

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 13 FEBRUARY 2013 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Andrew Davis (Substitute), Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr Russell Hawker (Substitute), Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Keith Humphries, Cllr Francis Morland, Cllr Graham Payne and Cllr Fleur de Rhé-Philippe

11 Apologies for Absence

Apologies for absence were received from Councillors Ernie Clark and Rod Eaton.

Councillors Andrew Davis and Russell Hawker replaced Councillors Rod Eaton and Ernie Clark respectively for this meeting only.

12 Minutes of the Previous Meeting

The minutes of the meeting held on 23 January 2013 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 23 January 2013, subject to the following amendments:

- Page 3, paragraph 1, line 3 to read 'spoil off site'
- Page 6, condition 13, paragraph 1, line 6 - to amend adhere to read adhered
- Page 6, condition 13, paragraph 2 – to add the words 'out accordingly' to the end of line 2
- Page 8, condition 16, paragraph 1 – to delete the words 'on the approved plans' at line 4 and 5

13 **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.

14 **Declarations of Interest**

- 1) Councillor Peter Fuller declared a non-pecuniary interest in relation to agenda item 6a – Former Bowyers Site, Stallard Street, Trowbridge as he was a member of Trowbridge Town Council, where the application had been previously considered by its Development Control Committee. He was also a member of the Trowbridge County Town Initiative. He declared that he would consider the application on its merits and debate and vote with an open mind.
- 2) Councillor John Knight declared a non-pecuniary interest in relation to agenda item 6a – Former Bowyers Site, Stallard Street, Trowbridge as he was a member of Trowbridge Town Council, where the application had been previously considered by its Development Control Committee. He was also the current Mayor of Trowbridge. He declared that he would consider the application on its merits and debate and vote with an open mind.

15 **Public Participation and Councillors' Questions**

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

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

16 **Planning Applications**

The Committee considered the following applications:

17 **W/12/02299/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire**

Public Participation

- Mr David Feather, Local resident, spoke in objection to the application
- Mrs Rebecca Millard, spoke in support of the application
- Mr Chris Quinsee, representing the applicant, spoke in support of the application
- Mr Lance Allen, representing Trowbridge Town Council and Transforming Trowbridge Board, spoke in support of the application

The Area Development Manager introduced the report which recommended approval, subject to conditions. He explained that the planning application was for the demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a food store (Use Class A1), non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), and associated petrol filling station (sui generis) together with associated car parking, new access and landscaping. Members noted that since the preparation of the report additional letters of support and objection had been received.

Members of the Committee were reminded of the details of the previous application that was refused on 20 June 2012 and a subsequent appeal held in abeyance until 21 February 2013. It was noted that the context for determining this application now included the earlier decision and the reasons which supported it. The areas listed in the report included (i) impact on vitality /viability of the town centre; (ii) impact on planned and committed investment; (iii) impact on the highway network and (iv) integration with the railway station.

The Highways Officer continued to express concerns about the application, especially as the highway assessment continued to show that the proposed development would have a detrimental impact on the local highway network and would justify a refusal.

He considered that the application should be refused on highway grounds, citing four reasons set out in the planning officer's report. Overall the planning officer felt that the current application was a significant improvement over the previous application, with the cinema complex no longer included and the new uses proposed being more complementary to the town centre than the previous proposal. However the highway issues and impact on the traffic in the town centre were substantial objections and had not been satisfactorily addressed. There would be an adverse impact on the highway network as a result of the proposals, but this had to be balanced with the benefits that the proposal would deliver in terms of redevelopment of this brown field site, re-use of historic buildings and creation of job opportunities.

The Area Development Manager advised members that they had a difficult balancing act to follow and would have to make a finely balanced judgement as to whether the highway problems should outweigh the benefits the proposal would deliver.

Members asked technical questions in relation to the application, in particular about highway issues and whether the proposed planning obligation contribution of £250,000 was too low and would not cover all the necessary costs when spread over the required works. The highways officer and Area Development Manager advised that it was unlikely to cover all the costs, but that this was the offer on the table from the applicants and the application had to be considered on the basis of this offer.

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

The Local members, Councillors John Knight and Graham Payne, paid tribute to the planning officers in particular the Case Officer, Judith Dale, for the work undertaken with the application and discussions with the applicant. The local members spoke about the investment on offer and the number of jobs being created, the great work of Rebecca Millard and how she had encouraged the residents of the Town to back the scheme. There was still some concern about the highway issues, however it was felt that the traffic issues were for only short periods of the day and would be no different to when Bowyers were operating on the site. The Cabinet member for Economic Development and Strategic Planning, Fleur de Rhé-Philipe, also spoke to the application and explained that she had previously encouraged the officers to work with the applicant to achieve an acceptable application, which on balance was what was before the Committee to consider.

The Committee then considered the application and debated a number of issues. Concerns were raised in relation to the highways issues, impact on transport infrastructure, the description of the leisure box and possible usage as a gym, and the developer contribution towards highway issues.

Resolved:

That the Area Development Manager be authorised to grant planning permission subject to:

- (a) The application not being called in following referral to the Secretary of State under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009;**
- (b) The submitted Unilateral Undertaking (modified by the exclusion of proposed clause 7) being secured to deliver, inter alia, contributions to highway improvements and public art; an agreed car parking management scheme; the dedication of land for a future highway link between the site and station forecourt;**
- (c) The following conditions which shall include a condition which secures the comprehensive delivery of the development.**

For the following reason(s):

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area and deliver a comprehensive redevelopment scheme on this vacant and sustainable brownfield site which, on balance, would deliver significant benefits to the town in accordance with adopted and emerging policy and the principles of the NPPF.

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 retail floorspace (namely the A1 foodstore) and café/restaurant floorspace (namely nos 6-7 Bowyers Buildings, proposed A3 unit at the site entrance, Innox Mill and Innox House) shall be constructed and fitted out in accordance with the approved plans and the retail foodstore shall not be brought into use until all of the café/restaurant floorspace referred to above is ready for occupation.

REASON: In order to secure the delivery of comprehensive development to protect the vitality and viability of the town centre and to protect the heritage environment.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3
National Planning Policy Framework
Wiltshire Core Strategy Pre-Submission Document – CP38

- 3 The retail foodstore shall not be brought into use until a programme for the delivery of the leisure box (unit 3), the retail units 1 and 2, and 5 Bowyers Buildings has been agreed in writing by the Local Planning Authority.

REASON: In order to secure the delivery of comprehensive development to protect the vitality and viability of the town centre and to protect the heritage environment

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3
National Planning Policy Framework
Wiltshire Core Strategy Pre-Submission Document – CP38

- 4 Notwithstanding the access arrangements submitted, no development shall commence until full details of the Stallard Street site access junction, internal access roads, parking areas and servicing areas have been submitted to and approved in writing by the local planning authority. The internal access roads, parking area and servicing areas shall be constructed in accordance with the approved details before any part of the development is first brought into use.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, T10, LE1 & SP3
National Planning Policy Framework

- 5 No development shall commence until full details of works to upgrade and enhance the existing pedestrian route and subway which links the site with Innox Path and the existing cycle way link to National Cycle Route 4 have been submitted to and approved in writing by the local planning authority. The details shall provide for a continuous cycle route between the site and the link to NCR4 with no steps or barriers. The approved works shall be implemented in full before any part of the development is first brought into use.

REASON: In the interests of highway safety and improved connectivity to surrounding residential areas and the town centre

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, T11 & T12
National Planning Policy Framework

- 6 No part of the development shall be brought into use/occupied until the access junction to Stallard Street, the details of which shall first have been submitted to and approved by the local planning authority, has been completed in accordance with the approved details.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, LE1 & SP3
National Planning Policy Framework

- 7 No part of the development shall be occupied prior to the implementation of an approved Travel Plan [or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. The Travel Plan must be submitted and approved in writing by the local planning authority prior to commencement of development.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, LE1 & SP3
National Planning Policy Framework

- 8 No part of the development shall be brought into use/occupied until a signage scheme has been designed and approved in writing by the local planning authority and installed on the ground in accordance with the approved scheme. For the avoidance of doubt, the scheme will be primarily for the benefit of pedestrians, and its scope will need to be wide enough to ensure that the proposed development is signed both to and

from key destinations in the town. The signing scheme shall be implemented in accordance with the approved scheme before any part of the site is first brought into use or occupied.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, LE1 & SP3
National Planning Policy Framework

- 9 No part of the development hereby permitted shall take place until a construction transport management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall identify the routing and timing of construction traffic, temporary provision to be made to protect the interests of pedestrians and cyclists on local highway routes, and identify the need for any temporary traffic and/or footpath diversion orders that may be necessary. The development shall be undertaken in accordance with these approved details.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3
National Planning Policy Framework

- 10 Notwithstanding the details shown on the submitted drawings, prior to the commencement of the development details showing the location of cycle parking facilities to serve all the buildings on the site shall be submitted to and approved by the local planning authority; cycle parking spaces shall be available for use before any part of the site is first brought into use.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, T10, LE1 & SP3
National Planning Policy Framework

- 11 No part of the development hereby permitted shall take place until a waste management plan for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with these approved details.

REASON: In the interests of public health and safety

POLICY: National Planning Policy Framework

- 12 The gross external area of the food store hereby permitted shall not exceed 7321 square metres and the net sales and display area (defined as the sales area within a building [for example all internal area accessible to the customer] but excluding checkouts, lobbies, restaurants, customer

toilets, and walkways behind the checkouts) shall not exceed 3754 square metres, of which not more than 25% of the net sales and display area shall be used for the sale of comparison goods.

REASON: In order to protect the vitality and viability of the town centre

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3
National Planning Policy Framework

- 13 The proposed A3 and A4 uses in the retained buildings together with the new A3 unit at the site entrance shall be subsequently retained for such uses only and for no other purpose (including any other purpose in Class A 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: In order to protect the vitality and viability of the town centre

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3
National Planning Policy Framework

- 14 The food store hereby permitted shall not, at any time, be subdivided into a larger number of retail units.

REASON: In order to protect the vitality and viability of the town centre

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3.
National Planning Policy Framework

- 15 The gross external floor area of the retail units 1 and 2 shall not exceed 4012 sq ms, shall only be subdivided to provide a total of 3 units in accordance with the details on the submitted plan 12386-PA-113 and shall not be used for the sale of convenience goods.

REASON: In order to protect the vitality and viability of the town centre

POLICY: West Wiltshire District Plan 1st Alteration 2004 – SP1 & SP3
National Planning Policy Framework

- 16 The proposed leisure box (Unit 3) shall be used solely for purposes within Class D2 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) with the specific exclusion of any cinema use.

REASON: In order to ensure the delivery of complementary leisure uses to protect the vitality and viability of the town centre and existing, committed and planned public and private investment in the town.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1
National Planning Policy Framework
Wiltshire Core Strategy Pre-Submission Document – CP38

- 17 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

(i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

(ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

(iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

(iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

(v) Verification of remedial works:

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.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

(vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the

development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C37
National Planning Policy Framework

- 18 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Fairhurst/GGA dated September 2011) together with the following mitigation measures detailed within that document:

(i) Demonstration that the protection and maintenance of existing flood defences will be provided (if the site layout remains as currently proposed the existing sheet piling must not be damaged during the construction works).

(ii) Finished floor levels are set no lower than 34.70m above Ordnance Datum (AOD).

REASON: To ensure the structural integrity of existing flood defences and to reduce the risk of flooding to the proposed development and future occupants.

POLICY: National Planning Policy Framework

- 19 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall 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: National Planning Policy Framework

- 20 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

POLICY: National Planning Policy Framework

- 21 No development shall commence on site until details of a foul and surface water drainage strategy is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be fully completed in accordance with the approved details and to an agreed timetable.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - U1a
National Planning Policy Framework

- 22 There shall be no new buildings, structures (including gates, walls, fences or other means of enclosure) or raised ground levels within 4.0m of the top of any bank of the watercourse(s) fronting or crossing the site, and 4.0m of any flood defence structure on or adjoining the site.

REASON: To maintain an appropriate access to the watercourse/flood defence for maintenance and/or improvements.

POLICY: National Planning Policy Framework

- 23 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

POLICY: National Planning Policy Framework

- 24 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

POLICY: National Planning policy Framework

- 25 Prior to the commencement of development, a River Biss Enhancement Scheme is to be submitted to the LPA for written approval. The Scheme will be prepared by a suitably qualified and experienced ecologist and provide details of enhancement measures that can be achieved in line with the approved development plans, which will be delivered to the River Biss bordering the northern boundary of the site. The recommendations of the approved River Biss Enhancement Scheme should be carried out in full within the timetable laid out within the approved document.

REASON: To ensure the development makes a reasonable contribution to delivering the ecological objectives of the River Biss Public Realm Design Guide SPD.

POLICY: National Planning Policy Framework

- 26 Prior to the commencement of development, an Ecology and Landscape Management Plan for the Riverside Park and the riparian habitat of the River Biss should be submitted to the LPA for written approval. This shall provide details of the landscaping/planting schedule and maintenance regime and treatment of the river corridor habitats.

REASON: To ensure the development makes a reasonable contribution to delivering the ecological objectives of the River Biss Public Realm Design Guide SPD.

POLICY: National Planning Policy Framework

- 27 Notwithstanding the above, no development shall commence until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas and areas of public open space including the Riverside Park (which areas shall be retained for public access in perpetuity) has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved in accordance with the approved details.

REASON: In the interests of visual amenity and delivering the public realm and access objectives of the River Biss Public Realm Design Guide SPD

POLICY: National Planning Policy Framework

- 28 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 visual amenity and the appearance of the area

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C17, C18 & C31a
National Planning Policy Framework

- 29 Notwithstanding the submitted plans, 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) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) the proposed treatment of that part of the site to be developed for retail and leisure use (units 1-3 and 5 Bowyers Buildings) in the interim between demolition of the existing buildings and construction of the replacement buildings;
- (e) finished levels and contours;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials, including samples;
- (i) minor artefacts and structures (e.g. furniture, seating, bollards, play equipment, refuse and other storage units, signs, lighting etc).

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a and C32
National Planning Policy Framework

- 30 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 2004 - C31a and C32
National Planning Policy Framework

- 31 No development shall take place on any phase of the development 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, for each phase of the development. Development shall be carried out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C17 and C31a
National Planning Policy Framework

- 32 No works shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the heritage buildings proposed for conversion/demolition. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

REASON: To secure the proper recording of the heritage assets

POLICY: National Planning Policy Framework

33 No development shall commence within the development site until:

(a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

(b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY: National Planning Policy Framework

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

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C17, C18, C28 & C31a
National Planning Policy Framework

35 No external work shall commence on the retained buildings and structures within the site (Innox Mill, Innox House, Bowyers Buildings, 5-9 Stallard Street and the wall fronting Stallard Street) until a sample wall panel(s) for the relevant building or structure, not less than 1 metre square, and showing the proposed mortar composition and colour and method of pointing has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel(s) shall then be left in position for comparison whilst the approved works to that building or structure are carried out. Development shall be carried out in accordance with the approved sample.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C17, C18, C28 & C31a
National Planning Policy Framework

36 No works shall commence on the existing wall fronting onto Stallard Street until a full schedule and specification of proposed works has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for the re-use of the stone elsewhere within the

development as appropriate. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and the wider visual amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C17 & C18
National Planning Policy Framework

- 37 No development shall commence on site until a schedule of proposed works for the temporary protection and weatherproofing of numbers 5-9 Stallard Street to arrest any further decay of the listed buildings and heritage assets has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any building.

REASON: In the interests of preserving the heritage assets

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C28
National Planning Policy Framework

- 38 No development shall commence until an acoustic report for the entire site and detailing the potential impacts and any mitigation required to protect surrounding residential areas has been submitted to and approved in writing by the Local Planning Authority. The report shall address noise from A3/A4 and D2 uses, all fixed plant and machinery, air conditioning and extraction systems. The approved works shall be carried out prior to any part of the development being first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 39 Notwithstanding the above, the rating level of the noise emitted from any of the activities within the buildings and fixed machinery, equipment and plant located on the site shall not exceed the existing background level. The noise level shall be determined at the nearest noise sensitive premises in Stallard Street, Innox Road, Hill Street, Conigre Square and Hill Street Court and the measurement and assessment made in accordance with BS4142.1997.

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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 40 No development shall commence until an odour report detailing the types of systems and controls in place to control and minimise odour nuisance from the food and drink establishments within the site has been submitted to and approved in writing by the local planning authority. The approved works shall be carried out prior to the relevant part of the development being first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 41 Notwithstanding the above, no development shall commence on any of the proposed food and drink establishments until full details of suitable ventilation and filtration equipment to suppress and disperse any fumes and/or smell created from the cooking operations on the premises within the site have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall not be first brought into use until the approved equipment has been completed in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 42 Prior to the commencement of development, details of lighting to 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. The lighting scheme, which shall comply with guidance issued by the Institution of Lighting Engineers, shall be carried out in accordance with the approved details and subsequently maintained.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C35 & C38
National Planning Policy Framework

- 43 Prior to the commencement of development, details of a servicing and deliveries strategy for the delivery and despatch of goods to and from the

site (including hours of delivery) shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently operate in accordance with the approved details.

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.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 44 No development shall commence on site until details of the storage of refuse, including storage areas for wheeled refuse bins for each phase of the site, designed so as to minimise their impact on the appearance of the street scene, have been submitted to and approved in writing by the Local Planning Authority. The approved storage areas and facilities shall be provided prior to the buildings on the relevant phase of the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of public health and safety and the appearance of the street scene.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a and C38
National Planning Policy Framework

- 45 No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a & C38
National Planning Policy Framework

- 46 Prior to the commencement of the retail and commercial properties hereby permitted, details of all security measures, including CCTV, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details.

REASON: In the interest of public safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

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

12386-PA-100 received on 17.12.2012
12386-PA-101 received on 17.12.2012
12386-PA-102 received on 17.12.2012
12386-PA-103 received on 17.12.2012
12386-PA-104 received on 17.12.2012
12386-PA-105 received on 17.12.2012
12386-PA-106 received on 17.12.2012
12386-PA-107 received on 17.12.2012
12386-PA-108 received on 17.12.2012
12386-PA-109 received on 17.12.2012
12386-PA-110 received on 17.12.2012
12386-PA-111 received on 17.12.2012
12386-PA-112 received on 17.12.2012
12386-PA-113 received on 17.12.2012
12386-PA-114 received on 17.12.2012
12386-PA-115 received on 17.12.2012
12386-PA-116 received on 17.12.2012
12386-PA-117 received on 17.12.2012
12386-PA-118 received on 17.12.2012
11198-PA-300 received on 17.12.2012
11198-PA-301 received on 17.12.2012
11198-PA-302 received on 17.12.2012
11198-PA-303 received on 17.12.2012
11198-PA-310 rev A received on 17.12.2012
11198-PA-311 received on 17.12.2012
11198-PA-312 rev A received on 17.12.2012
11198-PA-313 rev A received on 17.12.2012
11198-PA-400 received on 17.12.2012
11198-PA-401 received on 17.12.2012
11198-PA-402 received on 17.12.2012
11198-PA-403 received on 17.12.2012
11198-PA-410 rev A received on 17.12.2012
11198-PA-411 received on 17.12.2012
11198-PA-412 rev A received on 17.12.2012
11198-PA-413 rev A received on 17.12.2012
11198-PA-414 received on 17.12.2012
11198-PA-415 received on 17.12.2012
11198-PA-500 received on 17.12.2012
11198-PA-501 received on 17.12.2012
11198-PA-510 rev A received on 17.12.2012
11198-PA-511 rev A received on 17.12.2012
11198-PA-512 received on 17.12.2012
11198-PA-513 received on 17.12.2012
11198-PA-802 rev A received on 17.12.2012
1319/12-01 received 17.12.2012
1319/12-02 received 17.12.2012

1319/12-03 received 17.12.2012
1319/12-04 received 17.12.2012
1319/12-05 received 17.12.2012
88774_CIV_00100P6 received 17.12.2012
88774_CIV_00101P6 received 17.12.2012
88774_CIV_00102P6 received 17.12.2012
88774_CIV_00103P6 received 17.12.2012
88774_CIV_00104P6 received 17.12.2012
LS20664 received 17.12.2012

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 applicant is advised that public right of way, Footpath No. TROWBIDGE 73, is shown to be diverted by the submitted scheme and will therefore require a formal order for the diversion under Section 259 of the Town and Country Planning Act. The processing of the order is undertaken by Wiltshire Council on behalf of the developer, at the developer's expense. The right of way must be protected until such time as the order is sealed and any temporary arrangements for its protection must be fully agreed and approved by the Highway Authority.
- 2 The proposed site access junction on Stallard Street will be subject to a section 278 agreement with the highway authority. The highway authority has indicated that the arrangement shown on the submitted drawings does not reflect the aspirations of the River Biss Public Realm Design Guide SPD, November 2008; an approved design will be required to have regard to the SPD and reflect the need to provide an access junction that satisfies requirements of local scale, impact, accessibility and connectivity with the town centre. This is likely to be achieved by way of a design that provides less road-space for vehicular traffic, but more for local pedestrian and cycle movement, in line with the concept of promoting a 'shared space' design in the vicinity.
- 3 The applicant is advised to contact Wessex Water with regard to the proposed diversion of the public sewers which will be required prior to commencement subject to a formal diversion agreement (S185 Water Industry Act); arrangements for the diversion works either by Wessex Water at the developer's cost or by the applicant; arrangements for adoption/management of the diverted foul sewers; to note that no tree planting will be allowed within the easement zone.
- 4 The applicant is advised to contact Network Rail with regard to the safe operation of the railway and requirements for the protection of the adjoining land. These include compliance with all covenants on land the subject of demarcation agreements; a 1.8m high trespass resistant fence;

demolition of buildings in accordance with agreed method statement; no additional surface drainage onto NR land, culverts or drains; consultation on alteration to ground levels; new buildings sited at least 2m from the boundary fence to allow access for maintenance; design of buildings to take account of noise, vibration and airborne dust; lighting not to interfere with signalling apparatus; any new trees to be located not less than their mature height from site boundary; any scaffolding to be erected so that it could not fall on the railway.

5 The applicant is advised to

(a) contact the Environment Agency with regard to the need to obtain Flood Defence Consent for works within 8m of the top of the bank of the R Biss and implementing safeguards for the prevention of pollution. These include the use of machinery, the storage of chemicals, the routing of heavy vehicles, the location of work and storage areas and the control and removal of spoil and waste.

(b) Ensure the operation of safeguards during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover the use of plant and machinery; oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds; the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

(c) Further to the requirements of condition x, when discharging the above surface water drainage condition, the following should be submitted:

- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, 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 stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

- 6 The Archaeologist advises that there is the potential to disturb or destroy a significant heritage asset related to the history of the site. In the absence of a pre-determination evaluation, the applicant must be aware that in the event of a subsequent evaluation indicating that further work may be required and that aspects of the development may be affected, this may have implications for the proposal as approved. The applicant is advised to contact the Council's Archaeologist on this matter.
- 7 The Environmental Health Officer advises that due to the location of the site close to residential properties, construction works are limited to between 07.30 and 19.00 (Mon to Fri) and 08.00 and 13.00 (Sat); all plant and equipment is chosen, sited, operated and serviced to minimise noise, vibration, fumes and dust; in periods of dry weather, dust control measures should be employed including wheel washing and damping down; stockpiles of materials are sheeted and located to minimise nuisance; radio noise should not be audible at the boundary of the nearest residential property; neighbouring properties should be advised of unavoidable late night or early morning working (which works should be notified to the EHO in advance); any temporary oil storage tanks shall be securely sited to prevent pollution in the event of leakage.
- 8 Due to the persistent problem of pigeons in the vicinity, the developer is advised that vulnerable areas of the site are adequately proofed against roosting and perching birds and may wish to consider providing a dedicated feeding area.
- 9 Reptiles and breeding birds are protected under the Wildlife & Countryside Act (1981, as amended). Prior to the commencement of construction work, the site must be cleared following the recommendations for reptiles and breeding birds in the Ecological Appraisal report (FPCR Environment and Design Ltd, September 2011). It should be noted that if there is a significant time lapse between the date of the ecology surveys (September 2011) and the commencement of development on site, updated protected species surveys (namely, for bats) may be necessary and advice should be sought from the Council Ecologist. Planning permission for development does not provide a defence against prosecution under the Wildlife & Countryside Act and the Conservation of Habitats and Species Regulations 2010.
- 10 Further to the requirements of condition 42, while complying with the principles of Secured by Design, the design of the proposed lighting scheme shall not result in any likely significant impact on the habitat of the river corridor for bats and on the Bath and Bradford on Avon Bats Special Area of Conservation as required by the Habitats Regulations 2010.

18 **W/12/00687/OUT - Land East Of Damask Way, Smallbrook Lane, Warminster, Wiltshire**

Public Participation

- Mr Reed, local resident, spoke in objection to the application
- Mr Pomeroy, local resident, spoke in objection to the application
- Mr Smyth, local resident , spoke in objection of the application
- Mr Carpendale, Planning Consultant, spoke in support of the application
- Mr Carver, Highways Consultant, spoke in support of the application

The Area Team Leader introduced the report which recommended approval, subject to conditions. He explained that the planning application was for the demolition of 66 Damask Way and the erection of 23 dwellings (outline application with details of the means of access to be approved at this stage). Members noted that since the preparation of the report an additional 5 letters of objection had been received.

Members of the Committee were informed that the application had received a great deal of local objection. The site was within the current and projected town boundary limits, there were no supported highway concerns in terms of safety and capacity issues, there was no detrimental impact on the immediate landscape, the setting of the town or the nearby and important biodiversity habitats and the proposal would delivery an improved landscape setting at the edge of town.

Members then raised a number of technical issues in relation to the emergency access and the width of the access road and West Wiltshire District Plan policy C4 – landscape setting.

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

The local members, Councillors Keith Humphries and Andrew Davis, then spoke to the application. In particular they raised issues relating to the width of roads in the immediate area to take extra traffic movements, Kingdown School children walk past Damask Way on their way to and from school, severe concerns about the access to Damask Way, and the suitability of the emergency access to serve the site.

The Committee then considered the application and debated a number of issues. A concern was raised that there was insufficient detail supplied by the applicant to support an outline application of the scale proposed, that archaeological survey results were needed in advance:- that there could be an unacceptable impact on the River Avon and that insufficient highway analysis had been carried out. Officers confirmed that there were no longer any objections from Natural England or the county archaeologist and that the information required to determine the application had been supplied by the applicants.

Resolved:

That the Area Development Manager be authorised to grant planning permission for this development in the event of a S106 Agreement being completed to secure the following:

An index linked education contribution towards 7 primary places (£12,713) per place and 5 secondary places (£19,155 per place)

An off-site leisure facilities contribution of £16,024 towards the upgrade of the tennis pavilion in Warminster Park

An offsite open space/play contribution of £15,297 towards the upgrade of the skate park in Warminster Park

A contribution of £6900 towards a creative arts programme

For the following reason(s):

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area and deliver a sustainable scheme which is in accordance with the Development Plan.

Subject to the following conditions

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and

Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 Notwithstanding that this is an outline application with the scale and layout of the development for subsequent approval, the dwellings hereby permitted shall be of single/two storey construction only and shall not exceed the parameters referred to in the submitted Design and Access Statement, the layout shall be generally in accordance with the illustrative plan indicated on drawing 07179-2D and the development shall include the strategic landscape buffer as generally indicated on drawing 271/P5 included within the Landscape and Visual Appraisal.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

POLICY: West Wiltshire District Plan 1st alteration 2004 – H1, C4 & C32
The National Planning Policy Framework

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

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

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

- 6 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - H1 & C31a

- 7 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

POLICY: West Wiltshire District Plan 1st Alteration – H1 & C31a

- 8 No development shall commence on site until details of the permanent closure of the emergency access to all vehicular traffic other than for emergency use only have been submitted to and approved in writing by the Local Planning Authority. The closure shall take place in accordance with the approved details prior to the occupation of the development and shall be retained in perpetuity and the access shall not be used other than for emergency purposes at any time.

REASON: In the interests of highway safety.

- 9 No development shall commence until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and generally in accordance with the Foul and Surface Water Drainage Assessment (submitted August 2012) has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details before the development is completed or first occupied.

REASON: To prevent the 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 – U2
National Planning Policy Framework

- 10 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 11 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed (which shall not exceed existing site levels), and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be [occupied/first brought into use] until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C4 & 32

- 12 No development shall commence on site until a scheme of hard and soft landscaping for both the development site and the strategic landscape area has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- the precise boundaries of the proposed strategic landscape area to the east of the development site
- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any 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;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

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

POLICY: West Wiltshire District Plan 1st alteration 2004 – C4 & C32

- 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 2004 – C4 & C32

- 14 Notwithstanding the above requirements, the development hereby permitted shall be carried out as specified in the submitted and approved Arboricultural Method Statement, Tree Constraints and Protection Plan (Tree Research) and shall be supervised by an arboricultural consultant.

REASON: In order that the local planning authority may be satisfied that the trees to be retained on site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – 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 shall 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 that Local Planning Authority may be satisfied that the trees to be retained on site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32

- 16 Notwithstanding the requirements of condition 12, no development shall commence on site until a detailed landscape strategy for the strategic landscaped area is submitted to and approved in writing by the local planning authority. This strategy shall include full detailed landscape plans, all details of proposed planting, proposed land uses, measures to reduce and/or manage recreational pressure on existing biodiversity habitats, long-term design objectives for the area, management responsibilities and maintenance schedules. The strategy shall be carried out as approved in accordance with the approved details.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C32
National Planning Policy Framework

- 17 No development shall commence on site until details of any screen and boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwellings hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a & C38

- 18 No demolition works at 66 Damask Way shall be commenced or carried out contrary to the recommendation detailed in the approved Daytime Bat and Nesting Bird Survey Report (Sedgehill Ecology Services July 2012) for an update inspection of the building in the event of a 12 month time lapse prior to demolition. Any update survey shall be submitted to and approved in writing by the local planning authority and the development carried out in accordance with the measures and/or timetable detailed in that survey.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

National Planning Policy Framework

- 19 Prior to the commencement of any development, a Construction Method Statement shall be submitted to the local planning authority for written approval. The method statement shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species (namely reptiles, breeding birds and badgers).

Development shall be carried out in full accordance with the method statement.

REASON: To mitigate the loss against existing biodiversity and nature habitats

National Planning Policy Framework

- 20 There shall be no lighting installed along the emergency access road.

REASONS: In the interests of visual amenity and biodiversity

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C38
National Planning Policy Framework

- 21 No development shall commence within the area indicated until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

National Planning Policy Framework

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

Dwg 07179-3 received 13.04.2012

wg 7179-2D received 13.04.2012

Dwg LDS/11200-TP1 received 13.04.2012

Dwg LDS/11200-TP2 received 13.04.2012

Dwg LDS/11200-TP3 received 13.04.2012

Dwg IMA-10-088 Plan 5 received 13.04.2012 (IMA Transport)

Dwg IMA-10-088 Plan 6 received 13.04.2012 (IMA Transport)

Dwg IMA-10-088 Plan 004 received 04.07.2012 (IMA Transport)

Dwg IMA-10-088 Plan 005 received 04.07.2012 (IMA Transport)

Dwg 271/P5 received 13.04.2012 (Enderby Associates)

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

Informative(s):

- 1 Further to the requirements of condition 6, and for the avoidance of doubt, the applicant is advised that:

This permission includes the construction of the access as indicated on the submitted plans (IMA-10-088 Plan 5, 004 and 005) with the internal layout of the road network for approval at the reserved matters stage. Required details at that stage shall include, but not be limited to, long and cross sections for the internal road network.

Parking levels are required to comply with the Wiltshire Parking Strategy; for garages to be considered as part of the parking provision, the internal dimensions must be a minimum of 3m wide and 6m deep with a minimum opening/door width of 2.1m.

As a shared surface access road is proposed, an entry treatment should be included at the transition.

Access details for nos 63, 64 and 65 Damask Way will need to be provided.

- 2 Further to the requirements of condition 9 and other drainage matters, the applicant is advised to consult with the Environment Agency with regard to:

Any outflow which must be limited to greenfield run off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm

The surface water drainage system which must incorporate enough attenuation to deal with run-off up to a 1 in a 100 year flood event including an allowance for climate change; drainage calculations must be included.

Overland flood flow routes and collection areas which must be shown on a drawing using CIRIA good practice guide (C635)

The adoption and maintenance of the drainage system

The use of a sustainable drainage approach to surface water management (SUDS)

Flood Defence Consent which is required for any proposed works in, under, over or within 8 metres of the top of the bank of the Swan River (01278 484603)

Safeguards during construction to minimise the risk of pollution to the water interests in and around the site including the use of machinery, storage of oils and chemicals, the routing of heavy vehicles, the location of work and storage area and the control of spoil and wastes

www.environment-agency.gov.uk/business/topics/pollution/39083.aspx

- 3 Further to the requirements of conditions 9 and 10, the applicant is advised to consult with Wessex Water in respect of:

Connections to the water supply which will require an off site mains extension at the developer's cost.

The discharge of storm water to the water course to the northeast which will require the land drainage authority's permission.

Connections to the public sewer, the impact of foul flows on the downstream pumping station, works and/or contributions to provide additional storage at the pumping station and any other required improvements; these will require a S104 Adoption Agreement.

Asset protection in respect of the existing water main in Damask Way which may need to be lowered at the new entrance; any new storm sewer to the water course to the northeast which may clash with an existing foul pumping main and foul sewer; sealing off water and sewer connections to no 66 Damask Way

'Sewers for Adoption' 7th Edition incorporating a new mandatory National Build Standard (NBS) for all new foul sewers and lateral drains and a signed S104 Adoption Agreement with the water company.

- 4 Further to the requirements of condition 17, it is expected that proposed boundary treatments along the rear/side garden areas of Nos 65 and 67 Damask Way and adjacent to the proposed access road are of appropriate height and design and of solid construction to minimise noise nuisance and overlooking.
- 5 Further to the requirements of condition 21, the work shall be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.

19 **W/12/02050/FUL - Littleton Stables, Littleton, Semington, Trowbridge, Wiltshire**

Public Participation

- Mr Cole, Agent, spoke in support of the application
- Mr Smyth, representing Semington Parish Council, spoke in objection to the application.

The Area Development Manager introduced the report which recommended approval, subject to conditions. He explained that the planning application was for a permanent traveller/gypsy site comprising one mobile home, one dayroom and one touring caravan.

Members of the Committee were informed that that the proposal was considered to be acceptable as it met the criteria in the Development Plan and emerging Core Strategy. The Planning Inspector's decision of December 2010 found that the site was acceptable for this use and temporary planning permission was granted for three years. Government guidance had made it clear that even if the need for accommodation was met, further traveller sites could and should be permitted subject to meeting detailed local criteria. Officers explained that in these circumstances the proposals would not cause any harm to acknowledged planning interests and would meet the local criteria of the West Wiltshire District Plan at Policy CF12 and the emerging criteria at Policy CP47 of the draft Core Strategy.

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

The Local Member, Cllr Jonathon Seed, then spoke to the application. In particular he suggested that the permission from the Inspector was only a temporary permission for three years, as no other sites were then available. This was no longer the case, as other sites had since received planning permission and there was no longer an outstanding need for new sites. The Inspector had also stated that further development might conflict with Policy C31a of the West Wiltshire District Plan and this proposal included additional development in the form of a day room. He therefore suggested a refusal of planning permission.

Resolved:

That Planning Permission be refused for the following reason(s):

- 1. The original temporary planning permission was granted at a time when there was an outstanding need for gypsy and traveller sites in this part of Wiltshire. That need has now been met and the Council considers that there is no justification for a further site to be permitted in this location.**
- 2. The Inspector who granted the earlier temporary planning permission had concerns about the harm further development of this site would have on the appearance of the area and the consequent conflict with policy C31a of the West Wiltshire District Local Plan 1st alteration. He refused permission for a dayroom on this basis. This proposal re-introduces a dayroom, which would add to the complex of buildings on the site and would have an adverse impact on the appearance of the landscape in this part of the open countryside, contrary to policy C31a.**

20 **W/12/02102/FUL - 18 Little Parks, Holt, Wiltshire, BA14 6QR**

Public Participation

Mr Ken Mizen, local resident, spoke in objection to the application

Mr Richard Chruszcz, applicant, spoke in support of the application

The Planning Officer introduced the report which recommended approval, subject to conditions. He explained that the planning application was for material amendments to previous planning decision W/12/00016/FUL comprising of modifications to the gable roof; rear elevation exterior finish; alterations to patio windows and moving an exterior bedroom window, and internal layout changes.

Members of the Committee were informed that some of the alterations were permitted development and others would not cause any harmful impact on either the appearance of the street scene or the amenity of neighbouring properties and it is designed in accordance with Council policies. The Officer also commented that condition 3 contained in the report was not required as this was permitted development if the applicant decided to install obscure glazing to the bathroom window.

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

The Local Member, Cllr Trevor Carbin, then spoke to the application. In particular he raised issues relating to the materials used at the rear of the property.

The Committee then considered the application and debated a number of issues. It was suggested that details of the render colour should be submitted and agreed with the Local Planning Authority prior to the commencement of the development.

Resolved:

That Planning Permission be granted subject to the following condition(s):

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

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

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

Site Location Plan; Drawing No's 1112-01; 1112-02; 1112-03; 1112-04; 1112-05; 1112-06; 1112-07; 1112-08; 1112-10; 1112-11, received 14th November 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.

- 3 Prior to the single storey rear extension permitted under 12/00016/FUL being first occupied the external ground floor rear walls shall be rendered and painted in a colour to be first agreed in writing by the local planning authority.

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

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

21 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 10.15 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services, direct line 01225 718376, e-mail stuart.figini@wiltshire.gov.uk

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