

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 JULY 2020 AT ONLINE.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr Suzanne Wickham

Also Present:

Cllr Horace Prickett and Cllr Andrew Bryant

103 **Apologies**

There were none.

104 **Minutes of the Previous Meeting**

The minutes of the meeting held on 17 June 2020 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 17 June 2020.

105 **Declarations of Interest**

There were no declarations of interest.

Cllr Gibson noted for clarity, in regard to application 19/09800/FUL, 12a Frome Road, that in 2016 prior to becoming a Wiltshire Councillor, she had submitted a planning application on behalf of a relation of the neighbour and objector for 12b. This did not in any way influence her decision in calling in the application.

106 **Chairman's Announcements**

There were no Chairman's Announcements.

107 **Public Participation**

Cllr Clark had submitted three questions (W-20-01, W-20-02, W-20-03) for which a response had been provided, as detailed in pages 19 – 21 of the agenda pack.

Supplementary questions

Cllr Clarke then read three supplementary questions, these were:

W-20-01 - What faith can local residents have in a planning process that allows conditions to be ignored, section 106 notices (planned for in perpetuity) to be varied at will, and where matters can be regularised effectively through variations?

Officer Response:

When there is a breach of a planning condition, applicants can legitimately apply to vary or remove a condition imposed as part of any grant of planning permission to seek the Council's approval. As the decision maker, the LPA would be tasked with assessing the merits of each potential change to condition(s) or to vary the terms of any legal agreement.

W-20-02 - Is Wiltshire Council so cash strapped that it cannot complete its responsibilities effectively? This gives builders a 'carte blanche' to behave however they want.

Officer Response:

Whether the Council takes direct enforcement action over any breach of planning control, is a discretionary option to be dutifully weighed up in terms of public expediency and reasonableness all of the options available at that time. The Government sets out a clear direction on how it expects LPAs to act, based on proportionality and reasonableness.

W-20-03 - When the government sets out the expectations through the NPPF and planning authorities are unable to carry it out, is recourse to the ombudsman the only avenue?

Officer Response:

No. If there are examples where it is thought the Council has not behaved appropriately, there is a two stage complaints process, with the initial complaint first stage complaint usually completed and responded to by the service. If that response is not accepted by the complainant, then there is the option to move to the second stage, where the complaint would be looked at by the Council's corporate complaints team and in some cases, the legal team.

Question

Cllr Fuller had submitted one question, which was responded to and detailed on pages 3 - 4 of Supplement 1, which was published online dated 20 July 2020.

There was no supplementary question.

108 **Planning Appeals and Updates**

The Planning Appeals Update Report for 08/06/2020 to 10/07/2020 was received presented by Development Management Team Leader, Kenny Green.

Resolved:

To note the Planning Appeals and Update Report for the period of 08/06/2020 to 10/07/2020 as attached to the agenda.

109 **Planning Applications**

The Committee considered the following applications:

109a 19/09800/FUL: 12a Frome Road, Bradford-on-Avon, Wiltshire, BA15 1LE

Public Participation, Statements read out by the DSO

Statement of objection by Anthony Phillips, on behalf of Dr and Mrs Tees

Statement of support by Tara Maizonnier (Agent)

The Planning Officer, Jemma Foster, introduced a report which recommended granting planning permission, subject to conditions, for the demolition of an existing dwelling and outbuilding and erection of 5 residential dwellings with alterations to the existing boundary wall to accommodate a widened vehicular access.

The application had been deferred in June to see if the applicant could achieve a visitor parking space and a turning head within the site. This had been achieved and was now part of the proposal.

Key issues highlighted included the Highways and the Biodiversity improvements now included in the proposals. The addition of a visitor parking space which had replaced the bin storage area and there being no previously reported collisions from the existing dwelling, which currently had no turning head.

The allocated visitor parking was in an area already in use for parking, so there would be no additional impact on neighbouring properties.

Each dwelling would have one covered parking space and one other space at the front with the inclusion of a cycle storage area.

Materials were all considered to be appropriate, the site was in close proximity to the school, shops and train station.

The wellbeing of neighbouring trees was protected by the confirmation of a no dig area included in the plans, with root protection of these trees during building

phase. There were no TPO's for the trees on site, however the site was in a conservation area. An additional condition from the Tree Officer had been included in the construction method statement.

A Highways condition regarding deliveries had been agreed to by the agent.

There were no technical questions of the Officer for this application.

The Democratic Services Officer, Kieran Elliott, read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 1, published prior to the meeting.

Cllr Sarah Gibson, Division Member, spoke regarding the application noting that when it had come to committee in June, it had been deferred due to the issues associated with access and parking.

Cllr Gibson expressed concern about the timing of bringing this application back to committee so soon after the June meeting and highlighted concerns about the proposed development, specifically in relation to the amount of amenity space being proposed for the number of houses, and pointed out that the only space being provided for recreation and amenity purposes on the site, that would not be used for bin and cycle storage and car parking, would be a small area at the end of the development towards to northern end of the site.

By incorporating a turning circle in the revised plans, the proposal would remove even more communal amenity space, and reasserted the view that the site was not large enough for 5 family dwellings, and argued that the obvious and sensible solution would be to remove at least one dwelling.

Whilst accepting that the additional parking space had been incorporated into the revised submission, Cllr Gibson emphasised that on-street parking would not be a realistic option as any space is taken up very quickly given the demand of parking in the immediate area along Kennet Gardens.

Cllr Gibson also observed that the proposed development was more like vertical flats, with a difficult access along a narrow lane. Whilst there was mention made to on-site cycle storage, it was not visible on the site.

Cllr Gibson then moved a motion to refuse planning permission against officer recommendation citing conflicts with adopted Wiltshire Core Strategy CP57 parts 7 and 11 in terms of there being a lack of on-site amenity space for future residents and overdevelopment of the site.

The motion was seconded by Cllr Palmen.

During the debate that followed, the main points raised were that the applicant had been asked to incorporate revisions highlighted and deferred at the June committee meeting, which they had done. It was accepted that the inclusion of

the revised elements had consequential impacts, but these were considered acceptable.

The motion of refusal failed.

Cllr Gibson then moved the motion of approval in line with officer recommendations, subject to the additional conditions, relative to securing a construction method statement along with details on deliveries to avoid 9am-3pm during school term time.

Cllr Palmen seconded the motion with the additional conditions.

Following the debate, the committee voted on the motion of approval with conditions.

RESOLVED

That application 19/09800/FUL be Approved in line with Officer recommendation, with the following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:**

PL001 (existing block and site plan), PL002 (existing site plan 1 of 2), PL003 (existing site plan 2 of 2), PL004 (existing house layout), PL005 (existing elevations), PL006 (existing sections), PL007B (proposed block plan and drainage plan), PL008B (proposed site plan 1 of 2), PL009B (proposed site plan 2 of 2), PL010C (proposed ground floor plan and views), PL011C (proposed first and second floor plans), PL012B (proposed elevations), PL013 (proposed street scene), PL014A (proposed 3D views), SK01E (site access visibility), DD/A1 (topographic site survey), SP01A (swept path analysis), SP02A (swept path analysis)

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

- 3 No development shall commence on site until a construction management plan, detailing the time of deliveries (including school term time deliveries), the projected construction hours, and the erection of fences and the drainage arrangements during the construction phase and the provision for the**

installation of attenuation storage prior to the installation of any upstream drainage infrastructure has been submitted to and approved in writing by the Local Planning. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to ensure acceptable amenity levels for neighbouring properties and to reduce conflict with the nearby school vehicular and pedestrian traffic and the reduction of flood risk elsewhere.

- 4 No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 5 No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development on residential receptors, in particular, the residential dwelling (12A) on the access road to the site. The plan shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation

viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to respect the amenity of nearby neighbouring properties.

- 6 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations" has been erected to fence off the entire garden area/open space located North of the site (as shown in green on drawing number PL009B . The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

This protected area shall not be used for the storage of materials and/or equipment, mixing of materials and shall be kept clear of any associated building works.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The application contained insufficient information to

enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and the Conservation Area.

- 7 The development hereby approved shall be carried out in accordance with the mitigation section of the 'Dusk Emergence and Pre-dawn Re-entry surveys for Bats' dated September 2019 and carried out by All Ecology Ltd.

REASON: To ensure adequate protection of protected species.

- 8 The development hereby approved shall be carried out in accordance with the conclusion section f) the 'Great Crested Newt eDNA Analysis' Report dated May 2019 and carried out by All Ecology Ltd.

REASON: To ensure adequate protection of protected species.

- 9 The development hereby approved shall be carried out in accordance with the Section 4: Recommendations of the Ecological Appraisal dated September 2019 by All Ecology Ltd.

REASON: To ensure adequate protection of protected species and improve biodiversity on the site

- 10 No development shall commence beyond slab level until a scheme of hard landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -
- o boundary treatment (including individual plot boundary treatment);
 - o means of enclosure;
 - o car park layouts;
 - o other vehicle and pedestrian access and circulation areas;
 - o all hard surfacing materials;
 - o minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

All hard landscaping shall all be carried out in accordance with the approved details prior to the occupation of any part of the development

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the

Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of neighbouring amenity

- 11 No development shall commence beyond slab level until details of the proposed access alterations, including the provision of a continuous footway across the site access, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first occupied until the said works have been completed in accordance with the approved details.**

REASON: In the interests of highway safety.

- 12 No development shall commence beyond slab level until the exact 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the Conservation Area.

- 13 No works shall commence on the turning head until details of the groundworks and a construction method statement (CMS) have been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the no dig specification alongside more detail in respect of level changes to accommodate the thickness of the footings, linings and finished surfaces. The development shall then be carried out in accordance with the approved details.**

REASON: in the interest of protecting the neighbouring trees.

- 14 The vehicular access hereby approved shall remain ungated in perpetuity.**

REASON: In the interests of highway safety.

- 15 The dwellings hereby approved shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

REASON: In the interests of highway safety.

- 16 The dwellings hereby approved shall not be occupied until the access and turning areas have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 17 The dwellings hereby approved shall not be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

- 18 The dwellings hereby approved shall not be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans

REASON: In the interests of highway safety and the amenity of future occupants.

- 19 The dwellings hereby approved shall not be occupied until the locations of 4 bat boxes within the site have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be in place prior to the first occupation of the dwellings hereby approved and shall remain in perpetuity.

REASON: In the interests of biodiversity.

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

be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

- 2 **INFORMATIVE TO APPLICANT:** When discharging condition 3, to safeguard the safety of school children accessing and leaving the nearby primary school during term time, construction deliveries should be restricted between 9am and 3pm.

- 3 **INFORMATIVE TO APPLICANT:** In order to discharge conditions 3 and 4 above, the following will need to be included as part of any future discharge of condition application:
" Evidence that the surface water drainage system is designed in accordance with national and local policy and guidance, specifically CIRIA C753 (The SuDS Manual), the Non-statutory Technical Standards for SuDS and Wiltshire Council's Surface Water Soakaway Guidance;
A plan showing the cross sections and design of any attenuation pond and its components.
Pre and post development surface water discharge rates.
The proposed ownership details of the drainage infrastructure;
Any third-party agreements for discharge to their system (temporary and permanent).
Where a connection to a surface water sewer is proposed, confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from the sewerage undertaker.
Construction plan detailing how the site will be drained during construction such that the flood risk to others is not increased

- 4 **INFORMATIVE TO APPLICANT:** To avoid disturbing nesting birds and breeding season, no works should take place to the site boundaries between March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

Furthermore, the applicant/ developer must be mindful that bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC

Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). All site operators must be informed that if bats are discovered, all works should stop immediately, and Natural England should be contacted for advice on any special precautions before continuing.

- 5 **INFORMATIVE TO APPLICANT:** The applicant/developer is strongly encouraged to have an open dialogue with the adjacent school and nursery as early as possible prior to the proposed demolition and construction works. The discussion should include details pursuant to the timing of deliveries, the projected construction hours and erection of fences.
- 6 **INFORMATIVE TO APPLICANT:** The developer/applicant is required to reach an agreement with Wessex Water with respect to finalising foul water and clean water connections.
- 7 **INFORMATIVE TO APPLICANT:** The developer/applicant is advised to follow guidance produced by Wiltshire Fire & Rescue Service in terms of precautionary measures to reduce the risks of fire and on-site measures to deal with an emergency. This advice is often in addition to building regulation requirements. Further guidance can be obtained regarding the on-site provision of fire hydrants and a water supply for the purposes of fire-fighting.
- 8 **INFORMATIVE TO APPLICANT:** The developer/applicant is advised to incorporate water efficiency measures into this scheme to provide resilience to some of the extremes of weather conditions that climate change brings. It benefits future residents by reducing water bills, and also benefits wider society by making more water available at times of shortage. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be promoted and implemented. An appropriate submitted scheme should include a water usage calculator showing how the development would not exceed a total (internal and external) usage level of 105 litres per person per day.

110 **19/10471/FUL: 3a Church Lane, Limpley Stoke, BA2 7GH**

Public Participation, Statements read out by the DSO

Statement of objection by Nick Brindley

Statement of support by Chris Beaver (Agent)

Statement of support by Mr A Holdoway (Applicant)

Statement of objection by Limpley Stoke Parish Council

The senior planning Officer, Jemma Foster, introduced the report which recommended granting planning permission, subject to conditions, for the erection of two dwellings and associated landscaping and access works.

It was noted that a committee member site visit had taken place earlier that day to comply with the June committee meeting deferment.

Key issues highlighted included, the small village status of Limpley Stoke, the 'made' Neighbourhood Plan (NP) and its policy on residential infill development as well as green belt and impacts upon the nearby listed church.

The committee was advised that the application was considered compliant with the adopted Wiltshire Core Strategy, the National Planning Policy Framework (NPPF) and with the 'made' Neighbourhood Plan. The application would deliver two additional dwellings within what was considered to be part of the established village (noting that the made Neighbourhood Plan specifically created a settlement boundary for the village and included the site within it, and that the application was in accordance with the infill policies).

The committee were informed of the proposed highway improvements including enhanced visibility and ecological safeguards. It was also confirmed that none of the Bath asparagus which was present on the site would be removed as part of the construction works.

The committee was advised that officers and the conservation consultees raised no objection in terms of the impact the proposed development would have upon the setting of the nearby listed church.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on seeking clarity on whether the proposal would be policy compliant infill development, mindful that the site owner had benefitted in recent years of having two dwellings approved under the infill policy.

In response, the committee was informed that neither the made Neighbourhood Plan nor the adopted Wiltshire Core Strategy prescriptively prevented more than 2 dwellings being allowed as infill development, and that there was no policy prohibition for subdividing a plot further to create more infill opportunities.

The Democratic Services Officer, Kieran Elliott, then read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 1, published prior to the meeting.

The Division Member, Cllr Johnny Kidney, was unable to attend the meeting and provided his apologies prior to the meeting and prepared a statement which was read on his behalf by the Democratic Services officer. The main points were:

The committee was advised that this was the first occasion that Limpley Stoke Parish Council had asked Cllr Kidney to call in an application.

Members were advised that the site was very sensitive, being located within the Green Belt, the AONB and a Special Landscape Area, as well as being within the setting of the Grade II* listed St Mary's Church.

In 2015, Limpley Stoke Parish Council was one of the first in Wiltshire to adopt a Neighbourhood Plan, which was unique in that it was created as part of a cross-boundary collaboration with Freshford Parish in Bath and North East Somerset.

Members heard that over the past few years, there had been some concern raised that the 'made' Neighbourhood Plan policies had been overlooked, which the PC found to be very frustrating in its efforts to engage positively for planning and development purposes.

Both Limpley Stoke and Freshford Parish Council argue that the site in question had already benefited from an infill development, with No.3 Church Lane being subdivided into two additional plots in 2016 to create what were now: No.3, No.3A and No.3B Church Lane.

The Parish Council did not object to that previous development, as it was considered to be in line with its infill policy. However, both Parish Councils argued that sub-dividing the newly created No.3A property and site into a further additional two plots leading to effectively infill of infill, which would conflict with the Neighbourhood Plan.

This proposal would be a step too far, particularly given the site's sensitivity. As members would be aware, a significant number of local residents had also expressed opposition to these plans, as had the Church committee of St Mary's.

Wiltshire Council's Core Strategy provides a definition of infill within section 4.34 which asserts that: "*For the purposes of Core Policy 2, infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs.*"

As both Parish Councils regarded the current application as failing to satisfy the definition of infill, it should be refused. In allowing the application, the Neighbourhood Plan would be undermined.

Cllr Kidney's Statement opined that Parish Councils themselves, were best placed to interpret what they intended when setting out their infill policy.

Noting the conflict with the NP, the landscape sensitivity of the site and visual impact on the setting of the Grade II* listed St Mary's Church, both Limpley Stoke and Freshford PCs identified policy grounds for refusal as CP2 and NPPF paragraph 145.

Cllr Kidney's Statement also suggested there would be a conflict with paragraph 12 of NPPF relating to their being a conflict with the Neighbourhood Plan.

Cllr Kidney asked the Committee to consider the policies set out in the NP and take on board the views expressed by those who worked so hard to produce it.

Following the above, it was noted one member that the site visit had been very useful, in assessing the likely effects of the proposed development, adding that whilst he appreciated the local concerns, he was satisfied that the development would be acceptable, and there would not be substantive grounds to refuse planning permission.

At the start of the debate a proposal was moved by Cllr Seed, seconded by Cllr Carbin to approve planning permission in line with the officer recommendation as set out in the report.

The Chair requested officers to clarify the impact the development would have on the green belt and the policies relating to infill development compliance. In response, officers advised that the case officer's report set out the detailed assessment and that there would be no harm to the green belt as the site was considered an acceptable infill opportunity, and as far as officers were concerned, the application was compliant with the made Neighbourhood Plan and adopted Wiltshire Core Strategy.

Points further discussed included the potential harm to the setting of the listed church, however the committee was advised that both Historic England and the Council's Conservation Officer had both been consulted and raised no objections.

Following the debate, the motion of approval was voted on.

Resolved

That application 19/10471/FUL be approved in line with Officer recommendation, subject to the conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Received on 31st October 2019: Location Plan, 18086-SK01 (junction improvements), D01 Rev A (Drainage Strategy)

Received on 15th April 2020: 002 Rev4 (site plan), 003 Rev 3 (proposed ground floor plan), 004 Rev 2 (proposed first floor plan), 005 Rev 3 (E&W elevation plan), 006 Rev 4 (long section and N&W elevation plan), 007 Rev 4 (proposed site sections), 010 Rev 2 (roof plan)

Received 25th June 2020: Planting Plan (Drawing Number 318_PP_01_rev B)

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

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

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

The development hereby approved shall be carried out in accordance with the 'Discussion and Conclusions' section of the revised Extended Phase 1 Habitat Survey' report by Stark Ecology (April 2020), the Bath Asparagus Technical Note by Stark Ecology (June 2020) and the revised Planting Plan (Drawing Number 318_PP_01_rev B).

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures in accordance with NPPF, that were prepared and submitted with the application before determination.

Prior to any lighting being installed on the site details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be carried out in accordance with the approved details.

REASON: Many species active at night (bats, badgers, otters) are

sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interest of highway safety and to ensure adequate off-street parking, access and turning facilities for the proposed dwellings.

7. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interest of highway safety and to ensure no material is discharged onto the highway.

8. No part of the development shall be first occupied until the visibility splays shown on the approved plans (18086-SK01 Rev B) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interest of highway safety and to ensure occupants of the proposed dwellings can leave the site in a safe manner.

9. No part of the development hereby permitted shall be first occupied until the junction improvements have been carried out in accordance with the approved plans (18086-SK01 Rev B).

REASON: In the interest of highway safety.

10. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be

replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

INFORMATIVES TO APPLICANT:

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

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

The consent hereby granted shall not be constructed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's vehicles crossing team on vehicleaccess@wiltshire.gov.uk and 01225 71335.

111 **19/12153/VAR: McDonald's Restaurant, 235 Bradley Road, Trowbridge, BA14 0AZ**

Public Participation, Statements read out by the DSO
Statement of support by Brad Wiseman (Agent)

The Senior Planning Officer, David Cox, introduced the report which recommended granting the variation to condition 3 imposed on W/96/00587/FUL to modify the opening hours to 06:00-23:00 Monday to Saturday.

The application had been deferred at the June committee meeting to enable officers to secure additional information on traffic, litter and noise generation.

The committee was advised that the application before them should solely consider the planning merits of the proposed extension of the opening hours as set out in the report.

The committee was informed that following the publication of the committee agenda, a late supportive submission had been received by officers from North Bradley Parish Council and their supportive comments, specifically in relation to litter management were read out by the case officer.

The case officer summarised the updated comments from the public protection officer in relation to noise and litter as well as the additional comments provided by the local highway authority – both of whom raised no objections.

Key issues highlighted included the site was located within a mixed-use area, and part of a well-established retail park accessed off one of the main arterial routes into and out of the town. Litter was not considered to be problem as far as the public protection team were concerned who reported no recent received nuisance or litter-based complaints from the public relative the site and litter management by McDonalds, which appeared to reinforce the supportive comments received from North Bradley Parish Council.

The Committee was informed that recently reported and documented background noise levels along Bradley Road at 06:00 had been reviewed by the public protection team and these were found to be quite high due to existing vehicular noise. With this baseline situation, the committee were advised that noise relating to vehicles using the drive thru would not be substantively audible and would not be defensible grounds to refuse planning permission.

The committee was also advised that the proposal would not lead to highway conflicts or substantive harm and by opening 90 minutes earlier in the morning, there would only be a limited extra number of people accessing the premises and site, some of whom may arrive by cycle or on foot.

There were no technical questions to the officer from members.

The Democratic Services Officer, Kieran Elliott, then read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 1, published prior to the meeting.

Cllr Andrew Bryant, as Division Member, spoke regarding the application with the main points focusing on the proposed variation to the opening hours from 07:30 to 06:00 and referenced the planning application site history for the premises and the nearby Costa and KFC establishments.

Cllr Bryant informed the committee that McDonalds was originally granted permission to operate between the hours of 07:30 – 23:00 in 1996 and had an application to vary the hours refused in 2017.

The site history for KFC was also outlined which included a refusal in 2010 for opening hours of 07:00 – 23:00 on the grounds of proliferation of fast food outlets in this area. This was when McDonalds was the only other restaurant being present within the retail park.

In March 2011, KFC successfully appealed the aforementioned refusal and was permitted to open to the public from 07:30 – 23:00 – operating hours that would match McDonalds.

In 2018, Costa was granted permission to be open to the public from 07:30 (as a revision to what they originally wanted) in the interest of neighbouring amenity and to be synchronised with the other fast food outlet, McDonalds.

In 2019 permission was permitted to Costa to open from 06:00 with the reason given '*to synchronise with the other outlets in the area*' – which Cllr Bryant opined was totally erroneous as there was no other food outlet operating within the retail park before 07:30. So, it remained unclear who Costa would be synchronising with.

Members heard Cllr Bryant express great concern about how the food outlets had evolved over time through various applications to the detriment of nearby residential properties.

Highlighting the 2010 case officer's report, when KFC was refused permission, all the cited reasons and concerns had now increased.

In terms of litter, a recent visit found that the site was general well managed with bins being emptied. However, a lot of the litter was found further afield.

In terms of site activity, the committee heard Cllr Bryant's concerns about staff arriving at 05:00 and leaving around midnight, as the workers would need to set up each day and tidy up and close day for 06:00-23:00 operating hours.

Cllr Bryant outline some reasons why the application for a variation should be refused, stating CP57 part 7 - neighbouring amenity.

Cllr Horace Prickett, the division member for North Bradley & Southwick spoke as the adjoining local ward member. Cllr Prickett referenced the letter of recognition and appreciation from the Parish Council which had been read by the DSO, in terms of the effort a McDonalds employee had made to collect litter in the local area.

The committee was also informed that North Bradley also employs a litter picking person also. As far as the Woodmarsh area was concerned, Cllr Prickett and the Parish Council argued that in terms of litter, McDonalds did a good job in keeping it clean.

In response to the expressed concerns about the determination of the Costa application in 2019 and the reasoning given 'to synchronise with other outlets', officers informed the committee, that that was clearly anomalous. Members were informed that the report set out the full assessment of the application in 2019 and whilst the reasoning was irregular, as no other outlet was operating at 6am, the relevant planning assessment concluded that opening at 6am would not result in substantive harm.

Cllr Davis then moved a motion of approval with conditions, in line with the officer recommendation and as detailed in the report.

This was seconded by Cllr Wickham.

A debate then took place where Members discussed whether there were strong planning reasons for refusal and that Costa being the other outlet on the site already had permission to open at 06:00 if it chose to.

Following the debate, the motion of approval was voted on.

RESOLVED

That application 19/12153/VAR be Approved in line with Officer recommendation, subject to the following conditions:

1. The use hereby permitted shall only take place between the hours of 06:00-23:00 Monday-Saturday (including Bank Holidays) and 07:30 - 23:00 on Sundays. Deliveries shall not take place between the hours of 23:00 to 06:00 Monday-Saturdays nor before 07:30 or after 23:00 on Sundays.

REASON: In the interests of neighbouring amenity and to be synchronised with the other nearby takeaway food/restaurant outlet.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supportive statements:

Site Location Plan and Covering Statement Letter - both received 23 December 2019; response letter to Committee received 3 July 2020 and Site Management Plan - received 6 July 2020

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

3. The development hereby permitted shall be carried out in strict accordance with the submitted details of the approved Site Management Plan at all times in perpetuity.

REASON: In the interests of neighbouring amenity.

INFORMATIVES TO APPLICANT:

1. The applicant is respectfully advised to consider adding to or making more prominent, existing advertisements that encourage customers not to drop litter or to not have loud music or radios when using the drive-thru.

The applicant is also respectfully encouraged to promote the use of sustainable modes of transport other than using private motor vehicles for their staff, and for those who drive to McDonalds to consider car share potential and to park as far away from Bradley Road as reasonably possible in order to reduce potential noise disturbance and to encourage a more environmentally friendly and carbon free future.

112 **20/01219/FUL and 20/02055/LBC: Manvers House, No.3 Kingston Road, Bradford On Avon, BA15 1AB**

The Chairman, Cllr Newbury left the meeting at this stage and Cllr Jonathon Seed took the Chair.

Public Participation, Statements read out by the DSO

Statement of objection by Klas Hyllen (Neighbourhood Group)

Statement of support by Mel Clinton (Agent)

Statement of support by Robert Moore (Custodian)

Statement of support by Colin Scragg (Marketing Agent)

Statement of objection by Bradford on Avon Town Council

The senior planning officer, Steven Sims, introduced the report which recommended granting planning permission and listed building consent, subject to conditions, for alterations and extensions to existing office building including erection of mansard storey on north wing; change of use of central building and southern wing from B1 offices to form 2 dwellings (C3).

It was noted that two late representations had been received but these had raised no new substantive issues from one neighbouring resident and the Town

Council, although members were advised that during the case officers presentation mention would be made to the key issues being highlighted by those objecting to the application.

The committee was informed that the site was located within central Bradford on Avon (BoA) and within the BoA conservation area. Manvers House was a Grade II listed building with a number of other listed buildings nearby. The committee was advised that the subject property was located in a mixed-use area with commercial and residential development and the site context was detailed in the officer's report and the committee presentation slides.

Members heard that the Manvers House application site comprised of three essential elements: the main central 3 storey building with elements dating back to the 17th Century. A 19th century addition built off the south east elevation and a two-storey modern 20th century office wing, which was built off the north west elevation of the original Manvers House property.

The main elements of the proposal were to:

- Convert of the main building from a vacant office to a 6-bedroom dwelling (with no external alterations)
- To alter and convert the south wing from vacant offices to a 3-bedroom dwelling (with external and internal alterations); and
- To construct a new mansard roof to the north wing of approximately 3m in height to provide an additional storey of office space.

The committee heard the case officer report that in response to a local concern raised about the materials to be used for the mansard roof, condition 3 as detailed in the report would require and secure appropriate materials – with the case officers publicly outlining the expectation that the materials would need to be of high quality to reflect and respect the protective status of the subject building and site location.

The proposed uses of the subject building were explained verbally along with direct references being made to detailed parts of the committee report.

The committee was advised that through the use of planning conditions, the Council could secure mitigation and safeguards to ensure that the development would not result in substantively harming neighbouring amenities through securing obscure glazing and preventing additional wall openings. Members also saw a series of slides as part of the presentation which confirmed the existing arrangements and the case officer observed that a degree of overlooking already exists to which due regard should be given.

The case officer advised that the proposed development would not result in significant loss of light or overshadowing to the rear gardens of neighbouring dwellings and conditions could define the terms of any permission.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the proposed provision of a balcony to the rear, which the case officer advised would not be accessible by office workers and a planning condition could be imposed to prevent any door or wall opening access to such an external roof space.

The Democratic Services Officer, Kieran Elliott, then read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 1, published prior to the meeting.

Cllr Sarah Gibson, as Division Member, stated that she had called the application in mostly at the request of the Town Council due to its concern regarding the loss of commercial office floorspace. The committee was informed that building had been part of the Avon works and the Avon rubber factory for most of its life and had a strategic position as part of appreciating the industrial past for the town and given the previous loss of employment floorspace within the town, this application would lose more office floorspace – which is a concern locally.

Cllr Gibson accepted that the 21st century addition was not of great architectural value but argued that the application submission failed to illustrate what was proposed showing the full local context.

Cllr Gibson observed that the south-west façade, looking from the back, and appreciating the level changes, there would be a considerable amount of overbearing and overlooking effects for the existing buildings and all of the windows should be obscured glazed.

Cllr Gibson raised a proposal for the committee to consider deferring making a decision to enable committee members to visit the site to see the property and its local context to assist in determining the proposed development for the mansard roof and the potential impacts on neighbouring buildings behind.

This motion of a deferral was seconded by Cllr Ridout.

The Committee then debated the proposal of deferral, with Cllr Davis questioning the merits of a deferment given that the committee had heard and seen a comprehensive presentation and report. Cllr Gibson in response remarked that a site visit would be beneficial for members to see for themselves the relevant levels of the buildings and the nearby properties to the rear.

Following the debate, the motion of a deferral for a member site visit was voted on which included a request for the case officer to ascertain whether the occupiers of 1-2 Kingston Road would permit the committee members access to the neighbouring properties.

RESOLVED

That application 20/01219/FUL & 20/02055/LBC be deferred pending a members site visit.

113 **20/03166/FUL: 45 Seymour Road, Trowbridge**

No Public Statements were received

The senior planning officer, Matthew Perks, introduced the report which recommended granting planning permission, subject to conditions, for a proposed new dwelling.

Key issues highlighted included: the scale of development, the visual impact upon the surrounding area, the relationship to adjoining properties, design – bulk, height, general appearance, environmental/highway impacts, and the car parking provision.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on the relationship of the site to neighbouring dwellings, the established building line for the street site and the proposed vehicular access and parking close to the road junction.

No statements had been received from the public.

Cllr Edward Kirk, as Division Member, spoke regarding the application a focused his comments on arguing that the proposal constituted as site overcrowding and the proposed design would not be in-keeping with the area.

Cllr Kirk proposed refusal grounds siting CP57 part 3 - which was seconded by Cllr Clark.

During the debate the committee considered the character of the area, the principle of accommodating a dwelling on the plot, the design of the proposed dwelling and the local context which included a bungalow located opposite that has a side extension of its own.

Note: Cllr Carbin left the meeting at 19:00 and did not take part in the vote.

Following the debate, the motion of refusal against officer recommendation was voted on citing a conflict with Wiltshire Core Strategy Core Policy 57 and the NPPF.

RESOLVED

That application 20/03166/FUL be refused against Officer recommendation for the following reason(s):

The development would be seen as a prominent and cramped form of development which would not be in keeping with the established character of the area due to its form and siting and would therefore

undermine the prevailing sense of place and local distinctiveness, and fail to demonstrate the high quality of design and respect for the local context as required by Core Policy 57 of the adopted Wiltshire Core Strategy and the National Planning Policy Framework.

Following the cessation of the published committee business, the committee thanked and paid tribute to Matthew Perks in recognition of his service through the years and assistance given to many of the Cllrs as it was appreciated that the 22 July meeting would be his last before retiring.

114 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 7.08 pm)

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

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