

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 26 FEBRUARY 2009**

Held in: **THE COUNCIL CHAMBER, COUNCIL OFFICES,
BRADLEY ROAD, TROWBRIDGE**

Councillors: Cllrs Fuller (Chairman), Alford, Bolwell, Burden, Carbin, Clark, Denison-Pender, Fortescue, Griffiths, Halik, James, March, Martindale, Mounde, Newbury, Parks and Phillips OBE.

Also Present Cllrs Eaton and Wiltshire.

Officers: Development Control Manager (DH), Acting Development Control Manager (RY), Principal Planning Officer (RM), Head of Legal Services (NM), Lawyer (CE) and Democratic Support Officer (KF).

25. APOLOGIES & CHANGES TO THE MEMBERSHIP OF THE COMMITTEE

Apologies were received from Cllr Repton.

26. DECLARATIONS OF INTEREST

Application Item	Cllr / Officer	Reason
04/02105/OUTES – Land South of Paxcroft Mead, Trowbridge.	Cllr Clark	Personal interest. Chaired meetings of Hilperton Parish Council that discussed the original application. Will consider with an open mind.
	Cllr Fuller	Personal interest. Trowbridge Town Councillor, attended meetings that discussed the original application. Will consider with an open mind.

27. ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman advised the Committee of the importance of how Members conducted themselves with reference to the lobbying of planning applications, that it was important how members of the public viewed them and how Members needed to be transparent in all dealings on such matters.

The Chairman also thanked Bob Young for his good work looking after Development Control matters whilst Dave Hubbard had been on sick leave, everyone wished him well for the future.

28. OPEN FORUM

For all open forum presentations in respect of planning applications please refer to minute number 29.

29. PLANNING APPLICATIONS

Open Forum speakers:

Agenda Item No. 5 – Country Wide Farmers Ltd,
Bradford Road, Melksham.

Mr Richard Huteson
Mr Mike Hawkins
Cllr Richard Wiltshire
Cllr Jon Hubbard
Cllr Rod Eaton

Application No. 6 - 04/02105/OUTES – Land South of
Paxcroft Mead, Trowbridge.

Cllr Steve Oldrieve
Mr Mike Stephens
Mr Robert Cook
Mr Andre Myers

It was agreed that there would be a 10 minute adjournment in order for Committee Members to read legal advice which had been sought by West Wilts District Council and tabled on the night relating to agenda Item No. 5 – Country Wide Farmers Ltd, Bradford Road, Melksham.

Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham

Cllr Trevor Carbin proposed a motion that:

The application should not be referred to the Secretary of State as a departure decision but is referred under the Shopping Directive only.

Cllr Tom James requested a recorded vote be held for this motion.

The results are as follows

The motion was carried 10 votes for, 6 Votes against and 1 vote of abstention.

Councillor	Vote
Alford	For
Bolwell	For
Burden	For
Clark	For
Carbin	For
Denison-Pender	Against
Fortescue	For
Fuller	Against
Griffiths	For
Halik	For
James	Against
March	For
Martindale	Abstained
Mounde	Against
Newbury	Against
Parks	Against
Phillips OBE	For

The Planning Committee resolved that:

The application be referred to the Secretary of State for Communities and Local Government under the requirements of the Town and Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993.

In the event that the Secretary of State does not call the application in, the Development Control Manager be authorised to grant planning permission with conditions and subject to the completion of a S106 agreement to secure the following:

(i) Sustainable transport measures which will include a £500k contribution based upon £100k per annum towards bus transport to Melksham Town Centre from the application site.

(ii) Funding and implementation of off site highway works including the signalised junction modifications, which have been budgeted by the applicants at £600k.

(iii) An odour mitigation and environment programme in view of the close proximity of the site to the Melksham waste water treatment works.

Together with justification and conditions as follows:

Justification:

Officers have given the matter full consideration to this issue and also the submissions by Melksham Town Council. It is recommended that the best approach is to justify the proposal in its entirety on the basis that the approval would create further employment opportunities for Melksham area, and is mitigated by the proposed planning conditions, environmental and sustainable transport measures and off-site highway modifications to be carried out at the applicant's cost. On this basis members are prepared to allow this proposal as being an exception to current Government retail guidance set out in PPS6 together with Policy DP3, 6 of the Wiltshire and Swindon Structure plan 2016 and Policy SP3 of the West Wiltshire District Plan 1st alteration 2004. In respect of loss of employment land there would remain employment land opportunities in close proximity to the Town centre and a limited net increase in retail floor space taking into account the existing ancillary retail use which has established use rights. In terms of highway impact, the attached planning conditions together with mitigation measures through the applicant's proposed contributions towards sustainable transport measures and off-site modifications to the adjoining highway, justify an exception to Policy T8 of the Wiltshire and Swindon Structure Plan 2016 and the above mentioned policies and guidance.

Finally, subject to a safeguarding condition and a s.106 agreement concerning environmental management of the proposed use in relation to its close proximity to the Melksham Sewage Treatment Works, the proposal would comply with policy U5 of the West Wiltshire District Plan 2004.

Condition(s):

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 The gross external area of the food store hereby permitted shall not exceed 4,700 metres square. The net sales and display area (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs)) shall not exceed

2,900 metres square, of which not more than 75% of the net sales and display area shall be used for the sale of convenience goods.

REASON: In order to protect the vitality and viability of the town centre.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies SP1 and SP3.

- 3 No part of the net sales and display area (defined as all areas used for the display and sale of goods, including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and Automated Teller Machines (ATMs)) of the food store hereby permitted shall be given over to any dry cleaning services, key cutting, shoe repair, photographic, or pharmacy services dispensing medicines by prescription or post office counter services.

REASON: In order to protect the vitality and viability of the town centre.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies SP1 and SP3.

- 4 The development hereby permitted shall not be brought into use until a servicing management plan has been submitted to and agreed in writing with the Local Planning Authority. The management plan shall include details of the size, weight and type of delivery vehicles, the number and times of deliveries, collection and waste collection, details of loading and unloading procedures, and details of the location of the access, parking, turning and waiting areas.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C38.

- 5 The rating level (as defined in British Standard 4142:1997) of noise emitted by all fixed plant, including refrigeration plant, on site shall not exceed 34 dBA between 2300 and 0700 hours or 43 dBA at any other time. The noise levels shall be determined at the nearest noise sensitive properties.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C38.

- 6 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from any cooking operations on the premises. Details of the equipment for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use of the relevant phase of the development

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 7 Prior to the commercial premises being brought into use, a scheme providing for the storage or display of goods, materials, plant, machinery, equipment, waste or other items. Adequate storage of refuse from the commercial properties shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In the interests of the appearance of the site and public health and safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy SP1, SP3, & C38.

- 8 Prior to the commencement of any development the site shall be subject to:
- i) Site investigation and risk assessment works for chemical contamination;
 - ii) Works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;
 - iii) Remediation validation works.

The above to be carried out to the satisfaction of the Local Planning Authority.

Site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: in the interests of public health and safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C37.

- 9 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority before each phase of the development prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

- 10 Any facilities for the storage of oils, fuels or chemicals during construction shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 11 All surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 12 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate and / or volume of surface water discharge to the local land drainage system. The works shall be undertaken in accordance with the approved details.

REASON: To ensure that the development can be adequately drained.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2

- 13 The development hereby permitted shall not be commenced until the following details, based on a 1 in 100 year flood flow design standard, have been submitted to and approved by the Local Planning Authority:

- i) A scheme for the alleviation of flooding.
- ii) A detailed programme of proposed drainage works.
- iii) The method of accommodating the spring/pond/watercourses) on the site.

Subsequently the works shall be completed in accordance with the approved details, including any timescale attached thereto.

REASON: In the interests of flood prevention.

- 14 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 15 Detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority for each phase of the development before development commences for each phase on the relevant phase of the development. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking of car parking spaces, the landscaping of the parking and servicing areas where appropriate, and full details of the method of construction. All works referred to in this condition shall be completed, and the parking and servicing areas shall be available for use before the premises are occupied.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy T10

- 16 No part of the development hereby permitted shall take place until construction stage plans have been submitted to and approved in writing by the Local Planning Authority. The plans will need to agree the routing and timing of construction traffic, together with identifying the need for any temporary traffic orders that may be necessary. These works shall be undertaken in accordance with these approved details.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies H4 and SP3.

- 17 Before any phase of the development is occupied, the access roads and car parking areas shall be surfaced in accordance with details for that phase of the development, which shall have been submitted to and approved in writing by the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy T10.

- 18 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the retail phase of the development. The Travel Plan shall include measures to minimise vehicle movements to the foodstore and a timetable for implementation, and shall be implemented in accordance with the approved scheme.

REASON: In pursuit of sustainable transport objectives.

- 19 Landscaping schemes for the application site, including a programme for its implementation, shall be submitted to and approved by the Local Planning Authority for each phase of the development prior to the commencement of the relevant phase of the development. The landscaping schemes shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels. The approved scheme shall be implemented in accordance with the approved programme, and the landscaping shall be maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.

Upon approval:

- * The approved scheme for each phase of the development shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the relevant phase of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- * all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- * the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- * the whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C32 and C40.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C17 and C32.

- 21 No development shall take place on any phase of the development until a schedule of the materials and samples of the materials to be used in the construction of the external surfaces of the relevant phase of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C17 and C31A.
- 22 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas for each phase of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.
- REASON: To ensure that the development harmonises with its setting and provides clearly defined linkages to and from Melksham Town Centre.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A and Planning Policy Statement Planning Policy Statement 6 - Planning for Town Centres.
- 23 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.
- REASON: In the interests of proper planning of the area.
- 24 Details of storage areas for refuse, designed so as to minimise their impact on the appearance of the street scene shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be provided prior to the buildings on the relevant phase of the development being first occupied and shall be maintained as such thereafter.
- REASON: In the interests of the appearance of the street scene.
- POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C31A.
- 25 No development hereby permitted shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to and approved by the Local Planning Authority. The works shall be undertaken in accordance with the approved works.
- REASON: To protect the areas of the site which are of archaeological interest.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy C15.

- 26 Details of the protection, easement, and / or realignment of any public infrastructure across the site, including water mains and sewers, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works on site. The works shall be undertaken in accordance with these approved details.

REASON: In order to protect public infrastructure.

- 27 Prior to the commencement of the retail and commercial properties hereby permitted, details of all security measures, including CCTV, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details.

REASON: In the interest of public safety.

- 28 Prior to the commencement of development and during the course of the development, the building shall be carefully surveyed to determine whether bats or barn owls are present. If any sign of bats or barn owls is discovered during the development, work shall cease immediately and Natural England shall be consulted further.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.

- 29 No work shall commence in respect of the development hereby approved until full details of all off site highway works required as part of the development to be submitted and approved in writing by the Local Planning Authority

REASON: In the interests of highway safety.

NOTE: VOTE TO CONTINUE

After 3 hours had elapsed, the Committee took a vote in accordance with the Constitution on whether or not to continue with the meeting.

RESOLVED:

To continue the meeting until all applications on the agenda had been debated.

Agenda Item No.6 - 04/02105/OUTES - Land South of Paxcroft Mead, Trowbridge

Cllr Trevor Carbin proposed a motion that:

The Planning Committee do not to accept the proposed changes to the original application.

A recorded vote was held for this motion.

The results are as follows

The motion was lost 5 votes for, 7 Votes against and 1 vote of abstention.

Councillor	Vote
Alford	For
Burden	Against
Clark	For
Carbin	For
Fortescue	Against
Fuller	Abstained
Griffiths	For
Halik	Against
James	Against
March	Against
Martindale	For
Mounde	Against
Phillips OBE	Against

The Planning Committee resolved to:

- (i) increasing the number of residential units from 550 to 650 in accordance with the recommendations of the Report on Economic Viability
- (ii) that Condition 5 of the resolution taken by the Planning Committee on 13 July 2005 is amended to read '650 units' in lieu of 'in the range of 545 to 555 units'
- (iii) the resolution taken by the Planning Committee on 13 July 2005 is amended to delete the requirement for 30% affordable housing provision and replace it with a requirement for 25% affordable housing plus a commuted sum in lieu of 5% shared equity housing.

- (iv) the completion of the Legal Agreements to enable the formal grant of outline planning permission together with justification reason and all conditions as identified on the original resolution numbered 1 to 39 as amended at Condition 5 to reflect the increase in housing numbers and informatives numbered 1 to 6.
- (v) Insert an additional condition to remove permitted development rights for garages as follows:

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order with or without modification, the domestic garages shall be maintained as garaging for vehicles and shall not be incorporated into the living accommodation of the dwellings without the express planning permission of the Local Planning Authority.

REASON: In the interests of amenity and to ensure that there is sufficient parking provision within the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies H1 & T10.

The Committee requested that officers give full consideration to issues of parking, layout, design and flooding in order to prevent problems similar to those that have been experienced on the existing new developments at Paxcroft Mead when any subsequent applications for Approval of Reserved Matters are submitted to the Council.

Member Attendance

Cllr Bolwell left the meeting after the recorded vote of Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham, and did not return.

Cllr Carbin left the meeting at the end of Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham, and returned at the beginning of the officer presentation of Agenda Item No.6 - 04/02105/OUTES - Land South of Paxcroft Mead, Trowbridge.

Cllr Clark left the meeting at the end of Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham, and returned at the beginning of the officer presentation of Agenda Item No.6 - 04/02105/OUTES - Land South of Paxcroft Mead, Trowbridge.

Cllr Denison-Pender left the meeting at the end of Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham, and did not return.

Cllr Fortescue left the meeting after the final vote of Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham, and returned at the during the officer presentation of Agenda Item No.6 - 04/02105/OUTES - Land South of Paxcroft Mead, Trowbridge.

Cllr James left the meeting during the debate of Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham, and returned during the debate of the same.

Cllr Newbury left the meeting at the end of Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham, and did not return.

Cllr Parks left the meeting during the debate of Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham, and returned during the debate of the same.

Cllr Parks left the meeting at the end of Agenda Item No.5 – 07/03866/FUL – Countrywide Farmers Ltd, Bradford Road, Melksham, and did not return.

30. PLANNING APPEALS UPDATE REPORT

The Planning Committee noted the update report.

31. DATE OF NEXT MEETING

The next meeting of the Planning Committee will be held on **12 March 2009** at **7.00pm** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge.

(19.00 – 23:00)

These minutes were prepared by Kevin Fielding, Democratic Support Officer who can be contacted on 01225 776655 ext 115 or by e-mail kfielding@westwiltshire.gov.uk