

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 9 APRIL 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Terry Chivers (Substitute), Cllr Ernie Clark, Cllr Andrew Davis, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Jerry Wickham

27 **Apologies for Absence**

An apology for absence was received from Councillor Russell Hawker, who was substituted by Councillor Terry Chivers.

28 **Minutes of the Previous Meeting**

The minutes of the meeting held on 19 March 2014 were presented for consideration, and it was,

Resolved:

To approve as a true and correct record and sign the minutes.

29 **Chairman's Announcements**

There were no announcements.

30 **Declarations of Interest**

There were no declarations.

31 **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.

32 **Planning Applications**

The Committee considered the following applications:

33 **14/00096/FUL - 145 Chantry Gardens, Southwick, Trowbridge, BA14 9QP**

Public Participation

Mr Roger Boor, applicant, spoke in support of the application.

Mr Francis Morland, on behalf of Southwick Parish Council, spoke in objection to the application.

The Area Team Leader presented a report which recommended that the application be approved. The application was a revision of a previously refused application, and the key issue was therefore stated to be whether the revisions overcome the previous reasons for refusal, while taking into account the judgements from a previous successful appeal decision from 2008 for four one bedroom flats on the site.

A site visit had taken place prior to the meeting, as agreed by the Committee at its meeting on 19 March 2014.

Members of the Committee then had the opportunity to ask technical questions of the officer, and sought details of the entrances and exits of the proposed properties, and whether Highways considerations required an appropriate turning circle for vehicles on the site. It was noted that Highways officers had raised no objections following consideration of previously permitted developments on the site.

Members of the public then had the opportunity to present their views to the public, as detailed above.

The Local Member, Councillor Horace Prickett, then detailed the reasons he had called the item in for determination by the Committee, as laid out in the report papers.

A debate followed, where members discussed if the amenity areas for the proposed dwellings were sufficient, and whether the provision for parking was suitable.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be APPROVED subject to the following conditions:

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

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

Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
REASON: In the interests of visual amenity and the character and appearance of the area.
- 3 No part of the development hereby permitted shall be occupied until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**
REASON: In the interests of highway safety.
- 4 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The new dwelling shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.**
REASON: To ensure that the development can be adequately drained.
- 5 Details of the cycle storage facilities shall be submitted to and approved by the Local Planning Authority before installation on the site. The development shall subsequently be carried out before occupation of the new dwelling in accordance with the approved details.**
REASON: In the interests of amenity
- 6 The first floor window serving the bathroom in the south west elevation to the new dwelling shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.**
REASON: In the interests of amenity and privacy
- 7 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans:**

**DWG 01 received on 06/01/2014; DWG 02 received on 06/01/2014;
DWG 10A received on 26/02/2014; DWG 11B received on 26/02/2014;
And DWG 12A received on 26/02/2014**
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.

Public Participation

Mr Chris Beaver, agent, spoke in support of the application.

Gwen Allison, Bradford on Avon Town Council, spoke in objection to the application.

The Area Team Leader presented a report which recommended that the application be delegated to the Area Development Manager to approve permission, subject to the signing of a legal agreement to secure appropriate financial contributions as detailed in the report. The application formed part of a site which has extant permission for four houses, and would add an additional four flats in place of additional extant permission for workshop and office accommodation.

Key issues were stated to include the loss of employment space and parking considerations. Attention was drawn to the marketing exercise undertaken at the instigation of the applicants to establish the level of interest in retaining the site for mixed residential and business use.

Members of the Committee then had the opportunity to ask technical questions of the officer, where it was confirmed the proposals allocated one visitor space for the eight dwellings that would have permission on the site should the additional four be approved, along with the parking provided for the residents. Members also discussed the possibility of seeking a financial contribution as requested by the Wiltshire Fire and Rescue Service, and it was stated that due to the lack of a locally saved planning policy or the implementation of the Community Infrastructure Levy, officers were currently unable to include the requests from the Fire Service within the Heads of Terms for the securing of a legal agreement.

Members of the public then had the opportunity to present their views, as detailed above.

Councillor Magnus Macdonald, a Local Member for the Bradford on Avon area, then spoke in objection to the application.

A debate followed, where members discussed whether the marketing of the site for mixed use had been sufficient, highlighting the high footfall of the area due to being close to the popular canal and the lack of visitor parking on the site and potential difficulties parking in the surrounding area was discussed.

Members also discussed whether, should the application be approved, whether it would be possible to include the Fire and Rescue Service financial obligation request. Whilst the planning officer advised that such a request failed to satisfy the essential planning obligation tests, during the discussions, it was raised that in the Salisbury Plan Area, such requests had been sought, and given such inconsistency members agreed that further clarification was necessary for the County as a whole, and to consider the impact on future delegated and committee determined applications.

At the conclusion of debate, it was,

Resolved:

To delegate authority to the Area Development Manager to GRANT planning permission subject to a legal agreement to secure the following against planning references 14/01695/FUL and 08/00754/FUL:

- i) a financial contribution towards the provision of secondary school places totalling £38,168 which would be index linked;**
- ii) a financial contribution towards the provision of primary school places totalling £33,536 which would be index linked; and**
- iii) a financial contribution towards public open space facilities in the vicinity totalling £12,967 which would be indexed linked.**

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. A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.**

REASON: To ensure that the development harmonises with its setting.

- 3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

- 4. The flatted development hereby permitted shall not begin until an acoustic survey has been submitted to the local planning authority for its written approval to establish noise impacts emanating from neighbouring land uses and traffic noise. Any scheme of appropriate mitigation shall require the written approval of the Council. Following agreeing any such scheme, the identified measures shall be completed before the any of premises are first occupied and thereafter, be maintained in effective condition at all times.**

REASON: In order to safeguard the future residential amenities.

- 5. The development hereby permitted shall not begin until a scheme to deal with asbestos has been submitted to and approved by the Local**

Planning Authority. The scheme shall include an investigation and assessment to identify the extent of asbestos, and the measures to be taken to avoid risk to the public or the environment when the site is developed which shall be implemented before the development begins. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of public health and safety.

- 6. The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

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

- 7. The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

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

- 8. During the course of construction, should any sources of land contamination be identified, the applicant shall submit a remediation plan for the written approval of the Council. Such a plan should detail the following:**
 - i) provide an updated risk assessment for chemical contamination**
 - ii) detail the necessary works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;**
 - iii) remediation validation works**

Any site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: In order to prevent contamination conflicts and in the interests of consistency with planning permission 08/00754/FUL.

9. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

10. No part of the development hereby permitted shall be occupied until the details of secure cycle provision has been submitted to and approved in writing by the local planning authority and subsequently have been completed in accordance with the details approved. The provision shall be maintained and made available to residents for those purposes at all times thereafter.

REASON: In the interests of sustainability.

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

**Location plan received on 14 February 2014;
Topographical survey received on 14 February 2014;
Floor Plans - P02 Rev B - received on 21 March 2014;
Elevations - P03 Rev B - received on 21 March 2014; and
External works layout - L07 Rev C - received on 21 March 2014.**

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

INFORMATIVES

Pursuant to cited planning condition no.4 the developer is advised that Wiltshire Council's Environmental Health officers have requested an acoustic impact assessment pursuant to same condition appended to extant planning application 08/00754/FUL, which remains outstanding. The Council recommends that the impact of ventilation, people and music noise from The Canal Road Tavern and highway traffic on the proposed development should be subject to acoustic assessment and where appropriate mitigation measures.

The developer is also encouraged to consider the opportunity to provide nesting boxes suitable for swifts, sparrows and starlings on the site as recommended by the Climate Friendly Bradford on Avon Swift Group.

In addition, the applicant/developer is further advised to take note of the following guidance provided by the Wiltshire Fire and Rescue Service:

Consideration should be given to ensure access to the site, for the purpose of fire fighting, is adequate for the size and nature of the development.

Consultation should be undertaken with the Fire Authority to ensure the site is provided with adequate water supplies for use by the fire service in the event of fire. Arrangements may include a water supply infrastructure, suitable siting of hydrants and/or access to an appropriate open water supply. Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and specific advice from the Fire Authority on the location of fire hydrants.

Wiltshire Fire and Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may become so during the formal Building Regulation process and are made without prejudice to that process.

A core objective of the Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties in Wiltshire and Swindon. Residential sprinklers are not new and, although a British invention, significant developments have been made in the United States, Australia and New Zealand. In these countries there are whole communities with such installations and a zero fatality rate from domestic fires where a sprinkler system is installed.

The following information may be of interest:

- **Sprinklers work from a standard main, although a 32mm connection is required**
- **Are inexpensive to install, particularly in a new building**
- **Do not activate by accident causing unwanted damage**
- **Only operate through individually activated heads, not the whole system**
- **Are not unsightly as they fit flush to the ceiling behind a flat cover**
- **Cause less water damage in a fire than normal fire fighting operations**
- **Significantly reduce fire and smoke damage**
- **If you would like more information on these systems please contact this Authority.**
- **Fire Warning Systems in Communal Areas of Purpose-built Flats**
- **Fire detection and alarm systems are not normally provided in the communal parts of purpose built blocks of flats, as these areas should be kept sterile. However, such systems may be required in exceptional circumstances, or when identified by the fire risk assessment. The on-going ability to adequately manage the system must also be considered**
- **Fire detection may also be required to operate automatically opening vents or magnetically locked fire exit doors, for example, but these may not incorporate a means to warn the occupants of the flats in the event of a fire.**
- **A fire detection system provided in the communal parts must comply with BS5839 Part 1.**

Councillor Ernie Clark requested that his vote in support of a motion to refuse the application be recorded.

35 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.20 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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