

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 20 September 2017
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 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 Peter Fuller
Cllr Jonathon Seed (Vice Chairman)	Cllr Sarah Gibson
Cllr Phil Alford	Cllr Edward Kirk
Cllr Trevor Carbin	Cllr Stewart Palmen
Cllr Ernie Clark	Cllr Pip Ridout
Cllr Andrew Davis	

Substitutes:

Cllr David Halik	Cllr Jim Lynch
Cllr Deborah Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Roy While
Cllr George Jeans	Cllr Jerry Wickham
Cllr David Jenkins	Cllr Graham Wright
Cllr Gordon King	

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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 7 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 23 August 2017.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

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 Appeals and Updates**

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

7 **Appeals Report** (*Pages 25 - 26*)

8 **Planning Applications**

To consider and determine the following planning applications.

8a **17/01250/REM - Land South Of Devizes Road, Hilperton, Wiltshire**
(*Pages 27 - 44*)

8b **17/03839/FUL - 3 High Street, Warminster BA12 9AG** (*Pages 45 - 62*)

8c **17/04445/LBC - 3 High Street, WARMINSTER BA12 9AG** (*Pages 63 - 74*)

9 **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

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WESTERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING
HELD ON 23 AUGUST 2017 AT COUNCIL CHAMBER - COUNTY HALL,
TROWBRIDGE BA14 8JN.**

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice Chairman),
Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Edward Kirk,
Cllr Stewart Palmen, Cllr Pip Ridout, Cllr David Halik (Substitute), Cllr David Jenkins
(Substitute) and Cllr Gordon King (Substitute)

Also Present:

Cllr Fleur de Rhé-Philipe and Cllr Tony Jackson

56 **Apologies**

Apologies for absence were received from Councillors Trevor Carbin (substituted by Councillor Gordon King), Sarah Gibson (substituted by Councillor David Jenkins) and Philip Alford (substituted by Councillor David Halik). The Chair noted that all other members were in attendance.

57 **Minutes of the Previous Meeting**

The minutes of the meeting held on 26 July 2017 were presented.

Resolved:

**To approve as a correct record and sign the minutes of the meeting held
on 26 July 2017.**

58 **Declarations of Interest**

It was noted, following a statement made by Councillor Jonathon Seed, that a number of Committee members would have considered application W/11/02440/FUL at Sutton Veny when it was before the Western Area Planning Committee in 2012, but that those members would be considering the matter afresh with an open mind.

Councillor Edward Kirk stated that due to a non-pecuniary interest he would not speak or vote on the application ref 17/05137/FUL - Coopers Chase, Church Street, Hilperton, Trowbridge, Wiltshire, BA14 7RL.

Noting that there was an application in his ward, namely 17/05137/FUL, Councillor Ernie Clark referred the public to his declaration of interest open to public inspection.

59 **Chairman's Announcements**

There were no Chairman's Announcements.

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

60 **Public Participation**

The question submitted by Councillor Ernie Clark and the response included in the agenda papers was noted.

It was also noted that an additional question submitted had been responded to directly by officers. The Chairman reminded members that all questions should relate to the business of the Committee.

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

61 **Planning Appeals and Updates**

The Planning Appeals Update Report for the period between the 14/07/2017 and 11/08/2017 was received.

Resolved:

To note the Planning Appeals Update Report for 14/07/2017 and 11/08/2017.

62 **Planning Applications**

The Committee considered the following applications:

63 **w/11/02440/FUL - Land South Of Farm Bungalow, Deverill Road, Sutton Veny**

Public Participation

Mr William Owen, Mr Ian Walpole and Mr William Pierce spoke in objection to the application.

Mr James Whilding, agent, spoke in support of the application

Cllr Stephen Oxlade, Sutton Veny Parish Council, spoke on the application

Cllr David Searle, Longbridge Parish Council, spoke on the application

Mike Kilmister, as Neighbourhood Planning Manager, outlined the report for the demolition of four existing poultry buildings to be replaced by four new poultry buildings. It was recommended that the application be approved subject to conditions.

The key planning issues identified in the officer's presentation were outlined to include: the principle of development; the location of the site and that it is in the open countryside within an Area of Outstanding Natural Beauty; the history of the application and the three reasons that the Committee deferred the consideration of the application; the access to the site and the connection to the A350; the proximity of other properties including industrial and residential; that the committee had had the opportunity to visit the site; the history and use of the existing buildings, and that the lawful use of the site is for agriculture and that of poultry rearing.

The changes in the application from that previously reported to the Committee were explained including the reduction in the capacity for the number of birds; the comparison of the elevation of the new buildings to those on the site already; the topography of the site and the existence of a bund; the operation of the site and the impact on environmental health issues.

The submitted plans and member site visit identified the provision of screening by trees; however it was acknowledged that additional landscape plan details would need to be submitted, which is recommended by condition, which would require the Council's written approval. The views of the site from the public rights of way and other neighbouring properties were identified and it was confirmed that the applicant had amended the scheme following discussions with the Environment Agency who had issued a permit – which sets out conditions in relation to potential noise, fugitive emissions (incl dust and flies), odour and ammonia releases; as well as pre-commencement conditions that need to be satisfied before on site operations are started.

Members were advised that the public have been able to comment on the permit, and it was open to public scrutiny. The officer explained that the Environment Agency in reaching their decision took account of all their relevant considerations and legal requirements to ensure the permit would provide a high level of protection for the environment and human health. The Environment Agency raised no objection to this application. The Environment Agency raised no objection to the planning application.

Members were also advised on planning policy and the weight that can be given to tests that are required to be met for major development in the Area of Outstanding Natural Beauty and it was confirmed by officers that these tests had been met. Members were informed about how the visual impact had been assessed and the officer explained in detail about ecology, heritage assets and visual amenity matters and where necessary planning conditions had been attached. The officer explained the views of the highways officers and the need for a traffic management plan and planning conditions to restrict traffic

movements. Any 'fall back' position was explained in terms of the redevelopment/ re-use of the site.

The committee was advised on the late submission received from the Area of Outstanding Natural Beauty officer and that landscape impact, lighting and use of materials and external colour finishes had been fully factored into the officer's report and the planning authority needed to weigh up any public harm against the merits of the application.

Members of the Committee then had the opportunity to ask technical questions of the officer. In response, officers stated: that the lawful use of the site was for agricultural and one which may continue to operate as a poultry unit if required in the future subject to requiring a permit if needed and any permissions required from the Council to bring the buildings up to modern day standards or new buildings; that the three issues raised by the previous committee in their deferral of the application had been addressed and were outlined in the report; along with the confirmation that the local highway authority, other consultees experts in their fields and planning officer had no objections and no refusal reasons were produced. There would be comprehensive control of the site operations under the Environmental Permitting system administered by the Environment Agency. It would be monitored by them regularly, at least annually, to ensure compliance with the permit. Any concern in the future regarding what is discharged from the buildings, ie noise, odour, dust etc it is for the Environment Agency to take any complaint and action accordingly. Failure to take appropriate steps to rectify those concerns would have the risk of having to reduce or cease operations. The Environment Agency have the power to enter the site, unannounced, to investigate any complaints.

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

Councillor Tony Jackson and Councillor Fleur De Rhe-Philippe as the adjacent and local Division Members addressed the Committee.

At the start of the debate Councillor Jonathon Seed moved, subsequently seconded by Councillor Ernie Clark, that the application be approved subject to the conditions outlined in the officer's report.

In the debate that followed, issues discussed included: the commendation given to the case officer for the detailed report, and the work undertaken to provide additional, more detailed planning conditions; how concerns about noise, vehicle movement and pollution could be mitigated against; that the Environment Agency had included pre-operation conditions to assess the impact of the proposals; how the conditions would be enforced and the additional conditions requiring the submission of a pest management plan; that the Environment Agency have confirmed that, following consultation with health bodies, there should not be any public health impacts from the proposals.

It was also recommended that condition no. 17 should restrict hours of demolition and construction; and officers were asked if the planning conditions

would pass the test of 'reasonableness'; members also remarked that the site visit had established the nature of site topography, landscaping and the position of the buildings in relation to the nearby housing; imposing vehicle restrictions for the development and the site was subject to some debate in terms of acknowledging the proximity of the industrial estate. Members were also advised about amending condition no. 12; and how asbestos (if present on site) could be dealt with through the recommended planning conditions regarding the demolition of the site.

Members also appreciated and acknowledged the views and concerns expressed by members of the public. Following advice provided from the planning officer, and with the agreement of the proposer and seconder, the proposal was amended to include revisions to condition no's 4 and 12, and an informative added regarding the removal of asbestos.

At the conclusion of the debate, and having been put to the vote, the meeting;

Resolved:

To approve planning permission subject to the following conditions:

- 1 a The development to which this permission relates shall be commenced within three years beginning with the date of this permission.
 b. Not less than one week's prior notice shall be provided in writing to the Local Planning Authority of the intended date for commencement of operations under the terms of this permission. Such date shall be referred to hereinafter as the Commencement Date.

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

- 2 The development shall be carried out in accordance with the hereby approved plans (other than where amended by details submitted to and approved in writing in any subsequent discharge of planning condition application(s))

JW/0663/2010/200-01 revision B - Location

and site plans JW/0663/2010/200-02 -

Survey plan

JW/0663/2010/200-03 revision D - Proposed

layout plan JW/0663/2010/200-04 revision B -

Floor plan JW/0663/2010/200-05 revision C -

Sections and elevations JW/0663/2010/200-

08 revision D - Lighting plan

JW/0663/2010/200-10 revision B - As existing elevations and site sections REASON: In order to define the terms of this permission.

- 3 Prior to the commencement of the development a Construction and Operational Lorry Traffic Management Plan (COLTMP) shall be submitted to and approved in writing by the local planning authority, and the site shall be developed and operated in accordance with the approved COLTMP. The COLTMP shall include, inter alia, measures employed to ensure that i) the adjacent highway is kept clear of detritus, ii) there is adequate provision for the parking and turning of lorries within the site,

ii) adequate provisions are made to ensure that the routing of lorries to and from the site, including driver and third party instructions, is only by way of approaching and leaving the site via the A350 at Longbridge Deverill, iv) details of the management of vehicle movements, v) location of any temporary contractor's compound and internal parking provisions.

REASON: In order to ensure that the amenity of the local highway network is adequately protected

- 4 No external lighting shall be installed on site until plans/details showing the type of light appliance, the height and position of fitting, illumination levels and light spillage including methods to prevent any sideways or upward disruption of light have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 5 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To prevent pollution of controlled waters.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- details of the bundings
- details of works for the protection of the public footpath

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

7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 8** No development shall commence on site in connection with the approval until details of the materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 9** No development shall commence on site until details of the LPG tank to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 10** No development to commence until full acoustic design proposals for the ventilation fans, including sound frequency spectra for inlets, outlets and case radiation of the fans, specifications of the proposed attenuators, duct systems and outdoor terminations and calculations on the sound levels generated by the fans via the paths described in the submitted report 'Second Addendum to Noise Impact Analysis' by S. and D Garritt Ltd dated 16th March 2016, has been submitted to and approved in writing by the local planning authority. All works comprised in the approved details shall be completed before any part of the development is first brought into use. The level of noise emitted from site shall thereafter not exceed a rating Level

(BS4142:2014) of 37dB between 07:00 and 23:00 and 23dB between 23:00 and 07:00 at the boundary of Java Bungalow, Deverill Road.

In meeting these levels the sound from the equipment will be at or below the typical measured background noise level (LA90) as shown in the submitted documents 'Addendum to Noise Impact Analysis' by S. and D Garritt Ltd dated 14th November 2014 and 'Second Addendum to Noise Impact Analysis' by S. and D Garritt Ltd dated 16th March 2016.

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

- 11 **The development will not commence commercial operations until a written scheme for post completion noise measuring has been submitted to and approved in writing by the local planning authority. The scheme shall be designed by a suitably competent and qualified person. The written scheme shall provide details of how compliance with the sound levels in condition 10 will be demonstrated and include times and locations at which noise monitoring will take place and the equipment that will be used to take measurements. A post completion noise measuring shall be carried out within 12 weeks of the use commencing and within 16 weeks of the use commencing, a report written by a suitably competent and qualified person, detailing the results of the post completion noise measuring shall be submitted to the local planning authority.**

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

- 12 **Vehicle movements to and from, and on the site will be restricted to the hours of 8am - 6pm Monday to Friday only and no lorry movements on site at weekends and Bank or Public Holidays.**

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

- 13 **No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:**

- a) Risk assessment of potentially damaging construction activities**
- b) Identification of 'biodiversity protection zones'**
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)**
- d) The location and timing of sensitive works to avoid harm to biodiversity features**
- e) The times during construction when specialists ecologists need to be present on site to oversee works**
- f) Responsible persons and lines of communication**
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)**

- h) Use of protective fences, exclusion barriers and warning signs.**
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.**

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

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

- 14 Before works commence, a Landscape and Ecological Management Plan (LEMP) shall be 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:**
- a) Specification of habitats to be created,**
 - b) Description of features to be managed;**
 - c) The above shown on a site map**
 - d) Aims and objectives of management**
 - e) Management prescriptions;**
 - f) Work schedule including an annual work plan capable of being rolled forward over a 5 year period**
 - g) Details of the body or organisation responsible for implementation of the plan;**
 - h) Ongoing monitoring and remedial measures;**
 - i) Timeframe for reviewing the plan**
 - j) Details and location of the 15 bat boxes and 15 bird boxes.**
 - k) Buffer strips along field edges to be cut less frequently**
 - l) Traditional management of hedgerows**
 - m) Dedication of underutilised areas of the site to create wildflower meadows**

- n) **Hibernalcula and refuge log piles**
- o) **Incorporation of dropped kerbs and sumpleless gullies**

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

REASON: To ensure the long-term management of landscape and biodiversity features, and to maintain and enhance these in perpetuity.

- 15 No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed prior to the use commencing.**

REASON: To ensure that the development can be adequately drained

- 16 No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed prior to the use commencing.**

REASON: To ensure that the development can be adequately drained

- 17 No development shall commence on site (including any works of demolition), until a Construction Method Statement, 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) **the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) **wheel washing facilities;**
- f) **measures to control the emission of dust and dirt during construction;**
- g) **a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) **hours of construction, including deliveries;**

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: 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 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.

- 18 The development shall not be first brought into use until a Pests Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Pest Management Plan should include measures for the management and control of pests such as flies and vermin. The approved Pests Management Plan shall be adhered to.

REASON: In the interests of the amenity of the area.

- 19 No materials shall be burnt on site at any time on any phase of the development during the building and construction works.

REASON: In order to minimise nuisance

INFORMATIVE(s): The applicant must ensure the development complies with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO). These regulations aim to prevent water pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new, substantially reconstructed or substantially enlarged facilities for storing these substances. Storage facilities should be sited at least 10 metres from inland freshwater or coastal water and have a 20-year life expectancy. The Environment Agency must be notified in writing about any new, substantially enlarged or substantially reconstructed system at least 14 days before it is first used. Further guidelines and factsheets on the SSAFO regulations are available from the following website:

<http://www.environment-agency.gov.uk/business/sectors/118798.aspx>

INFORMATIVE: Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact Wiltshire Council PROW officer

INFORMATIVE The applicant should note that the works hereby approved involve the removal and disposal of asbestos cement roofing. It should only be removed by a licensed contractor. Asbestos waste is classified as 'special waste' and as such, can only be disposed of by obtaining a site licence from the licensing authority (Environment Agency). Any contractor used must also be licensed to carry 'special waste'.

64 **17/05137/FUL - Coopers Chase, Church Street, Hilperton, Trowbridge, Wiltshire, BA14 7RL**

Public Participation

Mr Cooper, spoke in support of the application

Verity Giles, as planning officer, outlined the report for a proposed garage and studio. It was recommended that the application be approved subject to conditions.

The key planning issues identified in the officer's presentation were outlined to include: the principle of development; impact on the neighbouring properties; the views of the local residents including those submitted after publication of the report; the construction material and the windows proposed; the relationship to the existing dwelling and neighbouring properties including the potential impact on privacy and the adjacent listed building; the access to the site;

Members of the Committee then had the opportunity to ask technical questions of the officer. The questions focused on: the position of the dwellings in relation to the map.

Councillor Ernie Clark proposed, subsequently seconded by Councillor David Halik, that the proposal be approved subject to the inclusion of the following additional condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions, extensions or enlargements or additional wall and/or roof openings to the garage/studio hereby permitted.

REASON: To define the terms of the permission and in the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions, alterations and enlargements.

In moving his proposal, Councillor Ernie Clark thanked the officers for their advice on this application. In response to an issue raised, officers advised that a further condition would be required to secure the use of materials to match the

host dwellinghouse, known as Coopers Chase. Following the consent of the proposer and seconder, this was included in the proposal.

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

At the conclusion of the debate it was;

Resolved:

To approve 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 development hereby permitted shall be carried out in accordance with the following approved plans:**

Location Plan - Drawing No Drawing No. 2479-06 - received on 13 June 2017; Site Plan and Block Plan, as received on 15 June 2017; Drawing No. 2479-10 Rev B, and Proposed Elevations and Floor Plans, Drawing No 2479-11 Rev A - received on 5 July 2017

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

- 3 The garage and studio accommodation hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling, known as Coopers Chase and it shall remain within the same planning unit as the host dwelling.**

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit the creation of a separate dwelling and additional residential unit.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby permitted shall not be converted to habitable accommodation.**

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 5** No development shall commence on site (including any works of demolition), until a Construction Method Statement, 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) the erection and maintenance of security hoarding including any decorative displays and facilities for public viewing (if applicable);
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - h) measures for the protection of the natural environment.
 - i) hours of construction, including deliveries;

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.

- 6** Notwithstanding the details set out within the completed application form, the materials to be used in the construction of the external wall and roof surfaces of the development hereby permitted shall match the material, colour and texture used for the host dwellinghouse, known as Coopers Chase.

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

- 7** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions, extensions or enlargements or additional wall and/or roof openings to the garage/studio hereby permitted.

REASON: To define the terms of the permission and in the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions, alterations and enlargements.

Admin Note: Councillor Edward Kirk did not participate in the debate or vote having previously declared an interest in the item.

65 **17/05690/FUL - 8 Rowan Court, Melksham, Wiltshire SN12 6HS**

Public Participation

Colin Goodwood, agent, spoke in support of the application

Kate Sullivan, as planning officer, outlined the report for a car port. It was recommended that the application be refused.

The key planning issues identified in the officer's presentation were outlined to include: the materials to be used in the proposals; how the proposals is not considered permitted development; the relationship of the site to adjacent properties and the views from the street; and the objection raised by the Town Council;

Members of the Committee then had the opportunity to ask technical questions of the officer. In response to the questions, the following matters were confirmed: the position of the gazebox, the parking provision and amount of hardstanding; the potential impact of the gazebox on vehicle movements to and from the existing access; that consideration of any future applications for similar gazeboxes would be decided on their own merits.

Members of the public had the opportunity to present their views to the Committee, as detailed above. Councillor Jonathon Seed read out the statement submitted by the local ward member, Councillor John Hubbard who was unable to attend the meeting.

At the start of the debate Councillor Gordon King, subsequently seconded by Councillor Edward Kirk, moved that permission should be granted for the proposal subject to appropriate conditions.

In the debate that followed, issues discussed included: the need to delegate authority to officers to finalise the conditions to address issues including the panel material, lighting and screening.

Following the conclusion of the debate, the meeting;

Resolved

To delegate authority to the Head of Development Management Services to grant planning permission subject to conditions to be determined by officers, including conditions to address issues of the internal and external lighting, mechanical openings and vinyl coverings to be used; and to ensure the retention of appropriate boundary treatments.

The wording of these conditions was delegated to officers and subsequently agreed as:

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

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

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

Revised site location plan - received 04.07.2017; Block plan - received 04.07.2017; proposed plans - received 04.07.2017; proposed gazebo view - received 04.07.2017

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

- 3 Prior to commencement of the development hereby approved, details pursuant to any internal and external lighting, mechanical openings and vinyl coverings shall be submitted to and for the written approval of the Council. Development shall be carried out in accordance with the approved details.

Reason: To define the terms of the permission and in the interests of amenity.

- 4 The hedged boundary at and around the site frontage shall be retained and maintained for the lifetime of the development hereby approved. If the retained hedge is removed, uprooted, destroyed or dies, another hedge shall be planted at the same place, of a size and species and planted to be agreed in writing with the Local Planning Authority.

Reason: In order to secure a level of screening and safeguard street scene amenity.

66 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 6.05 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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

Wiltshire Council
Western Area Planning Committee
20th September 2017

Planning Appeals Received between 11/08/2017 and 08/09/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
16/12099/OUT	2 The Hatchery Deverill Road Sutton Veny Wiltshire, BA12 7BZ	LONGBRIDGE DEVERILL	Outline Application for the erection of 1 dwelling, with all matters reserved	DEL	Written Representations	Refuse	24/08/2017	No
17/01973/FUL	Vale Cottage 138 Top Lane Whitley, Melksham Wiltshire, SN12 8QZ	MELKSHAM WITHOUT	Proposed two storey extension	DEL	House Holder Appeal	Refuse	23/08/2017	No

Planning Appeals Decided between 11/08/2017 and 08/09/2017

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
16/05446/OUT	Semington Road Nurseries Semington Road Melksham Wiltshire, SN12 6DY	MELKSHAM WITHOUT	Outline permission for three starter homes with all matters reserved except access.	DEL	Written Reps	Refuse	Dismissed	29/08/2017	Not Appropriate for either party to apply for costs
16/05444/OUT	Land off Woodrow Road, Melksham Wiltshire, SN12 7AY	MELKSHAM WITHOUT	Outline planning application for the development of up to 77 residential units (including 30% affordable housing), open space, ecological enhancements, play space, associated infrastructure (including drainage structures and works to the public highway), access, parking, servicing and landscaping	DEL	Written Reps	Refuse	Withdrawn	16/08/2017	Not Appropriate for either party to apply for costs
16/11171/FUL	47 Alfred Street Westbury, Wiltshire BA13 3DZ	WESTBURY	Temporary Erection of Steel Construction Garage - Retrospective	DEL	House Holder Appeal	Refuse	Dismissed	15/08/2017	Not Appropriate for either party to apply for costs
17/00635/FUL	360 The Walk, Holt Trowbridge, Wilts, BA14 6RR	HOLT	Retrospective permission for fencing in excess of 2m to rear boundary	DEL	House Holder Appeal	Refuse	Dismissed	15/08/2017	Not Appropriate for either party to apply for costs
17/00644/FUL	Land at The Ham (opposite Glenmore Farm) Westbury BA13 4HQ	WESTBURY	Erection of detached house and double garage with new vehicular access	DEL	Written Reps	Refuse	Dismissed	01/09/2017	Not Appropriate for either party to apply for costs

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 7a

Date of Meeting	20 September 2017
Application Number	17/01250/REM
Site Address	Land South Of Devizes Road, Hilperton, Wiltshire
Proposal	Reserved Matters application for the scale, layout & external appearance of the development and landscaping of the site following outline approval for the erection of up to 15 dwellings (Appeal ref: APP/Y3940/A/14/2221954, Council ref: 13/06879/OUT)
Applicant	Hill Homes Ltd
Town/Parish Council	HILPERTON
Electoral Division	HILPERTON – Cllr Ernie Clark
Grid Ref	387605 158986
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

The application has been called to committee by Cllr Ernie Clark at the request of Hilperton Parish Council who object to the proposals. The application was deferred by Councillors at the Western Area Planning Committee on the 26th July and officers were instructed to negotiate a revised scheme with the applicant to deliver a lower density of development on site mindful of the reduced developable area, the siting of affordable housing and pedestrian safety. The applicant has chosen not to revise the scheme but rather to put forward additional justification for the proposal that was previously presented to committee. The two additional documents have been published to the council website.

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 should be approved.

2. Report Summary

This is a reserved matters application which follows the approval of outline application ref 13/06879/OUT (which was allowed on appeal); and the key issues for consideration are the reserved matters which are: Scale; Layout; External appearance of the development; and the Landscaping of the site

Within this amended report, special regard is given to the issues raised by Members at the 26 July committee meeting and the deferral reasons, specifically relating to density; the spread of the on-site affordable housing and the means of access and footpaths near to Devizes Road.

3. Site Description

The 0.87 hectare site is located outside of the defined settlement limits of Hilperton on land to the south of Devizes Road and outside the Trowbridge settlement framework on land north of the

residential properties at Paxcroft Mead. The site's location and its environs are illustrated on the insert maps which are reproduced below. The land to the west of the site was subject to an application for up to 26 dwellings (16/01633/OUT refers) which was refused on 14 December 2016. The subsequent appeal was recently dismissed. This site benefits from outline permission for housing and the previous principle opposition to housing outside settlement limits is not a determining consideration for this reserved matters submission.



The lighter shaded area shown above represents the Hilperton Conservation Area. the black lines represents the established village and town settlement limits for Hilperton and Trowbridge. The site is largely encircled by residential development and is about 2.5km from Trowbridge town centre.

4. Planning History

As reported above, this site has outline planning permission in place for the erection of up to 15 dwellings which was allowed on appeal under reference: APP/Y3940/A/14/2221954 following the refusal of 13/06879/OUT. The approved outline application included the detailed means of access off Devizes Road leaving all other matters being reserved for approval at a later date. Permission was granted subject to eight planning conditions and a S106 agreement.

The conditions relate to approving the detailed means of access off Devizes Road, as well as setting out the need for reserved matters to be submitted and approved, requiring a surface water drainage scheme, pedestrian/cycle link between the site and land to the south; another condition sets out the need for a construction method statement; and another sets out the requirements for all the associated highway works which need to be submitted and approved. The s106 agreement

has been amended by deed of variation to reflect the current policy position and to ensure it is CIL compliant.

5. The Proposal

This application seeks approval for the matters reserved by the outline planning permission which comprises: scale, layout, external appearance and landscaping.

The application proposes 15 houses including 5 affordable housing units (representing what is considered a low density of 17 dwellings per hectare). The proposed 10 market units would be 4-bed detached two storey houses with garages. The 5 affordable units comprise 3 affordable rented units in the form of 2 x 2-bed and 1 x 3-bed properties provided in one terrace; and, 2 shared ownership units comprising 1 x 2-bed and 1 x 3-bed provided as a semi-detached building.

The proposed layout of the site is illustrated on a reproduced block plan on the following page.



6. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and full weight in planning terms. The primacy of the development plan is enshrined in the NPPF and is reaffirmed at paragraphs 11, 12, 17, 150 and 196 where emphasis is placed upon the importance of a plan led system.

The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement strategy), CP2 (Delivery strategy), CP3 (Infrastructure requirements), CP29 (Trowbridge Area Strategy), CP43 (Providing affordable homes), CP45 (Meeting Wiltshire's housing needs), CP46 (Meeting the needs of Wiltshire's vulnerable and older people), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP52 (Green Infrastructure), CP57 (Ensuring high quality design and place shaping), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development impacts on the transport network), CP64 (Demand Management), CP67 (Flood Risk)

Wiltshire Waste Core Strategy - WCS6 (Waste Audit)

When adopting the WCS, some policies continue in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) were saved. Those which are relevant to this application include: U1a (Foul Drainage/sewerage treatment), I2 (Arts), I3 (Access for Everyone).

The following document list also merits due consideration:

- Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)
- Affordable Housing Supplementary Planning Guidance adopted August 2004
- Leisure and Recreation Development Plan Document
- National Planning Policy Framework 2012 (NPPF)
- Wiltshire Car Parking Strategy
- Circular 06/2005 – Biodiversity and Geological Conservation
- Wiltshire Council Waste Collection Supplementary Planning Guidance for New Development
- Wiltshire Council's Emerging Groundwater Management Strategy Proposals
- Hilperton's Emerging Neighbourhood Plan (which recently completed its area designation consultation)
- Hilperton Village Design Statement 2005

7. Summary of consultation responses

Hilperton Parish Council – Object to the proposals for the following reasons:

Firstly, the plans show the affordable housing in one particular area. The Parish Council considers that these should be 'pepper-potted' around the site. No consideration has been given to the ageing demographic. All the private housing on the plans show four-bedroomed properties and there is a lack of provision for smaller properties/bungalows. There is nothing in the plans to secure the open space in perpetuity, and it is considered that a condition should be imposed which would do this. Otherwise there is a real concern that the area designated as open space might come back for development in the future.

Wiltshire Council Highways Officer – No objection

Wiltshire Council Ecologist – No objection subject to compliance with Ecological Mitigation and Management Plan

Natural England – No comments.

Wessex Water – No objection

Wiltshire Council Drainage Officer – The proposal seeks to connect foul/storm drainage to public sewers and WW consultee response does not appear to raise any issues regarding the proposals and flow rates. Based on this there should not be an issue; however the application does not appear to address the issue of a septic tank and drainage from other properties which has been the subject of enforcement notices by EA in the past.

Wiltshire Council Landscape Officer – No objection

Wiltshire Council Urban Design Officer – No objection following revisions

Wiltshire Council Tree Officer – No objection

Wiltshire Council Waste Officer – Supportive, subject to conditions.

Wiltshire Council Archaeologist – No objection

Wiltshire Council Education Team – Developer contributions were secured at outline planning permission stage.

Wiltshire Council Environmental Health – The Construction Management Plan proposals need to be adhered to.

Wiltshire Council Affordable Housing Team – The affordable housing provision as proposed is policy compliant and the size of units is considered acceptable.

8. Publicity

A site notice was displayed near to the site along Devizes Road on 2 March 2017 and 62 individual notification letters were posted to neighbouring/local residents. A second round of consultation was carried out following the receipt of revised plans. Following these notifications, 14 letters of objection were received (including a pre-disposition representation made by Cllr Clark) from 7 households who raised the following summarised concerns:

- The development is cramped due to the increased public open space
- The neighbourhood plan seeks smaller housing for downsizing
- The scheme is not in keeping with the character of the area.
- The development is contrary to the Hilperton Village Design Statement
- The development comprises an amorphous collection of new buildings
- Stark gable ends would front Devizes Road
- The houses at the site entrance should face Devizes Road
- Density compatibility concerns
- Welcomed the committee's decision to defer to application to seek a reduced density
- Concerns raised about not spreading the affordable housing around the site
- The landscape plan is not adequately detailed
- Boundary treatment and screening concerns
- Concerns about the upkeep of boundaries and landscape / development conflicts
- Loss of hedgerow due to pedestrian access
- Open space should be safeguarded from future development pressures
- Concerns about septic tank location and implications
- Protection and management of ecological features
- Competing interests of ecology and urban design
- Widening of path on southern side of Devizes Road unnecessary
- The proposed new path behind the hedge at the site frontage is unnecessary
- In principle objections have also been raised by correspondents; and concerns about
- The loss of the greenfield site to development
- There is no need for new houses while houses on Paxcroft Mead remain unsold
- Noise issues for existing occupiers
- Increased traffic concerns
- Why was Badger Sett not identified previously
- Drainage concerns
- There should be a S106 contribution towards the village hall
- Other concerns raised about lack of consultation and notification

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. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Trowbridge Community Area.

9.1 Principle of Development - As set out in the planning history section of this report the principle of constructing up to 15 dwellings at this site has already been established following the allowed appeal dated 24 December 2014.

9.2 Access - The detailed means of accessing the site off Devizes Road for vehicular and pedestrian access and egress has already been approved and is not subject to any material change under this reserved matters submission and therefore it is not open for the Council to consider this part of the submission. The insert plan below is taken directly from the approved

outline application which can be easily compared against the insert plan of the proposed REM site layout illustrated within section 5 of this report.



9.2.1 if there are any remaining concerns about road safety, Condition 6 pursuant to the outline permission requires the applicant/developer to provide additional details of the estate roads, footways, footpaths, verges, junctions, street lighting, retaining walls, service routes, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients and street furniture insofar as they relate to details of access, including the timetable for provision of these works, to the Local Planning Authority for its written approval prior to any commencement of work on site. The Council therefore would still have sufficient control to ensure that appropriate and safe highway infrastructure is provided on site.

9.3 Density – Whilst density is not a specific reserved matter, it clearly forms a constituent part of any layout and scale of development. Density can be measured as the number of dwellings per hectare but this method of measuring density does not fully take account of a developable site area and other constraints on the developable area such as the shape of the site, boundary features, the number and width of roads and the size of the units proposed which influence how a development's density is quantified and experienced.

9.3.1 As previously reported, this site benefits from outline planning consent for up to 15 residential units. However this does not automatically mean that reserved matters would be granted for 15 units or indeed 15 x 5 bed units. The identification of badger habitat on the site and on the land to the immediate west following the outline approval is a material constraint which has reduced the developable site area. The red lined site plan area has not changed since the outline stage, but the applicants have designed an alternative layout which is materially different to the illustrative layout produced at outline stage in 2013.

9.3.2 It should also be noted that Core Strategy policies do not prescribe a maximum density of development but rather require development to make efficient use of land whilst drawing on the local context. To assist members of the committee, officers have analysed recent residential development densities within close proximity of the site; and as part of the case officer's PowerPoint presentation, further explanation aided by a detailed comparison development slide shall be provided.

9.3.3 In this particular case, officers conclude that the (reduced) developable area of the site can comfortably accommodate the proposed 15 residential units and would not appear as a cramped form of development or harm the character and appearance of existing development and the village of Hilperton or suburb of Trowbridge. The size and type of units proposed within the layout are discussed in more detail later in this report in relation to the relevant reserved matters and in particular the section on scale, which has been expanded following the deferment decision in July to enable members to fully understand how officers have reached the reported conclusion.

9.4 Affordable housing – Core Policy 43 requires affordable housing units to be dispersed throughout a development and designed to a high quality, so as to be indistinguishable from other development. It further advises that in determining the level of integration to be achieved,

consideration should be given to the practicalities of management and maintenance associated with the proposal whilst still ensuring affordability, particularly in development of flats.

9.4.1 The integration of affordable housing within any given development is not simply about the number of units placed in a group. It is also about the design and appearance of the affordable housing in relation to the development as a whole and the placement of the affordable housing within the scheme. When responding to consultation responses on larger schemes the Council's new housing team request that the affordable housing units are placed together in groups of no more than 12 to 15 units. Pepper potting affordable housing within small scale schemes such as the development south of Devizes Road would be unreasonable, unnecessary and in conflict with CP43 – which inter alia seeks to maximise management and maintenance efficiencies which would be compromised if the 5 on site proposed affordable housing units were dispersed throughout the scheme. The Council's housing officer, acting on behalf of the future RSL would not encourage the dispersal of the 5 affordable housing units and has confirmed her support for the proposed layout.

9.4.2 This application as originally submitted, and as illustrated below, placed the affordable housing in a separate cul-de-sac dominated by parking and hardstanding with a narrow access between two garages. Officers advised the applicants that the layout shown was contrary to Core Policy 43 and requested improvements to the scheme. It is considered that the revised proposal is fully compliant with Core Policy 43 as the affordable units are designed to a high quality and indistinguishable from the market units and are appropriately integrated within the overall scheme. They are smaller units but this is reflective of the need of affordable units locally and their size does not identify them as affordable.



Above: Superseded Site Layout Plan with affordable housing separated from market housing



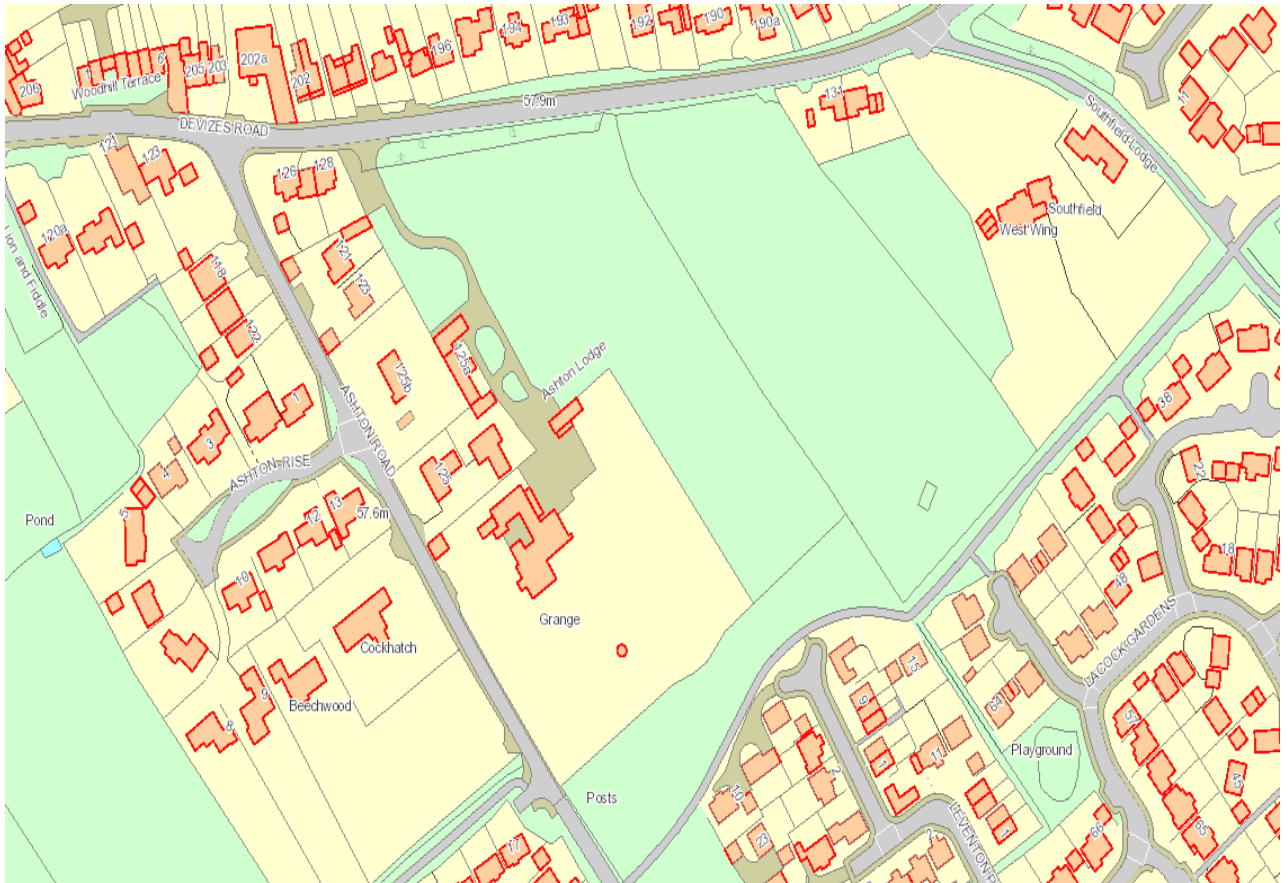
Negotiated revised Site Layout Plan with affordable housing located prominently within the scheme

<p>Superseded front elevation for the affordable rented units</p>	<p>Proposed front elevation for the affordable rented units</p>

9.5 Layout – This includes the layout of buildings, routes and open spaces within the development site and the relationships they have with the site’s surroundings.

9.5.1 The site is broadly rectangular in shape and bounded to the northwest by Devizes Road. The opposite side of Devizes Road is fronted by a row of residential properties. The site and the land to the immediate east, west and south are in open countryside forming a gap between the settlements of Hilperton and Trowbridge.

9.5.2 The proposed layout for the 15 dwellings has been influenced by the approved position of the access off Devizes Road and the position of a badger sett within the southwestern hedgerow. The proposed layout presents two houses which would front the internal road but also address Devizes Road with the remainder of the housing fronting the new internal road and cul-de-sac arrangement which is considered acceptable and would reflect the form of development found on the south side of Devizes Road as illustrated in the insert map and aerial images below:



9.5.3. The proposed layout would retain and enhance the existing landscape features such as the existing hedgerow and trees. It provides on-site public open space in keeping with the Council's adopted standards which would also keep the majority of the existing hedgerow within areas of open space which is preferable for on-site management purposes and is considered to be in accordance with Core Policies 50, 51, 52 and 57 of the WCS. In light of the recent appeal decision on the adjacent site at the Grange (APP/Y3940/W/17/3167012 refers), the proposed layout also has the advantage of keeping the bulk of the development to the east of the internal road allowing the open space to contribute towards safeguarding the remaining gap between development on this site and the historic village core.

9.5.4. The long term management of the open space is already secured by the s106; and as part of ecological enhancement and agreed mitigation, new hedgerows would be planted which would be separated from residential gardens by an access strip to allow for maintenance purposes. No play equipment is to be provided on site within the open space due to its size. Instead, a developer contribution amounting to £3,683.00 (index linked) has been secured by s106 linked to the outline consent to contribute towards enhanced local children’s play equipment / facilities and that the obligation dictates that no house can be occupied until the said sum is paid.

9.5.5 The local highway authority and the waste team have confirmed that the layout meets their standards as required by Core Policy 61 and 64 and the waste SPD.

9.5.6 The proposed houses are sufficiently distant from neighbouring residential properties and would not compromise existing residential amenity. Future occupiers of the proposed dwellings would have adequate private amenity space of their own and the proposed separation distances within the scheme ensures adequate levels of amenity and privacy in accordance with Core Policy 57 and paragraph 17 of the NPPF.

9.5.7 A new footpath and cycle link would connect the site with the existing network to the south which is a conditional requirement attached to the outline consent.

9.5.8 Overall, the proposed layout is acceptable and in accordance with the above mentioned policies.

9.6 Appearance – This relates to how new buildings and the scheme as a whole looks, including the design treatment and how it responds and relates to the local context and surroundings. The inserts below illustrate some of the house type variety being proposed within the scheme. The first two relate to market housing and the third shows the affordable housing units.



9.6.1 The applicant proposes a mix of house styles to incorporate designed variety throughout the scheme, but as is evident from the above house type examples; the affordable housing is not visually distinguishable from the design of the market housing and would not appear discordant when compared to the proposed market housing units and officers report that the affordable units would comply fully with WCS CP43 requirements; and all the house types and use of materials would be complementary to the housing found along Devizes Road. The character of the properties found along Devizes Road is formed by a varied mix of styles constructed mainly in red brick although there is some rendered facades and some use of reconstituted stone. The housing found at Paxcroft Mead (located to the south) is predominantly made up from detached housing constructed from brick. The properties at No. 131 and 132 Devizes Road (which are located to the east) are rendered cottages. Further to the east, the properties known as West Wing and Southfield are rendered with brick detailing. To support this application, and in line with the Hilperton Village Design Guide, as well as being cognisant of the content of the emerging Hilperton Neighbourhood Plan, comparative analysis of the local area has been undertaken which confirms the spread of construction materials found along Devizes Road, Ashton Road/Ashton Rise, Stourton Park and Paxcroft Mead. The predominant material found locally is brick and brick sample panels have been appraised by the Council's urban designer who has confirmed his support for panel 3 which comprises a warm mottled red/orange brick with soft blue detail, which officers recommend.

9.6.2 The proposed means of enclosing the plots with hedging and tree planting and the formation of the roads and public realm are also considered to be in keeping with the character and appearance of the area.

9.7 Landscaping – This relates to existing and proposed landscape planting which have value in terms of improving or protecting amenities, softening the impacts of buildings and breaking up the urban mass and rooflines as well as creating biodiversity and ecological habitat enhancement.

9.7.1 The proposed landscaping scheme which is illustrated on the insert plan shown below would retain important landscape features on the site such as the trees and hedging on Devizes Road (except for the area required to create the consented new access) and the hedgerow along the south eastern boundary. The applicant is committed to planting additional hedgerow along the south-western and north-eastern boundaries of the site as well as additional tree planting. The hedge planting is secured in the S106 associated with the outline application. Shrubs are proposed to enclose the front gardens. With the support of internal consultees, it is considered that the proposed strategic landscaping of the site is in keeping with Core Policies 51 and 57 of the Wiltshire Core Strategy but that further detailed landscape plans are required by condition.



9.7.2 The S106 agreement accompanying the outline permission includes a requirement to prepare an Ecological Management Plan which would need to be approved by the council prior to the commencement of development and which should address specific issues such as the long term maintenance of the existing and proposed hedgerow, details of the management company responsible and creation and management of a new meadow

9.8 Scale –This relates to the size/quantum of the development, including the height, width and length, and massing of proposed buildings.

9.8.1 In terms of understanding the local context, the properties found along Devizes Road to the north of site have large footprints and are sited on large plots. The cottages at No. 131 and 132 Devizes to the north-east of the site and to the south side of Devizes Road occupy smaller plots which are broadly comparable to the house-plot ratios found along Ashton Road and Ashton Rise. The housing within Paxcroft Mead is built at a higher density and the houses are generally smaller occupying smaller plots. The buildings to the north of Devizes Road occupy an elevated position and the application site gently slopes to the south.

9.8.2 Core Policy 45 advises that new development should incorporate a range of different types, tenures and sizes to create mixed and balanced communities. Core Policy 57 advises that development should respond positively to existing townscape in terms of scale amongst other things. It also requires development to make efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area.

9.8.3 The outline application gave consent for up to 15 dwellings. It is noted that the indicative layout submitted with the outline application has evolved following recognised constraints and negotiations with officers. The finalised proposed layout is considered in section 9.5 of this report and is found to be acceptable. The identification of the Badger Sett has changed the developable area of the site but it is considered that the current layout can still comfortably accommodate 15 dwellings. In terms of the building layout, the mix of detached, semi-detached and terraced units is in keeping with building layouts locally. The proposed gardens to all the houses are proportionate to the size of the houses and whilst they do not extend to the depth of those on the northern side of Devizes Road are more generous than those found in the nearby Stourton Park development or within the Paxcroft Mead development to the south of the site.

9.8.4 The manner in which houses and garages are laid out allows for very generous spacing between dwellings at first floor level which is reflective of the pattern of development on the northern side of Devizes Road. The height mass and scale of the buildings are again reflective of those found on Devizes Road and Stourton Park but with more space between dwellings than generally found at Stourton Park. Officers report that this proposal does not represent a cramped form of development and would not be out of keeping with the character and appearance of the area but rather mediates between the low density development on the northern side of Devizes Road and the higher density development to the south and east of the proposed site.

9.8.5 The quantum of development (which was allowed on appeal) constitutes an efficient use of land which would relate well to the character and appearance of the local area in terms of building layouts, built form, height, mass, scale, and plot sizes; and would be in accordance with the above mentioned policies.

9.9 Other Matters – The outline permission was the subject of a number of conditions which need to be discharged. The subsequent details required for the discharge of these conditions can be submitted following the approval of reserved matters. These relate to technical highway and drainage details and the pedestrian/cycle link and construction management plan

9.9.1 To further support this application, the applicants have submitted a Construction Management Plan (CMP) with this application which meets the requirements of highways officers and public protection. Condition 7 imposed on the outline consent requires that the approved CMP is fully complied with throughout the construction period. Following the committee debate in July, a condition requiring the development to be energy efficient in accordance with WCS Core Policy 41, has been added.

10. S106 contributions - The outline application was the subject of a s106 agreement. This agreement has been varied to amend the affordable housing provision to fall in line with current policy and to remove a contribution not considered CIL compliant by the appeal Inspector (pursuant to the offsite leisure contribution). The s106 (as amended) secures the following:

- A financial contribution of £3,683 towards off site children's play provision
- A financial contribution of £124,324 towards school places
- Provision and maintenance of the on-site public open space
- Provision of 5 affordable Housing units (3 x Affordable Rented and 2 x Shared Ownership)
- Securing and delivering an Ecological Management Plan

11. Conclusion (The Planning Balance) - It is considered that the reserved matters pursuant to this application namely the layout, scale, appearance and landscaping of the development are acceptable and in accordance with the development plan and are NPPF compliant. The proposed development would be in keeping with the character and appearance of the area and would provide adequate levels of amenity for existing and future occupiers and no harm would be created to justify a refusal.

RECOMMENDATION: Approve subject to the following conditions:

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

Dwg SLP – Site Location Plan Revision P1, Received 09 February 2017

Dwg 1 – Proposed Residential Development, Revision P4, Received 27 June 2017

Dwg 2 - Landscape Strategy Plan - Revision P2, Received 27 June 2017

Dwg 3 – Street Scene and Site Sections – Revision P2, Received 13 July 2017

Dwg 5 - Single Garage Detail, Received 27 June 2017

Dwg 10 – Avebury House Types Floor Plans (Plots 1 and 2) Revision P3, Received 27 June 2017
 Dwg 11 – Avebury House Types Elevations (plots 1 and 2) Revision P4, Received 27 June 2017
 Dwg 20 - Cherhill House Type Floor Plans (Plot 3) Revision P1, Received 27 June 2017
 Dwg 21 – Cherhill House Type Elevations (Plot 3) Revision P2, Received 27 June 2017
 Dwg 30 – Durrington House Types Floor Plans (Plot 5) Revision P2, Received June 2017
 Dwg 31 – Durrington House Types Elevations (Plots 5) Revision P2, Received 27 June 2017
 Dwg 40 – Edington House Type Plans (Plots 4, 10, 12 and 13) Revision P2, Received 27 June 2017
 Dwg 41 – Edington House Type Elevations (Plots 4, 10 and 13) Revision P2, Received 27 June 2017
 Dwg 42 - Edington House Type Floor Plans (Plot 12), Rev P2, Received 27 June 2017
 Dwg 60 - Ramsbury House Type Floor Plans (Plots 6 and 11) Revision P2, Received 27 June 2017
 Dwg 61 - Ramsbury House Type Elevations Revision P2 (Plot 6), Received 27 June 2017
 Dwg 62 - Ramsbury House Type Elevations Revision P2 (Plot 11) Received 27 June 2017
 Dwg AF01 - Block 1 Affordable House Type Plans (plots 14 and 15) Rev P2, Received 27 June 2017
 Dwg AF02 – Block 1 Affordable House Type Elevations (Plots 14 and 15) Revision P2, Received 27 June 2017
 Dwg AF03 - Block 2 Affordable House Types Plans (Plots 7 and 9) Revision P2, Received 27 June 2017
 Dwg AF04 – Block 2 Affordable House Types Elevations (Plots 7 and 9) Revision P2, Received 27 June 2017
 Dwg 5278-100 Revision B – Vehicle Swept Path Analysis, Received 18 July 2017
 Dwg 5278-101 Revision A – Drainage Strategy and Finished Levels, Received 18 July 2017

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

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

- * location and current canopy spread of all existing trees and hedgerows on the land;
- * full details of any to be retained, together with measures for their protection in the course of development;
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * finished levels and contours;
- * means of enclosure;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * all hard and soft surfacing materials;
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting);
- * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines indicating lines, manholes, supports);

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

3. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall

be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

REASON: In the interests of highway safety.

5. The approved brick panel which has been constructed on site and is illustrated and annotated on the sample photograph received on 14 July 2017 shall then be left in a position on site for comparison purposes whilst the development is carried out. The development shall be carried out in accordance with the approved brick sample.

REASON: in the interests of visual amenity and the character and appearance of the area

6. No development shall commence on site until details of the roof tiles/slate and render type to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

7. No development shall commence on site until a lighting design strategy for biodiversity for buildings, features or areas to be lit shall be submitted and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for foraging and commuting bats 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;
- 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 hedgerows and trees and to maintain dark foraging and commuting corridors for bats.

8. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

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

Planning Informative:

1. Your attention is drawn to the fact that, whilst the details have been approved in relation to this reserved matters application, the conditions attached to the outline planning permission under reference 13/06879/OUT will need to be discharged prior to the commencement of works and adhered to as well as compliance with the associated S106 agreement.

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 7b

Date of Meeting	20 September 2017
Application Number	17/03839/FUL
Site Address	3 High Street, Warminster BA12 9AG
Proposal	Refurbishment of existing frontage building to provide 2 shops with 4 flats above plus new residential development of 5 dwellings and landscaping to the rear.
Applicant	Mr Huy Nguyen
Town/Parish Council	WARMINSTER
Electoral Division	WARMINSTER EAST – Cllr Andrew Davis
Grid Ref	387369 145088
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 Andrew Davis for the consideration of the scale of development, the visual impact upon the surrounding area, relationships with adjoining properties, as well as design and environmental/highway parking impacts. Furthermore, the Warminster Town Council PAC requested that Cllr Davis call in the application.

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 recommend that the application be approved, subject to a Section 106 agreement relating to repairs to the existing listed building. This report appraises the proposed extension, refurbishment and re-use of the listed building which is presently derelict as well as assessing the proposed five house development to the rear of the site and behind St Lawrence Chapel and Curfew Cottage (which are outside the application site).

A separate report pursuant to a Listed Building consent application (ref: 17/04445/LBC) duly appraises the proposed works to the Listed Building at No.3 High Street and is the next planning item on this committee agenda.

2. Report Summary

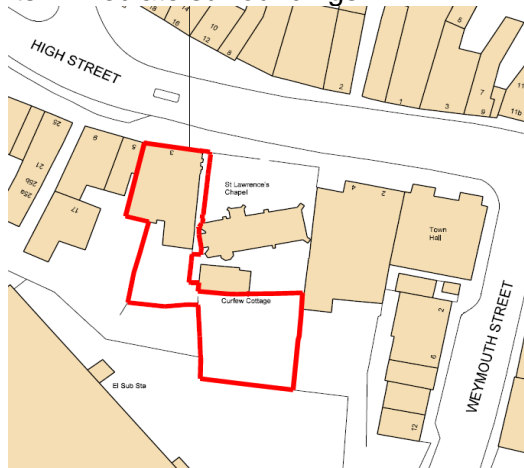
This report assesses the proposal in the light of the principle of the development, the impacts on heritage asset(s), the access and parking impacts and neighbouring amenity impacts, and recommends that planning permission should be granted, subject to conditions and a S106 legal agreement.

Neighbourhood Responses: Representations were received from the Feoffees (Trustees) of St Lawrence Chapel as well as one letter of support from a third party.

Warminster Town Council: Objects to the application for reasons summarised in section 8.

3. Site Description

The subject property at No. 3 High Street is a grade II listed building which is in a very poor perilous state of repair and is described as 'derelict' by the applicant and is currently scaffolded without which the building would be at risk of collapse. The site photo below illustrates the extent of scaffolding and the boarded pedestrian gangway. The site also comprises land to the rear, located between the High Street frontage and the Morrisons supermarket. It is an irregular shaped site is located within Warminster's Conservation Area and adjacent to St Lawrence Chapel. The insert plan below illustrates the application site and its immediate surroundings.

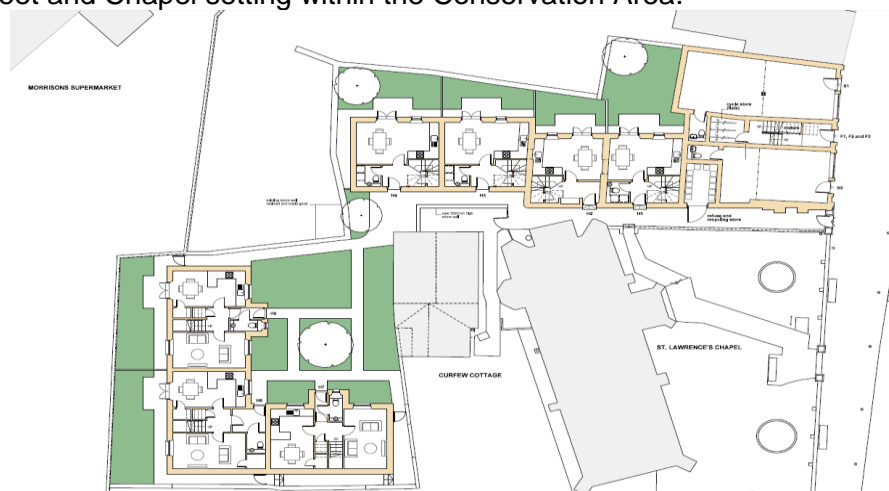


4. Planning History

There have been a number of applications in the last decade relating to attempts to refurbish the building at No. 3 High Street. However, no refurbishment works have been implemented. The most recent relevant planning applications relating to the site are:- W/12/02179/FUL and W/12/01745/LBC: which comprised the refurbishment of existing building to provide 2 shops at ground floor level and 5 flats to the upper (first and second) floors - which was approved with conditions.

5. The Proposal

Under this application, the applicant proposes to restore and convert No.3 High Street to form 2 ground floor shops and 4 flats on the upper floor and in so doing, preserve its visual role in the High Street and Chapel setting within the Conservation Area.



The ground floor of No. 3 would be re-developed to provide two retail units with a new central access directly off the High Street for the upper levels of new residential accommodation (4 flats) in refurbished and converted spaces. The layout has been designed to make use of the original walls and floors where this is possible.

The application proposal also comprises erecting a 2 storey extension to the rear of No.3 to accommodate 2 houses which would be designed to follow the pattern of the existing rear wing and replace earlier works, now demolished, in the same location.

In addition, 3 houses are proposed to be sited to the rear of Curfew Cottage. The scheme is proposed to be car-free, with pedestrian access available only to serve the rear properties via an existing pathway located to the west side of St Lawrence Chapel. A landscaped courtyard is proposed between the 3 dwellings at the rear of the site and “Curfew Cottage” on the St Lawrence Chapel land.

The following insert elevation plan illustrates the proposed development.



The application is supported by the following documents:

- A Design and Access Statement
- A Heritage Statement and Assessment of Significance
- A Structural Inspection Report
- An Arboricultural Impact Assessment Report
- An Ecology Phase 1 Habitat Survey
- An Ecology Phase 1 Layout
- A Financial Statement

6. Planning Policy

Wiltshire Core Strategy (WCS) Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 31: Spatial Strategy for the Warminster Community Area; Core Policy 41: Sustainable Construction and Low Carbon Energy; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 58: Ensuring the Conservation of the Historic Environment; Core Policy 60: Sustainable Transport.

In addition to the above Core Policies, the following West Wiltshire District Plan – 1st Alteration (2004) saved policies remain relevant: SP1 - Town Centre Shopping & SP4-Primary Retail Frontage.

The 2016 'made' Warminster Neighbourhood Plan is also a material consideration and forms part of the development plan and must be appraised as part of determining planning applications.

Wiltshire Council's Car Parking Strategy is also of material relevance to this application.

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations.

7. Summary of Consultation Responses

Warminster Town Council - The Town Council objects to this application on the grounds the need for development to be done sensitively, taking in all the surrounding area, including access and traffic issues. The proposed development constitutes gross overdevelopment, and would lead to loss of amenity to neighbouring properties and impact on the conservation area.

Conservation Officer – No objection. The building is in a very poor condition and clearly earns the 'building at risk' label. The retention and conversion of the existing building, albeit with considerable rebuilding, would be costly and deliver little in the way of profit to act as an incentive. The previous owner did not implement the 2012 consented scheme which is summarised within section 4 of this report and financial viability has been mooted as being part of the reason, which is not disputed. Whilst the proposed new building to the rear is not "enabling development" as envisaged by the development policies in the WCS, the proposed new building element of the project would nevertheless enable the restoration of the Grade II listed building as part of a viable scheme.

The proposal represents a reasonable and proportionate amount of new development in order to secure a viable future for this long-neglected building. The proposals, if consented, would deliver considerable enhancements to the street scene and improve the setting of the neighbouring chapel and the jeweller's shop. The proposed 3 additional residential units to the rear of Curfew Cottage and the Chapel would not harm the setting of the chapel when viewed from the rear (behind Morrison's or from the carpark to the rear of number 4 The High Street). Additional conservation based commentary is provided within section 9 of this report.

Drainage Officer – Following the submission of revised plans and additional detail, the officer supports the proposal, subject to conditions in relation to foul and surface water disposal.

Ecologist – No comments received.

Environmental Health – No objection subject to conditions to cover noise and nuisance control during construction and upon commencement of the ground floor commercial uses.

Highway Officer – No objections are raised in relation to the proposed redevelopment of the existing building at No. 3 High Street to create a mix of retail and flats without any dedicated car parking provision, and it is duly acknowledged that there is no dedicated parking provision at present. Concerns are raised about the proposed housing development to the rear of the existing building being car free. Whilst the site is located within the town centre with close proximity to amenities and local public transport, the development is likely to appeal to families, who would be more likely to require the use of personal transport compared to 1 bedroom units that would be marketed for single occupancy or couples that are starting out on the property ladder. There are also concerns raised regarding construction traffic accessing

the site during the construction period; although it is acknowledged that construction traffic is noted within the supplementary information.

Tree Officer – No objections. The officer notes that the Arboricultural Impact Assessment clearly states the trees within the curtilage are low value individually and in this instance, the site could benefit from their removal to facilitate redevelopment of the immediate area. A soft landscape plan indicating the mitigation tree planting, species and sizes that are suitable for the site should be conditioned.

8. Publicity

Following the display of a site notice and individual neighbour notifications, two parties responded to the public consultation exercise.

The Feoffees (Trustees) of St Lawrence Chapel submitted several responses, raising the following objections/queries:

- The applicant's reference made to discussions held between the applicant and Feoffees are not accurate. Permission would be required to use the access.
- No easement rights exist along the path and access for bins and to 3 new dwellings to rear would be via the path.
- The door leading from No. 3 onto the path was infrequently used. Access was mainly via the main shop entrance.
- The applicant provides no indication as to how heavy materials would reach the rear of the site;
- Feoffees have indicated that permission will not be granted for works to be carried out from the Chapel land.
- The path provides the only entrance to Curfew Cottage which requires unrestricted access 24 hours a day, 7 days a week.
- The application should state that this would be a "car free" development.
- The indicated dimensions of the proposed buildings to the rear are queried.
- Concerns raised about the impact the development would have on the Chapel structure, loss of light to the west facing stained glass window, general overpowering of the Chapel and Curfew Cottage and the loss of privacy to both buildings.
- The loss of all the trees to the rear is a concern.
- The path is consecrated land and it is likely that human remains could be present under the path as this was originally a grave yard.
- Development would need to be undertaken in a sympathetic way to preserve local tranquillity and amenity (both during the construction process and after completion).
- Impact of Chapel bells chiming on residential amenity of future occupants.

The 2nd third party response supports the proposal with a view to the restoration of the street frontage, stating that No. 3 has been an "eyesore on the High street of Warminster" for too long. If it takes development at the rear in the vicinity of the back wall of Morrisons to enable the restoration, that would be acceptable.

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 The Principle of the Development - The site is located within the established limits of development of Warminster where the principle of new dwellings and sustainable forms of

development are supported. The proposal is considered to comply with CP1, CP2 & CP31. The site is within the Primary Retail Frontage area of the Warminster Town Centre (to which saved Policy SP4, of the West Wiltshire District Plan refers) and the ground floor shop units accord wholly with policy. However, the details of the proposal must be appraised against all the relevant development plan policies as set out within section 6 of this report.

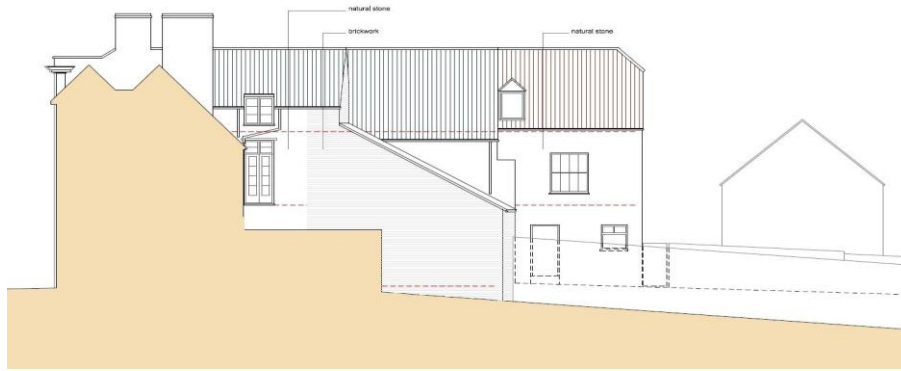
9.2 The Setting of St Lawrence Chapel and the Conservation Area – The existing building sits between St Lawrence Chapel and the Grade II Listed buildings at No. 5-17 High Street, which are all within the Warminster Town Centre Conservation Area. The proposed development would structurally correct and repair the front elevation which without the significant amount of scaffolding would be at serious risk of collapse. As illustrated below, the proposal seeks to restore and preserve the essential character of the building and in turn, would enhance the character and appearance of the Conservation Area and neighbouring settings of listed buildings. The insert plan below illustrates the proposed High Street frontage.



Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the LPA has a general duty, in the exercise of planning decisions in respect to any buildings or other land in a conservation area, to give special attention to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, Core Policy 58 of the Wiltshire Core Strategy aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life.

With regard to the heritage considerations, a Design and Access Statement, a Heritage Statement and an Assessment of Significance on the existing building and proposed development to the rear, as well as a Structural Inspection Report on the building were all submitted in support of the application and these have been carefully appraised.

The following extracts illustrate the existing and proposed elevations:



Existing West Elevation and Section



Proposed West Elevation and Section

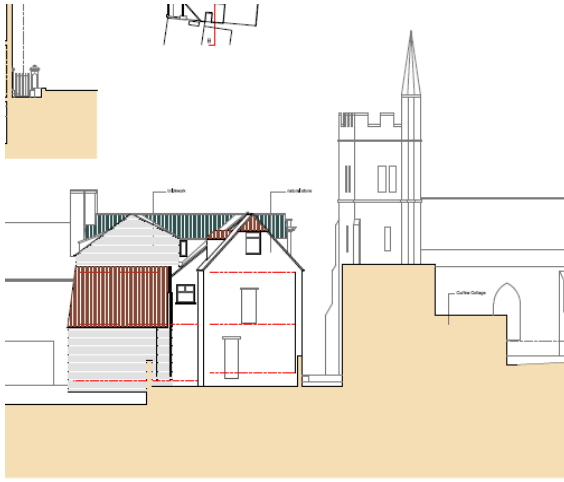
The building would be extended with the addition of the double storey element extending off the existing southern rear elevation. Historic maps show a previous range of buildings attached to the rear of the original building as illustrated in the reproduced historic mapping inserts below. The range of buildings at the rear of No. 3 were demolished at some point after 1952 as they don't appear on the 1952-1992 epoch mapping database available to officers. The parcel of land to the immediate rear of No. 3 High Street is now used as a parking area to the rear of no 5 High Street. Along the eastern and southern part to the rear of No. 3, another range of buildings have since been demolished. An existing lean-to extension would be demolished and replaced by the proposed double storey rear extension.



1868-1899 historic map of No. 3 High Street



1924-1952 historic map



Existing (above left) and Proposed (above right) plans of South elevation and sections (Main Building)



Proposed new building to the rear of the Chapel and Curfew Cottage illustrating the proposed south elevation (i.e. as viewed from the Morrisons supermarket)



Proposed Western elevation of 3-house development to rear of the Chapel and Curfew Cottage

The Conservation officer has carefully appraised this planning proposal in terms of considering the effects it would have on the listed building and conservation area heritage assets and advises that: The application is supported by An Assessment of Significance which

draws on the previous historical report by Compass Archaeology (submitted in respect of the previous application)...which identifies that the significance of the [host] building is:

- Its historic value as a timber framed house for a prominent local;
- The variety of traditional materials and detailing;
- The rear wings reflecting the historic burgage pattern of development;
- Its relationship with the Chapel of St Lawrence.

As noted in the report, the work of the mid-19th Century (converting a house into shop) and again in the mid-20th century, has compromised the interest of the interior such that the interior is now of 'low interest' – a statement, officers fully concur with.

The application for the conversion of the existing building comprises:

- retaining and repairing the frontage (but reconfiguring the ground floor shop front elevation)
- converting the ground floor into two separate shops;
- installing a staircase at ground floor in the centre of the building to create a separate hallway and means of entrance to access the 3 residential units on the first and second floor;
- converting the first floor to two flats and the second to one flat – all accessed via the central staircase;
- converting the existing rear element into two x 2 bed units over 3 floors (ground to second floor level); and,
- extending the rear extension to the west to create two further houses (each 1 bedroom over two floors).

In terms of the proposed works on the character and interest of the building, the works to the frontage would repair the main elevation (upper levels) and reinstate a traditional shop frontage with a central doorway, which would be much more in keeping with the historic character of the building than the recent past configuration. The installation of a staircase would reinstate the arrangement that formerly existed. The application also proposes three new units (located to the rear of St Lawrence's Chapel and Curfew Cottage) – arranged in an 'L' shape. It is appreciated that this part of the site is lower than that of the church and the cottage and is currently neglected and overgrown. To the south of the site is a stone wall which has collapsed in the southern corner beyond which is a car park area the Morrisons supermarket, which is a large monolithic building which is clearly identifiable on the insert location plan below along with the chapel, cottage and application site at No. 3 High Street.



The proposed 'L' shaped building would be two storeys and designed in a traditional unassuming style using traditional materials (clay tiles and bricks) with a pitched roof and chimneys. The conservation officer questions the style choice of sash windows, rather than flush-framed casement windows, which would be more typical of a modest development to the rear of the High Street.

The view of the chapel from the car park is not a prominent view given the fact that the car park is to the rear of the Morrisons supermarket and staff carpark and that the current site is overgrown. The general impression generated is that of a run-down neglected area – which is partially illustrated by the site photograph reproduced below. In view of the topography of the site whereby the land slopes away from Curfew Cottage towards the carpark, the proposed development would not likely impede views of the chapel tower, which is an important and much valued landmark feature. In any case, the view from the car park is not a significant one. Moreover, the proposed scale, massing and siting of the development is considered appropriate in terms of the character of the area. Furthermore, it is submitted that the modest development would enhance views towards the site and beyond to the chapel and that the development would facilitate further enhancement through improved management of the site and repairs to the historic walls.



Officers conclude that the proposal represents a reasonable and proportionate amount of new development in order to secure a viable future for the long-neglected building at No. 3 High Street. The proposals, if consented, would deliver considerable enhancements to the street scene and improve the setting of the neighbouring chapel and the jewellers shop. The 3 residential units to the rear of Curfew Cottage and the chapel would not harm the setting of the chapel when viewed from the rear behind Morrisons or from the carpark to the rear of number 4 The High Street. As such, the proposals are considered to be in accordance with the WCS core policies, the Warminster Neighbourhood Plan and paragraph 137 of the NPPF.

It must be recognised that No.3 High Street is in very poor condition and has scaffolding in place to prevent the collapse of the building (as certified by Building Control). The submitted proposals would see the building retained, repaired and reinstated (in terms of the ground floor). The rear extension is considered an appropriate and sympathetic addition which would reflect the historic character and previous 19th Century development of the building and the site and would be in keeping with the character of the listed building. The proposals would enhance the significance of the listed building and accord with paragraph 131 of the NPPF and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990. The proposals, by virtue of the repair and reinstatement of the principal elevation would enhance the setting of the adjacent Chapel of St Lawrence and would consequently be in accordance with paragraph 137 of the NPPF and the relevant development plan policies.

Should members be minded to support this application, the Council's conservation officer recommends planning conditions in relation to detailing on the refurbished frontage, an internal survey of retrievable fabric and additional details for the new buildings to the rear.

After a detailed heritage appraisal, officers support this application. It is however necessary to note that the 3 house development located to the rear of the site is partially justified as a means of contributing to the funding of the repair and reinstatement of the host Grade II listed building, and it is considered necessary to secure the refurbishment of the building at No. 3 High Street prior to the occupation of any new units by way of a S106 Legal Agreement.

Members are furthermore advised that a separate listed Building consent application has been submitted which also requires committee consideration (application 17/04445/LBC refers) and is listed next on the committee agenda.

9.3 Highways and Parking - A new entrance off the High Street is proposed giving access to the ground floor residential lobby of the frontage building. Shop access would be via new entrance doors off the High Street. Only pedestrian access is provided to the units to the rear of the site, and the scheme is being proposed as a car-free development. The highway officer is satisfied that the refurbishment is acceptable due to the building being existing with no parking provision but raises concerns in respect of possible parking demand arising from the two bedroom units – which the Council's published car parking strategy guidance indicates a requirement for 6 spaces. It should be stressed however that this is guidance.

Whilst the Council's Car Parking Strategy sets out the standards, it also states that reduced residential parking requirements can be considered to include circumstances where there are significant urban design or heritage issues, or where parking demand is likely to be low and where any parking overspill can be controlled. Furthermore, decision makers must also be mindful of NPPF paragraph 32 which states that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*".

In this instance, the proposed development is in the heart of the town centre of the market town of Warminster which benefits from being within short walking distance access to public transport and the full range of the town's facilities, amenities and services. There is in addition, extensive public car parking available for any visitors, again within close proximity. Whilst each application must be considered on its own merits, it is worthwhile acknowledging that in terms of principle, there have been some recent examples of two bedroom residential units being approved as car-free schemes elsewhere within Warminster town centre near to this site. For example, application 13/00921/FUL approved 2 x 2-bed flats at No. 10 Market Place with no dedicated car parking; and application 14/09710/FUL approved a 2 bed unit at No. 20 Market Place with no car parking also. Trowbridge town centre has also had car free developments approved in recent years.

Under this application, nine residential units and two retail units would be provided in a highly sustainable location. If approved and implemented, the development would deliver significant heritage benefits which would secure the refurbishment of the Grade II listed building and enhancements to the appearance of the Conservation Area street scene. It is considered that these benefits would significantly outweigh the lack of any dedicated car parking provision.

Officers fully appreciate that the development if it is to be approved would require a robust construction management plan in recognition of there being only a pedestrian access available to service the rear of the site. The applicant's agent has been approached on this matter and advised that construction traffic could possibly be negotiated on a short term basis via private land to the west and/or the south-east of the site. If this cannot be agreed, it is

understood that the applicant would use the existing shopfront as an access and 'build out' the site from the rear. Such an approach would require careful site management and a robust planning condition would be necessary to secure a comprehensive site management plan which would need to be agreed prior to the commencement of any works on site.

9.3 Neighbouring Amenity – It is acknowledged that The Chapel Feoffees have raised concerns regarding privacy and overshadowing harm, especially in relation to Curfew Cottage but also in respect of loss of light to the Chapel itself. In response to the privacy concerns arising from direct visibility between the 3 new dwellings at the rear of the property and the cottage, the design has been revised to replace the one directly facing window with a fixed closed window with obscure glass, with gable windows to provide light in its place. Whilst it is accepted that there would be a limited separation distance between the development and the neighbouring properties, there is a significant difference in levels which would result in any views being obscured. These levels and the separation distance also mean that overshadowing of the cottage from the south would not arise to any unacceptable degree. Officers are also fully mindful of the present site circumstances with established trees reducing outlook and light to some degree. Officers are also appreciative of the town centre context whereby a denser development and reduced separation distances between buildings combine to form the existing character of the town centre. It should be stressed that there would be no directly intervisible windows from the proposed new build extending to the rear of No. 3.

It is also noted that the Feoffees also raise potential amenity impacts on future occupiers arising from the Chapel bell ringing at regular intervals. Officers would respond to this matter by stating that the bell ringing takes place in the context of existing residential uses at upper floor levels already in the vicinity of the Chapel and officers are not aware of any complaints being lodged in this regard and future potential buyers would be fully aware of the presence of the Chapel and bell ringing before going through with any property purchase. It is also noteworthy to mention that the Council's public protection officer has not raised any objections in this regard.

9.4 Other Matters - The Chapel Feoffees also raised further questions about additional surveys to ensure the protection of the Chapel and the pathway during construction. The Chapel itself lies outside of the red line area and arrangements in respect of protection during building works would be a matter of private treaty which would fall outside of the planning remit open to the local planning authority. If the pathway is to be utilised, it would an agreement to be reached between the relevant parties. Any consequential works to or impacts on the path would also require private agreement.

In respect to ecology matters the submitted documentation confirms discussions with the Council's ecologist, and it has been confirmed that no further surveys for bats are required. The ecology report recommendations are supported by the Council's ecologist comprising site clearance of vegetation to be undertaken outside the bird nesting season (March to the end of August) or immediately after an ecologist has confirmed the absence of any active nests; that a nesting bird check is undertaken by a suitably qualified ecologist prior to any building works commencing; provision of replacement bird nesting features through the installation of bird boxes and that any trees scheduled for retention proposals should be protected during construction. Planning conditions and an informative can satisfactorily secure all of the above ecology safeguarding and enhancement requirements.

The Warminster Neighbourhood Plan and 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. Members are advised that any grant of planning permission should include a condition to that effect.

The Council has an adopted CIL regime, and it is material to note that this application proposal would generate CIL receipts that would contribute towards infrastructure improvements. In addition, given that Warminster has a made Neighbourhood Plan, Warminster Town Council would directly secure 25% of CiL receipts.

Conclusion (The Planning Balance) – Officers report that this development proposal accords with the relevant WCS Policies and the design is considered acceptable in terms of the Conservation Area, design, access, and the surrounding context. The proposed development would provide an additional 9 residential units and 2 shops in a wholly sustainable location that would not result in unacceptable harm to local amenity, and would deliver significant benefits by bringing a longstanding semi-derelict and dangerous listed building back into a functional and viable use. Planning permission is therefore recommended, subject to planning conditions.

10. RECOMMENDATION: It is recommended that authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and following the completion of a S106 legal agreement which would bind the developer and this permission to firstly secure and complete all the necessary repair works to bring the Grade II Listed building at No. 3 High Street back into a functional use prior to the first occupation of any of the approved dwellings.

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

1364/P/LOC received on 25 July 2017; 1364/P/01 P3 received on 25 July 2017; 1364/P/02 P2 received on 18 April 2017; 1364/P/03 P2 received on 18 April 2017; 1364/P/04 P2 received on 18 April 2017; 1364/P/05 P2 received on 18 April 2017; 1364/P/06 P3 received on 25 July 2017; 1364/P/07 P2 received on 18 April 2017; 1364/P/08 P2 received on 18 April 2017; 1364/P/09 P3 received on 25 July 2017

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

3. No development shall commence on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:

In respect of the 3 residential units located to the rear of the site and behind the Chapel:-

Eaves and chimney details to include a section at a scale of 1:10, full detail of doors, lintels, cills and windows and brochure details for rainwater goods and roof lights (conservation style):
A sample panel of the proposed brickwork and mortar colour (brickwork should be Flemish bond) and the proposed specification for the repair of the wall; and,

In respect of alterations and conversion of 3 High Street:-

Detailed drawings of the ground floor shop front at a scale of no less than 1:50;
A repair schedule for all the existing windows with sash windows to be repaired or be replaced on a like-for-like basis;

Details of conservation style roof lights, timber French doors and other new external doors and any canopies, natural slate roofing materials and new stone copings;
Details of the design of the new stairs at ground to the first floor level; and
A room by room survey of all surviving historic features (i.e. doors, skirtings, cornices etc.) and that such features identified are suitably reinstated; and,

In respect of the 2 residential units to be provided by the extension to the rear of No 3 High Street:-

A sample panel of the proposed Flemish bond brickwork and mortar colour;
New window details at a scale of 1:5 including horizontal and vertical sections, and detailing windows with rubbed brick arches and Bath stone cills.

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

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- all hard and soft surfacing materials including proposed planting;
- wildlife friendly proposals for the planting scheme
- finished levels
- the type and form of any protective fencing to safeguard boundary walls and retained trees
- any means of site/plot enclosure.

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

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

6. No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority, which shall include the following:

- a) the access and parking of vehicles of site operatives and visitors;
- b) the loading and unloading of plant and materials;
- c) the storage of plant and materials used in constructing the development;
- d) the measures to control the emission of noise, dust and dirt during construction; the hours of construction, including deliveries;
- e) No construction or demolition work taking place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

The approved CMP shall be complied with in full throughout the construction period.

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.

7. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied unless and until the foul water drainage scheme has been implemented in accordance with the approved details.

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

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

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

9. No development shall commence on site until a scheme for protecting the future residents against noise from road traffic and noise from other sources such as plant for air conditioning units etc. has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full before the use commences and shall be maintained at all times thereafter.

Note: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB L_{Amax} between the hours of 23:00 and 07:00.

REASON: In the interests of the amenity of future occupants.

10. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of neighbour amenity.

11. The A1 use hereby permitted shall only take place between the hours of 08:00 and 1800 Mondays to Saturdays and between 10:00 and 16:00 on Sundays and Bank or Public Holidays.

REASON: In the interests of the amenity of future occupants and of neighbouring properties.

12. No deliveries shall be made to or collections made from the retail development hereby approved except between the hours of 08:00 and 18:00 Monday to Saturday, with no deliveries or collections on Sundays or Public and Bank Holidays.

REASON: In the interests of the amenity of future occupants and of neighbouring properties.

13. No loud speakers or amplification equipment shall be attached to ceilings or external walls in the A1 use premises.

REASON: In the interests of the amenity of future occupants and of neighbouring properties.

14. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

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

15. Prior to the first occupation of the dwellings hereby approved wildlife friendly measures in the form of house sparrow nest box under the eaves/soffits of new buildings on site and bat enhancements with crevice spaces to new buildings shall have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of enhanced biodiversity.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

INFORMATIVES TO APPLICANT:

1. 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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

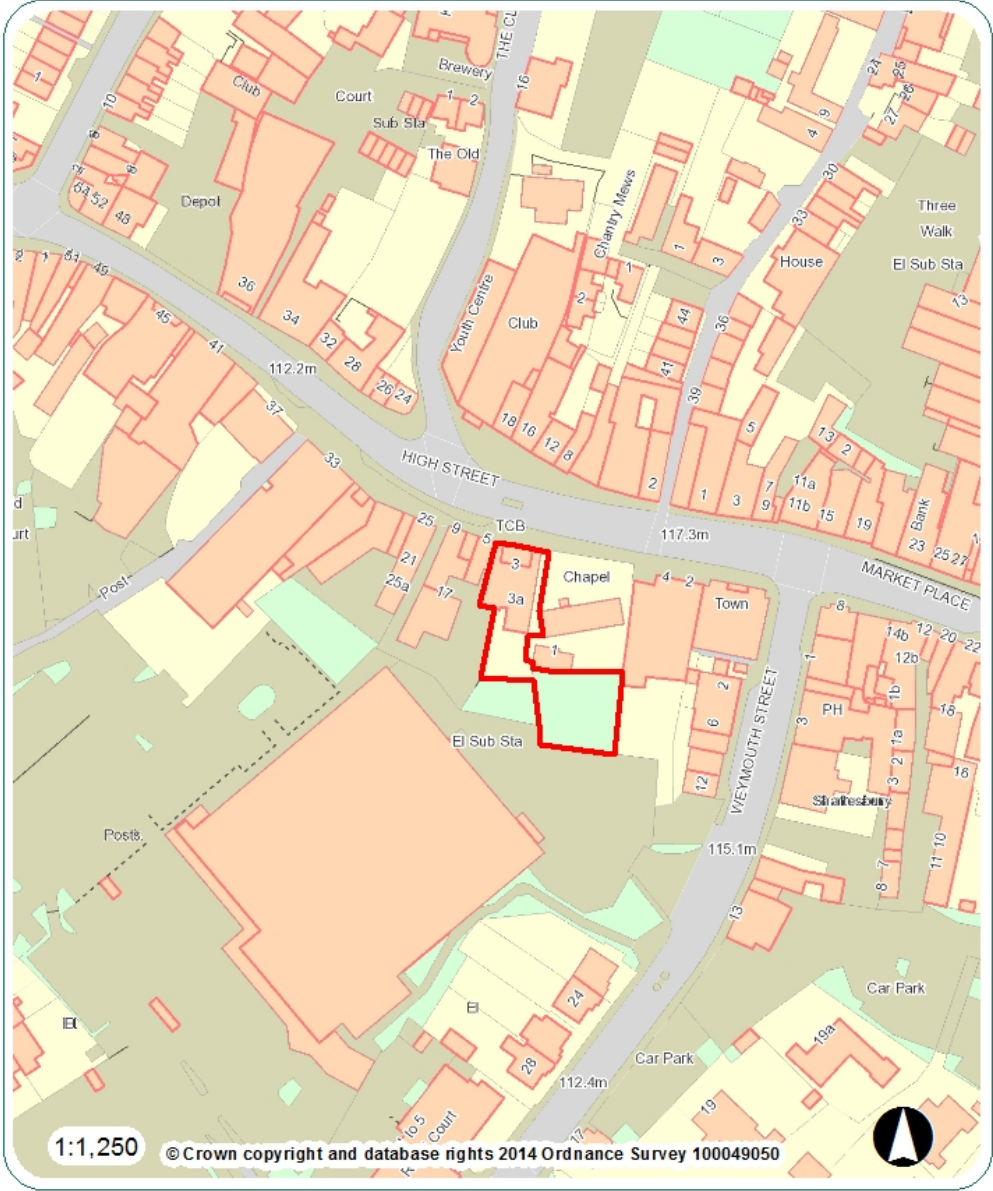
2. The applicant is advised that it is an offence to disturb nesting birds. Site clearance of vegetation should be undertaken outside the bird nesting season (March to the end of August) or immediately after an ecologist has confirmed the absence of active nests.

3. This decision should be read in conjunction with the listed building consent decision issued for application 17/04445/LBC and the conditions attached thereto.

4. The applicant is advised to contact Wessex Water with regard to new connections and in respect of any agreement that may be required with regard to the protection of existing infrastructure.

17/03839/FUL & 17/04445/LBC

3 High Street
Warminster
BA12 9AG



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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 7c

Date of Meeting	20 September 2017
Application Number	17/04445/LBC
Site Address	3 High Street, WARMINSTER BA12 9AG
Proposal	Refurbishment of existing frontage building to provide 2 shops with 4 flats above.
Applicant	Mr Huy Nguyen
Town/Parish Council	WARMINSTER
Electoral Division	WARMINSTER EAST - Councillor Andrew Davis
Grid Ref	387369 145088
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 Andrew Davis for the consideration of the scale of development, the impact upon the surrounding area and the relationships with adjoining properties, as well as design impacts. Furthermore, the Warminster Town Council PAC requested that Cllr Davis call in the application.

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 recommend that the application be approved subject to conditions. Following on from committee agenda item 7b, this report concentrated exclusively on the proposed works to the listed building at No.3 High Street to which listed building consent is required. Matters relating the ecology, highway safety and car parking, land drainage, impacts on neighbours amenity and trees are not relevant to this application. These details are fully appraised within the committee report item 7b.

2. Report Summary

This report assesses the proposal in terms of the impact on the Grade II Listed Building at No. 3 High Street Warminster.

Neighbourhood Responses: Several items of correspondence were received from the Feoffees (Trustees) of St Lawrence Chapel.

Warminster Town Council: The Town Council did not comment on this listed building consent application but did object to the associated planning application (reference 17/03839/FUL) for reasons summarised in section 5.

3. Site Description

The subject property at No. 3 High Street is a grade II listed building which is in a very poor state of repair and is described as 'derelict' by the applicant and is currently scaffolded without which the building would be at risk of collapse. On the following page, several site photos illustrate the perilous state of this protected building.



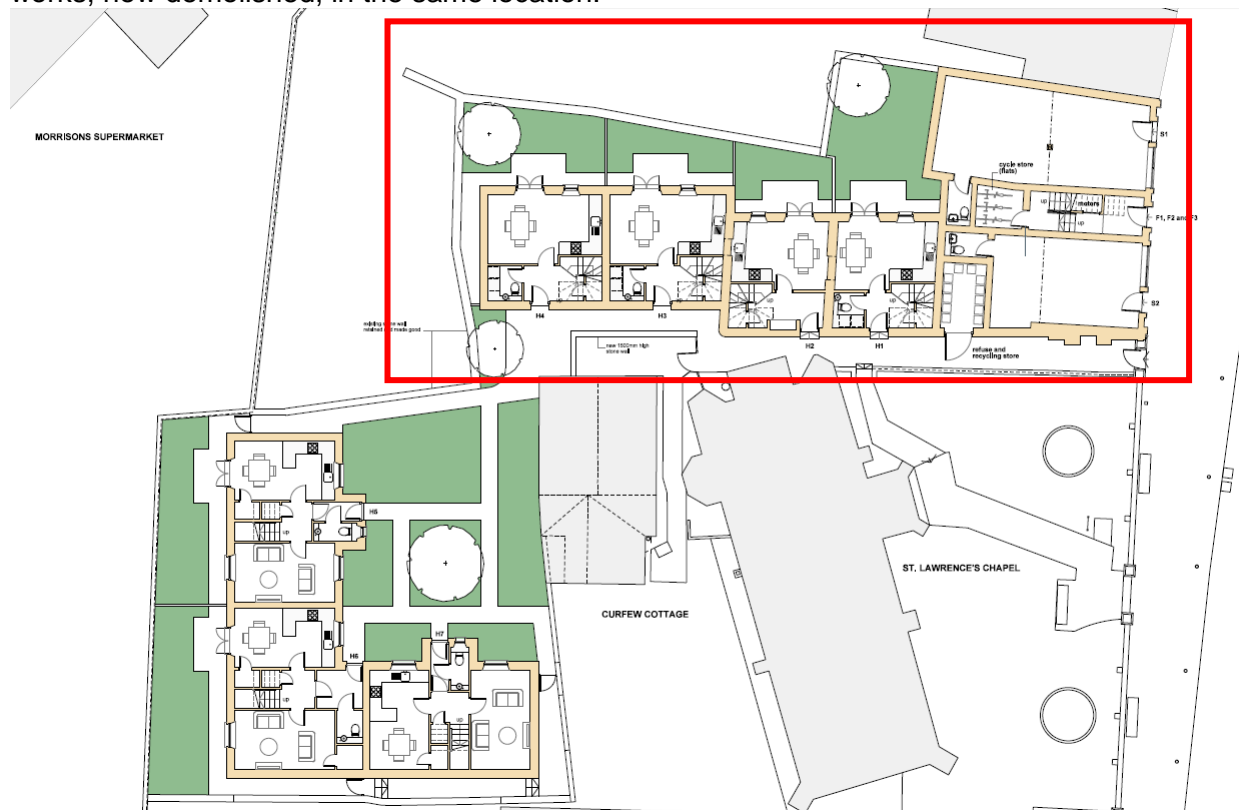
4. Planning History

There have been a number of applications in the last decade relating to attempts to refurbish the building at No. 3 High Street. However, no refurbishment works have been implemented.

The most recent relevant planning applications relating to the site are:- W/12/02179/FUL and W/12/01745/LBC: which comprised the refurbishment of existing building to provide 2 shops at ground floor level and 5 flats to the upper (first and second) floors - which was approved with conditions

5. The Proposal

The proposal is for the restoration of the listed building at No.3 High Street frontage listed internally and externally to preserve its visual role in the High Street and Chapel setting within the Conservation Area and bring it back into a viable and secure future use. Within the existing building, the ground floor would be re-developed to provide two retail units with a new central access directly off the High Street for the upper levels of new residential accommodation (4 flats) in refurbished and converted spaces. The layout has been designed to make use of the original walls and floors where this is possible. The application proposal also comprises erecting a 2 storey extension to the rear of No.3 to accommodate 2 houses which would be designed to follow the pattern of the existing rear wing and replace earlier works, now demolished, in the same location.





The application is supported by the following documents:

- A Design and Access Statement
- A Heritage Statement and an Assessment of Significance
- Structural Inspection Report
- A Financial Statement

6. Planning Policy

Wiltshire Core Strategy Core Policy 58: Ensuring the Conservation of the Historic Environment.

The 2016 'made' Warminster Neighbourhood Plan is also a material consideration and forms part of the development plan and must be appraised as part of determining planning applications, especially Policy E5 – 'Surrounding Environment' – which requires that new developments should respect local character.

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations.

7. Summary of Consultation Responses

Warminster Town Council – No comments were provided with regard to this LBC application, however, the Town Council object to the associated planning application (ref: 17/03839/FUL) citing concerns about the need for development to be done sensitively, taking in all the surrounding area. Refusal of planning permission is recommended by the Town Council on the grounds of gross overdevelopment and the setting of the site in a conservation area.

Conservation Officer – No objection. The building is in a very poor condition and clearly earns the 'building at risk' label. The retention and conversion of the existing building, albeit with considerable rebuilding, would be costly and deliver little in the way of profit to act as an incentive. The previous owner did not implement the 2012 consented scheme which is summarised within section 4 of this report and financial viability has been mooted as being part of the reason, which is not disputed. Whilst the proposed new building to the rear is not "enabling development" as envisaged by development policies in the WCS, the proposed new

building element of the project would nevertheless 'enable' the restoration of the Grade II listed building as part of a viable scheme.

The proposal represents a reasonable and proportionate amount of new development in order to secure a viable future for this long-neglected building. The proposals, if consented, would deliver considerable enhancements to the street scene and improve the setting of the neighbouring chapel and the jeweller's shop. Additional conservation based commentary is provided within section 9 of this report.

8. Publicity

Following the display of a site notice and individual neighbour notifications, the Feoffees (Trustees) of St Lawrence Chapel were the sole respondents and raised the following objections/queries which relate to LBC considerations.

- The applicant's reference to discussions held between the applicant and Feoffees are not accurate. Permission would be required to use the access.
- The indicated dimensions of the proposed buildings to the rear are queried.

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. The Council has a statutory duty to protect the historic environment. This is the primary consideration when determining this application. Section 16(2) 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 when determining an application for listed building consent.

Furthermore, Core Policy 58 of the Wiltshire Core Strategy aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. Whilst noting the call-in reason and the representation received from the Feoffees, the relevant determining issue for this report to consider is the impact the development proposal would have on the fabric, character and appearance of the listed building. The other issues raised are addressed separately by the corresponding committee report item 7b which relates to the accompanying planning application.

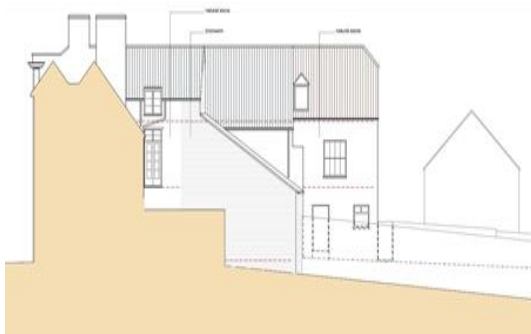
9.1 The Impact on the fabric, character and appearance of Listed Building – The existing building sits between St Lawrence Chapel and the Grade II Listed buildings at No. 5-17 High Street, which are all within the Warminster Town Centre Conservation Area. The proposed development would structurally correct and repair the front elevation which without the significant amount of scaffolding would be at serious risk of collapse. As illustrated below, the proposal seeks to restore and preserve the essential character of the building and in turn, would enhance the character and appearance of the Conservation Area and neighbouring settings of listed buildings. The insert plan below illustrates the existing scaffolded and proposed High Street frontage.



With regard to the heritage considerations, a Design and Access Statement, a Heritage Statement and an Assessment of Significance on the existing building and proposed development to the rear, as well as a Structural Inspection Report on the building were all submitted in support of the application and these have been carefully appraised. The following extracts of the submitted plans show the existing and proposed elevations to the refurbished and extended Listed Building element:

The following extracts illustrate the existing and proposed elevations:

Existing West Elevation and Section



Proposed West Elevation Plan



The building would be extended with the addition of the double storey element extending off the existing southern rear elevation. Historic maps show a previous range of buildings attached to the rear of the original building as illustrated in the reproduced historic mapping inserts below. The range of buildings at the rear of No. 3 were demolished at some point after 1952 as they don't appear on the 1952-1992 epoch mapping database available to officers. The parcel of land to the immediate rear of No. 3 High Street is now used as a parking area to the rear of no 5 High Street. Along the eastern and southern part to the rear of No. 3, another range of buildings have since been demolished. An existing lean-to extension would be demolished and replaced by the proposed double storey rear extension.



1868-1899 historic map of No. 3 High Street



1924-1952 historic map



Existing (above left) and Proposed (above right) plans of South elevation and sections (Main Building)



The Conservation officer has carefully appraised this application in terms of considering the effects it would have on the listed building and conservation area heritage assets and advises that: The application is supported by An Assessment of Significance which draws on the previous historical report by Compass Archaeology (submitted in respect of the previous application)...which identifies that the significance of the [host] building is:

- Its historic value as a timber framed house for a prominent local;
- The variety of traditional materials and detailing;
- The rear wings reflecting the historic burgage pattern of development;
- Its relationship with the Chapel of St Lawrence.

As noted in the report, the work of the mid-19th Century (converting a house into shop) and again in the mid-20th century, has compromised the interest of the interior such that the interior is now of 'low interest' – a statement, officers fully concur with.

The application for the conversion of the existing building comprises:

- retaining and repairing the frontage (but reconfiguring the ground floor shop front elevation);
- converting the ground floor into two separate shops;
- installing a staircase at ground floor in the centre of the building to create a separate hallway and means of entrance to access the 3 residential units on the first and second floor;

- converting the first floor to two flats and the second to one flat – all accessed via the central staircase;
- converting the existing rear element into two x 2 bed units over 3 floors (ground to second floor level); and,
- extending the rear extension to the west to create two further houses (each 1 bedroom over two floors).

In terms of the proposed works on the character and interest of the building, the works to the frontage would repair the main elevation (upper levels) and reinstate a traditional shop frontage with a central doorway, which would be much more in keeping with the historic character of the building than the recent past configuration. The installation of a staircase would reinstate the arrangement that formerly existed.

Officers conclude that the proposal represents a reasonable and proportionate amount of new development in order to secure a viable future for the long-neglected building at No. 3 High Street. The proposals, if consented, would deliver considerable enhancements to the street scene and improve the setting of the neighbouring chapel and the jewellers shop.



It must be recognised that No.3 High Street is in very poor condition and has scaffolding in place to prevent the collapse of the building (as certified by Building Control). The submitted proposals would see the building retained, repaired and reinstated (in terms of the ground floor). The rear extension is considered an appropriate and sympathetic addition which would reflect the historic character and previous 19th Century development of the building and the site and would be in keeping with the character of the listed building. The proposals would enhance the significance of the listed building and accord with paragraph 131 of the NPPF and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990. The proposals, by virtue of the repair and reinstatement of the principal elevation would enhance the setting of the adjacent Chapel of St Lawrence and would consequently be in accordance with paragraph 137 of the NPPF and the relevant development plan policies.

Should members be minded to support this application, the Councils conservation officer recommends planning conditions in relation to detailing on the refurbished frontage, an internal survey of retrievable fabric and additional details.

In view of the officer considerations above it is considered that the application can be supported on heritage grounds.

10. Conclusion (The Planning Balance) - The proposal accords with relevant National and WCS Policies in relation to the preservation and enhancement of Listed Buildings.

11. RECOMMENDATION:

It is recommended that listed building consent is granted, subject to the following conditions.

Conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

1364/P/LOC received on 25 July 2017; 1364/P/01 P3 received on 25 July 2017; 1364/P/02 P2 received on 18 April 2017; 1364/P/03 P2 received on 18 April 2017; 1364/P/04 P2 received on 18 April 2017; 1364/P/05 P2 received on 18 April 2017; 1364/P/06 P3 received on 25 July 2017; 1364/P/07 P2 received on 18 April 2017; 1364/P/08 P2 received on 18 April 2017; 1364/P/09 P3 received on 25 July 2017

[insofar as they relate to the Listed Building No.3 High Street Warminster].

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

3. No development shall commence on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:

In respect of alterations and conversion of 3 High Street:-

Detailed drawings of the ground floor shop front at a scale of no less than 1:50;

A repair schedule for all the existing windows with sash windows to be repaired or be replaced on a like-for-like basis;

Details of conservation style roof lights, timber French doors and other new external doors and any canopies, natural slate roofing materials and new stone copings;

Details of the design of the new stairs at ground to the first floor level; and

A room by room survey of all surviving historic features (i.e. doors, skirtings, cornices etc.) and that such features identified are suitably reinstated; and,

In respect of the 2 residential units to be provided by the extension to the rear of No 3 High Street:-

A sample panel of the proposed Flemish bond brickwork and mortar colour;

New window details at a scale of 1:5 including horizontal and vertical sections, and detailing windows with rubbed brick arches and Bath stone cills.

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

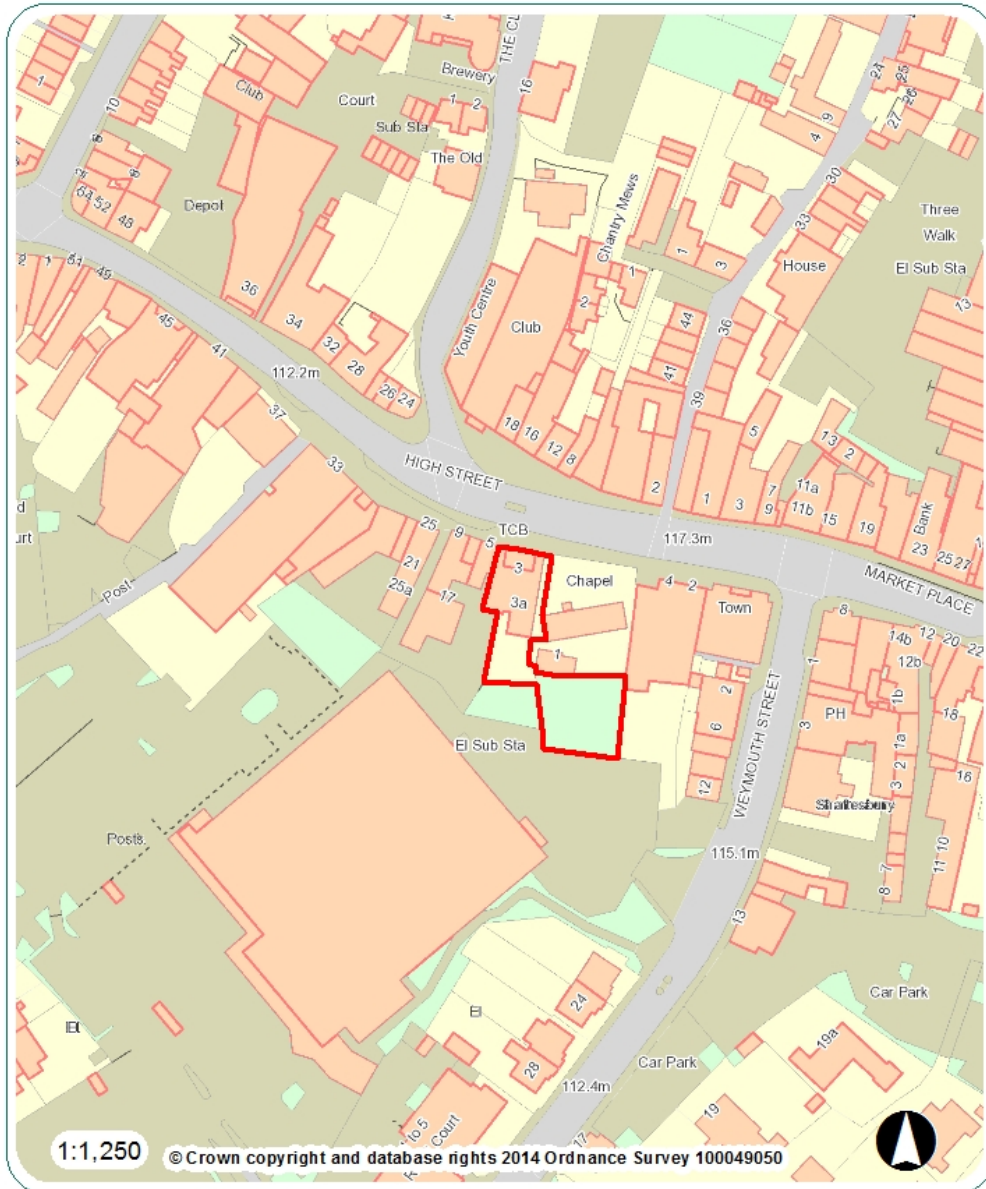
Planning informative:

1. This decision should be read in conjunction with the planning application decision issued for application 17/03839/FUL and the conditions attached thereto.

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17/03839/FUL & 17/04445/LBC

3 High Street
Warminster
BA12 9AG



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