

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 16 FEBRUARY 2022 AT COUNCIL CHAMBER – COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Antonio Piazza, Cllr Pip Ridout, Cllr David Vigar and Cllr Suzanne Wickham

Also Present:

David Cox, Benjamin Fielding, Verity Giles-Franklin, Kenny Green, Sarah Marshall and Steven Sims.

10 **Apologies**

There were no apologies for absence from any Committee Members but apologies from Cllr Tony Jackson, a Substitute Member of the Committee, were noted.

11 **Minutes of the Previous Meeting**

The minutes of the previous meeting of the Western Area Planning Committee held on 19 January 2022 were considered. Following which, it was:

Resolved

The Committee approved the minutes of the previous meeting of the Western Area Planning Committee held on 19 January 2022 as a true and correct record.

12 **Declarations of Interest**

Cllr Ernie Clark declared a pecuniary interest in Agenda Item 7b by virtue of his property neighbouring the application site boundaries, and as such, he would leave the meeting as a member of the Committee during the Agenda Item.

Cllr Edward Kirk declared a non-pecuniary interest in Agenda Items 7b and 7c and stated that he would not participate in the debate or vote for either Agenda Items.

Cllr Antonio Piazza declared that he had been lobbied with regard to Agenda Item 7b.

13 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting and asked that all phones were switched off or turned to silent mode to minimise any potential disturbances.

14 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

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

15 **Planning Appeals and Updates**

The Chairman invited Kenny Green, Development Management Team Leader, to update the Committee on any completed and pending appeals as per the appeals report included within the Agenda Pack.

It was confirmed that one appeal decision had been received for Application 19/08146/VAR, Land at Trowbridge Lodge Park, an appeal that related to six additional residential caravans being sited within the park.

It was explained that the appealed development had been refused by a substantive lack of detail submitted by the applicant and that three refusal reasons were cited within the refusal decision dated 8 April 2020. The decision outlined the lack of a tree constraints plan, tree survey and arboricultural impact assessment; all of which were considered essential to enable the Council to full assess the potential impact of the proposed additional six residential caravans on existing trees, the natural landscape and the ecological value, and potential impacts on protected species. In addition, the Council refused the full planning application as it was only supported by an indicative site plan that was not found to be acceptable by officers as it was not possible to fully assess the potential impacts that the six additional caravans would have on the living conditions of existing and future occupants in terms of outlook, privacy and visual amenity. There was also a lack of detail submitted in terms of parking provision.

An appeal was subsequently lodged by the applicant, but it was help up substantively by the COVID pandemic and the planning inspectorate did not issue an appeal start letter until 25 August 2021. Officers defended the appeal and maintained that insufficient information had been provided on the siting of the additional caravans and the appellant had failed to demonstrate that the increased capacity would be implemented in such a way as to avoid further loss or damage to trees (natural habitat) and/or adversely impact on residential amenity. Through the appeal process, officers recommended that the appointed planning inspector seek Natural England's advice on the effect of the development proposed on the bats, particularly those associated with the Bath

and Bradford-on-Avon Bats Special Area of Conservation (SAC), and to secure a detailed site masterplan. Natural England provided the planning inspector with comments in early January 2022 and a detailed site plan submission was sent to the planning inspector which was then sent to the Council to provide comments.

The appeal was allowed with the appointed planning inspector being suitably informed by the late submission of the detailed site plan and imposed conditions to define the terms of the allowed appeal. Members were advised that applicants are expected to submit applications that are fully supported with plans and relevant supporting documents to illustrate what is proposed, and when they do not, that they should expect a refusal. It should be noted that the applicant had been asked numerous times to submit a detailed plan by the case officer whilst the application was with the Council, but they had refused to comply.

Members were advised by Kenny Green that as with any appeal, there was a cost incurred to the Council in defending the Council's position through the dedicated time spent by the planning case officer to prepare a statement and for the Council's planning appeals team in terms of time taken uploading documents and sending correspondence to interested parties and to the planning inspectorate. Kenny Green also informed the Committee that there was also a wider public cost beyond the Council, as Natural England had been required to provide expert advice to the planning inspector. Members expressed concern about this appeal and the dedicated resource that had to be given to a case that should have been properly supported when the application was lodged with the Council.

After seeking a legal view from Sarah Marshall, a Senior Solicitor within the Council, the Committee suggested that a letter carrying Parvis Khansari's name should be written and sent to the Corporate Leadership Team and/or the Secretary of State outlining the costs incurred by the Council in defending appeals and to suggest a change to the National Planning Policy Framework (NPPF) to place a much heavier burden on applicants that do not submit the requisite level of detail with applications.

Following which, it was:

Resolved

The Committee noted the appeals report for the period 7 January 2022 to 4 February 2022.

The Committee requested that a letter be sent by Parvis Khansari to the Secretary of State highlighting the cost implications of defending the appeal for 19/08146/VAR (reference APP/Y3940/W/20/3260751).

16 **Planning Applications**

The Committee considered the following applications:

17 **PL/2021/08361 - 72 High Street, Heytesbury, Warminster**

Steven Sims, Senior Planning Officer, presented the report and highlighted that an additional late representation had been received with regard to parking enforcement, however it was noted that this letter raised nothing new and that the relevant matter was covered within the report.

It was noted that the application had been deferred from the previous meeting of the Committee pending additional information alongside a site visit which occurred on the morning of the meeting, 16 February 2022. The Case Officer clarified that the main property had three bedrooms, not four, which had been previously reported at the January Committee meeting, and that there was one bedroom within the annex. It was highlighted that an additional condition (no.4), as referenced on Page 27 of the Agenda Pack had been added and was recommended by officers following further discussions held with the Council's Highways Officer.

Key issues highlighted included: the principle of development; impact on heritage assets; impact on the amenity of neighbouring residents; highways/parking issues; and drainage issues.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: the recommended condition to retain the integral garage within the subject building for garaging/storage purposes and not allow it to be converted to habitable accommodation; the appropriateness of removing the additional Class A permitted development rights; and the enforceability of conditions.

In response, Planning Officers clarified that an additional planning condition removing Class A permitted development rights to ensure the property maintained adequate car parking provision would be reasonable given the site circumstances. When asked about condition breaches, it was explained that there was always a risk of conditions being breached, however if reported, breaches would be investigated by the Planning Enforcement Team, but it was explained that planning enforcement was a discretionary service and taking formal enforcement action must first be in the public interest.

Thereafter, Councillor Bill Parks, Vice-Chairman, moved the officer recommendation as detailed in the report with the addition of a condition to remove Class A permitted development rights.

During the debate Members discussed the benefits and clarity that the site visit had provided.

At the conclusion of the debate, a vote was taken on the motion for approval. Following which, it was:

Resolved

The Committee APPROVED the application as per the officer's recommendations 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. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site location and block plan scale 1:1250 and 1:500
Plans and elevations scale 1:100 drg no. 219003/02c**

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

- 3. The parking spaces shown on the approved plans (Site Block Plan) shall be maintained for parking purposes only thereafter.**

REASON: In the interests of highway safety.

- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the integral garage/store within the floor plan of the subject property shall not be converted to habitable accommodation.**

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Class A shall take place on the dwelling house hereby permitted or within the curtilage.**

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

Informatives

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: <http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy>

Councillor Ernie Clark departed the meeting as a Member of the Committee.

18 **PL/2021/03253 - Lion and Fiddle, Trowbridge Road, Hilperton, Trowbridge, BA14 7QQ**

Public Participation

Mr Gordon O'Brien, neighbouring resident, spoke in objection to the application.

Mr Ernie Clark, neighbouring resident, spoke in objection to the application.

Ms Joy Singer, applicant, spoke in support of the application.

Verity Giles-Franklin, Senior Planning Officer, introduced the report which recommended the issuing of planning permission to be delegated and deferred to the Head of Development Management granted, following the sealing of a s106 legal agreement, for the erection of two detached dwellings, garages and associated works.

Reference was made to the Committee Member site visit that had been scheduled on the morning of the meeting, 16 February 2022. The Case Officer referenced the presentation slides, and the application proposal was set out in detail, including drawing Members' attention to the fact that part of the site was within the defined settlement limits (and one of the proposed dwellings), whilst the other part and about two thirds of the other dwelling would be outside the limits.

The Case Officer explained the proposed site layout plans and the vehicular access point that would be gained through the existing public house car park. It was also highlighted that one plum tree adjacent to the HILP30 public right of way footpath would be removed but that officers had no objections to such work. Members were also advised that a parcel of land owned by the applicant (and kept separate from the two proposed dwellings/plots) would be safeguarded and dedicated for biodiversity betterment to support ecology interest and to be secured by a s106 legal agreement. Members were further advised that the development would require obligations to secure the requisite contribution as set out by the Trowbridge Bat Mitigation Strategy as well as CIL.

The Committee was informed that third party/Parish Council concerns had been raised regarding the overdevelopment of the site, however officers explained that the proposed two dwellings would have adequate amenity/garden space and the separation distances to neighbouring properties was considered acceptable.

No objections had been raised by the Council's Arboricultural, Ecology, Highways or Rights of Way officers and it was noted that the site was surrounded by existing residential development.

Key issues highlighted included: the principle of development; impacts on the character of the area and designated heritage assets; impacts on neighbouring amenities for both future and existing occupiers; ecology interests; and highway safety.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: the safeguarded coppice/grassland area to the rear of the site; the Trowbridge Bat Mitigation Strategy; and details of the s106 legal agreement.

In response, the officer confirmed that the securing of the s106 legal agreement and biodiversity enhancement plan would ensure the protection to the grassland parcel and would deliver biodiversity betterment.

Members of the public, as detailed above, had the opportunity to address the Committee and speak on the application.

Mr Ernie Clark departed the meeting as both a member of the public and a Member of the Committee.

Cllr Edward Kirk had called in the application on behalf of Cllr Ernie Clark, Local Unitary Member, however as Cllr Kirk had declared an interest in the Agenda Item and as such, would not participate in the debate and vote, Cllr Stewart Palmen moved that the application be approved as per officer recommendations.

During the debate members discussed the impact on neighbouring amenities, as well as the tress covered by the TPO within the application site, and the car parking arrangements. Officers detailed the separation distances from the

proposed dwellings to the neighbouring properties, noting that there would be adequate separation distance and that the proposal would exceed the minimum standard distance of 10.5 metres between the dwelling and boundary shared by dwellings. Additionally, it was confirmed that there would not be any window-to-window conflicts given the extensive and well-established landscaped site boundaries which were subject to TPO. With regard to tree protection, officers advised that a separate condition could be included to ensure greater control over protecting and/or re-planting trees that were removed or became diseased and therefore died. It was further confirmed by officers that there was adequate on site car parking for both the application proposal and that the public house would retain sufficient car parking to satisfy the Council's parking standards.

Other points debated were: the five-year land supply and Hilperton Neighbourhood Plan and the safeguarding of the public Right of Way footpath. Officers explained the five-year land supply deficit and the titled balance reasoning, and that in the absence of any substantive and demonstrable harm, the NPPF directed LPAs to approve new housing as set out within Paragraph 11 of the NPPF. Officers also confirmed that an additional condition could be imposed to secure bollards or other suitable means of safeguarding users of the Public Right of Way along part of the vehicular entry to the site under a construction management plan condition requirement.

At the conclusion of the debate a vote was taken on the motion to endorse the recommendation to secure a s106 and thereafter delegated authority to officers to approve the application with the addition of the two conditions proposed. Following which, it was:

Resolved

The Committee APPROVED that planning permission be delegated and deferred to the Head of Development Management granted, following the sealing of a s106 legal agreement covering the matters set out within section 9.7 of the report; and 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. The development hereby permitted shall be carried out in accordance with the following approved plans:**

Drawing Nos: 2745-04, Location Plan, as received on 23 March 2021; 2745-01C, Proposed Block Plan, as received on 15 September 2021; 2745-05E, Proposed Elevations, Floor Plans and Site Layout, as received on 13 December 2021

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

3. No site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- **A specification for protective fencing to trees during both site clearance and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;**
- **A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837:2013;**
- **A schedule of tree works conforming to British Standard 3998:2010;**
- **Details of general arboricultural matters such as the area for storage of materials and concrete mixing**
- **Plans and particulars showing the siting of the service and piping infrastructure;**
- **A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works;**
- **Method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;**
- **Details of the porous surface for the no-dig driveway**
- **Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and**

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

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the 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 and section 197 of the Town & Country Planning Act 1990.

4. No site clearance or development shall commence on site until a Biodiversity Mitigation and Enhancement Plan (BMEP) has been submitted to and approved in writing by the Local Planning Authority. The BMEP shall cover the off-site area of (1) flower-rich grassland to be created and, (2) the existing woodland copse. It shall include a marked-up plan showing the area, and cover long-term objectives and targets, management responsibilities and maintenance schedules for each of the ecological features, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The BMEP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The BMEP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development for the lifetime of the scheme.

NOTE: A Section 106 agreement would be required to secure the biodiversity enhancement area and ensure that this buffer zone/mitigation area to the south of the development hereby approved, which is located within the 'yellow risk' zone of the TBMS and outside the red line boundary of the application site, is safeguarded and managed in accordance with any approved Biodiversity Mitigation and Enhancement Plan over the lifetime of the residential development.

5. No development shall commence above ground floor slab level until specific details and samples of the materials to be used for the external walls and roofs (including specific details of the stone and larch cladding to be used, including details of any paint or stain

finish to the applied to the cladding) 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 Conservation Area.

6. No development shall commence above ground slab level 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:-

- location and current canopy spread of all existing trees and hedgerows on the land;**
- full details of all existing trees and hedging to be retained, together with measures for their protection in the course of development;**
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- all means of enclosure;**
- car park layouts;**
- other vehicle and pedestrian access and circulation areas;**
- all hard and soft surfacing materials;**

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. 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.

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

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

9. The development hereby approved shall be carried out in strict accordance with all of the recommendations for mitigation and compensation set out in the Ecology Strategy & Mitigation Strategy (produced by Malford Environmental Consulting Ltd, dated 18 February, 2021) and the Great Crested Newt Reasonable Avoidance Measures (produced by Malford Environmental Consulting Ltd, dated 4 October 2021).

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

10. The development hereby approved shall be carried out in strict accordance with all of the recommendations for mitigation and compensation set out in the Bat Mitigation Strategy (produced by Malford Environmental Consulting Ltd, dated 4 October 2021). This shall include all biodiversity protection and management of the on-site hedgerows, and all enhancements as detailed on the mitigation strategy plan shown on page five of the aforementioned report.

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

11. 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 plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication GN01:21, 'Guidance Note 1 for the reduction of obtrusive light 2021' (ILP, 2021), and Guidance Note GN08-18 'Bats and artificial lighting in the UK', produced by the Bat Conservation Trust and Institution of Lighting Professionals.

Where light spill has the potential to impact bat habitat, a lighting impact assessment must be submitted as part of any discharge of conditions application to demonstrate that the requirements of Section 8.3 of the Trowbridge Bat Mitigation Strategy February 2020 are met.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area in order to minimise unnecessary light spillage above and outside the development site and to ensure lighting meets the requirements of the Trowbridge Bat Mitigation Strategy.

NOTE: This condition can only be discharged when a post-development lighting survey conducted in accordance with Section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

12. No development shall commence on-site (including any site clearance works), 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
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;

- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;**
- h) measures for the protection of the natural environment.**
- i) hours of construction, including deliveries**
- j) the design specification and installation of a permanent means of boundary site protection for the public right of way footpath HILP30, such as the provision of bollards or another means of safeguarding the open stretch of HILP30 adjacent to the Lion and Fiddle car park, which shall be put in place prior to the construction works and thereafter be retained and maintained for the lifetime of the development has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

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

- 13. Should any tree(s) on the site or along the site boundary within the control of the applicant, be removed or become damaged or diseased, they shall be replaced with native tree specimen(s) with the exact species and planting stock details to be submitted to and approved in writing by the Local Planning Authority and thereafter, be planted within the next planting season.**

For most cases, all replacement tree(s) shall be planted at or as close as possible to the position of the felled/replaced tree(s) insofar as it is reasonably practicable.

The replacement tree shall be properly maintained thereafter, and should any replacement tree(s) be removed or become damaged or diseased, they shall be replaced in the next planting season with the same agreed species. If a variation in species is required due to disease, the prior written agreement must be obtained from the Local Planning Authority before the replacement is planted.

REASON: To ensure that trees are replaced for the benefit of neighbouring amenity, visual amenity and character and appearance of the area and for ecology interest.

- 14. No lighting shall be used throughout the construction phase of the development hereby approved and no development (including any demolition or ground works) shall take place outside daylight hours.**

REASON: The introduction of artificial light/noise disturbance is likely to mean such species are disturbed and/or discouraged from using established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation.

15. 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 drawing no. 2745-05 Rev E. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and to ensure that the dwellings are served by adequate access and car parking

16. No materials, plant, temporary structures or excavations of any kind should be deposited/undertaken which obstruct or adversely affect the public right of way whilst development takes place.

REASON: To ensure the public right of way remains available and convenient for public use

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

INFORMATIVES TO APPLICANT:

1. The applicant is advised that the development hereby approved represents 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: [Community Infrastructure Levy - Wiltshire Council](#)

2. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
3. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
4. Any new connections to Wessex Water's infrastructure would require their prior consent and therefore the applicant is advised to contact the respective water undertaker directly regarding this matter and proposal.

19 **PL/2021/05520 - Unit 8, Atworth Business Park, Bath Road, Wiltshire, BA12 0AN**

Public Participation

A statement in objection of the application was received from Mr Mike Fayers neighbouring resident, prior to the meeting, and was read out by a Democratic Services Officer.

Ms Becky Stevens, applicant, spoke in support of the application.

David Cox, Senior Planning Officer, presented the report which recommended that the Committee delegates and defers authority to the Head of Development Management to secure a s106 deed of variation legal agreement to bind the subject property and site to the proposed revisions and to update the agreement to reflect the proposed change of use to light industrial (Class E), and to secure the appropriate signatures of the landowners to complete the landscaped bund within 3 months of the completion of the rear western lean-to-extension, and thereafter to grant planning permission subject to conditions, for a change of use to light industrial (Class E), variation of condition 10 and 12

attached to permission 19/06790/FUL, extension and alteration to existing building, landscaping and associated works.

Reference was made to the presentation slides (Agenda Supplement 1) and the planning history of the site, which included a dismissed appeal. It was confirmed that numerous site visits had been undertaken by planning and public protection officers which had been useful to gain an appreciation of how the subject property operated and used electric forklifts when transporting bulk material from the front of the site. The presence of the internal buffer shutter doors was explained, which in addition to the electric forklifts being relatively quiet and the completed landscaped bund, would ensure that the operations within the subject property would not be harmful to nearby residences.

Key issues highlighted included: principle of development; impact on neighbouring amenity; the legal agreement requirements; and use of planning conditions.

Members of the Committee had the opportunity to ask technical questions to the officer. The main points of focus included: the completion and ownership of the bund; the drainage strategy; the potential conditioning of the use of the buffer shutter doors; and noise concerns.

In response, the officer clarified that the bund was owned by the freeholders of the business park and not the applicants. However, officers had obtained a written undertaking that the respective owners would sign up to a s106 modification to secure the bund completion within three months of the rear extension being completed and to update the agreement to reflect the proposed change of use. In response to a query raised about the drainage strategy, it was confirmed by officers that the Council's drainage authority had raised no comments to the extant permission which allowed the extension to be built and that this application proposal did not necessitate a drainage strategy on its own. Officers explained that a condition that would require the opening of one door and the closing of the plant doors would be difficult to enforce, however it was highlighted that the application had been through a lengthy consultation with the Public Protection Team who had raised no objection to the proposed in/out door, and did not seek to impose such a condition.

Local Unitary Member, Cllr Trevor Carbin, addressed the Committee and spoke to the complexity of the application and the historic issues associated with it. Cllr Carbin noted his concerns with regard to noise leakage impacting on neighbouring amenities through the doors and acknowledged the work done by officers.

Cllr Andrew Davis moved to approve the application in line with officer recommendations.

During the debate Members commended officers on the comprehensive list of planning conditions.

At the conclusion of the debate a vote was taken on the motion to approve in line with officer recommendations. Following which, it was:

Resolved

The Committee **APPROVED** that authority be delegated and deferred to the Head of Development Management to grant planning permission subject to the planning conditions and informatives listed below following securing an amendment to the legal agreement that binds the site which was varied in March 2020 to include the provision of a Class E land use.

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:

Site Location Plan, Existing Floor Plan, Existing Elevations, Landscape and Visual Impact Assessment and Noise Assessment – all received 25 May 2021; Existing Site Plan, Proposed Site Layout (VL2020/12/04 B), Proposed Floor Plan, Proposed Site Layout (coloured), Proposed Elevations and Internal Layout Plan – all received 9 June 2021; Updated Design and Access Statement, additional noise report and ‘Extract Site Plan’ showing additional rail – all received 29 July 2021; and hours of operation agreement email dated 2 November 2021.

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

3. The use hereby permitted shall only take place between the hours of 0730 and 1900 Mondays to Fridays and between 0900 and 1600 on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

4. Within 1 month of the date of this permission and prior to any further works commencing on re-grading the bund, an updated

Landscape and Ecology Management Plan (LEMP) detailing the extended bund, shall be submitted to the local planning authority for approval in writing. The LEMP shall include, but not be limited to including, the following:

- a) Comprehensive finalised details of landscaping, planting including tree planting and grass seed sowing, together with a planting schedule and specification, an accompanying landscape plan(s) and details of ongoing management.**
- b) Details of the 5-year landscape maintenance schedule cited in the Landscape and Visual Impact Assessment (Prepared by Brian Wooding CMLI, December 2020).**
- c) Details of all proposed ecological enhancement features including bird nesting provision and habitat for Great crested newts and reptiles, with the proposed number and location of features shown on a plan; together with details of the maintenance and monitoring arrangements for these features.**
- d) Details of the proposed maintenance and management of the site including the safeguarding of the thicket hedge and the mechanism for securing the implementation of the above mitigation.**

Thereafter, the development shall be completed in accordance with the approved details and the site shall be managed and maintained in accordance with the measures set out in the approved LEMP in perpetuity unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the proposed landscaping and tree planting is appropriate to the locality, will be accommodated within the scheme layout and will serve a function for ecology and landscape; and to ensure the appropriate maintenance and management of habitats that provide a function in terms of landscape and biodiversity, and incorporation of features within the scheme design and layout that will contribute to delivering biodiversity gain at the application site in accordance with the NPPF 2019, Core Policy 50 of the Wiltshire Core Strategy (Adopted January 2015) and Section 40 of the NERC Act 2006.

5. Within 1 month of the date of this permission and prior to any further works taking place pursuant to re-grading of the bund, an updated Landscape and Visual Impact Assessment shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the proposed landscaping and tree planting is appropriate to the locality and to help mitigate the intrusion of noise, motion and light pollution in this area, will be accommodated within the scheme layout and will serve a function for ecology and landscape; and to ensure the appropriate maintenance and management of habitats that provide a function in terms of landscape.

NOTE: The above updated LVIA shall revise the figures showing the bund to accurately reflect the approved site plan VL2020/12/04 B

6. The re-grading of the bund shall be undertaken in strict accordance with the Discussion and Conclusions section of the Extended Phase 1 Ecological Survey (Stark Ecology, September 2019), the pending updated Landscape and Visual Impact Assessment (Prepared by Brian Wooding CMLI, December 2020) and Site Layout Plan (Drawing no. VL.2020/12/04 B received 9 June 2021).

The development shall also continue be undertaken in strict accordance with the finalised Great crested newt mitigation strategy as discharged in application 20/03763/DOC and the pending updated Landscape and Ecology Management Plan (LEMP) once submitted to and approved in writing by the local planning authority.

The development shall be undertaken with liaison with, and supervision by a suitably licensed, qualified and experienced professional ecological consultant.

REASON: To ensure that appropriate and adequate protection, mitigation and compensation for ecological receptors including protected and priority species and their habitats, is implemented in accordance with the NPPF 2019 and Core Policy 50 of the Wiltshire Core Strategy (Adopted January 2015), and to ensure compliance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and Section 41 of the NERC Act (2006).

7. Within 3 months of the completion of the rear (western) lean-to extension and installation of the bunded tank, the bund as shown on the proposed site plan VL2020/12/04 B shall be fully completed on site.

REASON: In the interests of visual amenity

8. All soft landscaping (comprised in the approved details of conditions 4a and 5) shall be carried out in the first planting and seeding season following the completion of the bund; 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.

9. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any other order revoking or re-enacting or amending that order with or without modification), no windows, doors, or other form of openings other than those shown on the approved plans, shall be inserted in the northern or western end elevation(s) of the development hereby permitted.

REASON: In the interests of residential amenity

10. No external lighting on the recently extended section of unit 8 (as approved under application 19/06790/FUL) or on the lean-to extension subject to this application, shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone Standards set out by the Institute of Lighting Professionals: Guidance Notes for the reduction Obtrusive Light GN01:2021; have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

11. No materials, goods, plant, machinery, equipment, finished or unfished products/parts of any description, skips, crates, containers, waste of any other item whatsoever shall be placed, stacked, deposited or stored outside the extension of Unit 8 permitted under application 19/06790/FUL.

REASON: In the interests of the appearance of the site and neighbouring amenity

12. No construction works shall be undertaken outside the hours of 0700 to 1800 Monday to Friday and 0900 to 1600 on Saturdays and at no time on a Sunday or Bank Holiday.

REASON: In the interests of neighbouring amenity

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.20 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services, direct line 01225 718259 x18259, e-mail Ellen.ghey@wiltshire.gov.uk

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