

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 21 MAY 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### **Present:**

Cllr Trevor Carbin, Cllr Terry Chivers (Substitute), Cllr Andrew Davis, Cllr Russell Hawker, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout and Cllr Jonathon Seed

#### **Also Present:**

Cllr Rosemary Brown

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#### **47 Apologies for Absence**

Apologies for absence were received from Councillor Clark.

#### **48 Minutes of the Previous Meeting**

The minutes of the meeting held on 30 April 2014 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 30 April 2014.**

#### **49 Chairman's Announcements**

The Democratic Services Officer announced changes to the membership of the Western Area Planning Committee noting that Cllr Knight was the new Vice-Chairman and that Cllr Drewett was now a full member of the planning committee and Cllr Hawker would be a substitute.

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

**50 Declarations of Interest**

Cllr MacDonald declared that he had a pecuniary interest on application 14/02361/FUL Garage site at Leslie Rise Westwood BA15 2BN, as a result of being a director of Selwood housing. For that item Cllr MacDonald sat away from the committee and did not participate in the debate or vote.

**51 Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

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

**52 Planning Applications**

The Committee considered the following applications:

**53 13/06707/FUL - Land SE of Leechpool Farm, Norrington Lane, Broughton Gifford**

Isobel Hollands (Agent) spoke in support of the application.

Roy Gurney (Broughton Gifford Parish Council) spoke in objection of the application.

The Area Development Manager outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given. The site would essentially consist of a solar photovoltaic park over approximately 30.5 hectares.

The Area Development Manager outlined the relevant planning policy drawing particular attention to: The West Wiltshire District Plan – 1<sup>st</sup> Alternation 2004 - C34: Renewable Energy, C1: Countryside Protection, C6a: Landscape Features.

Four letters of objection had been received and five letters in support which had been outlined in the report.

The Area Development manager drew attention to the relevant planning considerations and drew particular attention to the impact on the landscape of the open countryside.

Members were invited to ask technical questions about the site. The questions focused on the decommissioning of the site and the views of Melksham Without and Broughton Gifford Parish Councils..

Members of the public were invited to speak on the application as listed above.

Cllr Chivers as local member opened the debate noting the site visit had been a worthwhile exercise and that the conditions were important for the protection of the local community. A question was asked if a condition could be imposed to protect the hedges within the site. It was agreed that a suitably worded condition could be imposed.

A motion was proposed to approve the application, with the addition of an extra condition relating to management of the hedgerows and it was;

### **Resolved**

That Planning Permission be APPROVED subject to the following 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.

The development hereby approved shall be discontinued and the land restored to its former condition on or before 01 June 2039 in accordance with a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning; unless before that date planning permission has been sought and granted for the retention of these structures for an extended period of time.

REASON: In the interests of amenity and the circumstances of the use.

In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 2 then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning, and within six months of the cessation of the generation of energy from the site.

REASON: In the interests of amenity and the circumstances of the use.

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

a) the parking of vehicles of site operatives and visitors;

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

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

REASON: In the interests of highway safety and amenity.

No ground-raising shall take place within areas defined as flood zones 2 and 3 on the Environment Agency's flood map.

REASON: To maintain the integrity and proper functioning of the flood plain, in order to prevent an increase in flood risk.

The boundary fences shall be erected in accordance with the approved plan H.0635-05-E and in advance of any other construction works commencing, and no construction or operational works shall extend into the wildlife buffer strips/ areas either directly or indirectly.

REASON: In the interests of the protection of wildlife.

Prior to the commencement of works a Supplementary Ecological Mitigation, Enhancement and Management Plan shall be submitted for planning authority approval. The Plan shall provide detailed drawings and proposals for the following:

- Restoration of "Pond 1" and enhancement of "Pond 2";
- Reinstatement of land beneath the solar panels;
- Sowing mixes for buffer strips / areas;
- Restoration and management for each section of hedgerow within the application boundary;
- Bat and bird boxes; and
- Great crested newt hibernacula.

The works shall be implemented in accordance with the approved Supplementary Ecological Mitigation, Enhancement and Management Plan within 1 year of permission being granted. Any trees, hedges or plants forming part of a planting scheme 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.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

Development shall not commence prior to the submission and approval in writing by the LPA of fence design details which, notwithstanding drawing H.0365\_17-A, shall be of will be post-and-wire design to approximately 2.4m in height. The fencing shall be erected in terms of the approved details.

REASON: In the interest of amenity and the appearance of the site.

The scheme shall be delivered in accordance with the Confidential Badger Appendix (Avian Ecology, 2013), Ecological Mitigation Enhancement and Management Plan (Avian Ecology 05/03/14) and the Great Crested Newt Conservation Strategy (Avian Ecology 19/03/14) except where measures are revised by conditions 6 and 7 above. All mitigation and enhancement works will be completed within 1 year of permission being granted.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

Removal of hedgerows and ground preparation shall be undertaken only during the period 1st September to 28th February unless, if done outside this period, preceded by a survey by a professional ecologist and then only undertaken in accordance with the ecologist's written advice.

REASON: In the interests of nature conservation.

A survey of habitat condition measured against the Ecological Mitigation, Enhancement and Management Plan (Avian Ecology 05/03/14) and the Supplementary Ecological Mitigation, Enhancement and Management Plan shall be undertaken by a professional ecologist during the period May to August and submitted for Local Planning Authority Approval in the first, third and fifth years after the site first becomes operational. Where monitoring identifies non-compliance, remedial measures shall be identified, implemented and reported through a subsequently agreed monitoring survey.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

Any decommissioning plan submitted in accordance with Conditions 2 and 3 shall include an ecological assessment and mitigation report for approval by the planning authority. The site will only be decommissioned in accordance with the approved mitigation report.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

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 and removed in accordance with conditions 2 and 3 above.

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

No development shall take place within 8m of the top of bank of any river or ditch at any time during the development.

REASON: To ensure that flood risk is not increased and to protect the biodiversity value of the watercourses.

No development shall commence until a scheme to limit surface water flows from the development during the construction and operational phases has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented and maintained in accordance with the details of the approved scheme.

REASON: To ensure that flood risk is not increased.

The development hereby permitted shall not be first brought into use until the existing furniture serving footpaths BGIF33 and BGIF34 where they intersect site boundaries is upgraded to a minimum standard of kissing gate in accordance with details which shall be submitted to and approved in writing by the local Planning Authority.

REASON: In the interests of amenity and public safety.

The development hereby permitted shall be carried out in accordance with the details shown on the hereby approved plans:

H.0365\_01-C received on 09 December 2013;  
H.0365\_05-E received on 10 April 2014;  
H.0365\_12-A received on 09 December 2013;  
H.0365\_13-A received on 09 December 2013;  
H.0365\_14-A (1 of 2) received on 09 December 2013;  
H.0365\_14-A (2 of 2) received on 09 December 2013;  
H.0365\_15-A received on 09 December 2013; and  
H.0365\_16-A received on 09 December 2013.

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

During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00, Saturday 08:00 to 13:00 nor anytime on Sundays or public holiday.

REASON: In order to protect local amenity.

Before development is commenced, a scheme for the management of the hedgerows within the site, including those on the site perimeters shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the hedgerows to grow to a minimum of 3 metres and to be thereafter retained at no less than this height for the duration of the operation of the solar farm.

REASON: To help screen the development from nearby vantage points and public rights of way, in the interests of ameliorating the visual impact of the development.

INFORMATIVES:

a. There are ordinary watercourses within or in close proximity to the site. If any obstruction to flow in the watercourse (permanently or temporarily, including culverting) is likely, prior Land Drainage Consent from Wiltshire Council (as the Lead Local Flood Authority) will be required.

b. Fencing used near watercourses could act as an obstruction to flow (thus increasing flood risk), therefore it is important to ensure that fencing design remains permeable to flood waters.

c. In seeking to discharge any surface water drainage condition, the following considerations should be borne in mind: - In the absence of any specific guidance on how to assess run-off from solar developments, a range of methods and scenarios to calculate run-off rates (and thus, attenuation volumes) should be investigated. The introduction of impermeable areas within the development should be minimized wherever possible –all access tracks should be permeable. - Attenuation volumes should be agreed based on the above investigation and taking into account site specific circumstances. - Any drainage scheme should be supported by percolation / soakaway tests on site. - Management of the land, including grass seeding and planting (in line with proposals set out in the FRA) should be considered and confirmed. - Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development.

d. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and

storage areas and compounds - the control and removal of spoil and wastes All works must be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines which can be viewed at the following link: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>. In the event of a pollution incident, the site operator must contact the Environment Agency immediately by calling 0800 80 70 60.

e. Use of road planning's (tarmac scalplings) for track construction requires a Use of Waste in Construction exemption (U1) under the Environmental Permitting (England and Wales) Regulations 2010. It allows the use of suitable wastes for small scale construction but does not allow treatment of wastes to be carried out unless covered by a different exemption.

**54 13/03987/FUL - 249/250 Winsley Road, Bradford on Avon**

Andy Green spoke in objection of the application.

Simon Fisher spoke in objection of the application.

Vicky Landell-Mills spoke in objection of the application.

Councillor Gwen Allison spoke on behalf of Bradford-On-Avon Town Council in objection of the application.

The Case Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given. The development would involve demolishing the existing two houses and the erection of 10 houses with an associated access road.

The Case Officer outlined the relevant planning policy which included the West Wiltshire District Plan 1st Alteration (2004), National Planning Policy Framework (2012), Wiltshire Local Transport Plan 2011- 2026 and that some weight was also afforded to the Emerging Wiltshire Core Strategy, however as it was yet to be formally adopted by the Council, only limited weight could be given to the policy.

The Case Officer outlined the comments and objections received through consultation, as set out in the report, paying particular attention to the S106 contributions required to fund school places. It was reported that 116 letters of objection had been received, as outlined in the report.

The Case Officer drew attention to the relevant planning considerations set out in the report.

Members were invited to ask technical questions of the site. The questions focused on concerns with traffic and air quality.



Members of the public were invited to speak on the application as listed above.

Cllr Rosemary Brown as the local member spoke in objection to the application with the main points summarised as: inadequate access and pedestrian safety, site levels, flooding and light pollution, ecology, archaeology and the design of the proposed houses.

Members then entered debate which focused on: the site levels of the proposed housing, traffic and pedestrian safety and the impact on the character and appearance of the area of this number of houses. A motion to refuse the application was withdrawn and a new motion for a site visit was proposed.

At the end of the debate, the Committee;

Resolved:

**To DEFER for a site visit on 11 June 2014 at 12:30 noon (the date and time was agreed at the end of the meeting)**

*A recess was taken from 16:15 until 16:25.*

**55 14/02339/FUL - Plot adjacent to `Beechwood`, Bratton Road, West Ashton**

Public Participation

David Petrie spoke in objection of the application.

Paul Pursey spoke in objection of the application.

Howard Waters (Agent) spoke in support of the application.

Tim LeMare spoke on behalf of West Ashton Parish Council in objection of the application.

The Case Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given. The site would essentially consist of a single dwelling within the village policy limit.

The Case Officer outlined the relevant planning policy which included the National Planning Policy Framework 2012 and the West Wiltshire Local Plan

The Case Officer outlined the comments and objections received through consultation, as set out in the report. It was reported that 4 letters of objection had been received, as outlined in the report.

The Case Officer drew attention to the relevant planning considerations set out in the report.

Members were invited to ask technical questions of the site. The questions focused on the use of the land and whether a further permission was required for a change of use from agriculture. It was advised by the Officer that this was included within the principle of the proposal and no separate application was required.

Members of the public were invited to speak on the application as listed above.

Members debated the application. A motion was proposed to defer the application for a site visit.

At the end of the debate, the Committee;

**Resolved:**

**To DEFER for a site visit on 11 June 2014 at 1:30pm (the date and time was agreed at the end of the meeting).**

56 **14/02361/FUL - Garage site at Leslie Rise Westwood**

Julie Adcock spoke in objection of the application.

Paul Walsh (Agent) spoke in support of the application.

Jeannie Johnston spoke on behalf of Westwood Parish Council in objection of the application.

The Case Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given. The development would involve demolishing the existing six garages and the erection of two houses with associated road and parking, within the Village Policy Limits and not obstructing the Public Rights of Way.

The Case Officer outlined the relevant planning policy which included the West Wiltshire District Plan 1st Alteration (2004), Leisure and Recreation DPD 2009, National Planning Policy Framework (2012), Neighbourhood Plan and that some weight was also afforded to the Emerging Wiltshire Core Strategy, however as it was yet to be formally adopted by the Council, only limited weight could be given to the policy.

The Case Officer outlined the comments and objections received through consultation, as set out in the report.

The Case Officer drew attention to the relevant planning considerations set out in the report.

Members were invited to ask technical questions of the site. The questions focused on if the garages would be relocated and where.

Members of the public were invited to speak on the application as listed above.

Members then entered debate which focused on: the Rights of Way, concerns about the social club in close proximity to the proposed dwellings and whether the pathway would become too enclosed. A motion to approve the application was proposed.

At the end of the debate, the Committee;

**Resolved:**

**That Planning Permission be APPROVED subject to 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 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.

- 3 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 :-

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) other vehicle and pedestrian access and circulation areas;
- h) all hard and soft surfacing materials;
- i) minor artefacts and structures (e.g. furniture, play equipment, refuse and

other storage units, signs, lighting etc);

j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 4 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.

- 5 No part of the development hereby permitted shall be 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 interests of highway safety.

- 6 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: To ensure that the development can be adequately drained.

- 7 No development shall commence on site until a noise assessment with regard to noise from the club, including any suitable noise mitigation measures has been submitted to and approved by the local planning authority. Any works which form part of the approved scheme shall be completed prior to the dwellings being first occupied and shall be maintained in accordance with the approved details at all times thereafter.

REASON: In the interests of residential amenity.

- 8 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

- 9 REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved.

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

3742/01 Rev E received 07/04/2014

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

Informative 1

There is a low risk that bats may roost at the development site, potentially in trees and hedgerows. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is

advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on **0845 1300 228**, email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk) or visit the Bats Conservation Trust website [www.bats.org.uk](http://www.bats.org.uk).

#### Informative 2

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

#### Informative 3

A public water main is shown on record plans within the land identified for the proposed development. It appears that development proposals may affect existing water mains. It is recommended that the applicant contacts Wessex Water for further advice on this matter.

Building over or within 3 metres of an existing water mains sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

#### Informative 4

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

## 57 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.30 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](mailto:jessica.croman@wiltshire.gov.uk)

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