

## WESTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 15 FEBRUARY 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

#### Present:

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

#### Also Present:

Cllr Francis Morland, Cllr Stephen Oldrieve and Cllr Julie Swabey

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#### 13 **Apologies for Absence**

There were no apologies for absence.

#### 14 **Minutes of the Previous Meeting**

The minutes of the meeting held on 04 January 2012 were presented for consideration.

#### Resolved:

**To approve the minutes as a correct record.**

#### 15 **Chairman's Announcements**

There were no Chairman's Announcements.

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

#### 16 **Declarations of Interest**

Cllr Peter Fuller declared a personal interest in item 6a - *W/11/03052/FUL: Former Tesco's Site, St Stephens Place* - as a member of Trowbridge Town Council and its Development Control Committee. He stated he had not been involved in Town Council's Resolution on the application in question, but clarified that the Town Council was the owner of land adjacent to the site.

Cllr John Knight declared a personal interest in item 6a - *W/11/03052/FUL: Former Tesco's Site, St Stephens Place* - as a member of Trowbridge Town Council, but clarified he was absent for discussions of the application in question, and would consider it with an open mind.

Cllr Rod Eaton declared a personal interest in item 6b - *W/11/02267/REM: Land adjoining 14 Woodrow Road, Melksham* - as a result of being lobbied by supporters and objectors, but that he would consider the application with an open mind.

## 17 **Public Participation and Councillors' Questions**

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

## 18 **Planning Applications**

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

The Committee considered the following applications:

### **18.a W/11/03052/FUL - Former Tesco's Site, St Stephens Place, Trowbridge, Wiltshire**

#### Public Participation

- Mr Mike Baxter spoke in objection to the proposal
- Miss Natasha Owens spoke in objection to the proposal
- Mr Brian Mitchell spoke in objection to the proposal
  
- Mr Kevin Eames spoke in support of the proposal
- Mr Tim Russell, applicant, spoke in support of the proposal
- Mr Ken Taylor spoke in support of the proposal
- Mr Harry Hilliard, Consultee, Transforming Trowbridge, spoke in support of the proposal

The Area Development Manager introduced a report which recommended approval for the application, drawing attention to issues of funding, visual impact of the proposal and integration with Council policies. The Committee's attention was also drawn to the late list provided at the meeting.

Members of the Committee then had the opportunity to ask technical questions to the Area Development Manager and the Case Officer. Questions were raised around issues of parking at the site, taxi facilities and the suitability of the highways to support the increased needs of the proposal. In response to queries, it was clarified that the proposal was in line with the emerging Wiltshire

Core Strategy and other policies, and that an archaeological appraisal had been conducted, but any future finds would require further agreements.

Members of the Public then had the opportunity to speak, as detailed above.

A debate followed, where the potential to revitalize Trowbridge town centre was emphasized, and the impact of the proposal on other businesses and residents was discussed, with parking a particular consideration.

The Chair permitted Cllr Stephen Oldrieve, Wiltshire Council, to make a brief statement encouraging the Committee to make Trowbridge an attractive location for developers to invest.

The Local Member, Cllr John Knight, spoke in support of the proposal.

After discussion, it was,

**Resolved:**

**That planning permission be GRANTED for the following reason:**

**The proposed development would result in comprehensive and major regeneration of a derelict site on the southern edge of the Town Centre. The proposals satisfy the fundamental policy objectives of national and local policies as well as reflecting the emerging Core Strategies. The proposed development would not materially affect the amenities of neighbours or result in any increased flood risk or detrimental impact to highway interests and any planning objections can be overcome by conditions.**

**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. No development other than on-site tree and ecology related works (e.g. vegetation clearance) shall commence on site until details and exact samples of the gabion stone wall, bricks, parking bays, stretcher bonded pavements and curb stone materials to be used on the development 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.

POLICY: PPS5 - Planning for Historic Environment and West Wiltshire District Plan 1st Alteration 2004 Policies C31a and C15 and C17.

3. No development other than on-site tree and ecology related works (e.g. vegetation clearance) shall commence on site until a Water Vole Mitigation Strategy shall be submitted to, and for the written approval of the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved Mitigation Strategy.

REASON: In order to safeguard and preserve protected species and habitats.

POLICY: PPS9 - Biodiversity and Geological Conservation.

CONDITION GUIDANCE: Whilst the scheme is a positive contribution to Trowbridge's Town Centre, the presence on site of water voles raises some concern. As has been identified in the Ecological Report, water voles are only present along the Biss in the proposed development area and not upstream or downstream of the site. This would suggest that for whatever reason the habitats on site provide ideal conditions for water vole and any proposed changes to the existing habitat conditions should be very carefully considered with water voles in mind. Whilst it would be of benefit to create more suitable habitat for them, water voles are sensitive to disturbance and working around them will need to be carefully monitored. If there is any indication that voles are suffering from disturbance to their habitat during the course of the development, methods should be revised. This small fragile population is extremely important locally and the primary aim aside from retaining the population on site should be to open up routes for dispersal to other areas such as the Biss Meadows. This would strengthen resilience.

4. The on-site car parking arrangements and charging regime shall be implemented in accordance with the submitted and approved Car Parking Management Strategy dated 8 November 2011 from the opening of any part of the development. Any material variation from the hereby approved strategy shall require the prior written approval of the Council.

REASON: In the interests of providing a flexible car parking provision on site.

5. The off-site highways works shall not commence until full construction details of the indicative highway amendments, as identified on drawing 1032/GA/01 D, have been submitted to and approved in writing by the LPA; and the improvements shall be completed in accordance with the approved details before the development is first brought into use.

REASON: In order to provide a sustainable development and in the interests of highway safety.

6. The off-site highways works shall not commence until full details of a "gateway treatment" to the Castle Street (north) leg of the Castle Street/St Stephens Place roundabout have been submitted to and approved in writing by the LPA following consultation with Trowbridge Town Council; and the "gateway treatment" shall be constructed in accordance with the approved details before the development is first brought into use.

REASON: In order to provide a sustainable development and in the interests of highway safety.

7. Before the development is brought into use, details of the on site cycle parking provision shall have been submitted to and approved by the LPA and the cycle parking shall have been provided in accordance with the approved details.

REASON: In order to provide a sustainable development and in the interests of highway safety

8. A Travel Plan, including employee travel surveys shall be submitted and approved in writing by the LPA no later than six months after the development is first brought into use. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with the agreed details. The results of the implementation and monitoring shall be made available to the LPA on request, together with any changes to the Plan arising from those results.

REASON: In order to provide a sustainable development and in the interests of highway safety.

9. The development hereby approved shall not be brought into use until the exact details of the public art features and integrated lighting scheme within the public realm have been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with details to be submitted to and approved in writing by the local planning authority before the development is brought into use.

REASON: To ensure that an appropriate form of public art provision is incorporated within the finished scheme.

POLICY: West Wiltshire District Plan - 1st Alteration Policy I2.

10. No development other than on-site tree and ecology related works (e.g. vegetation clearance) shall commence on site until:

a) A Controlled Waters detailed Qualitative Risk assessment (DQRA) must be undertaken to assess the on-going risk to the River Biss. Should this assessment require any additional intrusive investigation and analysis this should be undertaken prior to the completion of the DQRA.

b) The results of the DQRA and subsequently identified scheme of active remediation shall be submitted to the Local Planning Authority and Environment Agency for Approval.

c) Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works. The final verification report and signed statement should be submitted to and approved in writing by the Local Planning Authority.

d) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.

e) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

POLICY: PPS25 - Development and Flood Risk; PPS23 - Planning and Pollution Control and West Wiltshire District Plan - 1st Alteration Policy C37.

11. The rating level of the noise emitted from any equipment or machinery installed within the development shall not exceed the existing LA90 level or a noise level of 35 dBa, whichever is the highest, at any residential dwelling at any time.

The rating level of the noise shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:1997.

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and

any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the nearest residential properties.

Policy: West Wiltshire District Plan Policy C38 and PPG24: Planning and Noise.

12. No deliveries to the development hereby approved, shall take place outside the hours of 07:00 - 23:00 Monday - Saturday; 09:00 - 18:00 on Sundays; and 09:00 - 18:00 on Bank Holidays.

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

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan -1st Alteration Policy C38.

13. 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.

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

14. The development hereby approved shall be carried out as specified in the submitted Arboricultural Development Statement (ADS) as supplied by CBA, document reference no. 7717 v 1 and dated November 2011 and shall be supervised by an arboricultural consultant.

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

POLICY: West Wiltshire District Plan - 1st Alteration Policy C32.

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 onsite 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. No development other than on-site tree and ecology related works (e.g. vegetation clearance) shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

17. No development on the car park or hardstanding areas shall commence on site until details of surface water drainage from impermeable parking areas and hardstanding areas for vehicles including the service vehicle lay-by associated with the development to oil interceptor(s) has been submitted and approved by the Local Planning Authority. The development shall not be first brought into use until the oil interceptor(s) has/have been installed in accordance with the approved details. Thereafter the oil interceptor(s) shall be maintained in accordance with the approved details. Roof water shall not pass through the interceptor(s).

All surface water drainage from impermeable parking areas and hardstanding for all vehicles shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. For the avoidance of any doubt, roof water shall not pass through the interceptor. It should be noted that detergents entering oil interceptors may render them ineffective. A closure valve is therefore necessary to be installed at the oil separator outlet so as to contain any pollution material (in the event of an emergency).

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

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

18. Any A1 use within the units shown shall be restricted to use as a sandwich bar and/or coffee shop only, and for no other use within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

POLICY: PPS6 - Planning for Town Centres and West Wiltshire District Plan 1st Alteration 2004 Policies SP1 and SP3.

19. During the construction phase, no plant machinery or equipment shall be operated or repaired so as to be audible at the boundary of the nearest residential property outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays, or at any time on Sundays or Bank Holidays

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

POLICY: West Wiltshire District Plan - 1st Alteration Policies C36 and C38

20. No building shall be occupied until a site management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- full details of a scheme to manage the on-site car park to prevent anti-social behaviour, and measures to ensure its safe use,
  - management responsibilities for liaison with the crime prevention working group;
  - details of the provision of CCTV, with details of whether it will be linked to the Trowbridge CCTV system;
  - measures for the control of litter; and

Management of the site shall be carried out in accordance with the agreed management plan.

REASON: In the interests of public safety.

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

21. Details of lighting for the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by

the Local Planning Authority prior to the commencement of the relevant phase of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

22. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of any bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

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

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

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

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

23. No development other than on-site tree and ecology related works (e.g. vegetation clearance) shall commence on site until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

CONDITION GUIDANCE: With regards to the proposed surface water drainage scheme, as the site is brown field and 90% impermeable, the EA is unsure as to why the consultants have carried out Greenfield run-off calculations. Nevertheless, the intention to restrict run-off rates to 80% of the existing discharge rate as referred to in section 6.3.1 of the FRA is duly noted and supported. The applicant is further encouraged to re-use the existing surface water outfall rather than constructing a new outfall. At the detailed design stage, more detailed surface water calculations of the attenuation system shall be required. Further details of the SuDs that will be incorporated will also be necessary. Further consideration should be given to including SuDs within the site, such as permeable paving and lined filter strips, to improve water quality. We would expect to see the following details to be submitted when discharging the above condition:

A clearly labelled drainage layout plan showing the pipe networks and any attenuation features, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.

A manhole schedule.

Model runs to demonstrate that the critical storm duration is being used. Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.

Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with PPS25.

Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

24. Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C7, C9 & U4.

25. No part of the development shall be brought into use unless and until adequate sewerage infrastructure is in place to receive foul water discharges, details of the provision and location of which shall have been agreed in writing with the local planning authority. For the avoidance of any doubt, contaminated drainage or trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows.

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

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

26. The development hereby approved shall retain free from structures that would impede future development of the parcel of land as indicated on the submitted River Biss Footbridge Crossing Technical Note and Drawing No. 1027-sk-05 in order to accommodate a future footway crossing from the adjacent Cradle Bridge (former Peter Black Toiletries) site. Following the completion of works on site, the said parcel of land shall be kept clear of obstruction at all times until such time that the design of a footway crossing has been approved and constructed.

REASON: To ensure that the future provision of a River Biss footway crossing is not compromised and to keep a landing area free from obstruction.

27. Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations serving the individual units occupied by restaurants and food outlets. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.

REASON: In order to minimise nuisance, prevent pollution and safeguard the amenities of the area in which the development is located.

28. The internal ground floor levels of the buildings shall be constructed to no lower than 36.7 mAOD, unless otherwise agreed in writing with the Council.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

POLICY: PPS25 – Development and Flood Risk.

29. No development other than on-site tree and ecology related works (e.g. vegetation clearance) shall commence on site until calculations for the

provision and implementation of compensatory flood storage works have been submitted to and approved in writing by the Council (following consultation with the Environment Agency). The scheme shall be implemented in accordance with the approved programme and details.

REASON: To alleviate the increased risk of flooding.

POLICY: PPS25 - Development and Flood Risk

CONDITION GUIDANCE: The submitted FRA states that no flood risk mitigation measures are required, however, in section 6.3.8 reference is given to the provision of a flood compensation area through the re-profiling of the river bank. As the eastern part of the site falls within the current Flood Zone 3 we confirm this extra capacity is required as a precautionary measure. To discharge the above condition calculations should be submitted of the volume of the built development below our 1:100 year flood level and the extra channel capacity provided by the channel re-profiling. The calculations must also be supported by a series of more detailed river channel cross-sections.

30. No development other than on-site tree and ecology related works (e.g. vegetation clearance) shall commence on site until such time as a scheme to provide satisfactory riverside maintenance access has been submitted to and approved in writing by the Council (following consultation with the Environment Agency).

REASON: To ensure maintenance access can be provided in the interests of flood prevention.

CONDITION GUIDANCE: For the avoidance of any doubt, the EA require at least 4 metre clear vehicular access along the river corridor. There is insufficient detail provided showing this, particularly at the eastern, upstream extent of the site. It would be preferable that, if at all possible, a vehicular ramp should be provided down the central steps to the riverside.

31. If, during development, any archaeological evidence pertaining to the period before the demolished mills were erected on the site is found, the developer shall contact the local planning authority to identify whether any additional archaeological work may be necessary. In the event that any such unexpected archaeological evidence is identified, the developer shall cease work on that part of the site and allow access to it by the Local planning authority, or any archaeologist nominated by the local planning authority, to record any findings. Construction on that part of the site affected shall not recommence until the LPA have agreed that the on-site archaeological recording has been completed.

REASON: To ensure that any unexpected archaeological remains dating from before the construction of the demolished mills are recorded.

32. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

LOCATION PLAN – drawing no 1450-P00-A received on 17.11.2011  
SITE CONTEXT PLAN – drawing no 1450-P01-A received on 17.11.2011  
GROUND FLOOR PLAN AS PROPOSED – drawing no 1450-P02 received on 17.11.2011  
FIRST FLOOR PLAN AS PROPOSED – drawing no 1450-P03 received on 17.11.2011  
SECOND FLOOR PLAN AS PROPOSED – drawing no 1450-P04 received on 17.11.2011  
ROOF PLAN AS PROPOSED – drawing no 1450-P05 received on 17.11.2011  
NORTH & WEST ELEVATIONS AS PROPOSED – drawing no 1450-P06 Rev A received on 03.02.2012  
SOUTH & EAST ELEVATIONS AS PROPOSED – drawing no 1450-p07 Rev A received on 03.02.2012  
EAST & WEST INTERNAL ELEVATIONS AS PROPOSED – drawing no 1450-P08 Rev A received on 03.02.2012  
SECTIONS AA, BB & CC AS PROPOSED – drawing no 1450-P09 received on 17.11.2011  
TREE SURVEY PLAN – drawing no CBA 7717.01B received on 17.11.2011  
TREE REMOVAL AND PROTECTION PLAN – drawing no 1027-004 Rev C received on 17.11.2011  
TREE REMOVAL AND PROTECTION PLAN WITH BUILDING FOOTPRINT – drawing no 1027-005 Rev B received on 17.11.2011  
TREE PROTECTIVE FENCING DETAIL PLAN – drawing no 1027-006 received on 17.11.2011  
PLANTING PLAN – drawing no 1027-201 received on 17.11.2011  
SITE SECTIONS – drawing no 1027-011 Rev B received on 17.11.2011  
LANDSCAPE GENERAL ARRANGEMENT PLAN – drawing no 1027-001 Rev D received on 03.02.2012  
ILLUSTRATIVE LANDSCAPE PLAN – drawing no 1027-002 Rev A received on 17.11.2011  
SIDE ELEVATIONS PROPOSED WEST – drawing no 1027-012 Rev B received on 17.11.2011  
SIDE ELEVATIONS PROPOSED EAST – drawing no 1027-013 Rev B received on 17.11.2011  
TREE PIT DETAIL IN SOFT LANDSCAPE AREA – drawing no 1027-401 Rev A received on 17.11.2011  
TREE PIT DETAIL IN HARD LANDSCAPE AREA – drawing no 1027-403 Rev A received on 17.11.2011  
INDICATIVE PROPOSED HIGHWAY AMENDMENTS – drawing no 1032/GA/01 Rev D received on 17.11.2011  
CAR PARK AUTOTRACK ANALYSIS LARGE CAR – drawing no 1032/ATR/03 Rev B received on 17.11.2011

CAR PARK AUTOTRACK ANALYSIS FIRE TENDER – drawing no 1032/ATR/04 Rev B received on 17.11.2011

SERVICE LAYBY/ BUS STOP AREA AUTOTRACK ANALYSIS – drawing no 1032/ATR/02 Rev D received on 17.11.2011

SERVICE AREA AUTOTRACK ANALYSIS – drawing no 1032/ATR/01 Rev D received on 17.11.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

**Informative(s):**

- 1 In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.
- 2 The developer/applicants are advised to note the content of Wessex Water's consultation response dated 6 December 2011. It has been confirmed that formal approval will be required from Wessex Water in respect to the proposed lowering of the existing water mains (located in an adjacent road) under Section 185 of the Water Industry Act.

The site will be served by a public mains to be provided by the developer. Buildings exceeding two-storeys will require pumped storage.

There should be separate on site systems of drainage. Subject to confirmation of flow rates and levels, connection to the local sewerage network will be possible, subject to application, via a gravity / pumped connection(s).

The current drainage layout does not comply with the adoption requirements of the Floods and Water Management Act 2010, which does not permit connection to the public foul sewer via a sewer running beneath a building. The applicant should contact Wessex Water to discuss alternative arrangements.

The drawing indicates a possible (indicative) bridged connection to a future development to the former Peter Black's site to the south. It should be noted that there are major surface and foul water sewers which run through this area. The cost to divert these sewers will be significant; and there should be no building within 8 metres of these sewers.

Surface Water Drainage:

It is assumed that surface water shall discharge to the River Biss with the Environment Agency's permission. The Drainage Drawing submitted with the application shows storm connections to the private storm drainage system serving Trowbridge Town Hall. The applicant should note there is no right of connection to this private system; and permission will need to be obtained from Trowbridge Town Hall.

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 (MBS), for which the guidance document.

"Sewers for Adoption" 7th Edition(S F A 7th) is being prepared. Both documents were planned for release in the early part of 2011 but are now expected in late 2011. The proposed date for this change has slipped further to an expected 1st April 2012, although it should be noted, that this timeframe is subject to change if the legislation is delayed on its progress through Parliament.

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.

- 3 As detailed in the draft Construction Environmental Management Plan (CEMP), the Environmental Protection team of Wiltshire Council would like the applicant /contractor undertaking the construction of the project to meet with Officers of the Environmental Protection team prior to applying for a Section 61 Control of Pollution Act 1974 consent.

Construction Sites;

A. Any existing buildings on site should be assessed for asbestos materials prior to demolition. Any asbestos must be removed in full consultation with the Health & Safety Executive.

B. Where the site is adjacent to residential or business premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday – Friday        7.30 – 18.00

Saturday                8.00 – 13.00.

No noisy activities on Sundays or Bank Holidays.

C. All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

D. Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

E. In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

F Where the site is adjacent to residential or business premises, bonfires should be avoided, and all waste materials should be removed from site and suitably disposed of. At no time should any material that is likely to produce dark/black smoke be burnt (e.g. Plastics, rubber, treated wood, bitumen etc)

G. Radio noise should not be audible at the boundary of the nearest neighbouring property.

H. Any temporary oil storage tanks should be safely and securely sited so as to prevent pollution in the events of spills or leakage. It is also strongly recommended that any oil storage tank should be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank.

I. Both the Council and Neighbouring residential premises should be advised of any unavoidable late night or early morning working which may cause disturbance. Any such works should be notified to the Environmental Protection Department on (01225) 776655 prior to commencement.

J. For sites with more than 5 houses, and for large industrial/commercial developments, it is strongly recommended that the applicant register the site under the "Considerate Contractors Scheme". Further information and an application form can be obtained by telephoning... Tel: (01920) 872837.

- 4 It is recommended that in terms of the proposed public art strategy, a professional public art advisor or lead artist be appointed by the applicants/ developers to join the design team and to liaise with the Council's Public Arts Officer Meril Morgan to inform, plan and produce a final public art scheme.
- 5 The developer will be required to enter into a Section 278 Highway Agreement for the amendments to the local highway network as described in respective highway conditions.

- 6 The developer is advised that should any protected species or habitats be found following the required additional ecological survey work, Natural England and the Wiltshire Wildlife Trust should be contacted so as to accord with the Wildlife and Countryside Act 1981.
- 7 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, Flood Defence Consent is required from the Environment Agency for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Biss (designated a 'main river'). The need for Flood Defence Consent is separate from the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Colin Taylor on 01278 484654.

Under the Water Resources Act 1991 and The Land Drainage Act 1991 both the Environment Agency and Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for general maintenance of the watercourses and their banks, rest with riparian owners (i.e. the owner of the bed and / or bank of river).

- 8 Prior to development commencing on site, fencing should be erected along the Biss corridor to ensure minimal disturbance to protected species during construction, especially if the latter is during a vulnerable time i.e. breeding season. Care should be taken when working adjacent to the river corridor. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover:
  - the use machinery
  - storage of oils/chemicals and materials
  - the routing of heavy vehicles
  - the location of work and storage areas
  - the control and removal of spoil and wastes

It is recommended that the applicant refers to the EA Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

- 9 The applicant/developer is advised to note that based on the information provided the proposed lowered section of shared cycleway/footpath is likely to flood on a frequent basis. This may therefore cause future usability and maintenance issues.

A recess was taken from 1920-1930

## **18.b W/11/02267/REM - Land Adjoining 14 Woodrow Road, Melksham, Wiltshire**

### Public Participation

- Mr Alan George spoke in objection to the proposal.
- Mr Scott Hodgeson spoke in objection to the proposal.
- Mr Michael Frost spoke in objection to the proposal.

The Area Development Manager introduced the report which recommended approval, and outlined the application history of the site and stressed that the matter before the Committee dealt with reserved matters only due to past approval being granted.

Members then had the opportunity to ask technical question of the Area Development Manager, during which the question of there being no roof windows was raised.

Members of the public then had the opportunity to speak, as detailed above.

A debate followed, during which the report of the government Planning Inspector was referenced and specific conditions queried and the size of the proposed construction and access was questioned. It was clarified that several objections did not apply as a result of the initial granting of the application.

The Local Member, Cllr Rod Eaton, spoke in support of the application on that basis.

After discussion, it was,

### Resolved

**That reserved matters be APPROVED 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 development hereby permitted shall not be occupied until the first five metres of the two accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter.

REASON: In the interests of highway safety.

2. No part of the development hereby approved shall be occupied until the parking areas shown on the approved plans have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

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 detailed landscape plan showing all plant species, supply and plant sizes and planting densities, and ground preparation;
  - Means of enclosure;
  - Car park layouts;
  - Other vehicle and pedestrian access and circulation areas;
  - Hard surfacing materials;
  - 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. Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

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

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

7. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location Plan received on 12/8/2011  
Plan 11/02267/1 received on 12/8/2011  
Plan 11/02267/2 received on 12/8/2011  
Plan 11/02267/3 received on 23/1/2012  
DWG 050811a-rev3 received on 16/1/2012  
DWG 050811b-rev2 received on 28/9/2011  
DWG 050811c-rev3 received on 16/1/2012  
DWG 220911a-rev4 received on 16/1/2012

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

**Informative(s):**

1. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

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

**18.c W/11/02863/FUL - 23 Manor Fields, Bratton, Wiltshire, BA13 4ST**

Public Participation

- Mr Simon Reeve spoke in objection to the proposal.

The Area Development Manager introduced the report which recommended approval, highlighting issues of visual amenity and impact on neighbouring properties.

Members then had the opportunity to ask technical questions of the Area Development Manager, and further details regarding the specific design of the proposal were sought.

Members of the public then had the opportunity to address the Committee, as detailed above.

The Local Member, Cllr Julie Swabey, spoke in objection to the proposal.

A discussion followed, wherein the significance of the proposed extension was debated.

It was,

**Resolved**

**That planning permission be GRANTED for the following reason(s):**

**The proposed development will preserve the character and appearance of the conservation area, through the use of matching materials and by not exceeding the height of the existing ridge line. Although the extension involves moving the gable wall of the house closer to adjacent properties, the extension will move it out by only 2.7 metres and given the fact that the bulk of the gable end already exists, it is not considered that extending it in the manner proposed will have a significant adverse impact on the amenity of adjacent properties. The proposal is therefore considered to be in accordance with the policies of the West Wiltshire District Plan 1st alteration.**

**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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any 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 at first floor level in the northern elevation of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

4. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

DRAWING No. 11.37.1 received on 20 October 2011

DRAWING No. 11-37-2 received on 20 October 2011

DRAWING No. 11-37-3 Rev. A received on 12 December 2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

**18.d W/11/03202/FUL - Little Ashley Farm, 187 Ashley Green, Little Ashley, Bradford On Avon, Wiltshire**

Public Participation

- Mr Simon Chambers, agent, spoke in support of the application.

The Area Development Manager introduced the report which recommended refusal, highlighting the application's location in Green Belt and land classified as for agricultural use.

Members of the Committee then had the opportunity to ask technical questions of the Area Development Manager, and asked for clarification on which land was classified as agricultural and why.

Members of the public then had the opportunity to address the Committee, as detailed above.

Cllr Jonathan Seed then read a statement on behalf of the Local Member, Cllr Linda Conley, speaking in support of the application.

A discussion followed, during which the limited impact of the proposal was mentioned and ways this could be further reduced.

It was,

**Resolved**

**That planning permission be GRANTED for the following reason(s):**

**The change of use and construction of the tennis court, including the perimeter fencing, would not have an unacceptable impact on the character and appearance of the rural landscape in this location, nor on the openness of the Green Belt. Accordingly, the proposal is in accordance with national guidance in PPG2 and with policy C1 of the West Wiltshire District Plan 1st Alteration.**

**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 surface of the tennis court, and the perimeter fencing, shall be dark green in colour.

REASON: To protect the character and appearance of the area.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

DRAWING No. LPC/2717/1 received on 5th December 2011

DRAWING No. LPC/2717/2A received on 5th December 2011.

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

## 19 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.45 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

# Minute Item 18

**Late items received by Planning Officers since the agenda was prepared.**

## **ITEM 6a W/11/03052/FUL**

A further 8 representations from members of the public have been received;

- Five of these support the proposals, citing reasons outlined on page 30 of the report.
- Three object to the proposals, citing reasons outlined on page 31 of the report.

A letter from the Trowbridge and District Chamber of Commerce has been received relating to both this development and the Innox riverside proposal. The Chamber makes it clear that this kind of development – a cinema and a range of family restaurants – is critical to the future of Trowbridge and is an opportunity that should not be squandered. Members feel that if both applications were to fail it would be a disaster both economically and psychologically for the community, but the Chamber is not in a position to express support for either proposal.

Trowbridge Town Council suggest that condition 20 relating to CCTV be replaced by a condition similar to the one imposed by the Inspector at the Kentucky Fried Chicken appeal. As a result of this suggestion, officers recommend that condition 20 be replaced by the wording set out below:

*No building shall be occupied until a site management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:*

- full details of a scheme to manage the on-site car park to prevent anti-social behaviour, and measures to ensure its safe use,
- management responsibilities for liaison with the crime prevention working group;
- details of the provision of CCTV, with details of whether it will be linked to the Trowbridge CCTV system;
- measures for the control of litter; and

*Management of the site shall be carried out in accordance with the agreed management plan.*

*REASON: In the interests of public safety.*

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

A letter from Solicitors acting for the applicants on the Innox Riverside Scheme suggesting that the Council should defer consideration of this application and should consider it at a later date at the same time as the Innox Riverside application has been received. In response, the Council's Solicitor has responded by pointing out that there are no legal grounds for a deferral, as both applications will have to be considered on their own merits and against the relevant planning policy background in each case. This has been supported by a letter from Solicitors acting for the applicants.

Amended plans relating to detailed design matters have been received and the relevant plan numbers in condition 31 relating to the approved plans will need to be changed to reflect these.

For the avoidance of doubt, Officers also recommend that conditions 2,3,16,23,29 and 30 have the same caveat added as appears in condition 10 – making it clear that on site tree and ecology related works, such as vegetation clearance, can take place before development commences – as this work does not require planning permission

**Items 6b – Melksham; 6c Bratton and 6d Bradford on Avon** – no late items have been received

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