

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 SEPTEMBER 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Pip Ridout, Cllr Roy While, Cllr Fleur de Rhé-Philippe (Substitute) and Cllr Gordon King (Substitute)

Also Present:

Cllr David Jenkins

75 **Apologies for Absence**

Apologies for absence were received from Councillors Graham Payne, Jonathon Seed and Magnus Macdonald.

Councillor Payne was substituted by Councillor Fleur de Rhe-Philippe.

Councillor Macdonald was substituted by Councillor Gordon King.

76 **Minutes of the Previous Meeting**

The minutes of the meeting held on 18 May 2016 and 10 August 2016 were presented for consideration.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 18 May 2016;

That subject to amending minute 71 to state 'a site visit attended by Committee members' in place of 'a site visited attended by all Committee members' to approve as a correct record and sign the minutes of the meeting held on 10 August 2016

77 **Chairman's Announcements**

There were no Chairman's Announcements.

78 **Declarations of Interest**

In respect of Application 16/01633/OUT, Councillor Ernie Clark stated he drew attention to his register of interest.

79 **Public Participation and Councillors' Questions**

The rules of public participation were noted.

80 **Planning Applications**

The Committee considered the following applications:

81 **15/11604/OUT - Westbury and District Hospital, The Butts, Westbury BA13 3EL**

Prior to the meeting convening, elected members undertook an officer-led site visit following the deferment of the application at the meeting on 10 August 2016.

The case officer, Eileen Medlin (a senior planning officer), supported by Mark Wiltshire, (a Highways Development Control Officer for major projects), presented the report which recommended the application for 58 homes on the former district hospital site be delegated to the Head of Development Management for approval subject to conditions and the prior completion of a section 106 legal agreement as detailed in the agenda papers.

The key planning issues were identified as the principle of the development, highway safety, drainage and the impact upon residential amenity. The former use of the site as a district hospital and the consequential traffic generation levels impacting on the surrounding road network and residential amenity were highlighted as well as the fact that part of the site is a saved housing allocation site for 25 residential units under saved policy H13A.

Members of the Committee then had the opportunity to ask technical questions of the officers. Details were sought on traffic levels in the area and how these would be affected. Following a question raised by Councillor Trevor Carbin, Members also wanted to know whether the vacant building credit and the consequential lower affordable housing on-site provision was something that could be re-negotiated.

Public Participation

Erica Watson spoke in objection to the application.

Roy Holloway spoke in objection to the application.

Liz Workman spoke in objection to the application.

Mark Adams, applicant, spoke in support of the application.

Chris Beaver, agent, spoke in support of the application.

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

Members of the public, the applicant and agent and representative of the Town Council then had the opportunity to address the Committee as detailed above.

Councillor Gordon King, the local unitary member, then spoke in objection to the application, drawing attention to comments made on 10 August, and highlighting the current vacant nature of the hospital and that compared to the established circumstances, there would be a consequential and material increase in traffic. Safety concerns along certain access roads were also duly highlighted.

Video footage supplied by a local resident, in the form of a cd was presented to officers to review and Mark Wiltshire provided Members with an appraisal of the highway flows, traffic bunching as well as noting the interaction of pedestrians and traffic. The highway officer also reflected upon his own knowledge and experience of the local road network and localised traffic flows to assist members in reaching a decision on understanding the highway impacts.

As the debate began, Councillor King moved a motion to refuse the application, which was seconded by Councillor Trevor Carbin.

Members discussed the application and the proposed motion, noting that any increase in traffic arising from the application would be less than the existing fall-back position of a district hospital. Members were also reminded that part of the site remains an allocated housing site for 25 units.

Upon going to the vote, the motion to refuse permission was lost.

Councillor Pip Ridout, seconded by Councillor Andrew Davis, moved to approve the application in line with the officer's recommendation, with the inclusion of an additional planning condition imposing a restriction on the development to bring about alterations to the waiting/parking restrictions along Orchard Road.

Resolved:

To delegate authority to the Head of Development Management to grant outline planning permission subject to the planning conditions and informatives listed below and after the completion of a s106 legal 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 officer report.

CONDITIONS:

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

Site Location Plan Dwg. No 1134.S.001 received 26th November 2015
Demolition Plan Dwg. No 1134.S.002 received 26th November 2015
Access Design Dwg. No SK001 received 26th November 2015
Parameters Plan Dwg. No 1134.P.002 received 19th July 2016

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

5. No development shall commence on site until a scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area, including further ground investigations to determine ground water levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately protected from flooding from offsite flows currently passing into the site

6. No development shall commence on site until a scheme for the discharge of surface water within the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 together with extended ground water monitoring and deeper ground investigations, 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: To ensure that the development can be adequately drained within the national and council's policies without the need for offsite discharges

7. No development shall commence on site until a scheme for the maintenance and full responsibilities of the drainage systems as required by conditions 5 and 6, including details of a management company, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed drainage systems are properly maintained to allow the systems to continue to provide the required protection against flooding for the life time of the development and to comply with new land/property searches.

8. No development shall commence on site until a scheme that includes the following components to deal with the risks associated with potential contamination on the site have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which identifies:

a) Potential contaminants associated with those uses

b) A conceptual model of the site indicating sources, pathways and receptors

c) Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on point 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in point

2 above; and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy as required by point 3 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved

If, during 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

1. No development shall commence on site (including any demolition works), until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species, hedgerows and trees, including full details of interim bat mitigation during the demolition and construction phases. Development shall be carried out in full accordance with the approved plan.

REASON: To ensure adequate protection and mitigation for protected species and priority habitats.

10. No development 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 requirements:

- a) Full details of bat mitigation (replacement roosts for Common pipistrelle and Brown long-eared bats) and reptile mitigation measures;
- b) Full details of bat boxes/bricks, bird boxes, artificial reptile refugia and garden boundary fencing (including the garden boundary treatment of Plot 53);
- c) Full specification of habitats to be restored and created, including locally native species of local provenance and locally characteristic species – including hedgerows, pond and dry ditch, species-rich grassland swales – and a planting specification for the 3 metre wildlife corridor for badgers;
- d) Full details of the design of natural play areas for children;
- e) Description and evaluation of features to be managed; including location(s) shown on a site map, and identification of maintenance/monitoring access points into the 3m wildlife corridor;
- f) Aims and objectives of management;
- g) Appropriate management options for achieving aims and objectives;
- h) Prescriptions for management actions;
- i) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 – 10 year period);

j) Details of the body or organisation responsible for implementation of the plan;

k) Ongoing monitoring and remedial measures, including monitoring of the 3m wildlife corridor to avoid encroachment of back garden boundaries;

l) Timeframe for reviewing the plan; and

m) 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 provide full details of bat, reptile, badger and breeding bird mitigation and enhancement, hedgerow enhancement, pond and dry ditch restoration/creation, native tree and shrub planting specification using species of British origin and local provenance, creation of species-rich grassland, provision of bird boxes, ongoing management of all retained and created habitats, and POS, to enhance biodiversity value and ensure the long-term management of these habitats and features in perpetuity.

11. No development shall commence on site until a lighting design strategy for biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and badgers, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging and commuting;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage into retained hedgerows and trees as part of the mitigation requirements for roosting bats (to maintain dark corridors for bats commuting to and from roosts).

12. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

13. No development shall commence on site (including any demolition works), until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority; which shall include the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) wheel washing facilities;**
- e) measures to control the emission of dust and dirt during construction;**
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- g) measures for the protection of the natural environment.**

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

REASON: 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.

14. No development shall commence on site until a dust suppression scheme is submitted to and approved in writing by the Local Planning Authority. The suppression scheme should be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials.

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.

15. 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.

No part of the development shall 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 serving that part of the development have all been constructed and laid out in accordance with the approved details.

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

16. No development shall commence on site until a waste audit regarding the construction of the site (part a-g) of Policy WCS6 of the Waste Core Strategy) 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 prior to granting planning permission

17. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. No dwellinghouse shall be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

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.

18. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

19. No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and the approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

Note: The archaeological investigation and reporting shall be undertaken by a professional archaeological contractor in accordance with NPPF paragraph 121 and Annex 2 requirements.

20. No development shall commence on site until details of improvements to Hospital Road and Leigh Road junctions with the A350 have been submitted to and improved in writing by the local planning authority. The approved works shall be completed prior to first occupation of the dwelling.

REASON: In the interest of highway safety

21. Prior to first occupation of the dwellings, the roads, including footpaths and turning spaces, shall be constructed so as to ensure that each dwelling has been provided with a properly consolidated and surfaced

footpath and carriageway to at least binder course level between the dwelling and existing highway.

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

22. No dwellinghouse shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with Council policy and parking standards.

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

23. No dwellinghouse shall be occupied until the first five metres of individual plot accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

24. No dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation have 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, to ensure the proposal complies with the relevant public art policies.

25. No demolition or construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

26. No burning of waste materials shall be permitted on the site at any time.

REASON: In the interest of protecting the amenity of nearby residential properties

27. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. Within 6 months of any dwelling being occupied evidence shall be

submitted to and approved in writing by the local planning authority certifying that the stated level or its equivalent has been achieved.

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

28. The development shall be carried out in accordance with the recommendations made in Section 6 of the 'Protected Species Report' dated 16 June 2016 prepared by Engain (Environmental Gain Ltd.), submitted with the planning application and as modified by a Natural England European protected species licence.

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

29. The development hereby approved shall be carried out in accordance with the 'Badger Mitigation Strategy' dated 9 March 2016 prepared by Engain (Environmental Gain Ltd.), as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England licence to interfere with a badger sett for the purposes of development.

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.

30. All replacement bat roost features and bat access points shall be constructed in accordance with the Landscape and Ecology Management Plan (LEMP) as required by Condition 10, as modified by a relevant European Protected Species Licence, prior to first occupation of the development. Thereafter, all replacement bat roost features and bat access points shall be maintained in accordance with the LEMP for the lifetime of the development.

REASON: To compensate for the loss of bat roosts and to safeguard European protected species.

In addition to the above list of conditions, officers are in the process of discussing the wording of a planning condition (to be numbered 31) with the highways team and the applicant's agent to ensure the condition satisfies the appropriate tests. The exact wording of the condition will be confirmed in due course.

PLANNING INFORMATIVES:

INFORMATIVE 1: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 (and to be dated).

INFORMATIVE 2: 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:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communitaryinfrastructurelevy>

INFORMATIVE 3: 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
- wheel-washing facilities
- 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.

INFORMATIVE 4: With regards refuse collection, the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption

INFORMATIVE 5: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition relating to water efficiency will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

INFORMATIVE 6: The developer/applicant is advised to:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that is required in order to assess

risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Refer to the [contaminated land](#) pages on GOV.UK for more information.

INFORMATIVE 7: Common pipistrelle and Brown long-eared bats have been found roosting in the main hospital building and a licence from Natural England is required before its demolition. Please note that this consent does not override the statutory protection afforded to any such 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.

INFORMATIVE 8: 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. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the applicant and/or contractors liable to prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

INFORMATIVE 9: The applicant is reminded that all reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and that it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built under Section 1 of this Act. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Suitable vegetation is present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

82 15/03120/FUL - Rosefield House, Polebarn Road, Trowbridge, BA14 7EQ

The case officer, Matthew Perks (a senior planning officer), presented the report which recommended that permission be granted for the proposed change of

use of an existing stable block to form 2 residential units and the erection of a two-storey extension to form one additional residential unit.

The key planning issues identified in the officer's presentation were outlined and comprised: the principle of the proposed development, the means of access, impacts on neighbours and the impact upon the character of the conservation area.

Members of the Committee then had the opportunity to ask technical questions of the officer. Following a question from Councillor Ernie Clark about the window arrangement and proposed obscure glazing to be fitted, the officer provided further details on the proposed fenestration and the proximity to neighbouring properties. Members were further advised that the obscure glazing had been agreed with the applicant.

Public Participation

Pat Hayes spoke in objection to the application.

Alan Hayes spoke in objection to the application.

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

The local unitary Member, Councillor Dennis Drewett, then spoke regarding the application, highlighting the tight access to the existing property.

A debate followed, where the scale of the proposed extension was noted and that due consideration should be given to existing privacy and potential loss of light. A motion was then moved by Councillor Ernie Clark, seconded by Councillor Drewett, that the item be deferred so that a site visit could take place.

Separately, the committee passed an instruction to the officer to make contact with the applicant's agent to ascertain whether there would be a willingness to delete the side extension and third residential unit from the application.

Resolved:

To defer the application in order to arrange a site visit.

It was noted that the motion to defer was unanimous.

82a 16/01633/OUT - Land at The Grange, Devizes Road, Hilperton, Wiltshire, BA14 7QY

The case officer, Jemma Foster (a senior planning officer), presented the report which recommended that outline permission be granted for the erection of up to 26 dwellings. The key planning issues identified in the officer's presentation were outlined and comprised: the principle of the application, the means of access and the impact upon neighbouring amenity. Members were reminded that the application before them was in outline with all matters reserved other than the location of the access.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought regarding the location of the access and traffic calming measures in the area.

Public Participation

Tina Jones spoke in objection to the application.

Aubrey Austin spoke in objection to the application.

Lucie Castleman spoke in objection to the application.

Christopher Dance, agent, spoke in support of the application.

Members of the public and the applicant's agent then had the opportunity to present their views to the Committee as detailed above.

The local unitary member, Councillor Ernie Clark, then outlined the reasons why he could not support the application. He criticised the continued lack of a five-year land supply leading to the recommendation for approval of inappropriate housing applications. Councillor Clark argued that the development proposal was contrary to Core Policy 29 as no additional secondary school provision was being proposed for the town; and that there was a clear conflict in allowing greenfield sites for residential development in addition to the allocated strategic site until further secondary school provision is provided. In addition, the education officer's consultation response was picked up on and criticised for failing to adhere to the aforesaid adopted policy.

Councillor Clark moved a motion of refusal, which was seconded by Councillor Dennis Drewett.

Members debated the proposed motion, and reflected upon the proposed reasons for refusal and noted the consultation response from the Council's education officer in terms of not requesting s106 developer contributions for education in this particular case (but instead seek to obtain CIL receipts at a future date). Members also considered the appeal decision pursuant to the adjacent site.

Following a vote, the motion to refuse was lost.

A motion was then moved by Councillor Andrew Davis, seconded by Councillor John Knight, to defer the application and to instruct the spatial planning team to provide a clear direction in terms of the compliance of the application proposals with Core Policy 29.

83 **16/06505/OUT - Land South Of Bury House, Green Lane, Codford, BA12 ONY**

The case officer, Jemma Foster presented the report which recommended approval be granted for an outline application for the erection of one detached dwelling on land outside of the existing village settlement limits. The key

planning issues identified in the officer's presentation were outlined and comprised: the principle of the application and impact on the character and appearance of the area and duly referenced the fact that the site was sited within an area of outstanding natural beauty (AONB).

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to queries it was confirmed that the site lay outside the limits of development and officers advised that due consideration should be given to the respective exemptions set out in the NPPF in the context of paragraph 14, whereby the presumption in favour of sustainable development does not automatically apply to protected sites such as the AONB. The Council's current housing land supply shortfall was still a material consideration and due regard should be given to the benefit(s) associated to delivering one additional dwelling. Members were also advised that officers had reflected upon the AONB Management Plan and that it was a material consideration in the determination of the application.

Public Participation

Richard Cosker, agent, spoke in support of the application.

Simon Martyr, applicant, spoke in support of the application.

Cllr Tom Thornton, Codford Parish Council, spoke in objection to the application.

The applicant and his agent followed by the representative from Codford Parish Council then had the opportunity to present their views to the Committee, as detailed above.

Councillor Christopher Newbury, the local unitary member, then spoke regarding the application, noting the concerns of the Parish Council and detailing the ongoing process to review the limits of development, but that at present the site lay beyond it.

A debate followed, and a motion to approve in accordance with the officer's recommendation was moved by Councillor Fleur de Rhe-Phillipe, seconded by Councillor Roy While.

The proposed motion was debated, and due consideration was given to site's position on the edge of the village, the number and proximity of houses near to the site and the extent of the impacts the development may have on the protected countryside followed.

Following a vote the motion to approve the application was lost.

A motion to refuse the application was then moved by Councillor Christopher Newbury, seconded by Councillor Trevor Carbin.

The proposed motion was debated and due consideration was given to the Parish Council who have undertaken a recent housing needs survey which did not indicate that a house such as that proposed was required in the village.

Further discussion was also undertaken regarding the visual intrusion the proposed dwelling would have on the wider AONB.

Following discussion, it was,

Resolved:

To refuse the application for the following reasons:

The site is located in the open countryside and there is no special agricultural, forestry or other overriding justification to allow such a residential development. Whilst the benefit(s) of delivering one additional dwelling at a time when the Council cannot demonstrate a 5-year housing land supply was recognised and taken into account, great weight was given to the site's AONB designation and protected status and due regard was given to the exemptions as set out within the Framework in the context of paragraph 14. In weighing up the planning balance, the Council found the proposal would result in an unacceptable encroachment into the open countryside that would have an adverse impact upon the Area of Outstanding Natural Beauty and as such, would conflict with adopted Core Strategy Policy CP51 as well as Core Policy 2 and the guidance contained in the NPPF.

84 **Planning Appeals Update Report**

In referencing the reported appeals update, Mr Francis Morland directed criticism towards the lack of detail pursuant to appealed application 14/09262/OUT which had been refused by the Strategic Planning Committee. Mr Morland expressed further criticism about the decision which was made not to proceed with a defence of the appeal, over-riding the decision of the strategic committee and furthermore, such a decision highlighted an apparent inconsistency in terms of the Council proceeding with the defence of a separate appeal around the same time pursuant to appealed application 14/11919/OUT.

Resolved:

To note the Planning Appeals Update Report and to refer the questions raised to the appropriate officers for a detailed explanation and clarification.

85 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.30 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718262504, e-mail <mailto:jessica.croman@wiltshire.gov.uk>

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

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