfield House. At paragraph 4 they simplify consideration of development impacts by referring only to distance and heights, design and elevation treatment is material too. At paragraph 5 they state that the built form will be closer to Berryfield House, in places it will be further away too. Focus is had on comparing the extant scheme and the proposed scheme, and whilst the fall

back position and planning history is material ultimately the maxim that each case must be assessed on its merits holds. Paragraph 7 details personal circumstances that are not material to the consideration of the application and for the sake of clarity have not been considered by officers at any stage.

Turning to the two detailed issues, firstly 'process'. To reiterate, the Council has followed all statutory requirements in the consultation process, including public consultation; The developers did carry out pre-application consultation and whilst the extent of their consultation may be criticised, it has not, in your officer's view, been unlawful, nor does it constitute a reason for refusal of the application. Local residents have not been prevented from having an opportunity to comment on the application and to have those views taken into account by the Council. Negotiations have continued through the application process (in part due to the public and other consultation responses) and resulted in modest improvements to the scheme, addressing some (not all) of the points of objection.

In relation to the matter of the assessment of the impact on the setting of the listed building, your officers have covered this within the planning committee report, in-house expert conservation advice has been quoted verbatim within the committee report, reference has been made to relevant policy considerations. Statutory obligations (section 66) in regard to the setting of listed buildings being a material planning consideration will be known to members through their training and as such is not repeated in each report where it is relevant. Guidance and advice on material planning considerations is substantial and as such is not necessarily referenced completely in each report, however your professional officers are aware of it and have regard to it in making their recommendations. The accompanying guide to PPS5 and the new English Heritage guidance (October 2011) has been given consideration by your officers and English Heritage were consulted on the application. English Heritage guidance details under practical and proportionate decision-making that protection of setting of heritage assets need not prevent change..

The Counsel opinion is silent on Policy HE10 of PPS5 which also deals with development affecting the setting of a heritage asset. Your officers consider that the balancing exercise advocated is the relevant test that should be applied in this application. Policy HE10.1 states:

"When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval."

The application has been assessed in light of all of this information and your officers have concluded that the development would not cause substantial harm to the setting of the listed building. This is a subjective judgement. The counsel opinion has been given careful consideration but it does not change your officers' views.

A copy of a letter published by the Wiltshire Times to their editor from Trustee of the Bradford on Avon Preservation Trust. In summary, this letter details that the Trust support a care home but that the design detail needs further work. They suggest that the care home and assisted living units are swapped over. The letter states they have made no comment on height because they accept that extra beds are necessary to make the scheme viable and that Berryfield is slightly more elevation position with lofty ceilings.

Officer comments: This letter to the editor of the Wiltshire Times does not influence your officers' recommendations. The idea of swapping over the care home and assisted living units has been presented to the developers and discounted by them. Your officers have negotiated with the developer prior to submission and during the application and it is not considered that any further improvements can be offered by the developer or indeed reasonably sought by the Council. The scheme must now be assessed on its merits.

A copy of a letter sent to the developers with plans illustrating an alternative concept site layout swapping the assisted living and care home development over. Suggests that if the current application is refused this idea could be worked up to ensure a care home is built in Bradford-on-Avon.

Officer comments: The alternative concept idea has been discussed in principle with the developer during application negotiations and discounted by them. At this stage it is necessary to consider the application as it stands and based on its planning merits

A revised Flood Risk Assessment (FRA) has been submitted by the developers on 22 November 2011 and published on the Council's website. This has been submitted to address the Environment Agency's response and has principally altered in section 5 on mitigation measures and section 6 conclusions. It states that thresholds on the southern part of the site will be set at a minimum of 150mm about ground level rather than 300mm as originally suggested. To facilitate this change a surface water soakaway system will be designed with a storm design return period of 1 in 30 years to provide sufficient storage volume to avoid surface water flooding.

Officer comments: The views of the Environment Agency have been sought on this revised FRA to allow further consideration.

A letter from the Environment Agency (EA) has been received on 30 November 2011 in response to the revised FRA. This states that the threshold levels and other flood resilient measures that are appropriate for the buildings cannot be determined until detailed surface water drainage for the site has been submitted. This will allow a better understanding of the risk and necessary mitigation.

Officer comments: Based on the revised FRA, the EA response and the relevant planning history your officers would recommend a proportionate approach be taken broadly in line with the EA recommendations. Condition 12 shall remain to be consistent with the 2008 approval. Condition 10 on surface water drainage remains and condition 11 should be replaced by the following condition now suggested by the EA:

New condition 11:

No development shall commence until a scheme for flood proofing has been submitted to and agreed in writing by the local planning authority. The scheme shall be informed by the surface water drainage proposals and include details to address any potential surface water flooding.

REASON: To reduce flood risk to the proposed development.

POLICY: Planning Policy Statement 25: Development and Flood Risk.

An additional plan has been submitted by the developer reference SK(13)004 on 28 November 2011. This details a comparison of the south and east elevations of the extant approved care home and the now proposed care home.

Officer comments: This additional submission by the applicant clearly shows that the new scheme is of a greater scale than the extant approval from 2008. Whilst the direct

comparison is useful to have on plan, it does not provide any detail that was not earlier assessed by your officers. No comments to add.

The applicant has engaged a 'conservation advisor' (Cotswold Archaeology) who has provided a view of the proposals as an additional assessment of the impact of the scheme on the setting of the Grade II listed Berryfield House. In summary this concludes that the approved scheme has already and rightly been assessed as not conflicting with national or local policy; there are no perceivable (with regard to the specific heritage significances of Berryfield House) differences between the extant and current scheme and therefore the proposed scheme too is acceptable.

Officer comments: No comments to add as this does not change the opinion of your officers.