

## WESTERN AREA PLANNING COMMITTEE

---

### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 26 JULY 2017 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice Chairman), Cllr Phil Alford, Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Roy While (Substitute) and Cllr Jerry Wickham (Substitute)

---

#### 47 Apologies

Apologies for absence were received from:

Cllr Pip Ridout who was substituted by Cllr Jerry Wickham

Cllr Peter Fuller who was substituted by Cllr Roy While

#### 48 Minutes of the Previous Meeting

The minutes of the meeting held on 28 June 2016 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 28 June 2017.**

#### 49 Declarations of Interest

Cllr Sarah Gibson declared a non-pecuniary interest for item 16/09259/FUL – Dorothy House Foundation, for her current professional capacity with the agent and would not take part in the debate or vote.

Cllr Ernie Clark referred to his register interest.

#### 50 Chairman's Announcements

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

51 **Public Participation**

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

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

52 **Planning Appeals and Updates**

The Planning Appeals Update Report for the period between 16/06/17 and 14/07/17 was received.

**Resolved:**

**To note the Planning Appeals Update Report from the 16/06/17 to 14/07/17.**

53 **FOOTPATH NO. 15A DILTON MARSH DIVERSION ORDER 2017 AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017**

Public Participation

Mr Francis Morland, spoke in objection to the application

The Rights of Way Officer, Ali Roberts, outlined the report which recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs with the notification that Wiltshire Council supports the confirmation of the Order as made.

Members of the Committee were given the opportunity to ask technical questions of the officer.

A question was asked about whether the stiles, now removed, could be put back, the response was that the council would only be able to authorise stiles under Highway Act s.147 for the ingress and egress of animals so this would only be appropriate if the arable field was replaced with stock.

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

Cllr Jerry Wickham as the local Member noted that any objections should have been made in good time to allow the officers enough time to respond.

A debate followed where a motion was then moved by Cllr Jerry Wickham and second by Cllr Jonathon Seed to approve the officer's recommendation.

At the end of the debate it was;

## Resolved

**That Wiltshire Council supports the Wiltshire Council Footpath No 15A Dilton Marsh Diversion Order 2017 and Definitive Map and Statement Modification order 2017 and for the Order to be forwarded to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.**

## 54 Planning Applications

The Committee considered the following applications:

**54a 16/09259/FUL - Dorothy House Foundation Ltd, Winsley BA15 3LE**

### Public Participation

Mr Richard Moore spoke in objection to the application  
Mr Evan Metz spoke in objection to the application  
Mr Dale Evans spoke in objection to the application  
Mr John Davis, applicant, spoke in support of the application  
Mr Ryan Carroll spoke in support of the application  
Mr Stuart Rackham, agent, spoke in support of the application  
Cllr Ed Gilby, Winsley Parish Council, spoke on the application

David Cox, as senior planning officer, outlined the report for a reconfiguration of the existing car park and extension to provide additional parking and associated works. It was recommended that the application be approved subject to conditions.

The key planning issues identified in the officer's presentation were outlined to include: the principle of development; the principle of development in the Green Belt; impact on the openness of the Green Belt; impact on the Landscape and Area of Outstanding Natural Beauty; impact on protected species; impact on designated Heritage Assets; impact on Highways Safety, the impact on neighbouring amenities and it was noted that there had been a long standing issue with parking due to an increase in demand.

The officer highlighted corrections to the report which included confirmation that there were 131 full time staff and 19 part time staff. It was noted that the correction would not make any material difference to the recommendation. The Committees attention was also drawn to the agenda supplement.

Members of the Committee then had the opportunity to ask technical questions of the officer. The questions focused on: how steep the ramp was; the gap in woodland and the visibility of car headlights.

In response to the questions it was noted that; the ramp would drop 8 metres over 110 metres equating to a fall of 1 in 8; the proposal includes more trees to be planted to fill the gap in the woodland to the south of the extended car park site but it would not be completely screened and that hurdles would be erected

to obscure most of the light from car headlights and that additional landscape planting should also help to block out light spill.

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

Cllr Seed read a statement on behalf of the local Member Cllr Kidney which focused on: The large number of representations from residents concerning the impact of the development on the landscape and setting of Murhill. The primary concern was the impact on the Area of Outstanding Beauty noting that the report referred to the difficulties of landscaping. It was also necessary to take into consideration that the proposals had been significantly revised to tackle the issues of landscaping and there was a need to balance the concerns of residents with the vital work carried out by Dorothy House. It was mentioned that more in depth consultation should have taken place with residents of Murhill and Upper Westwood. A suggestion was made to impose conditions for the installation of landscape mitigation measures and that access to Dorothy House should be restricted via Limpley Stoke Road by imposing measures such as additional signage. There was also a suggestion for Dorothy House to consider holding an information session for local residents before work commenced.

The officer noted that signage already existed pointing to the Limpley Stoke Road for access and that a travel plan could only advise on a particular route to be taken it could not enforce a travel route.

At the start of the debate it was moved that the application be approved with the conditions given in the officer's report subject to an additional condition for a travel plan to be put in place before the car park is used.

In the debate that followed, issues discussed included: the sensitivities of the application recognising the invaluable work of Dorothy House that had to be weighed up against the impact on the AONB and Green Belt, effects on the landscape; visibility of the development and light spill issues; impact on neighbours, the existing car park deficiencies and the need for additional parking; the 2004 permission granted for a car park extension permission was discussed and although not implemented it was noted that it would have served additional care, training and educational facilities. Car park restrictions and timetabled landscape planting and the timing for the erection of the hurdles were also discussed and three additional conditions and a planning informative were identified.

At the conclusion of the debate it was

**Resolved:**

**To approve planning permission subject to the following conditions:**

**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 be carried out in accordance with the following approved plans:

Revised Site Location Plan – received 5 May 2017; Cross Section Plan A-A Rev H – received 5 May 2017; Proposed Cross Section B-B and C-C Rev E – received 12 May 2017; Cross Section Plan – Hurdle Screen details – received 5 May 2017; Ramp Cross Section Plan – received 5 May 2017; Existing Landscape Plan – received 23 September 2016; Feature match document 7 - received 5 January 2017; Data Image document 8 - received 5 January 2017; Proposed Car Park Extension Sheet 1 of 2 – received 5 January 2017; Proposed Car Park Extension Sheet 2 of 2 – received 5 January 2017; Lux Map ground level Rev K – received 10 April 2017; Lux Map 2 metres above ground Rev K - received 10 April 2017; Construction and Management Plan – received 10 April 2017; Landscape Layout Plan Rev E – received 10 April 2017; Existing and Proposed Elevations Rev C – received 5 May 2017; Landscape and Ecological Management Plan – received 12 May 2017;

The following Statements and supporting reports have also been appraised and form part of the development hereby approved:

Updated Lighting Strategy Rev H – received 18 May 2017; The Landscape & Ecological Management Plan for the site, prepared by RSK ADAS Ltd., dated April 2017; Transport Statement – received 23 September 2016; Planning Statement - received 23 September 2016; Primary Ecology Report - received 23 September 2016; Arboricultural Report - received 23 September 2016; The Desk Based Archaeological Report - received 23 September 2016; The Landscape and Visual Assessment - received 23 September 2016; An Addendum LVIA Report – received 5 January 2017; Drainage Strategy – received 5 January 2017; The Revised Operational Need Statement - received 5 January 2017

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

3. The extended car park hereby approved shall not be brought into use until the replacement lighting scheme in the existing car park has been fully implemented on site. The lighting on the new 4 metre tall poles shall only be turned on during the hours of 0600 and 2200 and would be only activated by sensor trigger between the hours of 2200 and 0600. The lighting shall have an illumination level not exceeding 2 Lux and the lighting strategy and management shall be adhered in perpetuity.

**REASON:** In the interests of the landscape value of the Area of Outstanding Natural Beauty, to protect the character and appearance of

the conservation area and to safeguard the interests of neighbours and to limit the level of light pollution.

4. The extended car park hereby approved shall not be brought into use unless and until the finished grass reinforcement ground system (which is commonly known as grasscrete) has been installed and the exact grass seeding mix, sow rate specification and timetable for seed planting have been submitted to and approved in writing by the local planning authority. Thereafter, the installation shall be carried out in accordance with the approved details.

**REASON:** To define the terms of this permission and in the interests of the landscape value of the Area of Outstanding Natural Beauty.

5. The lighting within the extended car park hereby approved shall strictly adhere to the lighting scheme and strategy in perpetuity and shall be only turned on during the hours of 0600 and 1800, and be fitted with a time delay switch, and triggered only by sensor between the hours of 1800 and 2200. The lights on the 4 metre tall poles in the proposed car park extension shall not be operable at any time during the hours of 2200 and 0600.

**REASON:** In the interests of the landscape value of the Area of Outstanding Natural Beauty, to protect the character and appearance of the conservation area and to safeguard the interests of neighbours and to limit the level of light pollution.

6. For the avoidance of any doubt (and to correct the anomaly contained within the submitted lighting strategy), the 1 metre high lighting bollards in the extended car park hereby approved shall only be turned on during the hours of 0600-1800 and be fitted with a time delay switch and triggered only by sensor between the hours of 1800 and 0600. The lights shall adhere these times in perpetuity.

**REASON:** In the interests of the landscape value of the Area of Outstanding Natural Beauty, to protect the character and appearance of the conservation area and to safeguard the interests of neighbours and to limit the level of light pollution.

7. No external lighting apparatus shall be installed on site until detailed elevation and specification plans of the lights have been submitted to and approved in writing by the local planning authority. Thereafter, the installation shall be carried out in accordance with the approved details.

**REASON:** In the interests of protecting protected species and the landscape value of the Area of Outstanding Natural Beauty

8. Within 6 months of the extended car parking being first brought into use, the landscape planting scheme shall be fully planted and completed in full accordance with the Landscape Layout Plan Rev E. 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 including the area of outstanding natural beauty.

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

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

10. The proposed development shall be carried out in strict accordance with the recommendations contained within The Landscape & Ecological Management Plan, prepared by RSK ADAS Ltd, and dated April 2017.

**REASON:** In the interests of protecting protected species.

11. The hereby approved development shall be carried out in strict accordance with the Arboricultural Method Statement as set out in the Silverback arboricultural consultancy Ltd report dated August 2016.

**REASON:** In the interests of the landscape value of the Area of Outstanding Natural Beauty

12. Prior to the installation of the hereby approved external lighting columns, full specification details and elevation plans of the proposed lights and their covering shrouds shall be submitted to and approved in writing by the local planning authority. Thereafter the lighting columns shall be erected in full accordance with the approved details and maintained in perpetuity.

**REASON:** In the interests of the landscape value of the Area of Outstanding Natural Beauty.

13. Prior to the proposed car park being first brought into use, the access ramp shall be laid to tarmac and maintained as such at all times thereafter.

**REASON:** In terms of defining the terms of this permission and in the interests of the landscape value of the Area of Outstanding Natural Beauty.

**14. Prior to the proposed car park being brought into use, a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.**

**REASON: To define the terms of the permission and to discourage the dependency on private car where possible and to introduce highway routing directions, where applicable.**

**15. Prior to the development being brought into use, including the existing car park remodelling works, the applicant/developer shall submit a timetable report confirming when the hurdles shall be erected on site; and once agreed, the hurdles shall be installed in full accordance with approved proposed landscape plan drawing no. 2201 rev E and the hurdle plan drawing no. 2202 issue rev A and that the hurdles shall be maintained in perpetuity.**

**REASON: To define the terms of the permission and in the interests of securing on site mitigation to reduce light spill/pollution from vehicles and safeguarding landscape value of the AONB.**

**Informative: The applicant/hospice management team are encouraged to appoint a point of contact for local residents prior to the implementation of the development to discuss the construction timeframe and processes as well as the remodelling and installation of new lighting within both the existing and extended car parks, and to discuss any additional measures to reduce impacts and effects on local residents, the green belt and AONB.**

**54b 17/00738/FUL - Park Cottage 20-21 Local South Wraxall, Bradford  
On Avon, BA15 2RT**

#### Public Participation

Mr Mark Fairhurst spoke in objection to the application.

Mr Christopher Mackenzie spoke in support of the applications

Mr Ede spoke in support of the application

Cllr Bella Walker, South Wraxall Parish Council, spoke on the application

David Cox, as senior planning officer, presented the report for the demolition of the existing buildings on the site and the construction of a replacement dwelling. It was recommended that the application be approved subject to conditions.

The key planning issues identified in the officer's presentation were outlined to include: the principle of development and impact on the openness in the green belt; impact on designated heritage assets; impact on highways safety; impact on neighbouring amenities and the impact on protected species.



Members were informed of correction to the report noting that the replacement dwelling would be set back 1.6 metres from its current position.

Members of the Committee then had the opportunity to ask technical questions of the officer, which focused on the site being in the green belt, construction materials and fenestration treatment.

In response it was confirmed that the site was located in the green belt and that the fenestration treatment on the rear elevation would not be visible from the road due to a retained hedgerow and the set-back nature of the proposal. The development proposal construction materials were also outlined.

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

In response to concerns raised during the public forum it was confirmed that officers had insisted during the planning process that the reading room should not be demolished but instead be incorporated into the replacement new house design due to its functional heritage and that if the replacement house was to be moved further back from the main highway. It would become out of keeping with the area which is noted for having housing close to the highway. Officers informed members that setting the new house further back into site would risk suburbanising the plot which could negatively affect the conservation area and green belt.

The local member, Cllr Trevor Carbin, noted that the development would have a significant impact on the green belt and conservation area; the building would also be quite dominating but recognised that if moved back it would potentially impact the character of the conservation area and the street scene.

At the start of the debate, a deferral of the item for the arrangement of a site visit was moved by Cllr Trevor Carbin, seconded by Cllr Ernie Clark. Issues raised during the debate included; the street scene illustration within the report on page 105 of the committee agenda was misleading and that it had to be understood that the proposed house would be set back 1.6m further and less dominating.

At the conclusion of the debate the motion was lost.

A motion was then moved by Cllr Jonathon Seed, seconded by Cllr Jerry Wickham that the application be approved with the conditions given in the officer's report.

After a brief debate it was:

### **Resolved**

**To approve planning permission subject to the following conditions:**

**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 be carried out in accordance with the following approved plans:**

**Site Location Plan – received 25 January 2017; Site Plan as Existing - received 25 January 2017; Tree Protection Plan - received 25 January 2017; Site Plan as Proposed 342 P003 P2 – received 17 March 2017; Roof Plan as Proposed 342 P102 P2 – received 17 March 2017; Ground Floor Plan as Proposed 342 P100 P2 – received 17 March 2017; First Floor Plan as Proposed 342 P101 P2 – received 17 March 2017; North East and South East Elevation Plans 342 P300 P2 – received 28 June 2017; South West and North West Elevation Plans 342 P031 P3 – received 23 June 2017**

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

**NOTE: This permission has also fully appraised the Design and Access Statement which included a Heritage and Planning Statement – received 25 January 2017; A Supplemental Design and Access Statement – received 17 March 2017; The Hillside Arboricultural Impact Assessment and Arboricultural Method Statement – received 25 January 2017; and the Simecology Bat Detector Survey Report (dated June 2017) – received 21 June 2017**

**3. For the avoidance of any doubt, the development hereby approved requires the demolition of the outbuildings (i.e. the garage, greenhouse, sheds and stable block) shall be completed at the same time as the demolition works to Park Cottage. No development shall commence in terms of forming the foundations for the replacement dwelling until Park Cottage and all of the outbuildings identified for demolition have been demolished and the resulting debris has been removed from the site.**

**REASON: To define the terms of this permission and in the interests of preserving the openness of the Green Belt and protecting and conserving the character and appearance of the Conservation Area.**

**4. The materials identified in the materials key on Approved Plan Drawing No. 342 P 300 P2 shall be used in the construction of the development hereby approved.**

**REASON: In the interests of visual amenity and protecting and conserving the character and appearance of the conservation area.**

**5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B and E shall take place on the dwellinghouse hereby permitted or within its curtilage.**

**REASON:** In the interests of visual amenity and protecting and conserving the character and appearance of the conservation area as well to protect the openness of the Green Belt and to enable the Local Planning Authority to consider individually whether subsequent planning permission should be granted for additions, extensions or enlargements.

6. No demolition works shall commence on site until the protective fencing has been erected on site as recommended as part of the Hillside Trees Ltd Arboricultural Method Statement. The fencing shall remain in place until all the demolition and construction works have been completed.

**REASON:** In the interests of visual amenity of the Green Belt and conservation area

7. The development hereby approved shall be carried out in strict accordance with the recommendations made in the Bat Detector Survey Report (dated June 2017), prepared by Simecology, including Section 10 and Appendix IV. The dwelling shall not be occupied until all the mitigation, compensation and enhancement measures stipulated in the aforementioned report have been fully implemented.

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

**NOTE:** The applicant is required to obtain a Natural England European Protected Species Mitigation Licence.

8. Prior to the occupation of the replacement dwelling, details of the sensitive lighting scheme/design set out as a requirement in the Bat Detector Survey Report within paragraphs 10.13 to 10.17 shall be submitted to the Local Planning Authority for its written approval.

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

9. Prior to the occupation of the replacement dwelling, details of compensatory nesting sites for swallows set out as a requirement in the Bat Detector Survey Report within paragraph 10.23 shall be submitted to the Local Planning Authority for its written approval.

**REASON:** To ensure adequate compensation for loss of bird nesting sites.

10. No development above slab level pursuant to the construction of the replacement dwelling shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- The provision of a replacement tree including its size and species and location to be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

**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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11. 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.

12. Notwithstanding the submitted details, no development pursuant to the construction of the replacement dwelling shall commence until a scheme for the discharge of surface water from roofs and all impermeable areas of hardstanding (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

13. The replacement dwelling hereby approved shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, 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.

14. The replacement dwelling hereby approved shall not be first occupied until the on-site turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

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

15. No walls shall be constructed on site, until a sample wall panel, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

**REASON:** In the interests of visual amenity and to protect and conserve the character and appearance of the conservation area.

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

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

**INFORMATIVES:**

1. Works that could affect nesting birds should not take place between March and August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting in the existing dwelling which is to be subject to works as part of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between September and February inclusive. Further advice on the above can be sought from the Council Ecologists.

2. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that planning permission does not override the statutory protection afforded to any such species. In the event that a suspected protected species is encountered during the works, the applicant is advised to stop work and seek the advice of a suitably qualified and experienced ecologist. Please visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

3. 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 following website:

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

**4. The applicant is required to obtain a Natural England European Protected Species Mitigation Licence.**

**54c 17/01250/REM - Land South of Devizes Road, Hilperton**

#### Public Participation

Mr Ben Coles spoke in objection to the application

Eileen Medlin, as senior planning officer, presented the report which comprised a reserved matters application for the scale, layout and external appearance of the development and landscaping of the site following outline approval for the erection of up to 15 dwellings. It was recommended that the application be approved.

The key planning issues identified in the officer's presentation were outlined to include: scale; layout; external appearance of the development and landscaping of the site.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the S106 contributions secured by the outline permission; a question was asked about why no S106 contribution was secured for the local village hall; the protection of the hedgerow was discussed; along with SUDS and potential dangers to pedestrians making use of the proposed pavement located behind the existing hedgerow fronting Devizes Road. Securing sustainable construction, energy and water efficiencies as required by WCS CP41 were also identified.

In response to the questions, it was confirmed what the s106 would secure and that the planning inspector at outline stage, had deleted any s016 obligation for the Trowbridge Sport Centre. The pavement was in place to protect the hedge and was agreed as part of the outline application; SUDs and land drainage matters were also covered as part of the outline consent. Members were also advised that a condition should require the applicant/developer to comply with CP41.

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

In response to issues raised in the public forum, the officer advised members that since the outline application was allowed on appeal, a badger sett had been identified on part of the site and the layout of the housing had been negotiated by the case officer through consultation with the Council's ecologist and urban designer and was acceptable, members were advised that the site could accommodate 15 homes and provide adequate amenity ground and space between the housing and furthermore, the density of the scheme was comparable with other recent/modern housing developments nearby and a committee slide was explained to cover this point. The design and detailing of the proposed houses was argued to be in keeping with the appearance of the area and enhanced landscaping and tree/hedge planting would break up the development. Officers also confirmed that at discharge of condition stage, neighbours could review submitted plans submitted pursuant to the exact planting specifications. The case officer agreed to consult on the details with the neighbour also.

As local member, Cllr Ernie Clark noted that he was not aware that the landscape plan had been agreed with the path along the hedge. The affordable housing was easily identifiable due to being in blocks, whereas the private housing was not. The affordable housing should be spread about the site more to accord with WCS CP45. It was accepted that the original application approved up to 15 houses for the whole site but now with the badger sett identified, a large part of the site could no longer be developed and proposing 15 homes on a smaller parcel of land was considered inappropriate.

A motion was then moved by Cllr Ernie Clark, seconded by Cllr Trevor Carbin, to refuse the application was presented.

In the debate that followed, issues discussed included: the need to secure a better layout and have the affordable housing spread about the site more and ensure it is not readily distinguishable compared to the market housing and consider the appropriate quantum of housing for the plot which has had its developable area reduced following the designation of green space for the badger plot.

The original motion for refusal was withdrawn and a new motion to defer the application was moved by Cllr Jonathon Seed, which was seconded by Cllr Ernie Clark.

At the end of the debate it was;

### **Resolved**

**It was unanimously agreed to defer the application and passed an instruction to officers to negotiate further with the applicant and secure the following:**

- 1. Proposing fewer houses on the site (mindful that the discovery of the badger sett reduces the amount of developable land) and to deliver a comparable housing density similar to Ashton Rise;**

**2. To re-site the affordable housing units and spread them around the site more; and ensure they are not readily distinguishable compared to the market housing; and,**

**3. To review highway / pedestrian safety matters pursuant to the pavement behind the hedge.**

55 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 6.45 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail [jessica.croman@wiltshire.gov.uk](mailto:jessica.croman@wiltshire.gov.uk)

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