

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 12 October 2016
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email <mailto:jessica.croman@wiltshire.gov.uk>

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

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Membership:

Cllr Christopher Newbury (Chairman)	Cllr Magnus Macdonald
Cllr John Knight (Vice Chairman)	Cllr Pip Ridout
Cllr Trevor Carbin	Cllr Jonathon Seed
Cllr Ernie Clark	Cllr Roy While
Cllr Andrew Davis	Cllr Graham Payne
Cllr Dennis Drewett	

Substitutes:

Cllr Nick Blakemore	Cllr Keith Humphries
Cllr Rosemary Brown	Cllr Gordon King
Cllr Terry Chivers	Cllr Stephen Oldrieve
Cllr Fleur de Rhé-Philippe	Cllr Jerry Wickham
Cllr Russell Hawker	Cllr Philip Whitehead

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 28 September 2016.

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Declarations of Interest**

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

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register by phone, email or in person no later than 2.50pm on the day of the meeting.

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

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **(4 clear working days, e.g. Wednesday of week before a Wednesday meeting)** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **(2 clear working days, eg Friday of week before a Wednesday meeting)**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Applications**

To consider and determine the following planning applications.

6a **15/03120/FUL - Rosefield House, Polebarn Road, Trowbridge**
(Pages 25 - 38)

6b **16/05078/FUL - 16 St Thomas Passage, Trowbridge** (Pages 39 - 52)

7 **Planning Appeals and Updates** (Pages 53 - 54)

To receive details of completed and pending appeals and other updates as appropriate.

8 **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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 SEPTEMBER 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Pip Ridout, Cllr Roy While, Cllr Fleur de Rhé-Philippe (Substitute) and Cllr Gordon King (Substitute)

Also Present:

Cllr David Jenkins

75 Apologies for Absence

Apologies for absence were received from Councillors Graham Payne, Jonathon Seed and Magnus Macdonald.

Councillor Payne was substituted by Councillor Fleur de Rhe-Philippe.

Councillor Macdonald was substituted by Councillor Gordon King.

76 Minutes of the Previous Meeting

The minutes of the meeting held on 18 May 2016 and 10 August 2016 were presented for consideration.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 18 May 2016;

That subject to amending minute 71 to state ‘a site visit attended by Committee members’ in place of ‘a site visited attended by all Committee members’ to approve as a correct record and sign the minutes of the meeting held on 10 August 2016

77 Chairman's Announcements

There were no Chairman's Announcements.

78 **Declarations of Interest**

In respect of Application 16/01633/OUT, Councillor Ernie Clark stated he drew attention to his register of interest.

79 **Public Participation and Councillors' Questions**

The rules of public participation were noted.

80 **Planning Applications**

The Committee considered the following applications:

81 **15/11604/OUT - Westbury and District Hospital, The Butts, Westbury BA13 3EL**

Prior to the meeting convening, elected members undertook an officer-led site visit following the deferment of the application at the meeting on 10 August 2016.

The case officer, Eileen Medlin (a senior planning officer), supported by Mark Wiltshire, (a Highways Development Control Officer for major projects), presented the report which recommended the application for 58 homes on the former district hospital site be delegated to the Head of Development Management for approval subject to conditions and the prior completion of a section 106 legal agreement as detailed in the agenda papers.

The key planning issues were identified as the principle of the development, highway safety, drainage and the impact upon residential amenity. The former use of the site as a district hospital and the consequential traffic generation levels impacting on the surrounding road network and residential amenity were highlighted as well as the fact that part of the site is a saved housing allocation site for 25 residential units under saved policy H13A.

Members of the Committee then had the opportunity to ask technical questions of the officers. Details were sought on traffic levels in the area and how these would be affected. Following a question raised by Councillor Trevor Carbin, Members also wanted to know whether the vacant building credit and the consequential lower affordable housing on-site provision was something that could be re-negotiated.

Public Participation

Erica Watson spoke in objection to the application.

Roy Holloway spoke in objection to the application.

Liz Workman spoke in objection to the application.

Mark Adams, applicant, spoke in support of the application.

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

Cllr Ian Cunningham, Westbury Town Council, spoke in objection to the application.

Members of the public, the applicant and agent and representative of the Town Council then had the opportunity to address the Committee as detailed above.

Councillor Gordon King, the local unitary member, then spoke in objection to the application, drawing attention to comments made on 10 August, and highlighting the current vacant nature of the hospital and that compared to the established circumstances, there would be a consequential and material increase in traffic. Safety concerns along certain access roads were also duly highlighted.

Video footage supplied by a local resident, in the form of a cd was presented to officers to review and Mark Wiltshire provided Members with an appraisal of the highway flows, traffic bunching as well as noting the interaction of pedestrians and traffic. The highway officer also reflected upon his own knowledge and experience of the local road network and localised traffic flows to assist members in reaching a decision on understanding the highway impacts.

As the debate began, Councillor King moved a motion to refuse the application, which was seconded by Councillor Trevor Carbin.

Members discussed the application and the proposed motion, noting that any increase in traffic arising from the application would be less than the existing fall-back position of a district hospital. Members were also reminded that part of the site remains an allocated housing site for 25 units.

Upon going to the vote, the motion to refuse permission was lost.

Councillor Pip Ridout, seconded by Councillor Andrew Davis, moved to approve the application in line with the officer's recommendation, with the inclusion of an additional planning condition imposing a restriction on the development to bring about alterations to the waiting/parking restrictions along Orchard Road.

Resolved:

To delegate authority to the Head of Development Management to grant outline planning permission subject to the planning conditions and informatives listed below and after the completion of a s106 legal agreement within 6 months (taken from the date of the committee resolution), to cover the developer obligations as summarised within section 9.14 of the officer report.

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

Site Location Plan Dwg. No 1134.S.001 received 26th November 2015
Demolition Plan Dwg. No 1134.S.002 received 26th November 2015
Access Design Dwg. No SK001 received 26th November 2015
Parameters Plan Dwg. No 1134.P.002 received 19th July 2016

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

5. No development shall commence on site until a scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area, including further ground investigations to determine ground water levels has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until the scheme for the collection and disposal of storm water flows (cut-off ditches and ponds) from off the site from reaching the developed area has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately protected from flooding from offsite flows currently passing into the site

6. No development shall commence on site until a scheme for the discharge of surface water within the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 together with extended ground water monitoring and deeper ground investigations, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained within the national and council's policies without the need for offsite discharges

7. No development shall commence on site until a scheme for the maintenance and full responsibilities of the drainage systems as required by conditions 5 and 6, including details of a management company, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the proposed drainage systems are properly maintained to allow the systems to continue to provide the required protection against flooding for the life time of the development and to comply with new land/property searches.

8. No development shall commence on site until a scheme that includes the following components to deal with the risks associated with potential contamination on the site have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which identifies:

a) Potential contaminants associated with those uses

b) A conceptual model of the site indicating sources, pathways and receptors

c) Potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on point 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in point

2 above; and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy as required by point 3 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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.

1. No development shall commence on site (including any demolition works), until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species, hedgerows and trees, including full details of interim bat mitigation during the demolition and construction phases. Development shall be carried out in full accordance with the approved plan.

REASON: To ensure adequate protection and mitigation for protected species and priority habitats.

10. No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information requirements:

- a) Full details of bat mitigation (replacement roosts for Common pipistrelle and Brown long-eared bats) and reptile mitigation measures;
- b) Full details of bat boxes/bricks, bird boxes, artificial reptile refugia and garden boundary fencing (including the garden boundary treatment of Plot 53);
- c) Full specification of habitats to be restored and created, including locally native species of local provenance and locally characteristic species – including hedgerows, pond and dry ditch, species-rich grassland swales – and a planting specification for the 3 metre wildlife corridor for badgers;
- d) Full details of the design of natural play areas for children;
- e) Description and evaluation of features to be managed; including location(s) shown on a site map, and identification of maintenance/monitoring access points into the 3m wildlife corridor;
- f) Aims and objectives of management;
- g) Appropriate management options for achieving aims and objectives;
- h) Prescriptions for management actions;
- i) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 – 10 year period);

j) Details of the body or organisation responsible for implementation of the plan;

k) Ongoing monitoring and remedial measures, including monitoring of the 3m wildlife corridor to avoid encroachment of back garden boundaries;

l) Timeframe for reviewing the plan; and

m) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To provide full details of bat, reptile, badger and breeding bird mitigation and enhancement, hedgerow enhancement, pond and dry ditch restoration/creation, native tree and shrub planting specification using species of British origin and local provenance, creation of species-rich grassland, provision of bird boxes, ongoing management of all retained and created habitats, and POS, to enhance biodiversity value and ensure the long-term management of these habitats and features in perpetuity.

11. No development shall commence on site until a lighting design strategy for biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and badgers, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging and commuting;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including a Lux plot) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To minimise light spillage into retained hedgerows and trees as part of the mitigation requirements for roosting bats (to maintain dark corridors for bats commuting to and from roosts).

12. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

13. No development shall commence on site (including any demolition works), until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority; which shall include the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) wheel washing facilities;**
- e) measures to control the emission of dust and dirt during construction;**
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- g) measures for the protection of the natural environment.**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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

14. No development shall commence on site until a dust suppression scheme is submitted to and approved in writing by the Local Planning Authority. The suppression scheme should be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

15. 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.

No part of the development shall be 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 serving that part of the development 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.

16. No development shall commence on site until a waste audit regarding the construction of the site (part a-g) of Policy WCS6 of the Waste Core Strategy) has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be prior to granting planning permission

17. No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. No dwellinghouse shall be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

18. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

19. No development shall commence on site until 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 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.

Note: The archaeological investigation and reporting shall be undertaken by a professional archaeological contractor in accordance with NPPF paragraph 121 and Annex 2 requirements.

20. No development shall commence on site until details of improvements to Hospital Road and Leigh Road junctions with the A350 have been submitted to and improved in writing by the local planning authority. The approved works shall be completed prior to first occupation of the dwelling.

REASON: In the interest of highway safety

21. Prior to first occupation of the dwellings, the roads, including footpaths and turning spaces, shall be constructed so as to ensure that each dwelling has been provided with a properly consolidated and surfaced

footpath and carriageway to at least binder course level between the dwelling and existing highway.

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

22. No dwellinghouse shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with Council policy and parking standards.

REASON: In the interests of highway safety and the amenity of future occupants.

23. No dwellinghouse shall be occupied until the first five metres of individual plot accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

24. No dwellinghouse shall be occupied until a public art scheme for the site and a timetable for its subsequent installation have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proposal complies with the relevant public art policies.

25. No demolition or construction works on the site shall take place outside the following hours: 08:00 to 18:00 Mondays to Fridays; and 08:30 to 13:00 on Saturdays; and at any time on Sundays or Bank Holidays.

REASON: In the interest of protecting the amenity of nearby residential properties.

26. No burning of waste materials shall be permitted on the site at any time.

REASON: In the interest of protecting the amenity of nearby residential properties

27. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. Within 6 months of any dwelling being occupied evidence shall be

submitted to and approved in writing by the local planning authority certifying that the stated level or its equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out within Wiltshire Core Strategy CP41 are achieved.

28. The development shall be carried out in accordance with the recommendations made in Section 6 of the 'Protected Species Report' dated 16 June 2016 prepared by Engain (Environmental Gain Ltd.), submitted with the planning application and as modified by a Natural England European protected species licence.

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

29. The development hereby approved shall be carried out in accordance with the 'Badger Mitigation Strategy' dated 9 March 2016 prepared by Engain (Environmental Gain Ltd.), as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England licence to interfere with a badger sett for the purposes of development.

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

30. All replacement bat roost features and bat access points shall be constructed in accordance with the Landscape and Ecology Management Plan (LEMP) as required by Condition 10, as modified by a relevant European Protected Species Licence, prior to first occupation of the development. Thereafter, all replacement bat roost features and bat access points shall be maintained in accordance with the LEMP for the lifetime of the development.

REASON: To compensate for the loss of bat roosts and to safeguard European protected species.

In addition to the above list of conditions, officers are in the process of discussing the wording of a planning condition (to be numbered 31) with the highways team and the applicant's agent to ensure the condition satisfies the appropriate tests. The exact wording of the condition will be confirmed in due course.

PLANNING INFORMATIVES:

INFORMATIVE 1: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 (and to be dated).

INFORMATIVE 2: The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

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

INFORMATIVE 3: Safeguards should be implemented 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
- wheel-washing facilities
- 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.

INFORMATIVE 4: With regards refuse collection, the council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption

INFORMATIVE 5: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition relating to water efficiency will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 110 litres per person per day.

INFORMATIVE 6: The developer/applicant is advised to:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that is required in order to assess

risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Refer to the [contaminated land](#) pages on GOV.UK for more information.

INFORMATIVE 7: Common pipistrelle and Brown long-eared bats have been found roosting in the main hospital building and a licence from Natural England is required before its demolition. Please note that this consent does not override the statutory protection afforded to any such species. All British bat species are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not.

INFORMATIVE 8: The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the applicant and/or contractors liable to prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

INFORMATIVE 9: The applicant is reminded that all reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and that it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built under Section 1 of this Act. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. Suitable vegetation is present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

82 15/03120/FUL - Rosefield House, Polebarn Road, Trowbridge, BA14 7EQ

The case officer, Matthew Perks (a senior planning officer), presented the report which recommended that permission be granted for the proposed change of

use of an existing stable block to form 2 residential units and the erection of a two-storey extension to form one additional residential unit.

The key planning issues identified in the officer's presentation were outlined and comprised: the principle of the proposed development, the means of access, impacts on neighbours and the impact upon the character of the conservation area.

Members of the Committee then had the opportunity to ask technical questions of the officer. Following a question from Councillor Ernie Clark about the window arrangement and proposed obscure glazing to be fitted, the officer provided further details on the proposed fenestration and the proximity to neighbouring properties. Members were further advised that the obscure glazing had been agreed with the applicant.

Public Participation

Pat Hayes spoke in objection to the application.

Alan Hayes spoke in objection to the application.

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

The local unitary Member, Councillor Dennis Drewett, then spoke regarding the application, highlighting the tight access to the existing property.

A debate followed, where the scale of the proposed extension was noted and that due consideration should be given to existing privacy and potential loss of light. A motion was then moved by Councillor Ernie Clark, seconded by Councillor Drewett, that the item be deferred so that a site visit could take place.

Separately, the committee passed an instruction to the officer to make contact with the applicant's agent to ascertain whether there would be a willingness to delete the side extension and third residential unit from the application.

Resolved:

To defer the application in order to arrange a site visit.

It was noted that the motion to defer was unanimous.

82a 16/01633/OUT - Land at The Grange, Devizes Road, Hilperton, Wiltshire, BA14 7QY

The case officer, Jemma Foster (a senior planning officer), presented the report which recommended that outline permission be granted for the erection of up to 26 dwellings. The key planning issues identified in the officer's presentation were outlined and comprised: the principle of the application, the means of access and the impact upon neighbouring amenity. Members were reminded that the application before them was in outline with all matters reserved other than the location of the access.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought regarding the location of the access and traffic calming measures in the area.

Public Participation

Tina Jones spoke in objection to the application.
Aubrey Austin spoke in objection to the application.
Lucie Castleman spoke in objection to the application.
Christopher Dance, agent, spoke in support of the application.

Members of the public and the applicant's agent then had the opportunity to present their views to the Committee as detailed above.

The local unitary member, Councillor Ernie Clark, then outlined the reasons why he could not support the application. He criticised the continued lack of a five-year land supply leading to the recommendation for approval of inappropriate housing applications. Councillor Clark argued that the development proposal was contrary to Core Policy 29 as no additional secondary school provision was being proposed for the town; and that there was a clear conflict in allowing greenfield sites for residential development in addition to the allocated strategic site until further secondary school provision is provided. In addition, the education officer's consultation response was picked up on and criticised for failing to adhere to the aforesaid adopted policy.

Councillor Clark moved a motion of refusal, which was seconded by Councillor Dennis Drewett.

Members debated the proposed motion, and reflected upon the proposed reasons for refusal and noted the consultation response from the Council's education officer in terms of not requesting s106 developer contributions for education in this particular case (but instead seek to obtain CIL receipts at a future date). Members also considered the appeal decision pursuant to the adjacent site.

Following a vote, the motion to refuse was lost.

A motion was then moved by Councillor Andrew Davis, seconded by Councillor John Knight, to defer the application and to instruct the spatial planning team to provide a clear direction in terms of the compliance of the application proposals with Core Policy 29.

83 **16/06505/OUT - Land South Of Bury House, Green Lane, Codford, BA12 ONY**

The case officer, Jemma Foster presented the report which recommended approval be granted for an outline application for the erection of one detached dwelling on land outside of the existing village settlement limits. The key

planning issues identified in the officer's presentation were outlined and comprised: the principle of the application and impact on the character and appearance of the area and duly referenced the fact that the site was sited within an area of outstanding natural beauty (AONB).

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to queries it was confirmed that the site lay outside the limits of development and officers advised that due consideration should be given to the respective exemptions set out in the NPPF in the context of paragraph 14, whereby the presumption in favour of sustainable development does not automatically apply to protected sites such as the AONB. The Council's current housing land supply shortfall was still a material consideration and due regard should be given to the benefit(s) associated to delivering one additional dwelling. Members were also advised that officers had reflected upon the AONB Management Plan and that it was a material consideration in the determination of the application.

Public Participation

Richard Cosker, agent, spoke in support of the application.

Simon Martyr, applicant, spoke in support of the application.

Cllr Tom Thornton, Codford Parish Council, spoke in objection to the application.

The applicant and his agent followed by the representative from Codford Parish Council then had the opportunity to present their views to the Committee, as detailed above.

Councillor Christopher Newbury, the local unitary member, then spoke regarding the application, noting the concerns of the Parish Council and detailing the ongoing process to review the limits of development, but that at present the site lay beyond it.

A debate followed, and a motion to approve in accordance with the officer's recommendation was moved by Councillor Fleur de Rhe-Phillipe, seconded by Councillor Roy While.

The proposed motion was debated, and due consideration was given to site's position on the edge of the village, the number and proximity of houses near to the site and the extent of the impacts the development may have on the protected countryside followed.

Following a vote the motion to approve the application was lost.

A motion to refuse the application was then moved by Councillor Christopher Newbury, seconded by Councillor Trevor Carbin.

The proposed motion was debated and due consideration was given to the Parish Council who have undertaken a recent housing needs survey which did not indicate that a house such as that proposed was required in the village.

Further discussion was also undertaken regarding the visual intrusion the proposed dwelling would have on the wider AONB.

Following discussion, it was,

Resolved:

To refuse the application for the following reasons:

The site is located in the open countryside and there is no special agricultural, forestry or other overriding justification to allow such a residential development. Whilst the benefit(s) of delivering one additional dwelling at a time when the Council cannot demonstrate a 5-year housing land supply was recognised and taken into account, great weight was given to the site's AONB designation and protected status and due regard was given to the exemptions as set out within the Framework in the context of paragraph 14. In weighing up the planning balance, the Council found the proposal would result in an unacceptable encroachment into the open countryside that would have an adverse impact upon the Area of Outstanding Natural Beauty and as such, would conflict with adopted Core Strategy Policy CP51 as well as Core Policy 2 and the guidance contained in the NPPF.

84 **Planning Appeals Update Report**

In referencing the reported appeals update, Mr Francis Morland directed criticism towards the lack of detail pursuant to appealed application 14/09262/OUT which had been refused by the Strategic Planning Committee. Mr Morland expressed further criticism about the decision which was made not to proceed with a defence of the appeal, over-riding the decision of the strategic committee and furthermore, such a decision highlighted an apparent inconsistency in terms of the Council proceeding with the defence of a separate appeal around the same time pursuant to appealed application 14/11919/OUT.

Resolved:

To note the Planning Appeals Update Report and to refer the questions raised to the appropriate officers for a detailed explanation and clarification.

85 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.30 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718262504, e-mail <mailto:jessica.croman@wiltshire.gov.uk>

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

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	12 October 2016
Application Number	15/03120/FUL
Site Address	Rosefield House, Polebarn Road, Trowbridge, BA14 7EQ
Proposal	Proposed change of use of existing Stable Block at the rear of Rosefield House to form 2 residential units and proposed erection of two-storey side extension to form one additional residential unit
Applicant	Mr Nicholas Ross
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE PARK – Cllr Dennis Drewett
Grid Ref	385990 157929
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Councillor Drewett has requested that the application be considered by the Planning Committee for the following reasons:

- Visual impact upon the surrounding area;
- Relationship to adjoining properties; and
- Car parking

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that planning permission be granted. This application was deferred by the Committee at the 28 September meeting to allow for a site visit by elected member's to take place prior to further deliberations. The committee also passed an instruction to the case officer to establish whether the applicant would be willing to make a material amendment to the scheme removing the proposed two storey side extension that would create the third residential unit. However, given the tight deadlines involved with finalising the 12 October committee agenda, Members will be advised in due course by officers following further negotiations to be held with the applicant and agent.

2. Report Summary

The main issues to consider are:

- The principle of the proposed development;
- The potential impacts upon the character and appearance of the building and the

- Conservation Area;
- Impact upon neighbouring amenity
- Access and highways
- Loss of employment floorspace

The Town Council has no objection to the proposal.

3. Site Description

The application relates to the old stable block to the rear (north east) of Rosefield House, Polebarn Road in Trowbridge. It is understood that the building was previously occupied by the Ice Cream factory (Riddiford's Ices/Riddy's) which closed in the 1980's. The building is Grade II listed, and its original function, as indicated by the listing description, was as the stable block serving Rosefield House.

Access is off of Polebarn road onto a large courtyard/access area that serves a number of properties including those within Polebarn House and Rosefield Cottage. The building fronts onto this courtyard/access area.

4. Planning History

The Council's planning records do not reflect any relevant planning history affecting this particular building, including in relation to any employment use. However, it is clear that the ice-cream factory use has been abandoned for a number of years with the last known use therefore being under Use Class B1.

Further, on the wider surrounding site that includes Polebarn House and outbuildings, permission was granted under reference 15/12319/FUL for a similar change of use of a vacant, Grade II listed building from ancillary storage space and B1 use to create 2 new dwellings. (February 4, 2016: Approved with Conditions).

In another nearby application the Grade II Listed wall along Polebarn Road and the boundary wall between the Police Station and Rosefield House was rebuilt and repaired under application 15/01869/LBC (April 9, 2015: Approved with Conditions). This wall forms the road boundary of the wider site area.

5. The Proposal

The application is for the change of use of the existing stable block to form two residential units and the erection of two-storey side extension to form one additional residential unit. The proposals include the provision of 6 car parking spaces.

6. Planning Policy

National Planning Policy Framework

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a wide choice of quality homes

Section 7 – Requiring good design

Section 12 - Conserving and enhancing the historic environment

Wiltshire Core Strategy - Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 29 – Trowbridge Community Area Strategy; Core Policy 35 - Existing Employment Land; Core Policy 41 - Sustainable Construction and Low Carbon Energy; Core Policy 45 - Meeting Wiltshire’s housing needs; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 58 - Ensuring the Conservation of the Historic Environment; Core Policy 57 – Ensuring High Quality Design and Place Shaping; Core Policy 60 – Sustainable Transport

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3)

Wiltshire’s Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Planning Practice Guidance (PPG)

Further, Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

7. Summary of consultation responses

Trowbridge Town Council: No objection.

Wiltshire Highways: initially objected to a proposed new entrance, requesting details in respect of visibility splays. Revised plans were provided and the objection was withdrawn, subject to conditions.

Wiltshire Council Conservation - Objected to the initial proposals, raising concerns about the detail provided in the heritage statement and details in respect of roofing and new joinery. The agent submitted an amended heritage statement and provided additional details and plans. The officer now supports the application based on the revisions. Heritage aspects and the details of the Officer’s comments are discussed further in the “Assessment” section below.

Wessex Water - No objection, noting only that new connections will be required.

Heritage England - noted the issues identified by the Conservation Officer and recommended that they be addressed, but advised no further consultation was needed

8. Publicity

One neighbour responded to advertising, raising the following objections:

- 1) The proposed side extension is only 3.8 metres from the kitchen window to Rosefield Cottage and the effect of a two-storey building will be to seriously restrict daylight into the kitchen area;
- 2) The positioning of the proposed front door and windows opposite the window would affect privacy;

- 3) Possibility that tenants of that proposed extension would create noise disturbance and smells if waste disposal bins are located adjacent to the front door. Smoking outside the front door would also not be acceptable;
- 4) Unless there is a restriction in a tenancy agreement regarding parking and access, there could be interference with access to the garage to Rosefield Cottage Possible interference of the new extension with access roadway;
- 5) Sometimes when work is being done on the objector's dwelling Rosefield Cottage there are tradesmen's vehicles parked on the driveway in front of the garage/access roadway. This also applies to the front of the objector's building which faces onto Rosefield Court;
- 6) Care must be taken when the existing shed is removed to prevent asbestos contamination of Rosefield Cottage with asbestos fibres; and

There are no comments on the modification to the stable block itself, apart from those made previously regarding noise, rubbish disposal, smoking and parking.

In a subsequent submission prior to the Committee meeting of 28 September the objector wrote in and re-stated the view that the kitchen was a habitable room in too close a proximity to the proposed development and that the new door, if open, would allow views directly into the kitchen window. The right to light also applies where the new building would overshadow. The issue of the impact of the new building on the access was also re-stated, and the separation distance in the planning report was queried. (Officers note: By way of explanation, the 9,7m specifically related to the separation distance that would apply between the new building and the objector's garage, i.e. the manoeuvring/parking space that would remain.)

9. Planning Considerations

9.1 Principle of development.

The change of use of these vacant B1 premises to residential use poses no in-principle objection subject to the loss of employment floorspace being justified; the heritage elements of the proposals being satisfactory and no other detail planning issues arising. This is because the application site is located within Trowbridge development limits in an accessible location where the principle of further housing development is acceptable.

A further material consideration is the Trowbridge Masterplan that sets out a desire to see residential planning uses within this location as it is considered to be a more suitable activity in this "quiet cul-de-sac" position that it considers Polebarn Road to be.

9.2 Potential impacts upon the character and appearance of the building and the Conservation Area.

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the "desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (S16 and 66). Paragraph 128 of NPPF further requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate

to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 129 of the NPPF requires that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 132 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... Significance can be harmed or lost through alteration or destruction of the heritage asset.... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of listed buildings.

A parallel Listed Building Consent application (15/03181/LBC) was submitted alongside the application. Due to the setting of the adjacent Grade II* Historic England was also consulted. HE noted the issues identified by the Conservation Officer and recommended that they be addressed, but advised no further consultation was needed. Although the LBC application would deal with the detailed heritage aspects of the design, the impact on the building and the Conservation Area and adjacent Grade II Listed "Rosefield Cottage" settings are also relevant to this full planning application.

The building is a Grade II listed 18th century red brick stable block with a stone tile roof. The first floor has ashlar stone surround square windows flanking an ashlar detailed oculus central window. The ground floor has two cart-style openings. In initial comments the Conservation Officer requested additional information in the heritage statement to provide an assessment of the significance of the listed building under paragraph 128 of the NPPF.

The Officer noted that the stone slates are quite possibly the original roof covering but are in any case an historic roof covering that contributes strongly to the historic character of the listed building. Following the submission of revised plans that removed the initially proposed concrete tile replacements and indicated the retention and continuation of the stone roof; the retention of the windows to be supplemented with secondary glazing; and the confirmation that an inner wall was modern so its removal would not affect the special interest of the building, the officer removed initial objections. He however further noted that the fenestration details, in particular the detail of how to treat the former cart openings would need to be dealt with by way of condition within any Listed Building Consent approval.

In terms of Conservation Area impacts, the building is not visible to the street frontage, being set back within a complex of buildings on the site. The materials and design would nevertheless retain the historic appearance of the building, and the removal of an extremely dilapidated shed structure would constitute an enhancement. The building is seen within the private internal access/courtyard areas on site but, again, in heritage terms the refurbished building would enhance the setting.

The listed building consent application has been held in abeyance pending the decision on this full application, in the event that the decision may affect details/conditions applicable to the LBC decision.

Subject to conditions therefore it is considered that the proposal accords with local and national policy as it relates to heritage assets.

9.3 Loss of employment floorspace.

Core Policy 35 to the WCS is permissive of development replacing employment floor space in principle, subject to detailed criteria. The policy state that within the principal settlements proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must be assessed against the following criteria:

“i. The proposed development will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use”

Information detailing how many jobs would have been reliant on either the application site or the wider employment activity is clearly not possible to fully establish, given the length of time the use has not been carried on. However the proposal is to completely remove the employment use at the application site and thus future employment from the scheme would be zero. Whilst the proposals would result in employment during construction, this would be nominal and moreover temporary.

“ii. Where the proposal concerns loss of employment land of more than 0.25ha in the principal settlements, market towns or local service centres it is replaced with employment land of similar size elsewhere at that settlement.”

The floor area previously utilised for employment use is approximately 70m², well below this requirement. No replacement floorspace would therefore be required.

iii. It can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment uses on a greater part of the site, providing the same number or more permanent jobs than on the original whole site

This is a proposal for 100% residential on the site and no employment floorspace would remain.

iv. The site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area

The application site is a relatively small part of wider (but now vacant) employment use on the site. Recent approvals (see above) have seen that use further diminished. Continuation of a B1 - e.g. light industrial/offices/research and development - would have implications in terms of potential new residents and, whilst B1 uses are considered compatible with residential properties, a degree of additional nuisance in the form of traffic movement. However it is noted that the Trowbridge Masterplan forms a material consideration and whilst the weight to be attributed to this is low; the plan does indicate a desire to see residential uses within this locality of Polebarn Road in preference to commercial uses.

v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let

for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions

The supporting documentation confirms that the building formed part of the wider uses of Homefield House and ancillary structures as a government building and commercial spaces. The application building has however been vacant since the Ice-Cream factory closed. Additional information has been provided upon request including a commercial assessment by Carter Jonas, which inter alia indicates the cessation of a commercial use in the 1980's and that there has been no replacement activity. The firm marketed the wider site as a whole and on a floor by floor basis also, as reflected in the documentation submitted for the adjacent conversions. The document now submitted (May 2016) also assesses market conditions and the particular location and situation of the building, concluding that:

- There is significant availability of office space on the market in all West Wiltshire market towns and rural locations with limited demand as shown by an average take up in Trowbridge of approximately 20,000 sq. ft. p.a. over the past several years.
- The current consent for the property is B1(c) is, in the opinion of the author not suitable for the manufacturing, or indeed any commercial use, given the location of this property; and
- If planning consent is not forthcoming for a residential conversion, it is the opinion of the author that a conversion to an alternative commercial use would not be viable and the property would remain in its existing unoccupied state.
- It is also the author's view that due to the level of availability of office accommodation, there would be no adverse impact on the office market either within Trowbridge or on a more regional West Wiltshire basis if this site was to be used for an alternative use.

In light of the evidence submitted for the recent approval under 15/12319/FUL and the long-term vacancy of the buildings on the site, these views are considered to reflect the reality of the site, i.e. that commercial uses would be unlikely to bring forward interest that would result in the refurbishment of the Grade II listed building from its current poor condition.

In summary: The site has clearly been vacant for a considerable period of time; and there is evidence of genuine efforts made to market the wider premises for sale without any notable interest and the opinion of experts in the field is that the site is not suitable/viable for ongoing B1 uses.

It is further noted that that permitted development rights exist for some premises to change use to C3 from B1(a); however that is not applicable in this case where B1(c) (Light Industrial) was the last use. Planning permission is required for the change of use and the extension to the building and it needs to be assessed on its merits. The government's stance on allowing some further changes of use under permitted development is thus carries nominal positive weight.

vi. The change of use is to facilitate the relocation of an existing business from buildings that are no longer fit for purpose to more suitable premises elsewhere within a reasonable distance to facilitate the retention of employment.”

This is not applicable in this case; the premises are vacant and there is no relocation.

The NPPF is of a further material consideration over and above CP35: *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities’.*

Thus, having regard to all the criteria within CP35 and in light of the additional information provided it is considered that sufficient justification exists to allow the loss of employment floorspace at the site.

9.4 Access and Highways

The development site is located in close proximity and within easy walking distance of Trowbridge Town centre and the related facilities, open space and transport links. In such circumstances car-free schemes have in the past been seen as wholly acceptable. In this instance there is however an extensive open courtyard area wherein the proposals include the provision of 6 parking spaces. Following the re-building of the Grade II listed Wall fronting Polebarn Road between Rosefield House and the Police Station the initial plans that included a new access through what was the collapsing wall were revised to utilise the current access to the complex as a whole. The retention of the wall is considered to be essential to the street scene, and the use of the existing access would not give rise to any new unacceptable hazard when seen in the context of the fall-back position of the commercial uses that could take place on the site.

Pedestrian access over common areas would lead from the parking area to the new dwellings.

The existing courtyard area is wholly adequate in terms of size to provide for the proposed parking. However, a condition would be appropriate to ensure that the area provides for allocated, laid out spaces which are retained as such in the future. (This was an issue raised by the objector as well).

It is considered that, subject to conditions, issues of highways and parking can be fully addressed in relation to the proposed scheme.

9.5 Potential Impact on neighbouring amenity

The proposed development sits in the context of recently permitted residential conversions in the Polebarn House complex (not all fully implemented) as well as directly opposite Rosefield Cottage.

No vehicular access direct to the building would be provided, with parking provided in the separate existing large courtyard area. No new nuisance from car movements over and

above that which would be anticipated with a fall-back commercial use of the building would arise.

There is currently one main entrance door to the building, which leads directly from a pedestrian footpath. This entrance is provided through large timber stable doors which are presently in relatively poor condition. It is proposed that the main entrance for one of the dwellings would be provided within this existing opening. A large window opening adjacent the stable doors will provide a main entrance to the second dwelling. A third door would be provided to the dwelling proposed within the extension. Adjacent to the new door would be a window serving an open plan sitting room/kitchen ground floor area. Part of the neighbour objection relates to these openings to the new dwelling.

Whilst acknowledging that the gap between the proposed and neighbouring kitchen window in Rosefield Cottage is narrow, the existing window of concern does serve the kitchen and not a habitable room such as a bedroom. The kitchen window furthermore faces onto the access/yard area serving the wider complex, which is not private curtilage land and issues of privacy are therefore not considered to be a reason for refusal. Further investigation confirmed that the kitchen forms part of an open plan arrangement with a primary window to a sitting room facing the opposite direction onto the garden space. Other primary windows to the lounge/bedrooms in the existing dwelling do not face onto the proposed development. The applicant has however agreed to a condition requiring obscure glazing to the new window that would face towards the existing kitchen in order to further limit any possibility of direct views into it.

With regard to the question of overshadowing, the existing kitchen window currently faces on to the derelict shed building that would be replaced. Beyond that (when viewed from the kitchen) is a double storey element of the complex of buildings on the site. The new extension would replace the footprint of the shed, with limited extension beyond the current outside walls (approximately 290mm towards the front elevation and 750mm to the side). Given the existing situation and the fact that the kitchen window does not serve a habitable room it is considered that refusal on the basis of loss of light to the window would not be sustainable. Higher level windows to the existing dwelling would also face the new extension but, again, these are either secondary windows or do not serve habitable rooms.

A further objection is the potential for future residents to loiter outside of the new building door, for example smoking and creating noise disturbance. There is no indication that the development would be likely to give rise to anti-social behaviour. The intervening space between the development and the existing dwelling is furthermore common land to the wider complex. Thus, whilst there might be a degree of additional footfall in the common area, this is not considered to be likely to give rise to a degree of nuisance justifying refusal. The fall-back position of a light industrial use in the building, with potential higher frequencies of non-residential occupants using the area is also a material consideration.

The proposal would give rise to the building being properly refurbished and brought back into functional use. This is considered to be a positive aspect for the surrounding area including the setting of Rosefield Cottage, and also in terms of the longer term future of the host listed building. The removal of the shed and its replacement with an extension compatible with the listed building would also remove the very dilapidated shed building. With regard to issues of

asbestos contamination with the demolition of the shed building, this would be a matter for building regulations rather than planning.

With regard to access to the objector's garage, the extension to the building would result in a reduction of roughly 0.3m in the existing separation distance of approximately 9.7m. It is considered that this would not alter the manoeuvring space to such a degree that would justify refusal of the application.

In view of the above it is considered that, subject to conditions, the development would not give rise to unacceptable neighbouring amenity issues. A positive aspect of the proposal however would be the renewal of the area and enhancement of the parking courtyard.

9.6 Other Matters

The existing building (as noted above) has deteriorated over time and, whilst some repair activity was evident at the time that the application was first received, this appears to have ceased. The sealing of the building now appears not fully secure and the possibility therefore exists that protected species may be nesting within the vacant structure. Thus it is considered reasonable to take a precautionary approach and require that prior to any works being commenced, the building is investigated for protected species and, if found, mitigating measures for their removal/accommodation at demolition are agreed.

10. Conclusion (The Planning Balance)

The principle of the acceptability new residential development in this locality is established by virtue of current policy. The proposals are satisfactory in terms of heritage objectives in light of the other additional information provided. The conservation officer is satisfied with the proposals, subject to conditions in any Listed Building Consent approval. Adequate information to justify the complete loss of employment floorspace on the site, and the building is part of a wider, long-term vacant employment site which has recently had other residential changes of use approved. Highways and access requirements are satisfactorily addressed subject to conditions. Also, subject to a condition in relation to obscure glazing, and considering the window affected to a degree by the new extension serves a kitchen, no unacceptable harm to amenity justifying refusal would arise.

RECOMMENDATION

Grant planning permission, subject to the following conditions and informatives:

- 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 and in accordance with the annotation to Drawing No. CLCS/ 136/102 REV A have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt roof material shall be natural stone

and not of cement manufacture.

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

- 3 Before the development hereby permitted is first occupied the windows in the extension to the front elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 4 No dwelling shall be occupied until parking spaces for six vehicles, together with the access thereto, have been provided in accordance with details to be submitted for approval in writing by the Local Planning Authority. The parking and turning spaces shall be retained for use as such thereafter.

REASON: In the interests of highway safety and the amenity of future occupants.

- 5 No demolition, development or other internal works shall commence prior to the assessment of the building for bats and nesting birds. The assessment shall be carried out by a licensed, professional ecologist. If the buildings are assessed as having low, moderate or high potential for roosting bats or other protected species, then subsequent presence/absence surveys shall be undertaken. If presence of bats or other protected species is confirmed, an impact assessment comprising detailed mitigation measures, a monitoring strategy and habitat enhancements shall be submitted to the Local Planning Authority before any demolition or other internal works are undertaken. The mitigation strategy, monitoring and habitat enhancements shall be carried out in accordance with the approved details and as modified by a relevant European Protected Species Licence from Natural England (where applicable).

REASON: In the interests of the protection of Protected Species.

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

CLCS/136/100 registered on 18 May 2015;

CLCS/136/101 registered on 18 May 2015;

CLCS/136/102 REV A received on 22 October 2016; and

CLCS/ 136/103 REV A received on 11 August 2016.

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

PLANNING INFORMATIVES:

This Decision notice must be read in conjunction with that in relation to application 15/03181/LBC and the conditions applicable thereto.

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010

(as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement

Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect.



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	12 October 2016
Application Number	16/05078/FUL
Site Address	16 St Thomas Passage, Trowbridge, BA14 8SE
Proposal	Erection of 6 apartments and associated access works following the demolition of the existing dwelling
Applicant	Mrs S.I. Pike
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE ADCROFT – Cllr Nick Blakemore
Grid Ref	385796 158354
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Blakemore for consideration of the scale of development, the design (bulk, height, general appearance), environmental and highway impact and parking.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues to consider are the principle of the proposed development in this locality, highway access, impacts on the Conservation Area and the amenity of neighbouring properties and future occupants.

Trowbridge Town Council – No objection.

Neighbourhood Responses: Thirteen letters of objection and one letter of support were received.

3. Site Description

The application site of approximately 675m² in extent comprises the curtilage to no.16 St Thomas' Passage, which is a detached, two storey dwelling. Boundaries comprise natural stone walls, blockwork and close boarded wooden fencing. The dwelling is of fairly modern appearance with rendered walls and uPVC windows and doors. There are large gardens to the front and rear and parking spaces for approximately 5 vehicles. Access is provided via an archway off Timbrell Street with the roadway being an adopted highway up to the site boundary. There are no significant trees on the application site, although a number are situated close to the site boundaries. The site sits within the Conservation Area.

4. **Planning History**

None directly related to the proposed development on this site.

5. **The Proposal**

The proposal is to demolish the existing dwelling and to erect a new apartment building to provide 6 apartments of two bedrooms each. Nine parking spaces would be provided within the existing courtyard area. Also included in the plans are spaces for cycle parking, a bin store, communal gardens and external areas. Additional tree planting is proposed to the rear garden. The building would be 3 storeys in height and of a traditional architectural style. Materials would include brick quoins, cast stone cills, natural stone walls and through colour render, with double roman tiles for the roof. Improvements to the pavement at the exit to Timbrell Street are proposed, including widening the footpath at this point and the introduction of safety bollards in order to improve pedestrian safety.

6. **Planning Policy**

The National Planning Policy Framework 2012 (NPPF)

The Adopted Wiltshire Core Strategy

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP3 – Infrastructure Requirements

CP29 – Trowbridge Community Area

CP41 – Sustainable Construction and Low Carbon Energy

CP57 – Ensuring High Quality Design and Place Shaping

CP58 – Ensuring the Conservation of the Historic Environment

CP60 – Sustainable Transport

CP61 – Transport and New Development

National Planning Practice Guidance

Wiltshire Car Parking Strategy

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

7. **Summary of Consultation Responses**

Trowbridge Town Council - No objection, noting that car parking should be allocated to each flat.

Wiltshire Council Ecologist (in relation to demolition) - There is a low risk that bats may occur at the development site. In this case, no conditions are recommended, nor objections raised to the proposal, as bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended).

Wiltshire Council Highways - The principle of the development and the quantum of parking are accepted. In pre-application discussions requested that any application includes details of works on Timbrell Street to improve visibility. These details were included in the Transport Statement submitted in support of the application and no objections are raised, subject to a condition regarding those details.

Wiltshire Council Rights of Way - No objections

Wiltshire Council Education - Since the development comprises fewer than ten units, there are no contribution requirements.

Wiltshire Council Tree Officer - The Officer supports the application but notes that the trees situated within the open space to the south east of the area of proposed

development are covered by TPO/W/07/00044/GRP/G1 and therefore should be afforded consideration to the protection of the roots. The main concerns are the offsite self-sown. Conditions in relation to protection of trees and an Arboricultural method Statement are recommended.

Wiltshire Council Environmental Health Officer - The Officer notes the presence of "Challenge Tyres" adjacent to the site and the existing vent box attached to the wall adjacent to the site. The Officer initially recommended that an acoustic survey and mitigation prior to determination but, following clarification of the redundant nature of the vent and recent planning history in the vicinity, agreed that relevant conditions could be imposed (discussed in more detail below).

Wessex Water - Notes that new connections will be required to infrastructure. Further, a public sewer is shown on record plans within the land identified for the proposed development and the applicant is advised to contact Wessex Water Sewer Protection Team for further advice on this matter. Agreement with WW is required for any building over or within the statutory existing public sewers under Building Regulations. Diversion of infrastructure requires agreement with Wessex Water subject to satisfactory engineering proposals and a legal agreement subject to the provisions of S185 Water Industry Act 1991.

8. Publicity

The application has been advertised with press and site notices and neighbour notification letters have been sent. Thirteen letters of objection have been received raising the following issues:

- Concern with the additional volume of traffic through The Arches to access 16 St Thomas Passage, causing noise and disturbance;
- Inadequate parking in the area;
- Challenge Tyres occupies the adjacent building which has general industrial planning rights.
- The South West elevation of the proposed new building is hard up against the rear wall of the Challenge Tyre building.
- Possible re-use of the "exhaust vent" on the building in future for car exhaust extraction. Development would prejudice this;
- Tyre Business has never received any complaint about noise in the past but the proximity of this proposed new building would mean occupants are immediately adjacent to the building;
- Prejudice to longer term expansion of the business buildings;
- Other industrial uses could be carried out in future and the proximity of the dwellings would harm this
- Inappropriate to service 6 residential units from St Thomas Passage due to restricted nature and poor access onto Timbrell Street;
- Difficulty for emergency vehicles;
- Overdevelopment of the site;
- Impact of parking shortage on nearby businesses;
- Access should be from St Thomas Road/The Halve;
- Restricted height of the archway, deliveries difficult;
- Noise and vibration for properties adjacent to access;
- Fly-parking at Timbrell Street entrance causes hazards;
- Litter on the lane is a problem that could be exacerbated;

- Not clear how any building contractors could receive delivery of materials to facilitate the building of the proposed development with the only access being the archway and its restricted height and width;
- Danger to dangerous as the main front door to the properties 9A, 9B and 9C Timbrell street located directly midway under the arch which is quite narrow;
- The junction of the Arches onto Timbrell Street should be a definite junction (break in the pavement on Timbrell street, and islands either side of the junction) to prevent unauthorised parking to close to the junction and reducing visibility;
- Proposed road-hump would cause noise and vibration;
- Inadequate visitor parking;
- Building above the Timbrell Streets arch is Grade II Listed building of single skin, solid brick construction, built in the 1850"s. Property underpass was intended for very low volume traffic of that era. Existing underpass vehicular traffic causes more than enough noise and vibration to the property;
- Proposal for a Management Company would be ineffective and of little reassurance if the properties are not all permanently owner-occupied.
- The plan is incorrect, showing a part of the passage way behind No 5 and 6 back entrance narrowed and shown as land belonging to 16, St Thomas Passage which is in a different street. Historically there was a possible opening to this backway space coming from the garden which was then belonging to the shop of 6 Timbrell Street but that opening has been moved to face the garden of No 7 and part of the gate opens out into the space where the objector's car has been parked over the last century. This issue needs to be resolved;

One letter of support was received and some objectors also made the following positive comments:-

- The design of the proposed plan, particularly the attention to detail and the converted factory look with the large arched windows are appropriate We welcome the way in which the design of this proposed development is in keeping with the context.;
- Neighbour who walks through the Arches and St Thomas onto the Halve regularly welcomed the development where the proposed changes to the Timbrell street access would make it safer for all; and
- The overall development would improve the area giving much needed housing and make the neighbour feel safer when walking through at night.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of Development

The site is located within the limits of development of Trowbridge where the principle for residential development of this nature is supported. The proposal is considered to comply with CP1, CP2 & CP29.

9.2 Highways and parking

As noted above, the site is accessed from Timbrell Street via a roadway which passes below a residential property above. The underpass width is 3.6m, with a clearance height of 2.6m and a length of 5.3m. The underpass emerges at the rear of the Timbrell Street

footway which is 1.9m wide. The nature of the underpass and the close proximity of the buildings to the back edge of the footway are such that driver visibility when emerging from St Thomas' Passage is currently restricted. This is particularly the case in respect of pedestrian inter-visibility. Beyond the underpass, the road widens such that two cars can pass in certain areas. It provides access to residential parking areas on both sides. The access road to the site then passes through a second underpass (road width of 3.7m with an adjacent footway width of 0.9m, a clearance height of 2.8m and a length of 6.1m) before a sharp bend to the southwest before entering the site itself. This final section of the access road has a carriageway width of 3.1m with an adjacent footway of 1.2m width. The full length of the access road from Timbrell Street through to the gate to the 16 St Thomas' Passage site forms part of the adopted highway network and is therefore maintained by Wiltshire Council. The full length is also designated as part of the Public Rights of Way network and is designated as Public Footpath TROW70.

The applicant had pre-application discussions with the highway officer. A key issue for the highway officer was pedestrian safety at the Timbrell Street entry point (albeit that this access is also utilised by other developments within the area, including the parking courtyard for the flats around the courtyard just off Timbrell Road). A plan submitted with the Transport Statement accompanying the application provides for safety measures that are accepted by the Highway Officer.

Parking provision in this town centre setting is also to the satisfaction of the highway officer.

The access and vehicular movements are issues raised by a number of objectors. As noted, the public highway is adopted to the site boundary. It is acknowledged that there would be an increase in movements between the archway onto Timbrell Street and the site parking area, but the restricted nature of the access and the need for caution at the Timbrell Street access mean that speeds would be very low. The NPPF in Para.32 states that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" The proposals are not considered to give rise to any severe cumulative impacts, in particular where the site is close to town centre facilities and pedestrian access to shopping and recreation would be a likely feature of future patterns of movement. The provision of cycle parking facilities would provide further options in this regard. The proposal would utilise the existing adopted highway with alternative routes (e.g. off of the Halve) not having that status.

In view of the above it is considered that the application can be supported from the highways perspective.

9.3 Conservation Area Impacts

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 allocates a general duty to pay special attention to the desirability of conservation Areas.

This site is located within a Conservation Area, though not visible in public views from either Timbrell Street or St Thomas's Road. A public footpath follows the line of the access road (underneath the underpass off Timbrell Road) and passes along the north eastern boundary of the site through to St Thomas' Road.

The proposed block of 6 x 2 bedroom apartments would have a traditional design to the exterior whilst having contemporary interiors. The flats would be accessed via a new front entrance door off the public footpath. The surrounding area is characterised by a mix of uses, ages of buildings and architectural design. Uses in the vicinity include commercial premises, residential properties, shops and a local public house. Arch Yard (also accessed via the archway off Timbrell Street) is a relatively modern residential

development near the application site at a distance of approximately 20m. It comprises a mix of semi-detached two storey dwellings and a 3 storey apartment building. New houses and apartments lie to the south east. Open space and St Thomas' Church and grounds lie to the north east of the site, at a distance of approximately 60m. The tyre/exhaust fitting/MOT centre commercial building is situated close to the south west boundary of the site and is approximately 3 storeys in height and constructed primarily of red brick.

The design and the chosen materials would be in keeping with the surrounding properties and character of the area including a number of the more recent residential dwellings erected on York Buildings and to the south east of the site. Materials proposed include brick and through colour render with stone cast cills.

At present a portion of the site is occupied by double storey dwelling of nondescript appearance. Beyond the garden area to the south west the largely blank wall with upper-level office windows to the gable end of the adjacent tyre-fitting service provides a bulky and relatively unappealing elevation facing towards the public walkway.

The proposed design is of an appearance and proposed material mix wholly acceptable in this context. The building would not impact the setting of any listed building and would partially obscure the overbearing impact of the commercial building gable end. To the south west of the site, a portion of the existing open garden area would be retained, with landscaping to further soften the harsh appearance of that building. An appropriate landscaping scheme could be secured by a planning condition to detail the proposed planting.

It is considered that the proposals would constitute an enhancement to the appearance of the Conservation Area given the above factors.

9.4 Amenity of neighbouring properties and future occupants.

The proposed building would not have windows directly facing any neighbouring residential properties in the immediate proximity. Separation distances are also such that no new overlooking as a result of the proposals. No overbearing or significant loss of light would arise, also given the separation distances that apply. A communal outdoor space would be provided for future occupants.

The issue of nuisance arising from increased traffic movements is discussed above. Given anticipated low speeds and the separation distance of the proposed parking area (which already exists) it is not considered that impacts on amenity would be of an extent that would justify refusal. The proposed enhancements to the safety aspects at the Timbrell Street access would be a positive outcome.

One objector has raised the possibility of bringing an existing duct to the adjacent tyre/exhaust fitting/MOT centre back into use for exhaust emissions. Planning decisions cannot be made in the light of speculative events. Investigation has shown that the duct is redundant but was in fact an air intake for the earlier industrial use on the site. With regard to possible alternative uses on the site that might in future be of a heavier industrial nature it is noted that the current use (most recent planning approval W/96/00647/FUL) was for the *"Change of use to tyre exhaust and MOT centre with car sales offices and forecourt"*. This would constitute a mixture of uses on site which can be argued to be *"Sui Generis"* requiring planning permission for any alternative industrial activity. That notwithstanding, again, a decision on a planning application must be based on the current circumstances that apply. In this regard and following discussions with the Environmental Health Officer, it is considered appropriate that, prior to the commencement of any development, proposals for any necessary mitigation in respect

of noise that may become apparent in the light of an acoustics study, should be imposed. The windows facing the building would be to bathrooms and the secondary bedrooms to the apartments. It is noted that acoustic studies were not a requirement with regard to other recent residential development in the proximity of the tyre/exhaust fitting/MOT centre, with dwellings near to the proposed site as near to the front of the business with uninterrupted space between them and the workshop floor. It is also noted that internally, the commercial building has offices in the space between the workshop floor and the external wall facing the application site.

A second neighbour raised concerns about a gate that opens from the rear of the application site onto her property and affecting a parking space. The site plan accuracy was also questioned. This aspect was investigated during a site visit, and whilst the gateway was pointed out, it apparently falls on an established site boundary. Documentation was also provided confirming that the applicants have control over the red-line site area. A dispute in relation to the gate is apparent but matters of private treaty and land ownership are not planning considerations. As far as the LPA has been able to ascertain, the plans and application form are correctly completed.

9.5 Other Matters

WCS Core Policy 41: Sustainable construction and low carbon energy requires that new dwellings achieve a level of Energy Performance at or equivalent to Level 4 of the Code for Sustainable Homes. Any approval should include a condition to that effect.

10 Conclusion (The Planning Balance)

The proposal is in principle acceptable and the design is considered to contribute positively to the Conservation Area and highway safety at the Timbrell Street intersection. Whilst the access road is restricted it is nevertheless an adopted road. The extent of additional traffic is not considered to be at a level that would justify refusal on nuisance or road safety grounds. Permission is therefore recommended.

RECOMMENDATION - Grant planning permission 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 materials to be utilised in the development hereby permitted shall accord with those annotated on the approved drawing AL(1)02 REV D registered on 20 June 2106.

REASON; In the interest of the appearance of the Conservation Area.

- 3 No part of the development shall be first occupied until the improvements to the junction of the access with Timbrell Street, shown on the approved plan A095925 - GA01 A, have been completed.

REASON: In the interests of highway safety.

- 4 The parking spaces as shown on the approved plans shall be provided and the access arrangements created prior to the first dwelling being occupied.

REASON: In the interests of road safety.

- 5 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later]

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

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

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification, should this be necessary.
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992Light for buildings Part 2 -code of practice for day lighting.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until

a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.

- Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order

that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 7 Prior to the commencement of development, a noise survey for the proposed dwellings shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person and identify appropriate noise mitigation measures. Such detail and appropriate consequential noise mitigation measures as shall have been agreed in writing by the Local Planning Authority shall be implemented prior to the first occupation of any dwelling unit and shall be maintained as agreed thereafter.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise.

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

AL(1) 01 REV E registered on 16 June 2016; AL(1) 02 REV D registered on 16 June 2016; AL(1) (03) REV B registered on 16 June 2016; and A095925-GA01REV A registered on 16 June 2016.

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

INFORMATIVES TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect.

Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website

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**Wiltshire Council
Western Area Planning Committee
12th October 2016**

No Planning Appeals have been Received between 16/09/2016 and 30/09/2016

Planning Appeals Decided between 16/09/2016 and 30/09/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
14/06938/OUT	Land East of Spa Road, Melksham	MELKSHAM WITHOUT	Outline application for up to 450 dwellings with associated access and engineering operations, land for extension of medical facilities or community facility, and extension to Eastern Relief Road from Thyme Road to The Spa - Snowberry Lane (amended)	Strat Cttee	Inquiry	Approve with Conditions	Withdrawn	23/09/2016	No

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