

WESTERN AREA PLANNING

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 7TH OCTOBER 2009 AT 6.00PM AT BRADLEY ROAD, TROWBRIDGE

Present:

Cllr. Ernie Clark, Cllr. Peter Fuller (Chairman), Cllr. Mark Griffiths,
Cllr. Malcolm Hewson, Cllr. John Knight, Cllr. Christopher Newbury,
Cllr. Graham Payne, Cllr. Stephen Petty, Cllr. Jonathan Seed, Cllr. Roy While

Apologies:

Cllr. Rod Eaton

57. MINUTES

The minutes of the meeting held on 1st October 2009 were confirmed as a correct record and signed by the Chairman.

58. CHAIRMAN'S ANNOUNCEMENTS

There were none.

59. DECLARATIONS OF INTEREST

Cllr. Peter Fuller declared a personal interest in application number 08/00255/OUT as he had considered the item previously as a member of Trowbridge Town Council. Cllr. Fuller gave his assurance that he would consider the application with an open mind.

During the presentation of the planning officer's report on application number W/09/01750/FUL, Cllr. Ernie Clark became aware of and declared a personal interest in the application as he is a member of the board of Selwood Housing Society. Cllr. Clark gave his assurance that he would consider the item with an open mind.

Having joined the meeting during the public speaking on application number W/09/01750/FUL, Cllr. Graham Payne became aware of and declared a

personal interest in the application during the debate thereon, as he is a member of the board of Selwood Housing Society.

During the debate on application number W/09/01750/FUL, Cllr. Roy While became aware of and declared a personal interest in the application, as he is a member of the board of Selwood Housing Society.

60. 08/00255/OUT - THE DEMOLITION OF THE EXISTING BUILDING AND REDEVELOPMENT OF THE SITE FOR A MIX OF USES INCLUDING A FOOD STORE, CAFES, BARS AND RESTAURANTS, A HOTEL, RESIDENTIAL APARTMENTS AND ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND THE ECOLOGICAL ENHANCEMENT OF THE RIVER BISS - FORMER PETER BLACK TOILETRIES, MORTIMER STREET, TROWBRIDGE, WILTSHIRE

The committee's attention was drawn to two typing errors in the planning officer's report: the first on p. 2, where the date of the meeting mentioned in the first paragraph should read 22 April 2009; the second on p.15, where the date of the report to committee should read 19.06.08.

Public participation: There were no speakers.

Resolved:

That the Area Development Manager be authorised to grant permission on completion of a legal agreement within 3 months of the date of this resolution to secure:-

*** That the occupier of the foodstore shall not already be present in the town of Trowbridge;**

*** A 30% affordable housing contribution provided, with 83% of this percentage to be provided on site for rented accommodation and 17% to be provided as a commuted sum for off site provision (the mix of the units shall be subject to further negotiation involving the Council's Affordable Housing Enabler).**

*** An education contribution towards the provision of 8 primary places (currently costed at £11,356 each) and 6 secondary places (currently costed at £17, 351 each), totalling £194,954, as required by the Council;**

*** A financial contribution towards the enhancement and maintenance of a local children's play area to make up for the public open space shortfall;**

*** A financial contribution, a transport phasing plan and provision of accessibility improvements generated by the proposal. These shall include public transport improvements, enhanced linkages between the site and the town centre, the future provision of a foot bridge over the River Biss, variable message signing to the car park, a servicing management plan, and a car park management plan.**

*** A financial contribution of £100,000 (index linked) for the provision of a foot bridge crossing over the River Biss, following further negotiations with the Council, the Environment Agency and the owners of the St. Stephen's Place site.**

For the following reason(s):

The proposed development conforms to the Development Plan and the legal agreements and the conditions attached to it overcome any objections on planning grounds:

Subject to the following condition(s):

- 1 The development hereby permitted shall begin 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, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Application for approval 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: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 3 Approval of the details of the design and the external appearance; ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 4 The gross internal area of the food store hereby permitted shall not exceed 2712 metres square. The net sales and display areas (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, any cafe and automated teller machines) shall not exceed 1657 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.

- 5 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 foodstore 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.

- 6 That prior to the commencement of any development on the site, the developer shall undertake the following:-

1. A site investigation and risk assessment for chemical contamination;
2. Provide a remediation plan and report where applicable upon the discovery of any chemical contamination on the site;
3. Remediation validation works setting out the measures for maintenance, further monitoring and reporting to the satisfaction of the Council as planning authority.

The site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice. 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.

For the avoidance of any doubt, should the applicant/developer make changes to the above listed assessments, remediation plan and/or the remediation report following its acceptance, further written approval would be required before the development hereby approved is brought into use.

REASON: In order to safeguard human health.

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

- 7 Deliveries and servicing to the foodstore hereby permitted shall be limited to the hours of 0700 - 2300 hours Monday to Saturdays, and 0900 - 1800 hours on Sundays and Bank Holidays.

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.

- 8 Whilst in the servicing and delivery yard, any delivery vehicle's engine, including lorry and van engines, shall be switched off during loading and unloading.

REASON: In order to safeguard the amenity of the area.

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

- 9 That during the construction phase, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, or at any time on Sundays or Bank Holidays

REASON: In order to safeguard the amenity of the area.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C36 and C38.

- 10 The design of all the residential units shall minimise the exposure of habitable rooms to levels of road traffic noise in or above NEC B, as defined in Planning Policy Guidance Note 24 - Planning & Noise. Where habitable rooms are exposed to noise levels in category B or above, a scheme shall be submitted to and approved by the Local Planning Authority before the commencement of any works on site, to ensure that internal noise levels comply with the guidance given in BS8233:1999. The works shall be undertaken in accordance with these approved details.

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.

- 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 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 BS5837:2005;

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 sitting 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 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.

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 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 as far as possible the work is carried out in accordance with current best practice.

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

- 12 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the Local Planning Authority until the whole of the development is complete

REASON: To ensure that existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

- 13 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 14 Prior to the commencement of any work on the site, details of all security measures including CCTV proposed for the development shall be submitted to and approved in writing by the Council, as planning authority,

and the works shall be carried out in full accordance with the approved details.

REASON: To the interests of public safety.

- 15 Details of the hours of operation for all proposed uses on the site shall be submitted to and approved in writing by the Council as Planning Authority prior to development commencing on the site.

REASON: In the interests of protecting the amenity of the area

- 16 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow the archaeologist to observe the excavations and record items of interest and finds.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C16.

- 17 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 which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C14 & C15.

- 18 Prior to the commencement of the development hereby permitted, further ecological surveys, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority (following consultation with the Environment Agency). Development shall then only be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7 & C9.

- 19 Details of lighting for 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 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.

- 20 Any facilities for the storage of oils, fuels or chemicals 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 any 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.

For the avoidance of any doubt, any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001").

[Site occupiers intending to purchase or install pollutant secondary containment (bundling) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Pollution Prevention Guidance 2 (PPG2) provides advice on ground storage of oil].

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

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

- 21 All surface water drainage from impermeable parking areas and hardstanding for all vehicles 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.

For the avoidance of any doubt, detergents entering oil interceptors may render them ineffective. A closure valve is therefore necessary to be installed at the oil separator outlet so as to contain any pollution material (in the event of an emergency).

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

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

- 22 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.

- 23 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 - Policies C7, C9 & U4.

- 24 No part of the development hereby permitted shall take place until a 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.

- 25 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.

- 26 Details of public art features shall be submitted to and approved in writing by the Council as planning authority and be implemented prior to the completion of the built development.

REASON: In order to promote public art within the development.

- 27 No development shall take place until a schedule of the materials and samples of the materials to be used in the construction of the external surfaces 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.

- 28 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 Trowbridge Town Centre.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A and Planning Policy Statement Planning Policy Statement 6 - Planning for Town Centres.

- 29 Details of the existing and the 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.

- 30 Details of all the associated storage areas for wheeled refuse bins for all the on-site uses shall be designed so as to minimise their impact on the appearance of the street scene, which shall be submitted to and approved in writing by the Council as 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.

- 31 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations associated to the hot food take-away outlet hereby granted outline permission. Prior to any commencement of work on site, details of the

equipment to be used to provide acceptable levels of ventilation and filtration and at the same time limit noise and air pollution, shall be submitted in writing and be approved in writing by the Local Planning Authority. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority for the lifetime 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 - Policy C38.

- 32 Details of pollution prevention shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details which should cover the following:-

1. Site security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillage events will be dealt with
4. Containment of silt/soil contaminated run off
5. Disposal of contaminated drainage, including water pumped from excavations
6. Site induction for workforce highlighting pollution prevention and awareness

For the avoidance of any doubt, any invitation for tenders for sub-contracted works must include a requirement for details of how the above listed elements will be implemented.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7, C38 & U4.

- 33 The development hereby permitted shall not be commenced until foul 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 (following consultation with Wessex Water). The works shall be undertaken in accordance with the approved details.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

- 34 That no building or land use shall be brought into use unless and until adequate sewerage infrastructure is in place to receive foul water discharges to the satisfaction of the Local Planning Authority (following

consultation with Wessex Water regarding the availability, location and adequacy of the treatment facilities).

For the avoidance of any doubt, contaminated drainage or trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows.

REASON: To ensure that the development can be adequately drained and to prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1a.

- 35 Details of inspection manholes shall be provided and clearly identified on the foul and surface water drainage systems in accordance with a scheme to be submitted to and approved by the Local Planning Authority (following consultation with Wessex Water and the Environment Agency).

REASON: In enable discharges from individual premises or buildings to be appropriately inspected and sampled.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U1A

- 36 That prior to the commencement of works of site, a flood plan (including a suitable warning and emergency/evacuation procedures) with a flood resilience scheme showing details on flood risk handling, flood water conveyance and compensatory flood storage shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is appropriate level of flood risk handling

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3

- 37 That prior to the commencement of works of site, a scheme providing vehicular access to and along the left bank of the River Biss (at any and at all times throughout the year) shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is adequate access provided to to enable the Environment Agency to maintain the River Biss and implement works to reduce flood risk in the locality.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C9 & U3

- 38 That prior to the commencement of works of site, a revised landscape strategy clarifying the proposed treatment of the riverbank shall be submitted to and approved in writing by the Local Planning Authority (following consultation with the Environment Agency)

REASON: To rectify the irregularities shown within the revised FRA which states that the existing riverbank habitat would be retained despite it being re-profiled to accommodate the walkway.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policies C7, C9 & C32.

- 39 That for the avoidance of any doubt, the finished ground floor levels shall be set no lower than 36.7 metres above ordnance datum level to provide 300mm freeboard on the 1 in 100 year (after predicted climate change) flood level to the satisfaction of the Local Planning Authority (following consultation with the Environment Agency)

REASON: To ensure that there is appropriate level of flood risk handling

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy U3

- 40 A plan and schedule indicating the proposed phasing of the development of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed phasing. The works comprised in each phase of the development shall be completed before the works comprised in the next phase are commenced.

REASON: In the interests of proper planning of the area.

Informative(s):

- 1 The developer is advised that should any protected species or habitats be found following the required additional ecological survey work, Natural England and the Wiltshire Wildlife Trust should be contacted so as to accord with the Wildlife and Countryside Act 1981.
- 2 The developer is advised to contact Wessex Water to arrange points of contact onto the public water and sewerage system/apparatus.
- 3 The applicant/developer is advised to adopt a trolley management system to restrict the removal of trolleys from the site (and in particular prevent access for trolleys to the River Biss) which should be submitted to and approved by the Local Planning Authority.
- 4 The applicant/developer is advised that all wastes must be stored in the designated areas, which are isolated from surface drains.

If storing or treating waste from a contaminated area of the site, a waste management licence may be required. Skips should be covered to prevent dust and litter being blown out and rainwater accumulation should be regularly inspected and replaced when full.

If controlled wastes are to be utilised for construction purposes, the developer must register the activity with the Environment Agency. Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management legislation and in particular the Duty of Care. Further guidance can be obtained from <http://www.environment-agency.gov.uk>

Any movements of hazardous waste from the site must be accompanied by hazardous waste consignment notes.

The Environment Agency must be notified immediately following any incident likely to cause pollution.

All waste oils must be collected and contained prior to disposal in an approved manner. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter must not be connected to the surface water drainage system.

All wash down and disinfectant waters must be discharged to the foul sewer with the prior approval of the sewerage undertaker.

Areas designated for the storage of food waste skips must be sited in areas draining to the foul sewer, particularly if a compactor is to be used on the site.

The site must be drained by a separate foul and surface water drainage system, with all clean roof and surface water being kept separate from the foul water. Only clean uncontaminated surface water from roofs and untrafficked paved areas should be discharged to any controlled watercourse.

All foul drainage, including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with a connection to a watercourse.

61. W/09/01750/FUL - RESIDENTIAL DEVELOPMENT FOR 54 NEW BUILD DWELLINGS AND CONVERSION OF EXISTING BUILDING TO 2 DWELLINGS - MOWLEMS, WYNSOME STREET, SOUTHWICK, WILTSHIRE, BA14 9RA

The committee received details of additional comments from Wessex Water regarding the estimated costs for proposed off-site drainage works, and of the applicant's response to these comments.

The committee received additional comments from the Council's Interim Head of New Housing, regarding the funding of the affordable housing element of the scheme.

The committee received details of a correction to the total figure for the proposed s.106 contributions, making the total approximately £403,000.

The committee received details of a letter from the applicant's agent, confirming that the contributions to highways and open space provision, as well as the policy requirements for the education contribution, would be met in full. In light of this, the committee were informed that the planning officer's recommendation had now been amended to one of permission, subject to the completion of a s.106 agreement. The committee received details of recommended conditions and heads of terms for the s.106 agreement.

Public participation:

1. Mr. Alan Rideout spoke in objection to the application.
2. Mr. Doug Lane spoke in objection to the application.
3. Mr. Charles Roberts spoke in objection to the application.
4. Ms. Angie Clapp spoke in support of the application.
5. Mr. Bernard Wilkins spoke in support of the application.
6. Ms. Jo Curson spoke in support of the application on behalf of the applicant.
7. Cllr. Francis Morland, the Division Member, spoke on the application, commenting on the high density of the proposed development, and suggested alterations to the recommended conditions.

A motion to defer determination of the application in order to secure a revised scheme, which addressed issues surrounding highways, the level of social housing, the density of the development and the provision of open space was tabled and subsequently defeated and it was

Resolved:

That planning permission is REFUSED

For the following reason(s):

1. **The layout at the density proposed would result in a cramped form of development that would be harmful to the existing character and spatial form of the area contrary to Policies C31a,**

H1, H17 & H24 of the West Wiltshire District Plan 1st Alteration 2004.

- 2. The proposals fail to make adequate provision for a satisfactory highway layout and as such would be prejudicial to highway safety contrary to Policies H1 and H17 of the West Wiltshire District Plan – 1st Alteration 2004.**
- 3. The proposal fails to make on site provision for public open space and as such is in conflict with the provisions of Policy LP4 of the Leisure and Recreation Development Plan Document January 2009 and Policies H1 and H17 of the West Wiltshire District Plan – 1st Alteration**

62. W/09/02386/FUL - MOBILE HOME, DAY ROOM AND CARAVAN - LAND SOUTH WEST OF BONNIE FARM, COURT LANE, BRATTON, WILTSHIRE

The committee received details of additional comments from Bratton Parish Council in objection to the application.

The committee received details of an additional letter of objection from a party that had objected previously.

The committee received details of an additional letter from 'Friends, families and travellers; traveller advice project' in support of the application.

The committee received details of the planning officer's responses to these late representations.

Public participation:

1. Mr. Peter Eddington, the applicant, spoke in support of the application.
2. Ms. Anita Whittle spoke in objection to the application on behalf of Bratton Parish Council.
3. Cllr. Julie Swabey, the Division Member, spoke in support of the application, but suggested that permission be granted only on a temporary basis, until such time as details of the Gypsy and Traveller Site Allocations Development Plan were finalised, and stressed that the condition allowing no more than two caravans to be stationed on the site should be properly enforced.

A motion to refuse planning permission was tabled. An amendment to add a further reason for refusal on the grounds that the applicant had failed to establish his nomadic habit of life was tabled and subsequently defeated and it was

Resolved:

That planning permission is REFUSED

For the following reason(s):

- 1. The proposal by reason of the proliferation of gypsy and traveller sites in the area would have a cumulative impact which fails to respect the scale of the village of Bratton contrary to paragraph 54 of ODPM Circular 01/2006.**
- 2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.**
- 3. The proposal located in open countryside outside the defined village policy limits of Bratton would be tantamount to a new dwelling in the countryside without justification in the essential needs of agriculture or forestry contrary to Policy H19 of the West Wiltshire District Plan 1st Alteration (2004).**

Informative(s):

- 1 The applicant is advised that the committee had no evidence before it to demonstrate the applicant's nomadic lifestyle.

63. PLANNING APPEALS UPDATE

The members of the committee noted the appeal decisions and appeals pending, outlined within the "Planning Appeals Update Report – (28 August 2009 to 18 September 2009)".

MEMBER ATTENDANCE

Cllr. Malcolm Hewson joined the meeting during the presentation of the planning officer's report in application number W/09/01750/FUL.

Cllr. Graham Payne joined the meeting during the public speaking on application number W/09/01750/FUL.

Cllrs. Hewson, Knight and Griffiths left and re-joined the meeting during the presentation of the planning officer's report on application number W/09/02386/FUL.

PART 2

Items considered whilst the public were not entitled to be present

None.

Chairman
28th October 2009

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