

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Bradley Road, Trowbridge
Date: Wednesday 15 September 2010
Time: 6.00 pm

Please direct any enquiries on this Agenda to Marie Gondlach, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Ernie Clark
Cllr Rod Eaton
Cllr Peter Fuller (Chairman)
Cllr Mark Griffiths
Cllr Malcolm Hewson
Cllr John Knight

Cllr Christopher Newbury
Cllr Graham Payne
Cllr Stephen Petty
Cllr Jonathon Seed
Cllr Roy While

Substitutes:

Cllr Rosemary Brown
Cllr Trevor Carbin
Cllr Andrew Davis
Cllr Russell Hawker
Cllr Tom James MBE

Cllr Francis Morland
Cllr Jeff Osborn
Cllr Fleur de Rhe-Philippe
Cllr Pip Ridout

AGENDA

Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 10*)

To approve the minutes of the last meeting held on 25th August 2010 (copy attached).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

6. **Planning Applications** (*Pages 11 - 12*)

To consider and determine planning applications in the attached schedule.

6.a W/10/02102/FUL - Provision of children's and other equipment, general refurbishment works and upgrading of existing pedestrian access - Corsley Playing Field Corsley Heath Corsley Wiltshire

(Pages 13 - 20)

- 6.b W/10/02329/FUL - Demolition of existing single storey extension and erection of two storey side extension and creation of new vehicular access - 2 Pound Close Semington Wiltshire BA14 6JP *(Pages 21 - 26)***
- 6.c W/10/02009/FUL - Extension to car park to provide an additional 40 parking spaces - Dorothy House Winsley Wiltshire BA15 2LE *(Pages 27 - 32)***
- 6.d W/10/02222/FUL - Change of use from dwelling to office and staff training facilities - 38 Delamere Road Trowbridge Wiltshire BA14 8ST *(Pages 33 - 38)***

7. Urgent Items

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None.

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 AUGUST 2010 AT COUNCIL CHAMBER - BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin (Reserve), Cllr Ernie Clark, Cllr Andrew Davis (Reserve), Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne, Cllr Stephen Petty and Cllr Fleur de Rhe-Philippe (Reserve)

Also Present:

Cllrs Julie Swabey and Francis Morland.

163 Apologies for Absence

Apologies for absence were received from Councillors Roy While (substituted by Councillor Andrew Davis), Jonathon Seed (substituted by Councillor Fleur de Rhé-Philippe) and Malcolm Hewson (substituted by Councillor Trevor Carbin).

164 Minutes of the Previous Meeting

The minutes of the meetings held on 23 June 2010 and 14 July 2010 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meetings held on 23 June 2010 and 14 July 2010.

165 Declarations of Interest

W/10/01753/S73 – Councillor Mark Griffiths declared that he had been personally lobbied prior to the meeting. He gave his assurance that he would consider the application on its own merit and with an open mind.

166 Chairman's Announcements

There were no Chairman's Announcements.

167 **Public Participation**

The Chairman welcomed all present and explained the rules of public participation.

168 **Planning Applications**

The Committee considered the following applications:

168.a W/10/01716/FUL - The siting of a mobile home, touring caravan and dayroom - Land Adjoining Railway Line Court Lane Bratton Wiltshire

Councillor Julie Swabey, Unitary Member for Ethandune, expressed her concerns regarding the application.

Councillor Francis Morland, Unitary Member for Southwick, expressed his concerns regarding the application.

Officers introduced the report, which recommended approval for a temporary and personal planning permission. A debate followed during which key issues such as preserving the character of the countryside, increased traffic on a lane with reduced visibility, pedestrians using an unlit lane and the safety concerns associated were discussed.

Members of the Committee were concerned and could not be satisfied that the applicant met the definition of a nomadic habit of life. The Committee also expressed frustration with the limited use they could make of said definition and the requirement to meet its criteria.

The Committee agreed to a short recess to enable the Planning Officers and Legal Representative to consider the validity of the reasons put forward for refusal in the context of planning regulations and policies.

It was therefore

Resolved:

That planning permission be REFUSED

For the following reason(s):

1. The proposed mobile home and associated structures, vehicles and general paraphernalia would, by reason of the open character of the site and surrounding land, appear unduly prominent and intrusive within the landscape to the detriment of the character and appearance of the countryside contrary to West Wiltshire District Plan – 1st Alteration 2004 Policy C1 and CF12, and Wiltshire Structure Plan 2016 Policy DP1 and DP15.

2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.

3. The site has insufficient frontage to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety contrary to West Wiltshire District Plan – 1st Alteration 2004 Policy CF12.

Informative(s):

You are advised that the applicant has not supplied proof of a nomadic habit of life.

168.b W/10/01506/FUL - Change of use of land for one mobile home, one utility block and one touring caravan - Field No 3757 Lower Westbury Road Bratton Wiltshire

Councillor Julie Swabey, Unitary Member for Ethandune, expressed her concerns regarding the application.

Officers introduced the report, which recommended approval for a temporary and personal planning permission. Officers also drew the Committee's attention to the late list which clarified the reasons for this application to have been called in. A debate followed during which key issues such as the suitability of the site and preserving the character of the countryside were discussed.

Members of the Committee were concerned and could not be satisfied that the applicant met the definition of a nomadic habit of life.

Resolved:

That planning permission be REFUSED

For the following reason(s):

1. The proposed mobile home and associated structures, vehicles and general paraphernalia would, by reason of the open character of the site and surrounding land, appear unduly prominent and intrusive within the landscape to the detriment of the character and appearance of the countryside contrary to West Wiltshire District Plan - 1st Alteration 2004 Policy C1, C3 and CF12, and Wiltshire Structure Plan 2016 Policy C9, DP1 and DP15.

2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.

Informative(s):

You are advised that the applicant has not supplied proof of a nomadic habit of life.

168.c W/10/01753/S73 - Removal of conditions 2 and 3 attached to planning permission reference 07/03063/FUL and replaced with condition to allow for gypsy traveller occupation only - Land West Of Penn Farm Capps Lane Bratton Wiltshire

1. Mr Philip Barthram spoke in objection to the application.
2. Mr Anthony Venn spoke in objection to the application.
3. Mrs Suzanne Sherred, agent for the applicant, spoke in support of the application.

Councillor Julie Swabey, Unitary Member for Ethandune, expressed her satisfaction with the recommendation within the report and was pleased that the applicant and the objectors had engaged in a positive discussion and reached a mutual agreement.

Officers introduced the report, which recommended approval. A debate followed during which the details of the conditions contained within the report were scrutinised.

It was therefore

Resolved:

That planning permission be GRANTED

Subject to the following condition(s):

1. The occupation of the site hereby permitted shall be carried on only by Mr W Sherred, the applicant and his resident dependants.

REASON: Planning permission has only been granted on the basis of the personal circumstances and status of the applicant.

2. When the land ceases to be occupied by those named in condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use including the amenity block hereby approved, shall be removed. Within 1 month of that time the land shall be restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON: Planning permission has only been granted on the basis of the personal circumstances and status of the applicant.

3. No caravan, other than the twin unit hereby permitted, and one touring caravan shall be placed on the land.

REASON: In order to define the terms of this permission and avoid proliferation of caravans at the site.

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

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

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

5. No controlled waste shall be burnt on site.

REASON: In order to minimise nuisance.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy C38.

Informative(s):

The developer is advised that under paragraph 46 of ODPM Circular 01/2006 that the granting of any temporary planning permission should not be regarded as setting a precedent for the determination of any future applications for full permission. If you have not done so already you are therefore advised as a matter of urgency to contact the Council's spatial planning team responsible for the production of the Council's DPD on Traveller and Gypsy Site Allocations to discuss bringing this site forward for consideration under this planning document. They may be contacted on 01225 713489.

168.d W/10/01439/FUL - Timber stable building - Land Adjoining 25 Iford Fields Westwood Wiltshire

1. Mr David Pearce, representing Mr & Mrs Sage, Spoke in objection to the application.
2. Mr Derek Fisher spoke in objection to the application.
3. Mr Tony Robinson spoke in objection to the application.
4. Mr Dan Plunkett, representing the applicant, spoke in support of the application.

5. Mrs Ginnie Johnston, representing Westwood Parish Council, spoke in objection to the application.

The Officers introduced the report which recommended approval and drew the Committee's attention to the late list containing comments from Councillor Linda Conley, the Unitary Member for Winsley and Westwood, as well as an additional condition to be included should permission be granted.

A debate followed during which members of the Committee discussed and sought clarification on issues including the proximity of residential dwellings, the withdrawal of permitted development rights and the planning regulations linked with the green belt status.

It was therefore

Resolved:

That planning permission be GRANTED

For the following reason(s):

The proposed development would not materially affect the amenities of the neighbours and any planning objections have been overcome by conditions.

Subject to the following condition(s):

1. The development hereby permitted shall begin 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.

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

3. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

4. No materials shall be burnt on site.

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

POLICY: West Wiltshire District Plan First Alteration 2004 policy C38 and E10

5. There shall be no parking of horse boxes, caravans, trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

6. No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

7. No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

8. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning

Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C35 and C2.

Informative(s):

1. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

2. Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse of water source by the release of contaminated run-off.

3. The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

4. There must be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

5. The developer/applicant is advised to take into account the contents of the Wessex Water letter dated 26 May 2010

168.e W/10/01766/FUL - Ground and first floor extension/alterations for managers accommodation - Angel Cottage 34B Upton Scudamore Wiltshire BA12 0AQ

The Officers introduced the report which recommended refusal.

A debate followed during which members of the Committee sought clarification on points such as whether objections had been received or not, the exact address of the adjoining property and the details of the proposed conditions.

It was therefore

Resolved:

That planning permission be GRANTED

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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

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

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

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

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C31A.

3. The windows in the south elevation of the proposed extension facing 1 Manor Farm Cottages shall be glazed with obscure glass only prior to the first occupation of the development hereby permitted and shall be permanently maintained as such at all times thereafter. There shall be no additional windows inserted in this elevation without the prior approval of the local planning authority.

REASON: In the interests of residential amenity and privacy.

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

169 **Planning Appeals Update Reports**

169.a Planning Appeals Update Report - June 2010

The Planning Appeals Update Report for June 2010 was received.

Resolved:

To note the Planning Appeals Update Report for June 2010.

169.b Planning Appeals Update Report - July 2010

The Planning Appeals Update Report for July 2010 was received.

Resolved:

To note the Planning Appeals Update Report for July 2010.

170 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.50 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

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

Western Area Planning Committee

15 September 2010

Planning Applications for Determination

Item No.	Application No.	Location	Unitary Councillor	Parish
6(a)	W/10/02102/FUL	Provision of children's and other equipment, general refurbishment works and upgrading of existing pedestrian access - Corsley Playing Field Corsley Heath Corsley Wiltshire	Fleur de Rhe-Philippe (Warminster Without)	Corsley
6(b)	W/10/02329/FUL	Demolition of existing single storey extension and erection of two storey side extension and creation of new vehicular access - 2 Pound Close Semington Wiltshire BA14 6JP	Jonathon Seed (Summerham And Seend)	Semington
6(c)	W/10/02009/FUL	Extension to car park to provide an additional 40 parking spaces - Dorothy House Winsley Wiltshire BA15 2LE	Linda Conley (Winsley And Westwood)	Winsley
6(d)	W/10/02222/FUL	Change of use from dwelling to office and staff training facilities - 38 Delamere Road Trowbridge Wiltshire BA14 8ST	Tom James MBE (Trowbridge Adcroft)	Trowbridge

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	15.09.2010		
Application Number	W/10/02102/FUL		
Site Address	Corsley Playing Field Corsley Heath Corsley Wiltshire		
Proposal	Provision of children's and other equipment, general refurbishment works and upgrading of existing pedestrian access		
Applicant	Corsley Memorial Playing Field		
Town/Parish Council	Corsley		
Electoral Division	Warminster Without	Unitary Member:	Fleur De Rhe-Philippe
Grid Ref	382087 145613		
Type of application	Full Plan		
Case Officer	Mr Steve Vellance	01225 770344 Ext 5107 steven.vellance@wiltshire.gov.uk	

Reason for the application being considered by Committee:

Councillor Fleur de Rhe-Philippe has requested that this item be determined by Committee due to the scale of development, relationship to adjoining properties and design - bulk, height, general appearance of the proposed development.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted

Neighbourhood Responses

15 letters/emails received objecting to the proposals

Parish Council Response

Object to the proposals for the reasons stated in section 7 of the report

2. Main Issues

The main issues to consider are:

Neighbouring amenity

Recreational Use of the land.

3. Site Description

Corsley memorial playing field is an area of recreational land located within Corsley and bounded by residential properties to the north, north-east, south and west. The historical and current use of the land is recreational and presently contains two tennis courts and a cricket pitch.

4. Relevant Planning History

76/01019/His Erection of sports pavilion Permission 06.05.1977

82/00540/His Construction of one hard tennis court Permission 08.06.1982

83/00355/Ful Erection of new cricket pavilion Permission 25.05.1083

99/00659/Ful Two tennis courts with floodlighting and pavilion Refused 15.07.2010

90/01629/Ful Erection of wooden tennis clubhouse Permission 08.01.1991

03/01667/Ful Equipment building Permission 30.10.2003

07/00651/Ful Removal of existing climbing frame from children's play area and replace with smaller piece of equipment i.e. low rotator Permission 11.07.2007

5. Proposal

The proposal is for the provision of children's and other equipment, general refurbishment works and the upgrading of two pedestrian accesses. The application is made by the Corsley Memorial Playing Fields Committee.

The proposed children's play equipment would include the following items of equipment:

Aerial Runway: Also referred to as a cableway or Zip wire, which would be sited to the North West aspect of the larger of the two tennis courts. The runway would stretch for a distance of 34 metres and would consist of two purpose built frames supporting a length of wire suspended at a height of 4 metres above ground level. Users would be elevated and would be able to slide along the wire from one end to the other, a soft rubber surface would be provided to cushion any falls.

Balance Bar Springer: Would consist of a wooden beam sitting on two springs, which children would be able to walk across. Approximate measurements would be 6 metres long by 0.4 metres wide, raised to a height of 0.8 metres.

Bicycle Area: Would be sited to the east of the larger of the two tennis courts and would consist of a single lane bicycle trail. Safety fencing would be provided for the wellbeing of the three mature oak trees within close vicinity.

Boules Area: Would be sited in between the two tennis courts and would approximately measure 15 metres in length by 5 metres in width.

Climbing Post: Would consist of a climbing post 3 metres high by 0.3 metres wide.

Multi Use Goal End: Consists of a pre-constructed basketball hoop and football goalposts, it would approximately measure 5.7 metres wide by 3.7 metres in height.

Multi Use Rebound Wall: Would be sited against one side of the wire mesh, at the smaller sized tennis court. Its dimensions would be 6 metres wide and 3 metres tall.

Nest Swing: Would be a large sized swing, held within an "A" frame capable of containing several children.

Cycle Ramp: Would measure 4.2 metres in length and would be raised 1.8 metres in height and would be in close proximity to the proposed cycle area.

Privacy Screening: Would be placed on the northern and eastern sides of the existing wire mesh, of the double tennis courts.

Shade sail: Would offer shade from the sun and would be in the form of a triangular sail, with each of the three sides measuring 5 metres. It would be raised to a height of 3 metres and its colour would either be green or beige, a picnic table made from recycled plastic, with the appearance of wood, would be located underneath the shade sail.

The car park would be more clearly denoted and the use of a recycled plastic grass grow through matting would be used as the surface material.

Other ancillary works to the site would include:

The relocation of the equipment shed, the upgrading of the two existing side accesses to enable easier access, the provision of seating benches, repair work to the two brick pillars by the main entrance to the site and the resurfacing of the multi use all weather area.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)
C3 Special Landscape Area
C31a Design
C38 Nuisance
Leisure and Recreation Development Plan Document.

7. Consultations

Corsley Parish council

Object to the proposal, on the following grounds:

- The close proximity of the proposed equipment to residential neighbours would result in a loss of amenity due to the likelihood of noise, nuisance and disturbance contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.
- The proposed equipment does not harmonise with its setting in the Special Landscape Area, contrary to policy C31a of the West Wiltshire District Plan 1st Alteration 2004.
- A number of the statements contained within the applicant's submission are a misrepresentation of facts.

Highways

No objections.

Tree & Landscape Officer

No objections, commenting that there are no arboricultural or landscape reasons to refuse the planning application.

The officer requests that two suggested planning conditions relating to the provision and implementation of an arboricultural method statement, be applied to the planning permission, which relate to the bicycle area, the ramp access and safety fencing areas.

Environmental Health - Protection

No objections, and submits the following comments:

- The Environmental Health Officer visited the site on a Friday afternoon during the school holidays and found it to be not in use.
- Main issue to the planning application is the potential loss of amenity due to noise.
- There are no British Standards set down which can be referred to when assessing acceptable noise levels for this type of intended use.
- Objective site assessment was necessary when considering potential noise levels, which included assessing the size of the site, the relative distance to neighbouring properties, the lack of any proposed lighting and the fact that the proposed play equipment was to be intermingled with the existing play equipment.
- The proposed off road bicycle facilities were assessed after visiting two existing cycle facilities in Exeter.
- A planning condition be applied that states planning permission is required, in the event that exterior lighting is required.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification.

Expiry date: 10 September 2010

Summary of points raised:

Fifteen letters and emails of objection were received, with one person writing in twice. The following points were raised:

- Noise nuisance to the wildlife and residents at Birchwood Close, whose gardens back onto the playing field.
- Concern over possible damage to trees which have TPOs on them.
- Over intensive development and use of the playing field.
- Community has lost its school due to declining child numbers; the small number of children (36) who live in the village would under-use the equipment.
- The proposed equipment would be under-used by the local community and would attract non Corsely residents, leading to highway problems.
- Proposed zip wire and biking areas would be too close to each other to be safe.
- Zip wire would be too close to the existing toddlers play area.
- Zip wire would be too close to the tennis courts and would be a distraction to the tennis players.
- The rebound board would cause a nuisance with its balls affecting nearby properties.
- The proposed equipment would encourage vandalism and anti-social behaviour.
- Concern about the safety of unaccompanied children.
- Concern about the lack of funding for maintenance of the proposed equipment.
- Concern over the siting of the cycle ramp.
- Tennis players would be distracted by the use of the various play equipment.
- Tennis spectators would be distracted and would not be able to watch matches in peace.
- The existing tennis court playing surface will not be able to accommodate the proposed multi sport activities.
- Lack of effective pre-application consultation with the immediate residents as to the siting of the equipment.
- The proposed equipment could be distributed elsewhere on the site.
- The submitted plans do not show the entire playing field.
- The tennis club support the good intentions of the application and have reached agreement with regard to the siting of the boules area and satisfied with the proposed area for the bicycle track.

- The tennis club has reached an amicable agreement with the applicant with regard to the privacy screening of the cycle track and relocation of the zip wire.
- The tennis club would give its full support if the scheme if their compromise were to be accepted by the applicant.

9. Planning Considerations

9.1 Neighbouring amenity.

The potential loss of amenity is a major consideration when assessing the planning merits of this application and in this instance this relates to potential noise nuisance. The comments raised by Environmental Health in section 7 of this report are relevant.

Dwellings to the southern aspect of the site at Birchwood Close have the potential to be most affected by the development and the proposed bicycle area in the eastern corner of the site, has generated a substantial amount of neighbour comments. The closest dwelling at Birchwood Close, whose garden would be approximately 16 metres away from the cycle area would be the closest. However, this distance and the fact that mature boundary treatment is in place and no exterior lighting is proposed, are sufficient factors to mitigate impact on amenity. Importantly, after fully assessing this aspect of the site, Environmental Health has raised no objections.

The proposed Boules area between the two tennis courts is the only other proposal which would back onto the rear of Birchwood Close; third party correspondence indicates that this and the Zip Wire may be re-sited at some time in the future. In the event that planning permission is granted, an application for a non material amendment would need to be submitted by the applicant, if this were to happen.

The remaining proposals within the application are considered to be sited at a sufficient distance so as not to impact on amenity.

9.2 Recreational use of the land.

The Leisure and Recreation Development Plan Document is keen to maximise the use of existing leisure facilities whilst giving attention to the needs of young people and involving them in their local environment. Information contained within the applicants accompanying statement and the site's planning history confirms that recreational use is the established use of this land. This is also borne out by the fact that the site currently has a number of play equipment already installed. Therefore, the principle of play equipment being sited on this land is accepted and cannot be disputed.

In response to the numerous objections relating to the inappropriate choice and location of equipment, the applicants sought and obtained pre-application advice from this Council's Play and Open Spaces Manager, upon whose guidance the relevant pieces of equipment were submitted within this application.

Concern has also been received with regard to possible damage to trees, the Council's Tree and Landscape Officer has raised no objections, suggesting the implementation of two planning conditions. There are no protected trees on this site.

The proposed equipment is intended for use by all age ranges and abilities and is not solely intended for child use, this being the case, concerns about the equipment being underused are potentially unfounded. Various members of the tennis club raised numerous concerns and a letter was consequently received from the tennis club stating that it had reached a level of agreement with the applicant and the parties were seeking to work in collaboration with each other.

Policy C3 of the West Wiltshire District Plan 1st Alteration (2004) relating to the Special Landscape Area applies to the site, as argued by the Parish Council. The site's use and appearance is already established and the land is bounded by residential development. This being the case, the proposal would not have a detrimental impact on the landscape character of the surrounding countryside.

9.3 Other Matters.

The resiting of the existing equipment shed, the upgrading of the two existing side accesses to enable easier access, the provision of seating benches, repair work of the two brick pillars by the main entrance to the site and the resurfacing of the multi use all weather area, all pose no problems and are wholly acceptable.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 1 The development hereby permitted shall 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 site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works within the Bicycle Area (30), Ramp Access (49) to the bicycle area and the Safety Fencing (66) in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -
 - A specification for protective fencing to trees during development phase which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
 - A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005
 - A schedule of tree works conforming to BS3998.
 - Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
 - A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction including details of the no-dig specification in the ramped area;
 - Details of the works requiring arboricultural supervision (the ramped area) to be carried out by the developer's arboricultural consultant and procedure for notifying the Local Planning Authority of the findings of the supervisory visits.

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

- 3 The development shall be carried out as specified in the approved Arboricultural Method Statement (ASM), and shall be supervised by an arboricultural consultant.

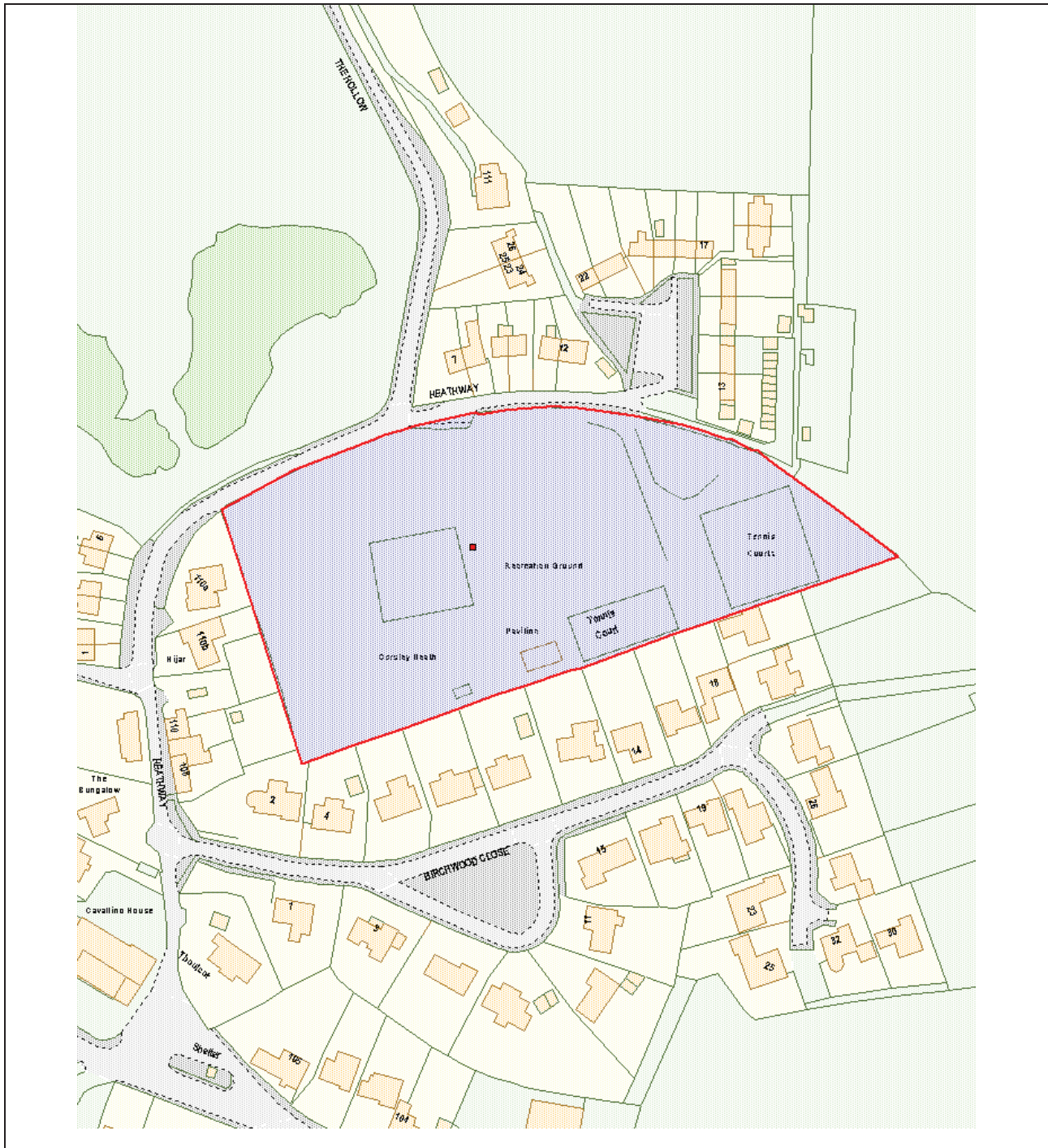
Reason: To prevent trees on site from being damaged during construction works.

- 4 Details of any proposed 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 prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of amenity and light pollution prevention.

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

Appendices:	
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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : SITE LOCATION PLAN P.24 received on 02.07.2010
Drawing : EXISTING BLOCK PLAN P.25 received on 02.07.2010
Drawing : PROPOSED BLOCK PLAN P.25A received on 02.07.2010
Drawing : PROP AERIAL RUNWAY/ZIP WIRE P.26 received on 02.07.2010
Drawing : PROP. BALANCE LOG SPRINGER P.28 received on 02.07.2010
Drawing : PROP. BIKE TRAIL P.30 received on 02.07.2010
Drawing : PROP. BOULES COURT P.33 received on 02.07.2010
Drawing : PROP. CLIMBING POST P.35 received on 02.07.2010
Drawing : PROP. MULTI USE GOAL END P.37 received on 02.07.2010
Drawing : PROP. GOAL END MATS P.38 received on 02.07.2010
Drawing : PROP.MULTI USE REBOUND WALL P.40 received on 02.07.2010
Drawing : PROP. NEST SWING BLOCK PLAN P.44 received on 02.07.2010
Drawing : PROP. NEST SWING ELEVATION P.45 received on 02.07.2010
Drawing : PROP. CAR PARK LAYOUT P.47 received on 02.07.2010
Drawing : PROP. CYCLE RAMP P.49 received on 02.07.2010
Drawing : PROP. CYCLE RAMP ELEVATION P.50 received on 02.07.2010
Drawing : PROP. PRIVACY/WIND SCREEN P. 51 received on 02.07.2010
Drawing : PROP. SHADE SAIL BLOCK PLAN P.55 received on 02.07.2010
Drawing : PROP. SHADE SAIL ELEVATION received on 02.07.2010
Drawing : EXISTING ENTRANCE PILLARS P.63 received on 02.07.2010
Drawing : ENTRANCE PILLARS DETAIL P.64 received on 02.07.2010
Drawing : PROPOSED FENCING P.66 received on 02.07.2010
Drawing : PROPOSED GATE P.67 received on 02.07.2010
Drawing : PROPOSED BIKE AREA FENCE P.68 received on 02.07.2010
Drawing : PROPOSED LOWER KERB P.69 received on 02.07.2010
Drawing : WEATHER SURFACE MATERIAL P.71 received on 02.07.2010

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	15.09.2010		
Application Number	W/10/02329/FUL		
Site Address	2 Pound Close Semington Wiltshire BA14 6JP		
Proposal	Demolition of existing single storey extension and erection of two storey side extension and creation of new vehicular access		
Applicant	Mr Martin Butler		
Town/Parish Council	Semington		
Electoral Division	Summerham And Seend	Unitary Member:	Jonathon Seed
Grid Ref	389642 160543		
Type of application	Full Plan		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 5297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Seed has requested that this item be determined by Committee due to:

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Car parking

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

Neighbourhood Responses

2 letters received objecting to the proposals
1 letter commenting on the proposals

Parish Council Response

No representations received at time report was prepared (see section 7 of the report)

2. Main Issues

The main issues to consider are:

- Impact on residential amenity
- Impact on street scene

3. Site Description

The application site contains a semi detached dwelling located on the corner of Pound Close and Pound Lane. The property is two stories in height with a single storey extension and outbuildings within the rear garden. The site contains a detached garage accessed off Pound Close. The boundaries of the site are formed by hedges approximately 1.5 metres tall.

4. Relevant Planning History

W/10/01227/OUT – Proposed two storey dwelling (outline) – Withdrawn 29.07.2010

W/10/01226/FUL – Demolition of existing single storey extension and erection of two-storey side extension and creation of new vehicular access – Refused 06.07.2010

5. Proposal

The application seeks permission for the erection of a two storey side extension. An existing single storey extension would be demolished as part of this application. This application is a resubmission of refused planning application W/10/01226/FUL. The roof line of the proposed extension would be set down and the extension would be set in by 0.7 metres from the front elevation.

The proposed extension would be 4 metres by 4.9 metres with a height of 6.8 metres to the ridge.

6. Planning Policy

West Wiltshire District Plan First Alteration 2004

C31A Design

C38 Nuisance

SPG Design Guidance House Alterations and Extensions

7. Consultations

Semington Parish council

No representations received to date of recommendation.

Highways

No objection subject to conditions.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 27 August 2010

Summary of points raised:

3 letters received of which 2 Letter of objection. Comments relate to:

- No change from previous application W/10/01226/FUL
- Extra parking for proposed dwelling shown on block plan
- New dwelling
- Plans inaccurate
- New vehicular access

9. Planning Considerations

9.1 History

The previous application was refused due to the size of the proposed extension and the lack of subservience harming the character of the area and the pair of semi detached dwellings.

The revised scheme has reduced the size of the proposal and has set back the proposed extension introducing a subservient extension to the pair of semi detached dwellings. This revised scheme due to the subservient form of the extension and the reduced size overcomes the previous reason for refusal and accords with the SPG.

9.2 Residential Amenity

The proposed development would not harm the amenities of the surrounding neighbours due to the position, scale and height not causing any overshadowing. Having regard to overlooking it is considered that the proposal would not cause any additional harm to the existing amenities of the surrounding neighbours due to the position of the property within the area and the additional first floor windows in the north elevation would serve a bathroom and the landing.

9.3 Street Scene

The proposal would project into a dominant corner within the area. The proposed development would not harm the character of the area due to the position and design of the proposal being sympathetic to the area. The proposed extension would be subservient to the host property and would not harm the character of the area or the pair of semi detached dwellings due to the subservient form of the proposed development which is considered to be acceptable.

9.4 Design

The proposal would be a sympathetic addition to the host property which would not harm the character of the dwelling or the pair of semi detached dwellings as they stand due to the proposed extension being set back from the frontage of the host building complying the with SPG and policy C31A. The proposal would be constructed from matching materials which are considered to be acceptable.

9.5 Other Matters

The letters of representation received refer to the plans indicating a proposed dwelling. The outline application for the dwelling was withdrawn and as such the plot for the dwelling will remain as a garage and garden as part of the curtilage of 2 Pound Close. Although shown on the block plan submitted as part of this application the red line does not incorporate the proposal within the application site and as such is not a consideration of this application. To define the terms of this application an informative has been attached to the recommendation stating that this permission relates only to the extension and not the proposed dwelling.

9.6 Conclusion

The proposal overcomes the previous reason for refusal and complies with policy and planning permission should be granted subject to conditions.

Recommendation: Permission

Subject to the following condition(s):

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

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

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

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

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

- 3 The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

- 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 development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

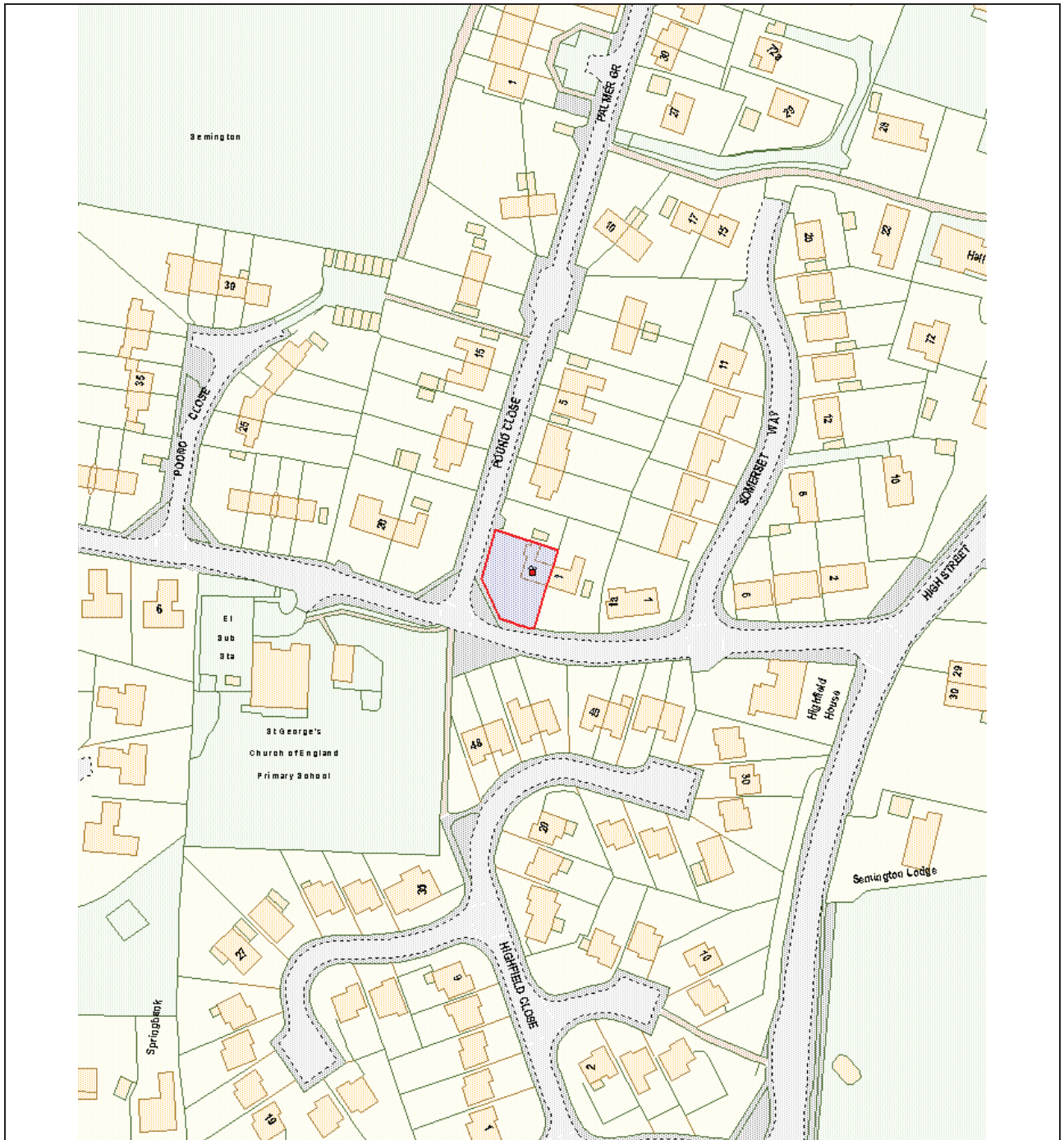
REASON: To ensure that the development can be adequately drained.

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

Informative(s):

- 1 To define the terms of this permission the proposed dwelling shown on the submitted block plan (drawing number 8470) does not form part of this permission and requires a full planning application to be submitted.

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MSA: 100022961

RELEVANT APPLICATION PLANS

- Drawing : SITE LOCATION PLAN received on 22.07.2010
- Drawing : 8470 received on 22.07.2010
- Drawing : 8471 SHT 1 'A' received on 22.07.2010
- Drawing : 8471 SHT 2 'A' received on 22.07.2010

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	15.09.2010		
Application Number	W/10/02009/FUL		
Site Address	Dorothy House Winsley Wiltshire BA15 2LE		
Proposal	Extension to car park to provide an additional 40 parking spaces		
Applicant	Dorothy House Hospice Care		
Town/Parish Council	Winsley		
Electoral Division	Winsley And Westwood	Unitary Member:	Linda Conley
Grid Ref	379810 160796		
Type of application	Full Plan		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 5297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Conley has requested that this item be determined by Committee due to:

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact
- * Car parking

1. Purpose of Report

To consider the above application and to recommend that planning permission should be granted subject to conditions.

Neighbourhood Responses
1 letter of support received

Parish Council Response
Application should be considered by elected planning committee as stated in section 7 of the report

2. Main Issues

The main issues to consider are:

- Impact on Green Belt
- Impact on Conservation Area
- Impact on Area of Outstanding Natural Beauty
- Landscaping
- Residential Amenity

3. Site Description

The application site is located within the grounds of a care home located within the Western Wiltshire Green Belt, Area of Outstanding Natural Beauty and Conservation Area. The care home is a large three storey building which has been extensively extended in recent years. The building is located off the main leading into the village of Winsley.

The application site is located within and around the existing car park located to the south west of the building. The area at present is mostly tarmac but the area around the car park is garden mostly laid to grass with footpaths.

4. Relevant Planning History

98/00953/FUL – Overspill car park and landscaping – Permission 12.08.1998

97/01363/FUL – Vehicular access erection of timber gates and implement shed – Permission 26.11.1997

88/01099/FUL – Filling existing quarry and formation of public car park – Permission 08.11.1988

5. Proposal

The application seeks permission to extend the existing car park by 40 spaces. The extension would be in to the lowest part of the car park and would involve the removal of the existing bund to provide additional spaces and an extension into the garden area of the site to provide the other additional spaces. The proposal comes with an extensive landscaping scheme to help screen the proposed extension from the building and the wider area involving bunding and tree planting.

6. Planning Policy

West Wiltshire District Plan First Alteration 2004

C2 Areas of Outstanding Natural Beauty

C17 Conservation Areas

C19 Alterations in Conservation Areas

C31A Design

C38 Nuisance

PPG2 Green Belts

PPS5 Planning for the Historic Environment

7. Consultations

Winsley Parish council

As this would require departure from important policies in a very sensitive protected area, and because of the conflict therefore between that and other public interest consequences, it seems proper that the application be considered and decided by the elected planning committee.

Highways

No highway objection.

Conservation Officer

No objections

8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 6 August 2010

Summary of points raised:

1 letter of support received.

9. Planning Considerations

9.1 Green Belt

Under the provisions of Planning Policy Guidance 2 Green Belts there is a general presumption against inappropriate forms of development within the green belt which, by definition, are harmful to its character and setting. Such inappropriate development should only be approved in very special circumstances.

The proposal is being sought because of the increase in visitors and staff to the site resulting from the extensions to main building. The existing car park capacity is insufficient and has resulted in parking on the main road and within the village of Winsley. According to the design and access statement submitted in support of this application the increase of 40 spaces would allow staff to park within the site and carry out their community function without harming the surrounding village. For this reason it is considered that there are special circumstances present to allow the additional parking spaces as the existing situation causes harm to the character and openness of the green belt.

Also the proposed development would not harm the openness or character of the green belt as an extensive landscaping scheme which would preserve the character of the area is included in the proposals. A condition has been attached to this recommendation to ensure that the landscaping scheme is implemented in accordance with the submitted details.

9.2 Area of Outstanding Natural Beauty (AONB)

The proposed development would not harm the special character of the AONB as to the position of the additional spaces are located next to the existing spaces and as the proposed landscaping which would mitigate the impact on the character of the AONB and is therefore considered to be acceptable.

9.3 Conservation Area

Similarly the proposal would preserve the character of the Conservation Area as the car park extension is next to the existing car park and would not result in any greater impact than the existing car parking as the proposal would be screened by the proposed landscaping scheme.

9.4 Highways

There are no highway objections to this proposal which removes cars from the roads surrounding the site to a car parking area within the site.

9.5 Residential Amenity

The proposed extension to the car park would not harm the amenities of the surrounding neighbours or the site due to its position and removing the existing traffic from the roads improving the residential amenity of the surrounding neighbours. For this reason the proposal is considered to be acceptable.

9.6 Conclusion

The proposal complies with policy and planning permission should be granted subject to conditions.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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

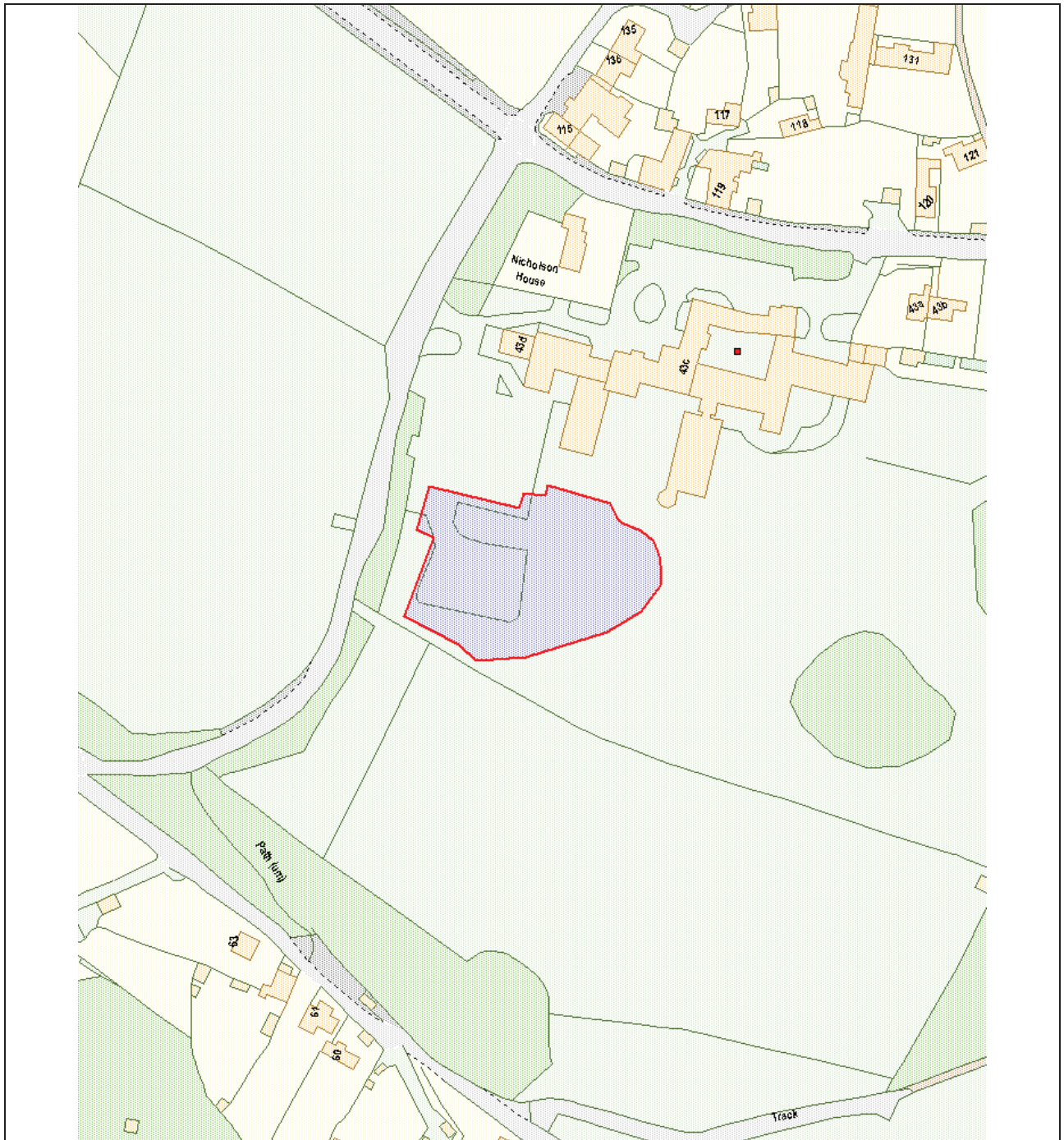
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development and in particular the landscaping scheme shall be carried out in accordance with the details shown on drawings 40082_P(90)002 Revision C and 40082_P(90)002, and shall be maintained as such thereafter.

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

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32

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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : SK03 received on 25.06.2010
Drawing : SK05 received on 25.06.2010
Drawing : SK04 received on 25.06.2010
Drawing : 40082_P(90)001 REV C received on 25.06.2010
Drawing : 40082_P(90)002 received on 25.06.2010

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	15.09.2010		
Application Number	W/10/02222/FUL		
Site Address	38 Delamere Road Trowbridge Wiltshire BA14 8ST		
Proposal	Change of use from dwelling to office and staff training facilities		
Applicant	Safe Care		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Adcroft	Unitary Member:	Tom James MBE
Grid Ref	385923 158585		
Type of application	Full Plan		
Case Officer	Mr Steve Vellance	01225 770344 Ext 5107 steven.vellance@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Tom James has requested that this item be determined by Committee to address the issues relating to car parking and the relationship of the proposed use of the site to the adjoining properties.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

Neighbourhood Responses

7 letters/emails received objecting to the proposals

1 letter enquiring about the proposal from the Local Member of Parliament

Town Council Response

Object to the application as set out in section 7 of the report

2. Main Issues

The main issues to consider are:

Neighbouring amenity.

Character of the property and immediate area.

Highway considerations.

Employment Policy.

3. Site Description

38 Delamere Road is a detached bungalow constructed from reconstituted stone with concrete interlocking roof tiles. The property is located within a residential area and is sited at the northern end of Delamere Road, which is directly approached via Islington.

4. Relevant Planning History

None.

5. Proposal

The proposal is for a change of use of the premises from that of a dwelling to office use and premises for staff training.

The property currently has three bedrooms, a kitchen, a living room and a conservatory to the rear.

Although no building works are proposed, the rooms would have their own specific uses and would include the following:

Bedrooms 1 and 2 would become training rooms.
Bedroom 3 would be used for storage.
The living room would be used as an office.
The conservatory would be used as a disabled consultation room.
The bathroom and kitchen would retain their respective uses.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004
C31a Design
C38 Nuisance
E4 Employment

7. Consultations

Trowbridge Town Council

Object to the application, stating that this is inappropriate development in a residential area.

Highways

No objections and make the following points:

- The available on site parking is sufficient to meet the guidelines for a building of this size.
- Satisfied that the scale of the proposed operation is sufficiently small, so as to be acceptable.
- The implementation of the proposal would not significantly increase vehicular movements from its existing use.

Environmental Health - Protection

No objections

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 13 August 2010.

Summary of points raised:

A fifty signature petition objecting to the proposed change of use has been received.

Six letters and emails of objection were also received, with one member of the public writing in twice, raising the following points:

- The site is for residential use only and is not suitable for the intended change of use.
- The deeds of the properties in Delamere Road do not allow for a business use.
- If planning permission were to be given, it would set a precedent for other properties to do the same.
- Government guidance states that there is a nationwide shortage of housing, therefore it would be contrary to policy to lose a dwelling, which would be the case if the change of use were to be allowed.
- The property is undergoing internal works, such as the installation of new double glazed windows, new central heating boiler and outside security lighting. Mail is being delivered addressed to "Safe Care". It is seen that the applicant is expecting an approval.
- The property would be vacant at night which would create a security risk.
- The intended use of the property would create noise and affect neighbouring amenity.
- The site is 100metres away from where social housing is intended to be built and it is anticipated that vehicles from this housing would use Delamere Road to park on.
- Highway safety reasons relating to motorists using Delamere Road as a short cut and as a "Rat Run" whereby wheelchair users would find it difficult to cross the highway.
- People use Delamere Road to park their vehicles, often on both sides of the road, including double yellow lines, this causes highway and delivery problems.
- There is inadequate parking provision for the intended number of people using the property, as shown by the application form.
- The proposed plans show facilities for a disabled consultation room, but no provision is shown for disabled parking.
- The previous owner of number 38 used to have carers visit her, who would park on the highway.
- If this application were to be approved, this use of the property would greatly add to an excessive increase in vehicular traffic in Delamere Road.
- It is only a matter of time before the whole of Delamere Road has double yellow lines.

A letter of enquiry about the intended change of use has been received from the Local Member of Parliament.

9. Planning Considerations

The prime issues with this application can be categorized as follows:

9.1 Neighbouring amenity.

Any noise and activity levels which may be generated by the intended use are unlikely to cause detriment to the amenity of the neighbouring residents, as number 38 is a detached building set in its own grounds and separated from its immediate neighbours by distances of 2.4 metres and 5.5 metres on each side of the property respectively. Likewise, having considered potential nuisance issues, the Environmental Health section of the Council has raised no objections.

9.2 Character of the property and the immediate area.

There are no plans to either extend or alter the external appearance of the property, as the proposal relates solely to the use of the building. This being the case, the proposed use would have no impact on the character of the building or the immediate area.

9.3 Highway Considerations.

A significant proportion of neighbours objections focussed on concern over highway related issues, as detailed within part 8 of this report. The Highways Officer raised no objections and is satisfied that the principle of the proposal is acceptable.

The views of the Highway Officer are supported because the property has a wide driveway with available parking for several vehicles and Delamere Road is wide enough to accommodate parked vehicles, where there are limited restrictions. Furthermore, on road parking appears to be freely available in day time hours and is only at a premium in the evening when the offices will be shut.

9.4 Employment Policy.

A material consideration of this application is the fact that provision is made within the West Wiltshire Development Plan Framework for possible employment sites, which are located outside of employment policy areas.

The relevant policy is employment policy E4 which states that a change of use of a previously developed urban site will be acceptable provided that the following criteria are satisfied:

A The proposed development does not harm the amenities enjoyed by occupiers of adjoining properties;

B The proposed development does not harm the character, appearance or environment of the site and its surrounds;

C The development is readily accessible by foot, bicycle and public transport;

D The development makes adequate provision for car parking and access.

Paragraph 9.1 of this report relates to the issue of amenity, whereby for the reasons discussed it is considered there would be no harmful impact on amenity. The proposed use would not alter the exterior of the building or its surroundings and the site is easily accessible by foot, bicycle and public transport, as it is located relatively close to the town centre. With regard to the final criteria, number 38 makes adequate provision for car parking and access and the Highways Officer has raised no objections.

The proposed use is therefore compliant with Policy E4.

9.5 Other Matters

The consultation process has raised other issues, such as those relating to the private deeds of covenants of properties within Delamere Road. It is understood from residents that there is a covenant restricting business use of the residential dwellings, however such matters are private civil issues and consequently are not valid planning considerations and cannot be taken into account. The concern of setting a precedent for business use is unfounded as each and every planning application is judged on its own individual planning merits.

With regard to the argument that the change of use would be contributing to the housing shortage by the loss of one dwelling, there are no provisions in place for the Local Planning Authority to regulate such matters and conversely policy E4 makes provision for the proposed change of use. It is understood from residents that the applicant is carrying out certain internal works to the property, including the replacement of the existing conservatory and windows, prior to the granting of planning permission. Details of the replacement conservatory have been supplied, which together with the other minor works can be carried out to the property under its permitted development rights as a dwelling.

As a point of information and in response to the various comments raised through the consultation process, the applicant has responded by making the following points:

- Safe Care carers provide a service to people in their own homes, where the initial assessment is carried out and service users would not visit 38 Delamere Road.
- The main use of the property would be that as an office with the applicant spending 75% of her time there for that use.
- All visiting staff will be instructed to park on the premises and not the highway.
- There is an error on the application form in that the parking of vehicles would be for four cars, which may need to be increased to six.
- The premises are not being used for business purposes.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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

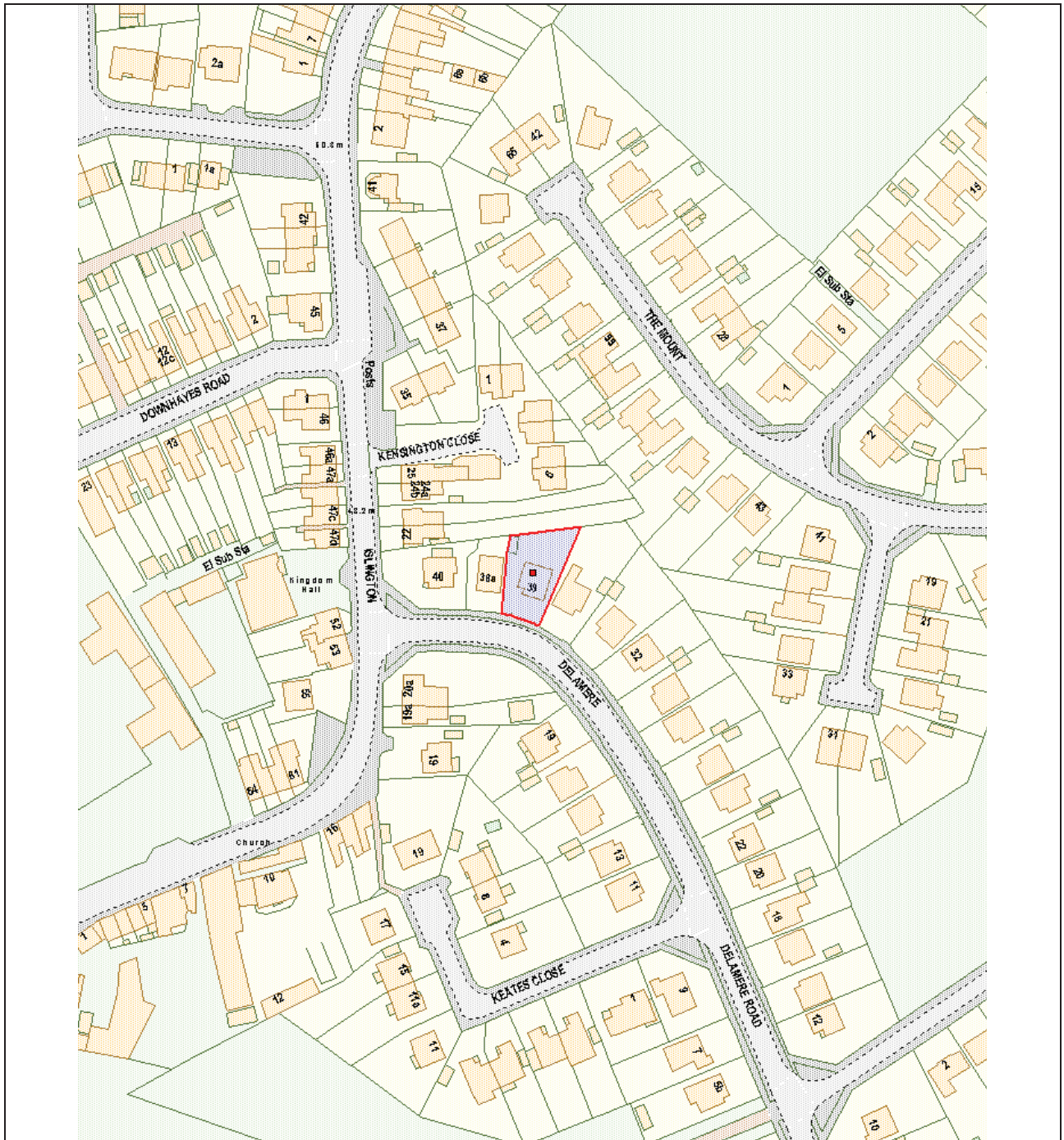
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The site shall be used for A1 office use and D1 staff training and for no other purpose (including any other purposes in Classes A1 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

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

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MSA: 100022961

RELEVANT APPLICATION PLANS

- Drawing : SITE LOCATION PLAN received on 15.07.2010
- Drawing : EXISTING FLOOR PLAN received on 16.07.2010
- Drawing : PROPOSED FLOOR PLAN received on 16.07.2010