

## WESTERN AREA PLANNING

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 5<sup>TH</sup> AUGUST 2009 AT 6.00PM AT BRADLEY ROAD, TROWBRIDGE

#### Present:

Mr. E. Clark, Mr. R. Eaton, Mr. P. Fuller (Chairman), Mr. R. Hawker,  
Mr. M. Hewson, Mr. J. Knight, Mr. S. Petty, Mrs. F. de Rhe-Philipe,  
Mr. J. Seed, Mr. R. While.

#### Apologies:

Mr. M. Griffiths, Mr. C. Newbury

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#### 23. MINUTES

The minutes of the meeting held on 15<sup>th</sup> July 2009 were confirmed as a correct record and signed by the Chairman.

#### 24. CHAIRMAN'S ANNOUNCEMENTS

There were none.

#### 25. DECLARATIONS OF INTEREST

Mr. P. Fuller declared a prejudicial interest in application 08/02692/OUT as a member of the management committee of a local football club intending to use the playing field with which the application is concerned.

Mr. J. Knight declared a personal interest in application 08/02692/OUT as he had considered the application previously as a member of the Town Development Committee, Trowbridge Town Council. Mr. Knight gave his assurance that he would consider the application with an open mind.

Mr. R. Hawker declared a personal interest in application W/09/00888/FUL as he had considered the application previously as a member of Westbury Town Council. Mr. Hawker gave his assurance that he would consider the application with an open mind.

**26. 08/02692/OUT - New primary care centre and extension to existing surgery - Land North West Of Cricket Ground Seymour Road Trowbridge Wiltshire**

Mr. P. Fuller, having previously declared a prejudicial interest, left the meeting for the duration of this item.

**Mr. R. While in the Chair**

Public participation:

1. Mr. Colin Poplett, Vice President of Trowbridge Cricket Club, spoke in objection to the application.
2. Mr. Robert Quartley spoke in objection to the application.
3. Mr. Richard Gardiner spoke in objection to the application.
4. Ms. Alison Knowles, Director of Corporate Affairs and Communications for the Wiltshire Primary Care Trust, spoke in support of the application.
5. Mr. Andy Strange, Planning Consultant for the Wiltshire Primary Care Trust, spoke in support of the application.
6. The Division Member spoke in support of the application.
7. Mrs. H. Osborn, a local member, spoke in objection to the application.
8. Mr. J Osborn, a local member, spoke in objection to the application.

The committee received details of additional comments from Sport England in objection to the application.

The committee received details of additional comments from Mr. J. Osborn, a local member, regarding the proposed contribution towards provision of alternative sporting facilities.

The committee received details of additional comments from a local resident in objection to the loss of sporting facilities.

The committee received details of additional comments from the applicant's agent regarding referral to the Secretary of State, and also in relation to ecological issues surrounding the application.

The committee received details of an additional letter from the Vice President of Trowbridge Cricket Club.

The committee received details of the planning officer's responses in relation to the above late submissions.

**Resolved:**

- (i) That the application be referred to the Secretary of State in accordance with Town and Country Planning (Playing Fields) (England) Direction 1998, and that planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the Secretary of State remits the application to this council for decision; and**
- (ii) that the Development Control Manager being satisfied with the completion of a legal agreement to secure a contribution of £140 000 towards the appropriate alternative provision of cricket and associated recreational facilities in the locality as required by policy R7 of the West Wiltshire District Plan 1st Alteration 2004.**
- (iii) that the Leisure Manager be asked to meet with members of Trowbridge Cricket Club to discuss options for a replacement cricket ground.**

**For the following reason(s):**

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

**Subject to the following condition(s):**

- 1 The development hereby permitted shall be begun 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 No development shall commence on site until details and samples of the materials to be used for the external surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 5 No development shall commence on site until a Travel Plan has been 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. The Travel Plan (and eventual approval) will be based on the "Framework Travel Plan" accompanying the application and the Draft Method Statement for Wiltshire Primary Care Trust "Travel Strategy" sent under cover of the Agents' letter dated 10th February 2009.

REASON: In the interests of road safety, reducing car traffic to the development, and ensuring that patients without access to a car are not disadvantaged.

6 No development shall commence on site until details have been submitted to and approved in writing by the Local Planning Authority in respect of the following:

- (i) the design of the internal roads, footways, parking arrangements and surface drainage;
- (ii) the design of a pedestrian link between the proposed development and Adcroft Street, through the existing Trowbridge Community Hospital site;
- (iii) the provision of a pedestrian refuge island in Seymour Road to the north east of the junction with Melton Road;
- (iv) the relocation of the existing bus stop located outside of the community hospital frontage in Seymour Road to a more suitable location to serve the development; and
- (v) visibility splays to the vehicular access to the site in accordance with the indicative plan SK03, or a variation of that plan as may be agreed by the Local Planning Authority.

REASON: In the interests of road safety and suitable pedestrian and public transport access to the site.

7 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 8 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 9 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be

reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5.1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5.2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.3.

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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time agreed in writing with the Local Planning Authority., and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 12 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - (i) the parking of vehicles of site operatives and visitors;
  - (ii) loading and unloading of plant and materials;

- (iii) storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (viii) measures for the protection of the natural environment.
- (ix) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

- 13 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme 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. Possible impacts on the protected trees to the east of the site in Lower Court shall be considered as part of this scheme. Upon approval:

- The approved scheme 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 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 June 2004 - Policy C32.

- 14 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
- A schedule of tree works conforming to BS3998;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan, First Alteration June 2004 - Policy C32.

- 15 Development shall not commence prior to the submission and approval in writing by the Local Planning Authority of a surface water run-off limitation scheme. The submitted detail shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

POLICY: PPS 25: Development and Flood Risk

- 16 The reserved matters application shall include a mitigation strategy for the protection of Great Crested Newts. This strategy shall include:

- a time frame for the submission of an application for any relevant licences required for development where Great Crested Newts may be affected;
- a method statement to include proposals for:
  - \* the erection of an amphibian exclusion fence around the construction site perimeter;
  - \* performing a supervised destructive search during stripping of the soil; and
  - \* the incorporation of proposals for Great Crested Newt habitat creation on the site.

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

- 17 Development shall not commence prior to the submission a survey in respect of any trees to be felled to determine their suitability and use by bats for roosting. Proposals for mitigation measures in respect of the loss of trees found to suited to roosting bats shall be submitted to and approved in writing by the Local Planning Authority prior to their felling.

REASON: In the interests of natural species.

- 18 Development shall not commence prior to the submission and approval in writing by the Local Planning Authority of a plan showing measures for the protection of the site from the cricketing activities on the adjacent sports field, to include the provision of protective netting in respect of cricket balls struck in the direction of the site. The approved scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent future damage to buildings, windows and vehicles on the site.

**Informative(s):**

- 1 The applicant is advised to contact Wessex Water (01225 526 000) at an early opportunity with regard to connection to and protection of water and sewerage systems.
- 2 The applicant is advised to contact the Development Control team at the Environment Agency (08708506506) with regard to any Flood Defence Consents that may be required for the proposal.

27. **W/09/00583/FUL - Extension to enlarge dwelling to create a new semi-detached dwelling, new garage block to replace existing and associated works (revised scheme of 07/03111/FUL) - Land Rear Of 16 High Street Codford Wiltshire**

**Mr. P Fuller in the Chair**

Public participation:

1. Mr. Graham Savage, the applicant's agent, spoke in support of the application.
2. Mrs. Rosemary Wyeth spoke on behalf of Codford Parish Council in objection to the application.

**Resolved:**

**That the Planning Inspectorate be informed that had the council been in a position to make a decision on the application, it would have refused the application**

**For the following reason(s):**

- 1 The site lies within Flood Zone 3, the highest risk area to flooding, and no appropriate flood risk assessment with a sequential approach and exception test has been submitted to adequately assess the flood risks from the proposed development, contrary to paragraphs 8, 10, 14, D1, D9, E3 and E8 of Planning Policy Statement 25: Development and Flood Risk.

**28. 08/03266/FUL - Redevelopment of existing site to provide new supermarket store, cafe and non food retail units, access and parking - Dents Accessory Ltd 12 Fairfield Road Warminster Wiltshire BA12 9DA**

**Public participation:**

1. Mr. Simon Hoad spoke in objection to the application on behalf of Stockland Developments.
2. Mr. Albert Lee spoke in support of the application.
3. Mr. Julian Painter spoke in support of the application on behalf of the applicant.
4. Mr. Robert Yentob spoke in support of the application on behalf of Dents Accessory Ltd.
5. Mr. Tony Nicklin, Mayor of Warminster, spoke in support of the application.
6. Mr. Tony Field spoke in support of the application on behalf of Warminster Town Council.
7. Mr. Chris Montague spoke in support of the application on behalf of the Warminster Civic Trust.
8. The Division Member spoke in support of the application.

The committee was informed of a typing error in the planning officer's report, which initially states that the application is recommended for approval. It was clarified that the application is recommended for refusal.

The committee received details of additional correspondence from Warminster Town Council in support of the application.

The committee received details of additional comments from agents acting on behalf of an applicant in respect of an alternative site, and the planning officer's response to these comments.

The committee received details of additional comments from Warminster Chamber of Commerce in support of the application and the planning officer's response to these comments.

The committee received details of additional comments from the Warminster Civic Trust in support of the application.

**Resolved:**

**That the application be referred to the Secretary of State under the requirements of the Town and Country Planning (Shopping Development)(England and Wales)(no.2)Direction 1993 as amended by the Town and Country Planning (Consultation)(England) Direction 2009.**

**Planning permission be granted at a future date in the event of the Area Development Manager being satisfied that the application is remitted back to the council by the Secretary of State for a decision and to the prior completion of a legal agreement to secure:**

- 1. installation of a puffin crossing as shown on drawing number 3969/pl(90)03 rev a at the developer's expense**
- 2. an index linked contribution of £6,000 to cover traffic regulation order costs relating to the puffin crossing, 'no waiting' restrictions on buttons yard and to modify taxi ranks**
- 3. an index linked contribution of £500 per year for 6 years towards monitoring of the travel plan (payable by a £3,000 lump sum)**

**For the following reason(s):**

**The proposed development would be acceptable on its planning merits as it would be compatible with the scale and character of surrounding development, would not adversely affect neighbouring amenity, would be well related to the existing retail function of Warminster, albeit on the edge of town centre, would be in a sustainable location and as such would be in accordance with policy.**

**Subject to the following condition(s):**

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

**REASON:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C31A.

- 3 No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the appearance of the area and neighbouring amenity.

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

- 4 Deliveries to the units, other than the supermarket, shall be undertaken before 10am or after 5:30pm.

REASON: It is not desirable on convenience and safety grounds for these deliveries to be made when the car park is busy.

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

- 5 Prior to the commencement of development, the detailed design for the associated highway works (to include accesses, drainage from the car park, the puffin crossing and cycle parking) together with a dropped kerb and appropriate lining where the footpath/cyclepath from the car park meets Fairfield Road shall be submitted to and approved in writing by the local planning authority. The works shall be constructed in accordance with the approved details before the first use of the development.

REASON: In the interests of ensuring that the site can be satisfactorily served by all modes of transport.

- 6 A Travel Plan, which must include targets, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

REASON: In the interests of encouraging all modes of transport and reducing vehicular traffic.

- 7 Notwithstanding the submitted plans, prior to the commencement of development, details of the location and type of public cycle parking and staff cycle parking shall be submitted to and approved in writing by the local planning authority. The works shall be constructed in accordance with the approved details before the first use of the development.

REASON: To prevent any hinderance to access.

- 8 Details, including samples where appropriate, of the materials for the surface of all roads, footways, parking spaces, pedestrian areas and all other hard surfaced areas shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The works shall be constructed in accordance with the approved details before the first use of the development.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 9 The amount of retail floorspace permitted for the supermarket shall not exceed 2,348m<sup>2</sup> Gross Internal Area including no more than 1,147 square metres of net sales area, and no additional internal floorspace shall be created (for example by the installation of mezzanine floors) without the prior permission of the Local Planning Authority following the formal submission of a planning application.

REASON: In order to ensure that retail floorspace is not provided on the site in a way which would alter the basis of provision assessed by the retail planning statement.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies SP1.

- 10 The two smaller comparison goods retail units shall not be used for food sales and shall not exceed a total of 367m<sup>2</sup> Gross Internal Area. These two separate units shall not be consolidated to form a single unit and no additional internal floorspace shall be created (for example by the installation of mezzanine floors) without the prior

permission of the Local Planning Authority following the formal submission of a planning application.

REASON: In order to ensure that retail floorspace is not provided on the site in a way which would alter the basis of provision assessed by the retail planning statement.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies SP1.

- 11 An arboricultural method statement, prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification, providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement shall provide the following: -

- \* A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- \* A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005
- \* A schedule of tree works conforming to BS3998;
- \* Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- \* Plans and particulars showing the siting of the service and piping infrastructure;
- \* A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- \* Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- \* Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that the work is carried out in accordance with current best practice



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

- 12 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

POLICY: West Wiltshire District Plan - First Alteration 2004 – policy C32.

- 13 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme 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.

Upon approval:

The approved scheme 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 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: to provide a satisfactory landscape setting for the development.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C32.

- 14 No development shall commence on site until a plan indicating the position and details of all boundary treatments including screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments, screen walls and/or fences shall be erected in accordance with the approved

details prior to the first occupation of the development hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent nuisance from overlooking and loss of privacy to neighbouring residential property.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C32.

- 15 No development shall commence on site until a scheme to deal with contamination of the land has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

The site shall be fully decontaminated in accordance with the approved scheme before any part of the development is first brought into use.

REASON: In the interests of public health and safety and to ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C37 and C38.

- 16 In order to safeguard the amenities of the area in which the development is located, suitable ventilation and filtration equipment

shall be installed in any appropriate part of the development to suppress and disperse any fumes and/or smell created from any cooking operations. Details of the equipment 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.

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

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

- 17 No development shall commence on site until details showing refrigeration, ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The level of noise from an extraction equipment shall not exceed the existing background level at any time as measured at the site boundary. The equipment shall be installed prior to the first occupation of each of the buildings hereby approved and shall thereafter be maintained in accordance with the approved details.

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

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

- 18 In order to safeguard the amenities of the area in which the development is located, prior to the premises being brought into use, a scheme providing for the adequate storage of refuse 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 public health and safety.

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

- 19 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

REASON: In the interests of protecting the archaeological heritage of the area.

POLICY: West Wiltshire District Plan -1st Alteration - Policy C16.

- 20 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (h) measures for the protection of the natural environment.
- (i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

- 21 No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

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

- 22 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

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

- 23 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access roads and parking areas, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY: West Wiltshire District Plan -1st Alteration - Policy U3.

- 24 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved sewerage details have been constructed in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

POLICY: West Wiltshire District Plan -1st Alteration - Policy U3.

**Informative(s):**

- 1 Highways. An area forming part of the application site is public highway. Whilst there would be no objection to stopping-up that area it does contain highway drainage which will have to be accommodated in the detailed design. Stopping-up should be pursued through the Planning Act rather than through the Highways Act and Magistrates' Court
- 2 Environment Agency. Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes

retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained.

Lorry parks, scrap yards; off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated.

Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

Site area is less than 1 hectare and is located in Flood Zone 1; therefore our Flood Risk Standing Advice applies.

Please refer to: [www.pipernetworking.com/floodrisk/operational.html](http://www.pipernetworking.com/floodrisk/operational.html) for additional information.

- 3 Wessex Water. There should be sufficient capacity within the public foul sewer to accommodate the development, expected flow rates should be submitted in due course. Connection to be made to the public foul sewer (225mm) in Station Road. Please note that any existing connections not reused should to be sealed at the point of connection with the sewer. The developer should submit details of likely water supply rates so we may comment on the adequacy of the local system. The 6" water main on the eastern boundary will require a 3 metre minimum standoff. Further plans should be submitted to Wessex Water to enable them to confirm if this will be achieved without the need for a diversion. There are no public storm sewers in the area. The applicant has indicated that the use SUDs systems is proposed. As there are doubts as to their suitability in this location further clarification and a surface water drainage strategy should be submitted and agreed with Wessex Water prior to construction.

29. **W/09/00888/FUL - Proposed use of the site for the storage, dismantling and recycling of operational railway materials, including associated rail vehicle maintenance and the erection of one two storey office/amenity block (423 sq metre footprint) for operational railway staff working on the site (to include change of use to operational railway land) - Land South Of Concrete Block Works Brook Lane Westbury Wiltshire**

Public participation:

1. Mr. Francis Morland spoke in objection to the application.
2. Mr. Colin Field, Senior Town Planner, Network Rail, spoke in support of the application on behalf of the applicant.
3. Mr. D. Jenkins, a local member, spoke in support of the application.

**Resolved:**

**That planning permission is GRANTED as recommended.**

**For the following reason(s):**

**The proposal would bring this vacant employment land into productive use and would not preclude the future conversion of the site to multi-user freight facility in terms of Policy T8a of the West Wiltshire District Plan, 2004.**

**Subject to the following condition(s):**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Operations shall not commence on site prior to the submission and approval in writing by the Local Planning Authority of a plan showing the boundaries to the processing and operating areas for the various activities on site in accordance with the indicative plan No. 00664427-E\_PBH-DRG-00620 REV A01 that was submitted with the application. Operations on site shall be conducted in accordance with the approved plan.

REASON: In the interests of neighbouring amenities.

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

- 3 No on- or off-loading of materials or industrial processing shall be carried out, or plant/machinery/power tools used on the site before 07:00 in the morning on Mondays to Saturdays and 22:00 in the evening on Mondays to Saturdays, nor at any time on Sundays and Bank or Public Holidays. The delivery by way of rail of materials to the

site and uncoupling of engines carrying out such delivery shall not be excluded by this condition.

REASON: To limit intrusive levels of noise and activity in the interests of the amenity of the area.

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

- 4 In the event of exceptional circumstances and subject to the submission to and approval in writing by the Local Planning Authority of proposed activities and hours, operations may be undertaken outside of the hours restricted by Condition 3 above.

REASON: To enable operations outside of restricted hours when exceptional and urgent circumstances prevail.

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

- 5 Operations shall not commence on site prior to the submission and approval in writing by the Local Planning Authority of a Lorry Routing Plan for the routing and signing of HGVs to and from the site during operation to the local planning authority and received written approval. The plan shall identify the arrangements for:-

- i) monitoring of the approved arrangements;
- ii) ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements; and
- iii) disciplinary measures that will be exercised in the event of default

REASON: In order to mitigate the impact of HGV traffic on the road network.

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

- 6 No construction shall commence on site until the applicant has submitted a Construction Traffic Management Plan to the Local Planning Authority and received written approval thereof.

Reason: In order to mitigate the impact of construction traffic on the road network.

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



- 7 Operations shall not commence on site prior to the submission and approval in writing by the Local Planning Authority of a Travel Plan. This Travel Plan shall include:

- i) Measures for the promotion of car sharing and practices and on-site facilities that reduce the need for travel;
- ii) Measures to promote and facilitate public transport use;
- iii) Measures to promote and facilitate walking and cycling ;
- iv) Consideration of and measures to mitigate any adverse impacts upon the local highway network; and
- v) Targets and monitoring/review mechanisms together with a timetable for the implementation of each element

REASON: In the interests of encouraging access by sustainable transport to the site

- 8 Development shall not commence prior to the submission and approval in writing by the Local Planning Authority of a scheme for the provision of surface water drainage works. 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 drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water management.

- 9 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

- a. A desk study identifying:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.

- b. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

REASON: To ensure the proposed development will not cause pollution of Controlled Waters.

- 10 Prior to the commencement of development, a Management Plan to demonstrate how the receptor sites in terms of the Reptile Mitigation Strategy submitted with the application will be managed and protected in perpetuity for reptiles. Management work will be carried out in accordance with the agreed plan.

REASON: In the interests of the protection of reptiles to be translocated from the site.

- 11 Results of post translocation reptile monitoring will be submitted in accordance with Paragraph 6.3 of the Reptile Mitigation Strategy dated 26 May 2009 (or amendments thereto approved in writing by the Local Planning Authority) submitted in support of the application.

REASON: In the interests of the protection of reptiles to be translocated from the site.

- 12 Prior to the commencement of development, and in the event that reptile populations exceed those that can be accommodated in the two receptor sites proposed and subject to further consideration by the District Ecologist, an additional receptor site that may be required by the Local Planning Authority shall be identified and secured.

REASON: In the interests of the protection of reptiles to be translocated from the site.

- 13 Prior to the commencement of development details of lighting shields to be provided for the protection of foraging and commuting bats shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the protection of protected species.

- 14 Prior to the commencement of development a construction method statement in relation of the protection of the Biss Brook during construction shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the protection of the Biss Brook and environs during construction.

**Informative(s):**

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to the protection of water infrastructure on site, as well as the possible need for the diversion of existing mains.
- 2 The Environment Agency has noted that certain of the elements required under Condition 8 have already been addressed. The applicant is therefore advised to contact the Agency direct in this regard where this may have a bearing on the speed of approval of the scheme to deal with the risks associated with contamination.
- 3 The Environment Agency further wishes to advise the applicant 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 Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
  - 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

Further advice by the agency in respect of Environment Management is that operations on site may be subject to regulation by the Environment Agency.

Depending on the size, storage limits and type of material to be processed, consultation may be required in relation to the application for an 'Environmental Permit' or an 'Exemption' (under the

Environmental Protection Act 1990). If only 'clean', 'De-polluted' material and vehicles entered the site then exemption could be an option under Paragraph 45; Recovery of Scrap Metal or the Dismantling of Motor Vehicles. If materials and vehicles have not been de-polluted then an application for a Waste Management Licence may be a requirement. This may in turn need the development of site specific environmental management plan and other working plan documentation.

It is recommended that any queries in the above regard are directed to the Environment Officer on 01278 484408.

- 4 The applicant is advised that nesting birds are protected under the Wildlife and Countryside Act 1981. As it was noted that there was extensive habitat suitable for nesting birds within the boundary of the site, any suitable vegetation must be removed outside of the bird nesting season. The applicant is advised to contact the District Ecologist prior to site clearance.

**30. W/09/01871/FUL - Rear extension to dwelling - 71 High Street Heytesbury Wiltshire BA12 0ED**

Public participation:

1. The applicant, spoke in support of the application.

The committee received details of additional comments from Heytesbury Parish Council, stating that the parish council has no objection to the application.

A motion to refuse permission in accordance with officer recommendation was tabled and subsequently withdrawn and it was

**Resolved:**

**That planning permission is GRANTED, contrary to officer recommendation.**

**For the following reason(s):**

**There would be no harm to the character of the listed building or setting of neighbouring listed buildings.**

**Subject to the following condition(s):**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character of the listed building.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C31A and C28.

- 3 No development shall commence on site until a sample wall panel, not less than 1 metre square, of the walling material 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 the character of the listed building.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C31A and C28.

- 4 No works shall commence on site until details of the external doors, windows, rooflights and glazed screens have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) and details of glazing at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character of the listed building and its setting.

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

- 5 No works shall commence on site until details of all new or replacement rainwater goods (which shall be of metal construction

and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

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

### **MEMBER ATTENDANCE**

Mr. P. Fuller left the meeting for the duration of application 08/02692/OUT, returning for the start of application W/09/00583/FUL.

Mr. J. Knight left the meeting after the determination of application 08/02692/OUT, returning during the presentation of the planning officer's report on application W/09/00583/FUL.

### **PART 2**

**Items considered whilst the public were not entitled to be present**

**None.**

5<sup>th</sup> August 2009

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