

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 JANUARY 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis (Substitute), Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Rosemary Brown and Cllr Francis Morland

1 Apologies for Absence

Apologies for absence were received from Councillor Jonathon Seed (substituted by Councillor Andrew Davis).

2 Minutes of the Previous Meeting

The minutes of the meeting held on 30 November 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 30 November 2011.

3 Declarations of Interest

Proposed abandonment of the Diversion Order and Definitive Map Modification Order No. 22 2011

Although not a member of the Western Area Planning Committee, Councillor Francis Morland, in the interest of consistency, wished to declare a personal and prejudicial interest and decided to leave the chamber when the item was debated.

W/11/02357/FUL - Former Bradford on Avon Hospital, Berryfield Road, Bradford On Avon, Wiltshire

Councillor Mark Griffiths declared having been heavily lobbied by both objectors to and supporters of the application but gave his assurance that he would consider the application with an open mind.

W/11/01697/FUL - Land West Of Biss Farm West Ashton Road West Ashton Wiltshire.

Councillor Peter Fuller declared a personal interest as a member of the Trowbridge Town Council Development Committee where the application had been discussed. Councillor Fuller gave his assurance that he would consider the application with an open mind.

**W/11/02019/REM - Durlston Hilperton Road Trowbridge Wiltshire
W/11/02981/FUL - 175 Devizes Road Hilperton Wiltshire BA14 7QS**

Councillor Ernie Clark declared a personal interest as he had chaired the meeting of the Hilperton Parish Council where the applications had been considered, he had neither participated in the debate or voted on the applications. Councillor Clark gave his assurance that he would consider the applications with an open mind.

4 Chairman's Announcements

The Chairman welcomed Sally Madgwick, Rights of Way officer, and Alan Creedy, Head of Service - Sustainable Transport and thanked councillors who had attended the site visit earlier in the day.

The Chairman gave details of the exits to be used in the event of an emergency.

5 Public Participation

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

6 Proposed abandonment of the Diversion Order and Definitive Map Modification Order No. 22 2011

The Rights of Way officer introduced the report which sought approval for the Order to be abandoned and revoked following the submission by the developer of a revised application for planning permission for the site which did not interfere with the line of any public rights of way. Planning permission had been granted on 24 August 2011.

Councillor Morland left the room at this point, minute item 3 refers.

Members of the committee sought and gained reassurance that there were no anticipated costs for the Council.

Resolved:

That the Wiltshire Council (Sheet ST 85 SE) Westbury 25 (part) Diversion Order and Definitive Map Modification Order No. 22 2011 be abandoned and revoked.

7 Planning Applications

A late list was circulated and is appended to these minutes.

The Committee considered the following applications:

8 W/11/02357/FUL - Former Bradford On Avon Hospital Berryfield Road, Bradford On Avon, Wiltshire

Public participation:

- Mr Mike Thomas spoke in objection to the application
- Mrs Glenys Appleton spoke in objection to the application
- Mr Chris Beaver spoke in objection to the application
- Mr Tony Cole spoke in support of the application
- Mr John Mullholland spoke in support of the application
- Mrs Gwen Allison, on behalf of Bradford on Avon Town Council, spoke in support of the application.

Councillor Rosemary Brown, Unitary Councillor for Bradford on Avon North, spoke in support of the application.

The Area Development Manager introduced the report which sought approval and drew the Committee's attention to the late list.

He reminded all present that this application had been deferred at the last meeting until a site visit could be organised to enable the committee to view the site and its surroundings. A site visit had taken place in the afternoon prior to the committee.

In responding to technical questions asked the Area Development Manager clarified that:

- The financial viability of the project could be a material consideration; however the main focus for the committee should be to balance the impact on the setting of a listed building, the impact on the conservation area and on amenities for neighbouring dwellings with the benefit for the community from the development.
- There were no social contributions or Section 106 Agreements relevant to this application.
- The report properly addressed the tests set in Policy PPS5.
- The proposed development was of a similar height to Berryfield House, but the two were a significant distance away from each other.

During the ensuing debate it became clear that members of the committee wanted to ensure that the height of the proposed development did not exceed the height of Berryfield House and accordingly amended condition 8.

Resolved:

That planning permission be GRANTED

A recorded vote having been requested, the voting was recorded as follows:

For planning permission:

Cllrs Trevor Carbin, Andrew Davis, Rod Eaton, Peter Fuller, Stephen Petty, Pip Ridout, and Roy While.

Against planning permission:

Cllrs Ernie Clark, Mark Griffiths, John Knight and Christopher Newbury.

For the following reason(s):

The proposed development is located in an area where the Council has already determined that new development is acceptable in principle, most recently through the 2009 planning permission. Whilst the new development will have a greater impact on the setting of the listed building than the earlier approved scheme, the plans still leave Berry Field House with a substantial swathe of undeveloped land to the west and south that will enable the architectural features of the building to be appreciated in a relatively spacious setting. Furthermore, the siting, design (including materials) and overall height of the new development help ameliorate the impact of the new development on the setting of Berryfield house. The Council is satisfied that the wider public benefits that will accrue, including the provision of a health care facility in an area where there is currently an undersupply and growing projected demand for this type of service, together with the economic benefits the project will generate, outweigh the limited impact that the proposal will have on the setting of Berryfield house. The Council is satisfied that the plans satisfactorily address all other planning issues, and will preserve the character and appearance of the conservation area and the amenity of nearby properties. The proposal is therefore considered to be in accordance with the policies of the development plan set out in the planning officer's report and with Government advice.

Subject to the following condition(s):

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

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

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

Drawing: AL(52)001 Rev B – Location Plan - received on 26 August 2011;

Drawing: AL(51)001 Rev B – Existing Site Plan - received on 26 August 2011;

Drawing: AL(51)002 Rev C – Proposed Site Plan - received on 14 November 2011;

Drawing: AL(11)010 Rev D – Assisted Living Block X Proposed Floor Plans - received on 14 November 2011;

Drawing: AL(13)010 Rev D – Assisted Living Block X Elevations Part 1 - received on 14 November 2011;

Drawing: AL(13)011 Rev D – Assisted Living Block X Elevations Part 2 - received on 14 November 2011;

Drawing: AL(11)011 Rev B – Assisted Living Block Y Proposed Floor Plans - received on 26 August 2011;

Drawing: AL(13)012 Rev C – Assisted Living Block Y Elevations - received on 14 November 2011;

Drawing: AL(12)001 Rev C – Proposed Site Sections - received on 14 November 2011;

Drawing: AL(11)001 Rev C – Care Home Ground Floor Plan - received on 14 November 2011;

Drawing: AL(11)002 Rev B – Care Home First Floor Plan - received on 26 August 2011;

Drawing: AL(11)003 Rev B – Care Home Second Floor Plan - received on 26 August 2011;

Drawing: AL(11)004 Rev B – Care Home Third Floor Plan - received on 26 August 2011;

Drawing: AL(11)005 Rev B – Care Home Roof Plan - received on 26 August 2011;

Drawing: AL(13)001 Rev C – Care Home Proposed Elevations Part 1 - received on 14 November 2011;

Drawing: AL(13)002 Rev C – Care Home Proposed Elevations Part 2 - received on 14 November 2011;

Drawing: AL(52)049 Rev A – Relationship to Berryfield House - received on 14 November 2011;

Drawing: AL(52)048 Rev A – Relationship to 91 Leigh Park Road - received on 14 November 2011;

Drawing: SK(13)004 Rev A – Home mass comparison - received on 28 November 2011;

Drawing: AL(11)020 Rev C – Proposed Substation and Bin Stores - received on 14 November 2011;

Drawing: 920 Rev C – Landscape Proposals Sheet 1 of 2 - received on 14 November 2011; and

Drawing: 920 Rev B – Landscape Proposals Sheet 2 of 2 - received on 14 November 2011.

REASON: In order to define the terms of this permission.

3. The occupation of the development shall be limited to Class C2 Residential Institutions.

REASON: In the interest of proper planning of the area and to ensure that the units remain in perpetuity for those in need of care.

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

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

5. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

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

REASON: In the interests of good design.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

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

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C35 and C38

8. The ground floor slab levels of the care home shall not exceed 91.05 AOD, as shown on the approved plans of the elevations of the building.

REASON: In the interests of visual amenity

9. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

10. No development shall be commenced until a scheme for the provision of foul and surface water disposal/drainage has been submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable for implementation. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the local planning authority as part of any submitted scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

REASON: To ensure that the development is properly serviced.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies U1a and U2.

11. No development shall commence until a scheme for flood proofing has been submitted to and agreed in writing by the local planning authority. The scheme shall be informed by the surface water drainage proposals and include details to address any potential surface water flooding.

REASON: To reduce flood risk to the proposed development.

POLICY: Planning Policy Statement 25: Development and Flood Risk.

12. Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies U1a and U2.

13. No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38
Planning Policy Guidance 24: Planning and Noise

14. The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) dated August 2011, and shall be supervised by an arboricultural consultant.

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

15. A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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.

16. Notwithstanding the submission of the landscape proposals, no development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- A detailed planting specification indicating all species, supply and planting sizes and planting densities, ground preparation, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

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

17. 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 buildings 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.

18. No development shall commence on site until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

19. The development shall not be occupied until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the provision of bat boxes.

REASON: In order to enhance wildlife opportunity at the site.

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

20. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the west and 29 metres to the east from the centre of the access in

accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

21. No development shall commence until full details of any improvements to the site access and pedestrian facilities have been submitted to and approved in writing by the Local Planning Authority. Subsequently and prior to the first occupation of the development, the improvements to the access and provision of pedestrian facilities, parking and turning areas shall be completed in accordance with the approved details.

REASON: In the interests of highway safety.

22. During the construction phase of this redevelopment, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside of the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays.

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

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C36 and C38.

23. Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

REASON: To prevent pollution of the water environment.

NOTE: 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").

Informative(s):

1 The surface water drainage scheme shall include:

- * Management of all events up to and including the 1 in 100 year plus climate change storm;
- * Detail, sizing and location of soakaways;
- * Details, sizing and location of any other drainage features (following the SuDS hierarchy);
- * Detail of flow routes
- * Details of how the scheme shall be maintained and managed after completion;
- * Details of how the development will be protected from any existing flood risk from surface water flooding;

* Evidence to show no increase in offsite surface water flooding.

The scheme shall be based on sustainable drainage principles.
For further information you are advised to contact the Environment Agency.

2. During the construction phase precautions should be taken to reduce the risk of pollution to the water environment. This should include measures to address contaminated run-off, the storage of oil chemicals and hazardous substances, managing construction waste and the routing of heavy vehicles. Further guidance and advice is available on the Environment Agency's website in the Pollution Prevention Guidelines section –
<http://www.environmentagency.gov.uk/netregs/links/63875.aspx>

3. Wessex Water has advised that: DEFRA on behalf of the Government, are implementing changes whereby, it will be mandatory that all new foul sewers and lateral drains (where outside the serviced property boundary) will have to be designed and constructed in accordance with a new Mandatory Build Standard (MSB, for which the guidance document "Sewers for Adoption" 7th Edition (SFA 7th) is being prepared.
Any new connection to the public sewerage system under Section 106 of the Water Industry Act 1991, cannot then be made until the applicant has entered into a signed Section 104 Adoption Agreement with the Water Company.
Application forms, guidance notes and processes will be suitably amended and available when required.
Buildings higher than two storeys should have pumped storage.

9 **W/11/01697/FUL - Land West Of Biss Farm West Ashton Road West Ashton Wiltshire**

Public participation:

- Mr Ken McCall spoke in objection to the application
- Mr George McDonic spoke in objection to the application
- Mrs Sandra Carlton spoke in objection to the application
- Mr David Hutchinson, agent, spoke in support of the application
- Mr Richard Covington, on behalf of the West Ashton Parish Council, spoke in objection to the application

Councillor Francis Morland, Unitary Councillor for Southwick, expressed his concerns about the application.

The Area Development Manager introduced the report which sought approval.

In responding to technical questions he clarified that:

- A section 106 agreement existed for the residential development and did not need to be part of this application;
- At present it was believed that the land would be identified as development land as part of the Core Strategy;

- Improvements to the highway network were detailed in conditions 23, 24 and 25 included in the report.

During the ensuing debate members of the committee expressed concerns about the highway network and its ability to cope with existing traffic, let alone any additional traffic.

Members of the committee could not be satisfied that it would be reasonable to make a decision on the assumption that the land would be identified for employment use in the Wiltshire Core Strategy.

Resolved:

To defer the application until the Wiltshire Core Strategy (“Wiltshire 2026 – Planning for Wiltshire’s Future”) has been approved.

10 **W/11/02019/REM - Durlston Hilperton Road Trowbridge Wiltshire**

Public Participation:

- Mr Richard Smith, Managing Director, spoke in support of the application
- Mr David Raynes spoke in support of the application
- Mr Richard Harlow, agent, spoke in support of the application

The Area Team Leader introduced the report which sought approval.

In answering technical questions he clarified that permitted development had not been removed when the dwelling had been demolished.

Members of the committee recognised that the proposed amendments by the applicant were a vast improvement and it was therefore

Resolved:

That planning permission be GRANTED

For the following reason(s):

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

Subject to the following condition(s):

1.The Landscaping of the site shall be carried out in accordance with the approved landscaping plan AH2010/31a Sheet 8 of 8 Rev A, following consultation with Landscape Officer on the replacement trees shown on that drawing.

REASON: To ensure a satisfactory landscaped setting for the development.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

Informative(s):

1. The applicant is advised that the development must comply with the conditions and planning obligations imposed on Outline Permission reference 08/01089/OUT.

11 W/11/02981/FUL - 175 Devizes Road Hilperton Wiltshire BA14 7QS

The Area Team Leader introduced the report which sought approval.

Members of the committee were satisfied that an additional condition regarding the occupancy of the outbuilding would address their concern.

Resolved:

That planning permission be GRANTED

For the following reason:

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

Subject to the following condition:

The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 175, Devizes Road, Hilperton

REASON: To safeguard the amenities and character of the area

12 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 9.35 pm)

The Officer who has produced these minutes is Marie Gondlach (Democratic Services Officer), of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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PLANNING COMMITTEE

4th January 2012

Observations and recommendations made since preparation of agenda

Item	Comments
Planning Applications	
01	<p>W/11/02357/FUL Former Bradford On Avon Hospital, Berryfield Road</p> <p>Late items received by Planning Officers since the report was prepared.</p> <p>Letter from Secretary of Bradford and District Senior citizens forum in support of the proposals, on the grounds that the health care facility will be a great asset.</p> <p>Letter from Friends of Bradford on Avon Community Healthcare supporting the application and accompanied by a petition containing 503 signatures supporting the proposed plans by Castlemead Care for a 63 bed nursing home with 14 assisted living units to be built on the former hospital site asking that Wiltshire Councillors approve the plans without further delay received with 503 signatures.</p> <p>In addition, it is understood that further letters of objection have been sent direct to Councillors. These include one on behalf of Sharron Davies and Ashford Homes and others from residents of the Dower House and 91 and 93 Leigh Park Road. These re-iterate concern over consultation with residents and over matters already detailed in the committee report including scale, setting of listed building, privacy, use of materials, light levels, boundaries, misleading statements in the design and access statement, light pollution, and noise disturbance. Also reiterated that there is no objection to the principle of a care home, but this proposal is unacceptable.</p> <p>The agents acting for the applicants have also sent additional information to Councillors This includes an artist's impression of the scheme, a letter from Jones Lang LaSalle (suggesting the extant scheme is not viable but the 63-bed proposal would be viable), and massing/distance comparisons between extant scheme and proposal. Their email details the changes that have occurred to the scheme following negotiation with officers, highlights the reduced number of assisted living units, explains the need for a larger care home based on financial and operational requirements</p>

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