

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 26 JUNE 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Darren Henry, Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr David Halik (Substitute)

Also Present:

Cllr Pat Aves

19 **Apologies**

Apologies for absence were received from:

Cllr Johnathon Seed who was substituted by Cllr David Halik.

20 **Minutes of the Previous Meeting**

The minutes of the meeting held on 3 April 2019 were presented.

It was noted that the printed version of the minutes had been updated to include the names of the substitute members present at the meeting.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 3 April 2019.

21 **Declarations of Interest**

There were no declarations of interest.

22 **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.

23 **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.

24 **Planning Appeals and Updates**

The Planning Appeals Update Report for 22/03/2019 and 14/06/2019 was received.

Kenny Green, Development Management Area Team Leader, summarised the recent appeal decision pursuant to a proposed extension of a commercial premises at the Atworth Business Park. Members were provided with an explanation on the application of Core Policy 34 and it was agreed that a copy of the appeal decision would be circulated to the committee members.

It was noted that the appeal for planning application 18/07773/FUL had been withdrawn.

The decision notice for a recent appeal hearing, for the extension of a commercial premises at the Atworth Business Park, would be circulated to members.

Resolved:

To note the Planning Appeals Update Report for 22/03/2019 and 14/06/2019.

25 **Planning Appeals**

To consider the following planning applications:

25a 19-00614-FUL Leekes of Melksham, Beanacre Road, Melksham, SN12 8AG

Public Participation

Christine Deadman spoke in objection to the applications

Christine Wilkinson spoke in objection to the applications

Chris Leek, Applicant, spoke in support of the application

Chris Gill, Architect, spoke in support of the application

Councillor Adrienne Westbrook, Melksham Town Council, spoke in objection to the application

Nick Clark, Senior Planning Officer, introduced the report which was recommended for approval. The planning application was for the erection of a hotel (Class C1) and restaurant (Class A3) including associated works comprising provision of parking spaces, service yard and landscaping

Key issues included; the scale of the development, visual impact on the surrounding area, relationship to adjoining properties, design (bulk, height & general appearance), environmental or highway impact, car parking; and the effect on the quality of life of local residents.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: the ability to negotiate the reduction of the height of the development; Drainage; Whether a study had taken place to assess the impacts to local businesses; Whether the reduction in parking spaces would have an impact on the increased usage of the car park; and parking and access arrangements for lorries and coaches.

In response it was noted that: the development's height had already been reduced in negotiations at the pre-application stage, the proposed development's height had been lowered as much as feasibly possible. The development was higher than the Leekes store but had a wide separation meaning there would not be any significant impacts; Drainage of surface water would be reduced to greenfield runoff rates in the proposed development, improving the current situation on the site, with no objections from the drainage team; A detailed impact assessment had been carried out assessing the impacts on the local businesses; A parking study had been carried out which the Highways Officer was satisfied with; Lorries and coaches would access the site via the existing access. The internal accesses would be changed to avoid congestion and there would not be any coach parking facilities on site.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member, Cllr Pat Aves, noted that she supported objections from residents due to the disappointment that the community or Town Council had not been involved in the pre-planning stages of the development. Cllr Aves explained that she was not against the idea of the development, only with the proposed height and requested that any future development be communicated with the local community.

A motion to defer the application was moved by Councillor Sarah Gibson and seconded by Councillor Trevor Carbin.

Following a debate, which raised the points of height and architectural design, the motion was defeated.

A motion to approve the application in accordance with the officers recommendations, with changes to condition 7 and 15 was moved by Councillor Andrew Davis and seconded by Councillor David Halik.

Following a debate, which raised the points on electric charging points, delivery times and the need for any consent to refer to the most recently submitted Flood Risk Assessment and Drainage Strategy, the motion was;

RESOLVED

To approve planning permission subject to the following conditions:

RECOMMENDATION: Approval 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 drawings and details:

Location Plan (AP8 Rev. A); Proposed Site Layout (AP1 Rev. E); Floor Layouts - Ground and First Floor (AP2 Rev. A); Floor Layouts - Second and Third Floors (AP3); Roof Plan (AP4); Proposed Elevations 1 (AP5); Proposed Elevations 2 (AP6 Rev. A); Site Plan as Existing (AP10); Planting Landscape Layout (AP10 Rev. B); Proposed Long Sections (AP11); Service Yard (AK12); Swept Path Analysis (2018/4301/006 Rev. C); Swept Path Analysis (2018/4301/007 Rev. C); Swept Path Analysis (2018/4301/008 Rev. C); Swept Path Analysis (2018/4301/010 Rev. C); Drainage Strategy (15005:SK02B received 25 June 2019); Ecological Appraisal (17/04/2019); Plant Noise Assessment (received 16th April 2019)

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

3. No development shall commence above ground floor slab level until full details of the following have been submitted to and approved in writing by the local planning authority:

- a) external roof and wall materials and finishes,**
- b) details of window frame colours, and**
- c) detailed sections through window openings showing depth of reveals.**

The details to be submitted of materials and finishes shall include for example, product literature and photographic examples, and, if requested, samples to be made available for inspection on the site.

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

REASON: The application contained insufficient information of the detailing of the building, materials and finishes to allow these aspects to

be considered in this decision. The details need to be approved in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

4. Prior to first use of the development hereby permitted there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, the details of which shall include:

- a) a detailed planting specification in-line with the approved drawings and the Ecological Appraisal, showing all plant species, supply and planting sizes and planting densities;
- b) means of enclosure, including any existing fences to be retained;
- c) all surfacing materials, including demarcation of pedestrian routes;
- d) minor artefacts and structures (e.g. low walls, planters, bollards);

All soft landscaping as so-approved shall be carried out no later than the first planting season following the first occupation of the building or the substantial 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 (including those existing and shown to be retained on the approved drawings) 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 be carried out in accordance with the approved details prior to the first occupation of the development or in accordance with a programme first to have been approved in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. No development shall commence on site until a Construction Method Statement, which shall include details of the following:

- a) the hours of construction, including deliveries (e.g. 07:30-18:00 Mon-Fri & 08:00-13:00 Sat),
- b) the positioning of noise-emitting plant equipment,
- c) a site dust management scheme,
- d) the procedures and processes for dealing with complaints,
- e) construction staff vehicle parking areas within the site,
- f) local road cleaning measures to be deployed, and
- g) the measures to prevent excessive mud and dust being deposited on the public highway and neighbouring properties.

has been submitted to, and approved in writing by, the local planning authority.

The so-approved Statement shall be complied with in full throughout the construction period and the development shall not be carried out otherwise than in accordance with the Statement.

REASON: In order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, to minimise detriment to the natural environment through the risks of pollution during the construction phase and in the interests of highway safety and convenience.

6. Prior to the development hereby approved being brought into use, the ecological enhancements as set out within section 5.6 of the Ecological Appraisal (dated 17th April 2019) shall be implemented in full. The swift bricks and bat tubes as so-installed shall thereafter be retained and maintained for their respective purpose.

REASON: In the interests of delivering biodiversity betterment in accordance with the NPPF.

7. Prior to first occupation of the development hereby approved full details of a minimum of 2 electric vehicle charging points as indicated on the approved drawings shall be submitted to and approved in writing by the local planning authority

The so-approved facilities shall be provided prior to first occupation of the development and shall thereafter be retained and maintained.

REASON: To encourage the use of vehicles that do not increase air pollution in the area.

8. Prior to first occupation of the development hereby approved all the car parking spaces and the customer and staff cycle parking facilities shall be provided on site in full accordance with the approved plans.

The said spaces and facilities shall thereafter be so-maintained and used for no other purposes.

REASON: In the interests of highway safety, the amenities of the area and to facilitate the use of sustainable means of transport.

9. Refuse and recyclable materials shall not be stored on the site other than in the areas identified on the approved drawings.

REASON: In the interests of the amenities of the area.

10. Prior to first occupation of the development hereby approved the internal access road shall be reconfigured and the vehicle parking and

turning areas for the new development shall be provided as detailed on approved site layout plan (drawing AP1 Rev E), with the individual parking spaces clearly demarcated.

The access, parking and turning areas shall thereafter be maintained and kept available for the parking and turning of vehicles, and shall be used for no other purposes.

REASON: In the interest of safe and convenient use of the development.

11. Prior to first occupation of the development hereby approved the 3 new points of step-free pedestrian access to the site from the A350 shall be provided in accordance with the approved drawings.

REASON: In the interests of pedestrian accessibility and the efficient movement of vehicles into the site to prevent congestion on the A350 in the interests of highway safety and convenience.

12. The restaurant use hereby permitted shall not operate between the hours of midnight and 06:00.

REASON: To define the terms of the permission and to ensure an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

13. Prior to first occupation of the development hereby approved the new drainage infrastructure and attenuation tank beneath the car park shall installed and completed in accordance with the approved Drainage Strategy Plan and the submitted Flood Risk Assessment received on 25 June 2019.

REASON: In the interests of controlling flood risk.

14. Prior to first occupation of the development hereby approved the noise control measures for associated plant areas 1, 2 and 3 shall be implemented in full accordance with the submitted Plant Noise Assessment (received 16 April 2019). The Control Measures shall thereafter be so-maintained. Moreover, no additional external plant shall be installed on the site unless it is sited, designed and maintained such that its noise output does not exceed 5dB below the existing background level as measured and assessed in accordance with BS4142 2014 at the nearest residential property.

REASON: To ensure an environment free of intrusive levels of noise, in the interests of the amenities of the area.

15. No external lighting shall be installed on the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting

Professions in their publication "Guidance Notes for the Reduction of Obtrusive Light" (sated 2011)", have been submitted to and approved in writing by the local planning authority.

Any such lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

NOTE: Prior to the above condition being discharged, the submitted lighting details shall be subject to a consultation engagement with Melksham Town Council.

16. Prior to first occupation of the development hereby approved the existing gate across the access from the A350 shall be permanently removed and no gates along the access shall thereafter be installed.

REASON: In the interests of highway safety and convenience.

17. Prior to first occupation of the development hereby approved there shall have been an implemented scheme to secure the out of hours closure of the southern part of the Leekes car park, in accordance with details approved in writing by the local planning authority.

The car park shall thereafter be maintained and managed in accordance with the so-approved scheme.

REASON: To avoid anti-social use of the Leekes car park when the store is closed, in the interests of the amenities of the area.

18. Prior to first occupation of the development hereby approved the parts of the Travel Plan capable of being implemented prior to the hotel / restaurant use commencing shall be fully implemented. Those parts identified for implementation after the use commencing shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied. The Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Travel Plan in full.

REASON: In the interests of reducing the amount of private car movements to and from the development.

19. The development hereby approved shall be serviced (once operational) in accordance with the approved Delivery and Servicing Management Plan received on 18 January 2019.

REASON: To define the terms of the permission and to ensure an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

INFORMATIVE TO APPLICANT:

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

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

26 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.40 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

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