

AGENDA

Meeting: Western Area Planning Committee

Online Meeting: [Access the meeting online here](#)

Date: Wednesday 22 July 2020

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.

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

[Public guidance for accessing meetings online is available here](#)

Membership:

Cllr Christopher Newbury (Chairman)	Cllr Edward Kirk
Cllr Jonathon Seed (Vice-Chairman)	Cllr Sarah Gibson
Cllr Trevor Carbin	Cllr Edward Kirk
Cllr Ernie Clark	Cllr Stewart Palmen
Cllr Andrew Davis	Cllr Pip Ridout
Cllr Peter Fuller	Cllr Suzanne Wickham
Cllr Sarah Gibson	

Substitutes:

Cllr Kevin Daley	Cllr Jim Lynch
Cllr David Halik	Cllr Steve Oldrieve
Cllr Russell Hawker	Cllr Toby Sturgis
Cllr Jon Hubbard	Cllr Ian Thorn
Cllr George Jeans	Cllr Philip Whitehead
Cllr Gordon King	Cllr Graham Wright

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 17 June 2020.

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** (*Pages 15 - 22*)

During the ongoing Covid-19 situation the Council is operating revised procedures to permit remote attendance of meetings. The procedure for the Strategic Planning Committee including public participation is attached.

[Access the online meeting here](#)

[Public guidance for accessing meetings online is available here](#)

Statements

Members of the public who wish to submit a statement in support of or in objection to an application on this agenda should submit it to the officer named on this agenda no later than 5pm on 17 July 2020.

Those statements in accordance with the Constitution will be included in an agenda supplement. Those statements must:

- State whom the statement is from (including if representing another person or organisation);
- State clearly whether the statement is in objection to or support of the application;
- If read aloud, be readable in approximately 3 minutes.

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 15 July 2020 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 17 July 2020. 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.

Questions have been received from Councillor Ernie Clark, which are attached together with responses.

6 **Planning Appeals and Updates** (*Pages 23 - 24*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **19/09800/FUL: 12a Frome Road, Bradford-on-Avon, Wiltshire, BA15 1LE**
(*Pages 25 - 46*)

Demolition of an existing dwelling and outbuilding and erection of 5 residential dwellings with alterations to the existing boundary wall to accommodate a widened vehicular access.

This item was deferred from the 17 June 2020 meeting of the Committee.

7b **19/10471/FUL: 3a Church Lane, Limpley Stoke, BA2 7GH** (*Pages 47 - 70*)

Erection of 2 No. dwellings and associated landscaping and access works (amended design).

This item was deferred from the 17 June 2020 meeting of the Committee.

7c **19/12153/VAR: McDonald's Restaurant, 235 Bradley Road, Trowbridge, BA14 0AZ** (*Pages 71 - 80*)

Variation of condition 3 of W/96/00587/FUL to modify the opening hours to 06:00-23:00 Monday to Saturday.

This item was deferred from the 17 June 2020 meeting of the Committee.

7d **20/01219/FUL and 20/02055/LBC: Manvers House, No.3 Kingston Road, Bradford On Avon, BA15 1AB** (*Pages 81 - 112*)

Alterations and extensions to existing office building including erection of mansard storey on north wing; change of use of central building and southern wing from B1 offices to form 2 dwellings (C3).

7e **20/03166/FUL: 45 Seymour Road, Trowbridge** (Pages 113 - 126)

Proposed new dwelling.

8 **Urgent Items**

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

Part II

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

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 JUNE 2020 AT ONLINE MEETING.

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr Suzanne Wickham

Also Present:

Cllr Johnny Kidney and Cllr Horace Prickett

90 **Apologies**

There were no apologies.

91 **Minutes of the Previous Meeting**

The minutes of the meeting held on 22 January 2020 were presented.

Resolved:

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

92 **Declarations of Interest**

There were no declarations of interest.

93 **Chairman's Announcements**

There were no Chairman's Announcements.

94 **Public Participation**

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

The Committee noted the rules of public participation and the procedure to be followed at the meeting.

95 **Planning Appeals and Updates**

The Committee noted the contents of the appeals update.

96 **Planning Applications**

The Committee considered the following applications:

97 **Application to Register Land Known as 'Great Lees Field' Off Pound Lane, Semington, as a Town or Village Green**

Public participation

Dr William Scott, in support of the application to register the land as a town or village green.

William Stuart Bruges, in support of the officer's recommendation.

Peter Smith, Vice Chairman of Semington Parish Council, neither in support for or objection to the officer's recommendation.

The Definitive Map Officer, Janice Green, introduced a report which recommended accepting the Inspector's recommendation and to refuse the application by 'The Friends of Great Lees Field', under Sections 15(1) and (3) of the Commons Act 2006, to register land off Pound Lane, Semington, known as 'Great Lees Field', as a town or village green for the reasons as set out in the Inspector's report.

Members of the Committee resolved in December 2017 to appoint an independent Inspector to preside over a non-statutory public enquiry and to make a recommendation to Wiltshire Council as the Registration Authority. A public enquiry was held in October and December 2019 at which the Inspector heard evidence from all parties and subsequently produced a report and recommendation to the Registration Authority.

Key issues highlighted included the evidence of the exercise of lawful sports and pastimes over the whole of the application land, where the majority of users had been walking and dog walking and the alleged ploughing of the land in 2000, which would lead to significant interruption to the qualifying 20-year user period.

The Definitive Map Officer informed the Committee that there had been one amendment to the original report due to be brought to the meeting in March 2020, which was subsequently cancelled. Paragraph 21 referenced the joint applicant's dispute over paragraph 78 of the Inspector's report regarding the Inspector's perception of the joint applicant's role in the application process. The Inspector stated at paragraph 78 of the report that this was only the Inspector's impression and it was not for the Registration Authority to amend the Inspector's report, but for members of the Committee to note the comments.

The Democratic Services Officers, Jessica Croman and Craig Player, read out the public statements that had been submitted prior to the meeting, as detailed

above. All statements were also available to view in the Agenda Supplement 2, published prior to the meeting.

The Definitive Map Officer addressed the main point raised by members of the public, focusing on the main parties' joint request to adjourn the inquiry and the Registration Authority's refusal to grant this request, which had been addressed in the Inspector's report and in Agenda Supplement 3, published prior to the meeting.

At the start of the debate a proposal was moved by Cllr Trevor Carbin, seconded by Cllr Edward Kirk to refuse the application as detailed in the report and the officer's recommendation.

Resolved

That Wiltshire Council, as the Registration Authority, accepts the Inspector's recommendation and that the application by 'The Friends of Great Lees Field', under Sections 15(1) and (3) of the Commons Act 2006, to register land off Pound Lane, Semington, known as 'Great Lees Field', be rejected for the reasons set out in the Inspector's report dated 7 February 2020 (Appendix D).

98 19/09800/FUL - 12A Frome Road, Bradford On Avon, Wiltshire BA15 1LE

Public participation

Michael Simpson, in objection to the application.

Meryl Phillips, in objection to the application.

Tim Mellor, in support of the application.

Tara Maizonnier, the agent, in support of the application.

Bradford on Avon Parish Council, in objection to the application.

The Planning Officer, Mike Wilmott, introduced a report which recommended granting planning permission, subject to conditions, for the demolition of an existing dwelling and outbuilding and the erection of five residential dwellings with alterations to the existing boundary wall to accommodate a widened vehicular access.

Key issues highlighted included: the principle of development; heritage matters; highways impacts; neighbouring impacts; tree impacts and sustainability and biodiversity matters.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the pinch point and the site boundaries; covered cycle stores for residential use; parking and vehicular access.

The Democratic Services Officers, Jessica Croman and Craig Player, read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 2, published prior to the meeting.

Cllr Sarah Gibson, Division Member, spoke regarding the application with the main points focusing on: the principle of development; the design of the proposal; vehicular access and parking; traffic concerns; lack of private amenity space and the impact on neighbouring properties.

At the start of the debate a proposal was moved by Cllr Sarah Gibson, seconded by Cllr Stuart Palmen to refuse planning permission contrary to the officer recommendation.

During the debate the main points raised were: the Bradford-on-Avon Neighbourhood Plan; vehicular access and parking; traffic concerns and lack of private amenities.

Following the debate, the motion was defeated.

A proposal was then moved by Cllr Trevor Carbin, seconded by Cllr Sarah Gibson, to defer consideration of the application pending negotiations with the applicant to secure additional parking and a turning head for visitors.

This motion was carried.

Resolved

To defer consideration of the application pending negotiations with the applicant to secure additional parking and a turning head for visitors.

99 **20/00059/FUL Bishop's Folly, No. 2 Ireland, North Bradley, BA14 9RW**

Public participation

Emma Brown, in objection to the application.

Mr and Mrs Hawketts, in support of the application.

North Bradley Parish Council, in objection to the application.

The Planning Officer, Mike Wilmott, introduced a report which recommended granting planning permission, subject to conditions, for the erection of a two-storey extension, double garage, alterations and associated access works.

Key issues highlighted included: the lawful use of the land for the erection of the garage; the impact on a public footpath; the impact on highway safety; the impact on a non-designated heritage asset; the impact on neighbour amenity and the impact on the character and appearance of the host dwelling and wider area.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: vehicular access and parking; the historic turning area; the impact on the public footpath and the residential curtilage.

Cllr Horace Prickett, Division Member, spoke regarding the application with the main points focusing on: the settlement boundary; traffic concerns; vehicular access and parking; the residential curtilage and the lack of private amenity space.

The Democratic Services Officers, Jessica Croman and Craig Player, read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 2, published prior to the meeting.

The Planning Officer addressed some of the issues raised by the local member and members of the public with the main point focusing on the officer's view that the construction of the garage on the residential curtilage would not harm the character and appearance of the countryside, nor the amenity of residents of nearby properties.

At the start of the debate a proposal was moved by Cllr Andrew Davis, seconded by Cllr Jonathon Seed to grant planning permission as detailed in the report.

Resolved

That planning permission is approved subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be carried out in accordance with the following approved plans:

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

Existing Site Plan - DWG No - 13327/5000B - Received 06.01.2020

Existing Ground Floor Plan - DWG No - 13327/5001B - Received 06.01.2020

Existing First Floor Plan - DWG No - 13327/5002B - Received 06.01.2020

Existing Elevations - DWG No - 13327/5011A - Received 06.01.2020

Location Plan - DWG No - 13327/5100A - Received 06.01.2020

Proposed Site Plan - DWG No - 13327/6000L - Received 04.05.2020

Proposed Ground Floor Plan - DWG No - 13327/6001H - Received 04.05.2020

Proposed First Floor Plan - DWG No - 13327/6002G - Received 06.01.2020

Proposed South East & North East Elevations - DWG No - 13327/6012D – Received 06.01.2020

Proposed South West & North West Elevations - DWG No - 13327/6013F – Received 04.05.2020

Proposed Garage Elevations - DWG No - 13327/6014D – Received 04.05.2020

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

3. The double garage hereby permitted shall not be first brought into use until the access to it from the edge of the carriageway, has been consolidated and surfaced in accordance with details to be submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, the vehicle access to the parking spaces shall remain ungated, unless a separate grant of planning permission is obtained from the local planning authority.

REASON: In the interests of highway safety.

5. No part of the development hereby approved shall be first brought into use until the parking and turning head for visitors shown on the approved plans has been consolidated, and surfaced in accordance with details to be submitted to and approved in writing by the local planning authority. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

6. No development shall commence on site until a scheme for the discharge of surface water from the site of the double garage, access, and turning area, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: 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 that the development can be adequately drained.

7. Informative: The applicants are advised that the discharge of this condition does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains

responsible for obtaining land drainage consent, if required, at the appropriate time.

8. Informative: The application involves the upgrading of the public highway. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352.

100 **19/12153/VAR McDonald's Restaurant 235 Bradley Road Trowbridge BA14 0AZ**

Public participation

Ian and Jane Robinson, in objection to the application.

The Planning Officer, Mike Wilmot, introduced a report which recommended granting planning permission, subject to conditions, for the variation of condition 3 of W/96/00587 to modify the opening hours to 6:00 - 23:00 Monday to Saturday.

Key issues highlighted included: the principle of development and impact on neighbouring amenity.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: impact on neighbouring amenity; highways concerns and waste and litter concerns.

The Democratic Services Officers, Jessica Croman and Craig Player, read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 2, published prior to the meeting.

Cllr Andrew Bryant, Division Member, spoke regarding the application with the main points focusing on: highways concerns; noise pollution; waste and litter concerns and impact on neighbouring amenity.

At the start of the debate a proposal was moved by Cllr Edward Kirk, seconded by Cllr Peter Fuller to refuse planning permission contrary to the officer recommendation.

During the debate the main points raised were: impact on neighbouring amenity; noise pollution and waste and litter concerns.

Following the debate, this motion was defeated.

A proposal was then moved by Cllr Andrew Davis, seconded by Cllr Trevor Carbin, to grant planning permission as detailed in the report.

This motion was also defeated.

A proposal was then moved by Cllr Jonathon Seed, seconded by Cllr Pip Ridout, to defer consideration of the application pending further evidence regarding litter and noise impact on nearby properties.

This motion was carried.

Resolved

To defer consideration of the application pending further evidence regarding litter and noise impact on nearby properties.

101 **19/10471/FUL 3 A Church Lane Limpley Stoke BA2 7GH**

Public participation

Nick Brindley, in objection to the application.

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

Francis Firmstone, Limpley Stoke Parish Council, in objection to the application.

The Planning Officer, Mike Wilmott, introduced a report which recommended granting planning permission, subject to conditions, for the erection of two dwellings and associated landscaping and access works (amended design).

Key issues highlighted included: the principle of development; impact on the area and wider landscape; heritage matters; highways impacts; neighbouring impacts and biodiversity matters.

Members of the Committee then had the opportunity to ask technical questions of the officer which focused on: the Limpley Stoke Neighbourhood Plan; highways concerns and visual impact on the Church of St. Mary.

The Democratic Services Officers, Jessica Croman and Craig Player, read out the public statements that had been submitted prior to the meeting, as detailed above. All statements were also available to view in the Agenda Supplement 2, published prior to the meeting.

Cllr Johnny Kidney, Division Member, spoke regarding the application with the main points focusing on: the visual impact on the surrounding area and in particular the Church of St Mary; conflict with the Limpley Stoke Neighbourhood Plan; infill development and ecological concerns.

At the start of the debate a proposal was moved by Cllr Sarah Gibson, seconded by Cllr Pip Ridout to grant planning permission as detailed in the report.

During the debate the main points raised were: conflict with the Limpley Stoke Neighbourhood Plan; infill development; the visual impact on the surrounding area and ecological concerns.

Resolved

To defer consideration of the application pending a site visit.

102 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 7.00 pm)

The Officer who has produced these minutes is Craig Player of Democratic Services, direct line 01225 73191, e-mail craig.player@wiltshire.gov.uk

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

This page is intentionally left blank

This document is not part of the Constitution

Remote Planning Committee Meeting Procedure and Public Participation

Background

1. The standard procedure for all planning committee meetings is included at paragraph 8 of Protocol 4 to the Constitution.
2. As a result of Government guidance on social distancing and other restrictions on public gatherings during the Covid-19 emergency standard operation of planning committees cannot proceed.
3. *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* (the Regulations) provide for remote attendance at local authority meetings by elected Members to enable the continued operation of committees during Covid-19 restrictions.
4. This document sets out the alternative procedure that will apply for Planning Committee meetings that are held remotely in accordance with the Regulations. These provisions will apply for the period permitted under the Coronavirus Act 2020 and the Regulations and apply notwithstanding any prohibition or other restrictions contained within the Council's Constitution relating to attendance and participation at meetings. This procedure will be kept under review and may be varied by the Monitoring Officer in consultation with the Chief Executive Officers and Group Leaders at any time.

Pre-meeting

6. All who have made representations on an application to be determined by the relevant Planning Committee will be contacted by Wiltshire Council and provided with the following details:
 - Date and time of the committee meeting;
 - A link to the agenda for the meeting;
 - A link from which they will be able to view the meeting as it occurs
7. Those who have made representations will be advised that they may contact the Democratic Services Officer for the meeting, as listed with the agenda, and provide a statement that they would like to be read out at the meeting.

8. Any such statements must:

- State whom the statement is from (including if representing another person or organisation)
- State clearly whether the statement is in objection to or support of the application
- If read aloud, be readable in approximately 3 minutes
- Be provided no later than 5pm two clear working days before the meeting (eg Friday before a Wednesday meeting if no bank holiday).

9. All statements will be included in an agenda supplement published before the meeting. Longer representations should be provided to the Planning Officer listed for the application.

Agenda Order

10. Applications will be determined in the order they appear on the agenda unless the Chairman, with the agreement of the Committee, considers there are reasons for changing the order.

11. Officers will seek to ensure that applications which are likely to attract significant viewership or interest appear earlier in the agenda.

12. If the order is changed, this will be announced at the start of the meeting.

Meeting Procedure

13. In the interests of fairness, consistency and transparency, the procedure below must be followed at each meeting. Members of the public should note that it is not permissible during meetings to communicate with members debating the proposal by any means as this may give the appearance of bias. Any participation in the meeting should be as set out below.

14. For each application the Planning Officer will introduce the application and the key issues involved, as well as the reasoning behind the recommendation as set out in their report. They will also set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting, including those contained within any agenda supplement.

15. Committee Members may then ask the officer to clarify any points/ask technical questions.

This document is not part of the Constitution

16. Statements in opposition to the application will then be read out by the Democratic Services Officer. Up to three statements of up to three minutes each may be read.
17. Statements in support of the application will then be read out by the Democratic Services Officer. Up to three statements of up to three minutes each may be read.
18. Statements from any statutory consultees, except for parish councils, of up to three minutes in length may then be read out by the Democratic Services Officer, whether in support or in objection to the application.
19. A statement from the parish council for the area in which the applications sits, if provided, will then be read out by the Democratic Services Officer for a length of up to four minutes. This must be the formal view of the parish council not an individual representation. If the application is on the edge of several parishes which are directly affected, the Chairman may allow the reading out of statements from other parishes, to a maximum of three in total, for up to four minutes each. Individual members of a parish council may send statements to be read out, whether in agreement or disagreement with the formal view of the parish council, but would need to use a public statement slot.
20. The Unitary Division Member for the application, or nominated substitute, if present, will then be invited to make a representation. The Chairman may allow a neighbouring or any other Member of the Council to make a representation at this time if they consider it appropriate. Non-committee members should give prior notification if they wish to speak.
21. The Planning Officer will then have an opportunity to respond to comments or provide clarification of any points raised by the public or Members.
22. The Committee will then debate the application. The first Member to speak will be expected to move a proposal for deliberation. The rules of debate as detailed in Part 4 of the Constitution will apply, except where these are inconsistent with the Regulations and the *Wiltshire Council Temporary Protocol on Remote Meeting Procedures* in which case the latter will apply.
23. When speaking, each Member must introduce themselves for the benefit of anyone listening who may or may not have access to video.
24. At the beginning of each item each Member of the Committee will confirm that they are able to see or hear all relevant information. This will also be confirmed immediately prior to any vote.
25. For each vote, the Democratic Services Officer will call each Member of the

This document is not part of the Constitution

Committee in turn to indicate their vote. This will not count as a recorded vote for the purposes of the minutes, which would need to be specifically requested by three members of the committee.

General Public Participation

25. In the case of all public speaking categories, as stated above, those who wish to have a statement read out at the meeting must contact the Democratic Services Officer for the meeting no later than 5pm two working days prior to the committee meeting.
26. Statements will be read out by the Democratic Services Officer in order of submission, with any further statements received beyond the three to be read out in objection or support to be included in the agenda supplement. Exceptionally, the Chairman may direct statements to be read in a different order, for instance if the first three statements submitted were all from the same organisation or household, or repetitive, in order to ensure the broadest inclusion of views.
27. While the Chairman of a committee has discretion over the timings and number of statements to be read out in the case of controversial or large-scale applications, in the interests of natural justice any increase should be applied equally between those speaking for and against the application.
28. No contributions from the public will be accepted outside the public statement slots detailed above.

Questions and Petitions

29. Submitted questions and petitions on non-determined planning applications are excluded from the usual Council procedures at Part 4 of the Constitution. This means that any questions or petitions in relation to an agenda item at a meeting will be logged by Planning Officers as a representation and addressed in their introduction of the item.

Wiltshire Council

Western Area Planning Committee

22 July 2020

From Councillor Ernie Clark, Hilperton Division

Question (W-20-01)

Exactly how far can a developer ignore planning conditions and signed S.106 agreements before this authority takes any action whatsoever against them?

Response

The Council's planning team take breaches of planning control very seriously and the planning enforcement team dedicates proportionate resources to investigate reported cases in the public interest. The Government, through the NPPF, sets out the importance of effective planning enforcement to maintain public confidence in the planning system.

Whilst discretionary, the NPPF directs local planning authorities (under paragraph 58) to apply planning enforcement proportionately, and it is established practice for the majority of all planning breaches to be subject to officer investigation and engagement with site owners to discuss the most appropriate means of remedying planning control breaches – which in the vast majority of cases results in a planning application being submitted to formally regularise matters.

Taking 'direct action' either by way of a stop notice or court injunction are considered the last resort. The Council must also be fully cognisant of the provisions of the European Convention on Human Rights and dutifully consider the appropriateness and expediency of taking direct action.

Question (W-20-02)

If a developer commences development of a site before agreeing (for example building materials to be used) relevant conditions, why does WC not issue a 'stop' notice to the developer?

Response

The answer to this question is partly enshrined within the answer given for W-20-01. A proportionate and reasonable approach must be taken.

In response to the example duly cited, officers would submit that such matters can be regularised effectively through normal planning application processes (such as through variations) rather than require formal or direct enforcement action, which can be costly in terms of officer time and resources and legal expenses.

For planning breaches involving building materials not being confirmed or approved prior to works starting, this can often be resolved through the submission of details retrospectively. Indeed, the practice of requiring developers to submit material samples as a pre-commencement condition requirement is no longer considered reasonable or necessary, and in the summer of 2018, the Government prohibited local planning authorities from doing so, and as such, any condition as described would likely fail the Wednesbury Principles.

Since June 2018, local planning authorities have required the written approval from the applicant/developer when minded to impose a lawful pre-commencement planning condition as part of granting permission (as directed by Section 100ZA(5) of the 1990 Town and Country Planning Act) save for conditions imposed on outline applications that require the subsequent submission of reserved matters approval.

It is also important to appreciate that settled Case law under *Hart Aggregates Ltd v Hartlepool Borough Council* (2005) established the test of what constitutes a 'true condition precedent' and that a planning condition requiring the submission of external materials before works start on any given site would not go to the heart of the permission.

Put simply, local planning authorities should either require material sample details to be confirmed at application stage, or once a development has reached slab level. By way of an example, a residential development that requires new highway infrastructure should not be reasonably hindered or delayed by 'requirements' that can legitimately be left for a later stage in the development process.

Question (W-20-03)

How does this authority allow a developer to 'sell/transfer' part of an agreed 'open space' to a third party and still continue the development?

Response

Whilst the Council cannot control land purchases or transfers, where there is a legally binding obligation sealed under a s106 agreement, the Council will expect the requisite signatories to such an agreement to honour the obligations and terms. The Council similarly expects site owners and developers to adhere to planning conditions upon the commencement of any approved development. Where there is a deviation, variation or retrospective works undertaken, applications can be submitted for the Council to appraise and determine.

Within the Hilperton division, planning officers are aware of a complaint raised about a consented site for residential development that may have been in part, sold or transferred to another party. This is subject to ongoing investigation and officer engagement with the site owners. However, in terms of remedying such matters, provisions exist within planning legislation to secure a deed of variation to a s106 legal agreement to update all relevant land owner signatories and to establish the proper responsible parties for the maintenance of the public open space as well as the necessary protected species mitigation.

Officers will continue to keep the division ward member informed of the investigations and ongoing discussions held with the site owners pursuant to the Hilperton site which is the subject of a variation application which has been called-in for committee consideration should officers be minded to approve the revised development; and, should it come before the committee, a full account of the material planning considerations shall be reported for members to determine.

This page is intentionally left blank

Wiltshire Council
Western Area Planning Committee
22nd July 2020

Planning Appeals Received between 08/06/2020 and 10/07/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/00835/FUL	Fairfield Piggeries Leigh Road Bradford Leigh Wiltshire, BA15 2RQ	BRADFORD ON AVON	Change of use from agricultural to mixed use	DEL	Hearing	Refuse	16/06/2020	No
20/01306/OUT	Land North of St George's Road Semington, BA14 6JN	SEMINGTON	Residential development of up to 20no. entry-level affordable dwellings with associated car parking, access, internal roads, public open space, landscaping, drainage and other associated infrastructure	DEL	Hearing	Refuse	16/06/2020	No
20/01519/FUL	81 Station Road Westbury, Wiltshire BA13 3JS	WESTBURY	Construction of one no.3 bedroom bungalow with parking, EV charging and replacement garaging (Resubmission of 19/07894/FUL)	DEL	Written Representations	Refuse	18/06/2020	No

Planning Appeals Decided between 08/06/2020 and 10/07/2020

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
19/07023/OUT	A and G Minibuses Paddock Wood, Bradley Road, Warminster BA12 7JY	WARMINSTER	Demolition of commercial buildings; erection of 8no. dwellings (outline)	DEL	Written Reps	Refuse	Dismissed	16/06/2020	None
19/07948/FUL	Ganders Heath Farm Lane Chapmanslade Westbury, Wiltshire BA13 4AN	CHAPMANSLADE	Change of Use of Agricultural Building to Live/Work Unit and Change of Use of The Potting Shed to Tourist Accommodation (retrospective).	DEL	Written Reps	Refuse	Dismissed	26/06/2020	Appellant applied for Costs - REFUSED

This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	22 July 2020
Application Number	19/09800/FUL
Site Address	12A Frome Road, Bradford On Avon, Wiltshire BA15 1LE
Proposal	Demolition of an existing dwelling and outbuilding and erection of 5 residential dwellings with alterations to the existing boundary wall to accommodate a widened vehicular access.
Applicant	Avonvale Developments Ltd
Town/Parish Council	BRADFORD ON AVON
Electoral Division	Councillor Sarah Gibson, Bradford on Avon South
Grid Ref	382615 - 160381
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

This application was deferred from the 17 June 2020 Western Area Planning Committee to enable the Case Officer to seek a visitor parking space and an extended turning head within the site. It was previously 'called in' for the Western Area Planning Committee to determine at the request of the elected local Division member, Cllr Sarah Gibson for highway reasons in recognition that officers are supportive of the development proposal. This application was also published on the agenda for the March committee that was subsequently cancelled due to the COVID 19 situation and is therefore brought before this meeting of the Western Area Planning Committee to enable a decision to be made.

1. Purpose of Report

The purpose of this 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

The key determining planning issues are considered to be:

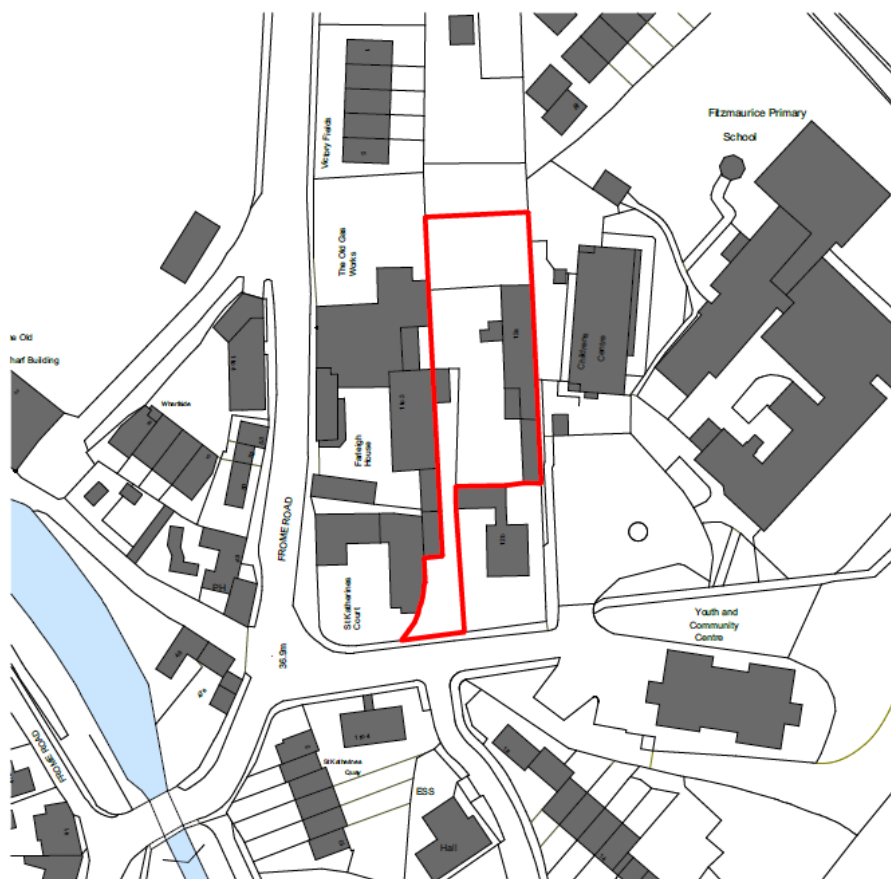
The Principle of Development; Heritage Matters; Highway Impacts; Neighbouring Impacts; Tree Impacts; and Sustainability and Biodiversity Matters

3. Site Description

The site is located within the defined settlement limits of Bradford on Avon and within the Conservation Area. As illustrated on the site location plan inserted on the following page, the application site adjoins a range of buildings at the old gas works site. These buildings are grade II listed. The building known as St Katherines Court is not listed however.

The application site also adjoins the boundary of Fitzmaurice Primary School and Children's Centre which are located to the east. The Bradford On Avon Youth Development Centre is located to the south-east of the site with residential properties located to the south. An existing unlisted 4-bed dwelling is located on the site – which would be demolished to accommodate the proposed development.

The site is accessed off Kennet Gardens which is an unclassified highway. The site lies approximately 44 metres to the east of the Green Belt and 185 metres east of the AONB.



4. Planning History

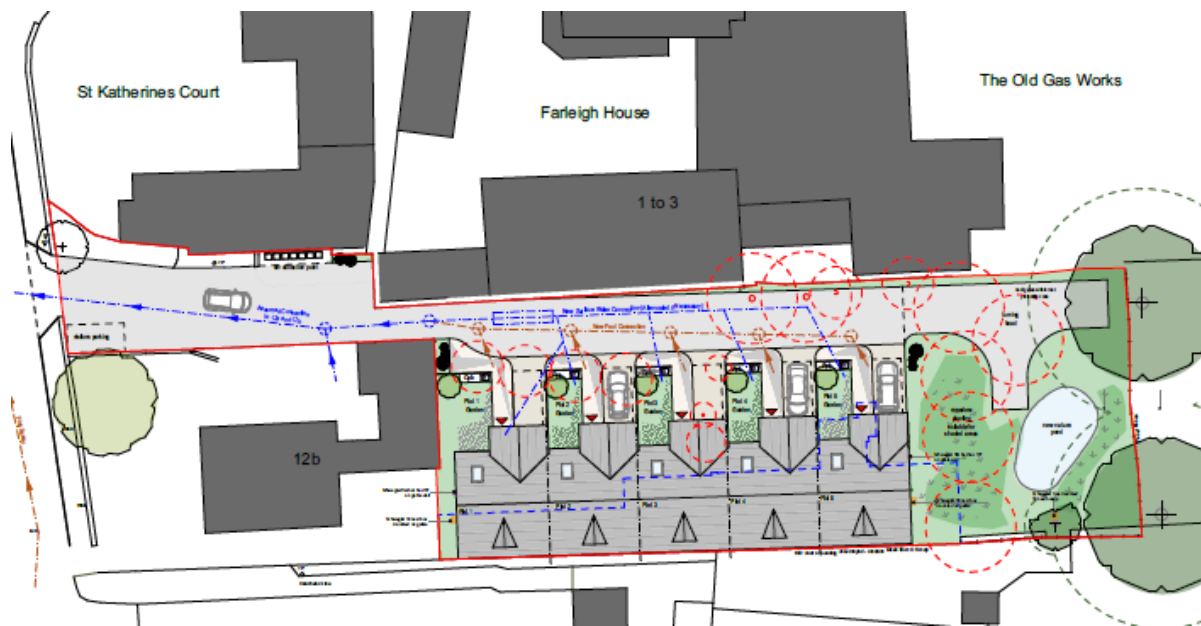
W/12/01110/CAC – Demolition of existing garage – Approved with Conditions

5. The Proposal

The site is largely overgrown with a derelict single storey dwelling built with stone under a tiled roof. This application seeks full planning permission for the demolition of the existing dwelling and the erection of 5 terraced dwellings with associated parking. The proposed dwellings are to be constructed with facing brickwork on the side elevations with a pale cream render on the front and rear elevations and timber boarding to the protruding elevations on the front façade under a slated roof - with windows and doors to be made from aluminium. The access is to remain as existing. The proposed plans are as follows:



Since the June Western Area Planning Committee meeting, the Local Planning Authority has received amended plans which provide the visitor parking space located near the existing access along with an extended turning head as requested by the Western Area Planning Committee.



6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP7 – Spatial Strategy Bradford on Avon Community Area, CP51 – Landscape, CP52 – Green Infrastructure, CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management, CP67 – Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1st Alteration):

Policy C3 - Special Landscape Area, U1a Foul Water Disposal and U2 Surface Water Disposal

The Wiltshire Waste Core Strategy (adopted 2009):

Policy WCS6 - Waste Reduction and Auditing

The 'made' Bradford on Avon Neighbourhood Plan (NP)

The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy;

National Planning Policy Framework 2019 and Planning Practice Guidance (PPG)

Circular 06/2005 – Biodiversity and Geological Conservation

7. Consultation Responses

Bradford on Avon Town Council: Objection

The site adjoins Fitzmaurice Primary School which has accommodation for some 300 children plus staff. The position and configuration of the access to the site introduces significant additional traffic movements only 20 metres from the school gates that represents an unacceptable risk to the children and other pedestrians. There is a 2.8 metre pinch point part way into the site and this together with inadequate on-site turning space will result in vehicles either reversing into or out of the access. This is also a serious safety hazard. The lack of on site casual parking will add pressure onto the access road to the further detriment of highway safety. Refuse and other large vehicles waiting on the access road to serve additional dwellings, as proposed, is not acceptable. This proposal fails to comply with Policy H1 of the Bradford on Avon Neighbourhood Plan. In this case vehicular access and parking are inadequate and unsafe. There is inadequate private amenity space, the amenity of the school (and number 12 B Frame Road) are adversely affected. Thus the proposal represents significant overdevelopment of the site.

Wiltshire Council Conservation Officer: Supportive subject to conditions

Wiltshire Council Highways Officer: Do not consider these proposals to cause detriment to highway safety, and as such, recommend that no highway objection is raised, subject to conditions

Wiltshire Council Public Protection Officer: No objections

Wiltshire Council Drainage Officer: No objection subject to conditions

Wiltshire Council Ecologist: No comments

Wiltshire Council Arboricultural Officer: No objection subject to conditions

Wessex Water: No objections

Bradford on Avon Preservation Trust: Objection

Although this is a backland location we have no objection to the site being developed but this is a wasted opportunity and we would suggest fewer units and recommend refusal. The current proposal is more reminiscent of a hotel in Hastings or other seaside resort rather than a development in an historic inland town. We object to the poor design and height of the buildings that would have a harmful impact on the character, appearance and setting of the Conservation Area. The design, particularly the unattractive front elevation, lacks any cohesion as a result of an odd mix of different design elements and materials. Clearly there is a need for glass to gain light into what would be dark rooms at the rear of the proposed buildings but fewer and wider units of a reduced depth would overcome the need for so much glazing and would improve the overall layout.

8. Publicity

The application was advertised by a site notice and posted neighbour notification letters.

Following the above, 8 letters have been received objecting to the scheme and they raise the following comments which have been summarised as follows:

Impact on the Area

- The development would be an overdevelopment of the site and the pattern of development would be out of keeping with the surrounding area whereby houses generally have a rear garden;
- The proposed plot, layout, scale and form of development are not characteristic of the area – particularly the conservation area which causes conflict with C18 and C31a;
- The triangular form of the rear dormer windows would be incongruous and out of keeping.

Impact on Amenity

- Concern raised about there being sufficient amenity space for the family units
- Is the communal space at the end of the site practical or appropriate?
- The amenity spaces should not be allowed to turn into additional parking areas
- The top bedrooms could easily be converted to form two bedrooms which would require more parking spaces
- There are proposed windows on the eastern elevation which overlook the school and children's centre which raises issues of safeguarding.
- Unsatisfactory standards of living due to windows only being proposed on the front elevation. – not enough daylight and a poor outlook.
- Insufficient space is provided for waste bins
- Insufficient amenity space for future occupants

Highways Impacts

- There will be a conflict during construction and occupation between highway users – perhaps a construction management plan should be conditioned if the application were to be approved
- There are a large number of people who walk in this area – for the school and the elderly who live here – there is already a dangerous high level of traffic associated with the school and youth centre – the scale of this development would therefore be hazardous
- The garages are not large enough to fit a modern car
- The additional fifth space required by Appendix G is not being provided – where will visitors park?
- The existing bottleneck is not being addressed. How will people evacuate the site, how will deliveries and construction traffic access the site,
- The proposal does not comply with manual for streets.
- Fitzmaurice School has an unsafe traffic and parking situation on the Frome Road Access which forms the recommended pedestrian route for all school users. Parents are advised to park at Baileys Barn Canal Trust Car parking with whom we have a free parking arrangement and then walk to school either along the towpath or along Kennett Gardens. We also have a high level of vehicular traffic. It is essential that the school has an unobstructed emergency access for ambulances and other vehicles at all times to ensure the safe running of the school and for coaches to park outside for regular school trips.

Other Matters

- No pro-active engagement has occurred with the school.

- There is a gas pipe at the pinch point which is at risk of being damaged from construction traffic and external walls of both 12B and Katherines Court could also be at risk
- The boundaries of our garden and 12A are shown inconsistently in the application and are well into our land – Page 10 of the DAS and the “MAP”
- Where will the bins go on bin collection day?
- There is a 4-metre retaining wall that runs along St Katherines Court, Farleigh House, Victory Fields development down as far as 6 Junction Road. Any ground work or tree work may weaken the all and impact the existing dwellings along this road.
- The amount of excavation proposed will threaten the stability of my listed walls and damage to my listed property could be extensive
- The existing fence adjacent to the nursery is to be removed – how will our children be kept safe when so close the building site, it will cause noise and disruption and our play area will be overlooked.
- The proposal does not meet the Building Regulation criteria for access for fire service

Two additional letters were received supporting the application which are summarised as follows:

- There should be an obvious prompt and signage to the dwellings as the existing access is ignored by pedestrians.
- Deliveries and site clearance should also be avoided at school opening and closing times.
- We are looking forward to seeing some affordable family homes as it is an ideal spot for school and town centre living
- We are pleased to see the far garden area being saved for natural habitation
- There are dangerous overhanging and out of control trees which will finally be sorted.
- The work detailed will improve the area and add much needed residential development and extra housing quota on a brownfield space

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 Development and Housing Supply

The site is located within the defined settlement limits of Bradford on Avon, which is a designated market town where there is a presumption in favour of supporting sustainable development in accordance with CP1, CP2 and CP7 of the Wiltshire Core Strategy. The Core Strategy establishes that Market Towns are specifically identified as settlements that have:

“the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities”.

WCS Core Policy 7 inter alia sets out the strategy for Bradford on Avon and its community area and identifies that 780 additional dwellings should be provided as a minimum by 2026. This requirement is expressed as a 20-year provision covering the plan period of 2006-2026 and the WCS identified in 2015 there was a residual requirement to provide 93 additional dwellings beyond what was committed and completed. This proposed development would assist in delivering this outstanding residual housing delivery requirement.

The proposal is for the re-use of a previously developed site for residential development infill and as such is considered to comply with policies DP1 and H1 of the made Bradford on Avon Neighbourhood Plan.

9.2 Heritage Impacts

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Paragraph 193 of the NPPF states that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

NPPF Paragraph 194 also states that *“Any harm to, or loss of, the significance of a designated heritage asset (from development within its setting), should require clear and convincing justification.”*

NPPF Paragraph 196 moreover directs that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”*

Paragraph 197 of the NPPF makes it clear that: *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*

Adopted Wiltshire Core Strategy Core Policy 57 states that: *“A high standard of design is required in all new developments, including extensions... [and that] development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through...being sympathetic to and conserving historic buildings”.*

WCS Core Policy 58 echoes national policy in terms of seeking the protection, conservation and, where possible, enhancement of heritage assets.

The site is largely overgrown with a derelict single storey dwelling built with stone under a tiled roof. The existing building is of limited historic interest and is not a curtilage listed building. The property is referenced within the 2008 published Bradford on Avon Conservation Area Character Appraisal as being a building of local interest of approximately 100 years old, that was possibly at one time, linked to the gasworks site

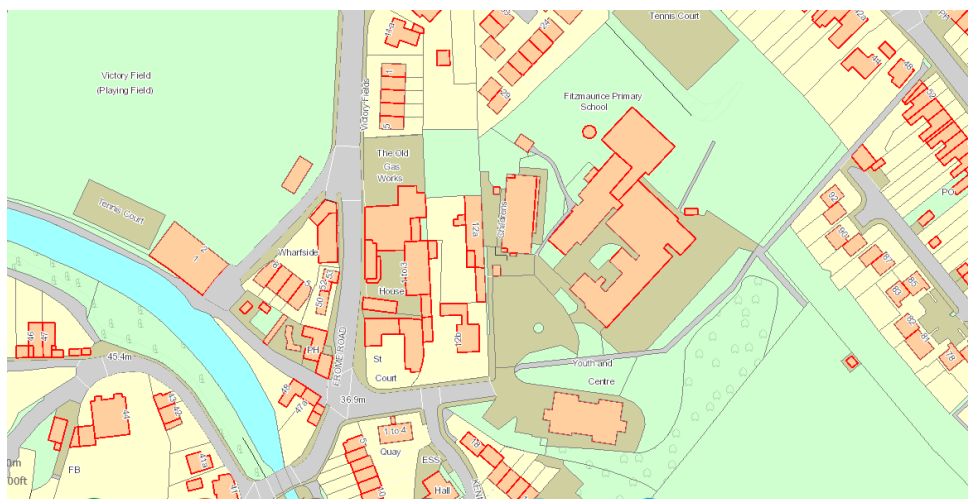
but it has been heavily altered over the decades and now has very little historic interest left.



Whilst some may consider the existing property to merit consideration as a non-designated heritage asset, officers do not. The property has had significant level of alterations over the years which has resulted in leaving very little of the original fabric to such an extent that officers do not consider the building to warrant retention. The Council's Conservation officer considers the building to fall short of meriting non-designated heritage asset status and has no objection to the proposed demolition. The application is supported by a robust Heritage Impact Assessment which adequately covers the issue of the demolition and the impacts of the proposed development

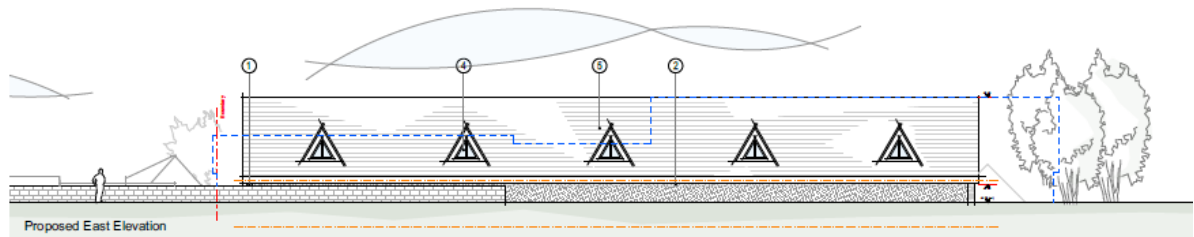
The proposed development comprises the erection a terrace of five 3-storey, 3-bed dwellings constructed with facing brickwork on the side elevations with a pale cream render on the front and rear elevations and timber boarding to the protruding elevations on the front façade under a slated roof - with windows and doors to be made from aluminium.

The pattern of development within close proximity to the site is characterised by tight knit terraced housing to the North, South and further to the East and West – which the following insert illustrates; and as such, the principle of a terraced row of additional housing at this location is considered to be acceptable.



Officers accept that within this part of the town, dwellings generally have rear gardens. However, the existing dwelling within the site only has a front garden and the lack of any proposed rear gardens within the development proposal is not considered sufficient grounds to refuse planning permission.

Concerns have been raised about the proposed triangular shaped dormers on the rear elevations (which are illustrated below) and how they would appear in relation to neighbouring development and land uses. The dormers would face the neighbouring school uses and officers argue that the proposed design and use of materials are appropriate and that there would be no harm to the immediate or wider setting.



The Conservation officer argues that the proposed terrace would make a good use of the restrictive site. The new building would be sited on the eastern boundary of the plot, farthest away from the Old Gasworks (which is a Grade II listed building) and would not result in harm. The design would be modern but would architecturally pick up on historic local vernacular details, such as strong gables and natural stonework. The proposed choice of materials would be of high quality; and, if the committee is minded to approve the development officers recommend that a planning condition secures the submission of sample materials to be viewed and appraised as a post slab obligation.

On the basis of the above, officers are satisfied that the development would comply with the NPPF as well as WCS Core Policies 57 and 58 and, BE1, BE2 and H1 of the Bradford on Avon made Neighbourhood Plan.

9.3 Highway Impacts

Access to the site is proposed from Kennett Gardens via a shared driveway. The property that shares this access is 12B and will be retained and will continue to share this access with the proposed dwellings. The existing access will be widened to 5 metres which will be sufficient to serve the number of proposed dwellings and will also allow for 2 cars to pass each other which currently is not possible. This is therefore considered to be of highway benefit nearest an area which is currently congested at peak times due to the neighbouring school and community centre. The proposed access also sees a continuous footway with a dropped kerb access arrangement which gives pedestrians priority over any vehicles which again is considered to be a highway benefit especially given the nature of the uses surrounding the site. Visibility at the access is also considered sufficient for the speeds of vehicles using Kennett Gardens.

Within the site, the access has an unavoidable pinch point of 2.8 width. Whilst this is below the recommended minimum technical width to allow a fire appliance access, it just about meets the absolute minimum width for a fire appliance to fit through. This is also supported by swept path analysis which does indeed confirm access is possible. It is also noted that even if the fire appliance was to stop before the pinch point, it would still be within 45m of the furthest property, which is in accordance with the requirements of access for fire appliances.



Concerns have been raised regarding the conflict of the proposed use against the nearby uses – mainly the school. The Highways Officer has taken the nearby uses into consideration and agrees that there is an existing traffic problem, however this application is not able to solve existing problems and would not worsen the existing problem. It should be noted that there are already double yellow lines on this side of the approach road for a large section of it. As such there is no highway objection to the proposal.

A comment related to the garages not being of correct size. The proposal does not provide any garages but open port style parking areas. The parking sizes meet the relevant criteria of the Wiltshire Car Parking Strategy. One letter of complaint incorrectly sites Appendix G of a document in relation to parking that has been superseded and as such cannot be used to assess this application.

Many concerns relate to the demolition and construction process and the large vehicles that will be associated with these processes. As these are temporary they are not a reason to refuse a planning application. However, an Informative can be added to any approval requesting the applicant to discuss site clearance and construction activity with the nearby uses.

The amended plan provides a visitor parking space close to the access of the site and also an extended turning area within the site as requested by the members of the Western Area Planning Committee. Wiltshire Council Highway have confirmed that the visitor parking space would reduce the amount of passing space within the site which is necessary because of the pinch point towards the existing houses, however a submitted swept path analysis demonstrates that adequate room is still available for vehicles to pass. The swept path analysis also confirms that the turning head provides sufficient space for a 6-metre-long vehicle to turn within the site. As such, Highways support the amended plans.

It is also important to highlight that there are 7 unrestricted parking spaces along Kennett Gardens and along Frome Road there is on-street parking opportunities for 2-hour limits on Monday – Saturday with unrestricted parking on Sundays. This demonstrates that there is alternative visitor/short spell parking options available within the nearby vicinity of the site.

In response to the comments made at the Juen Western Area Planning Committee meeting regarding the provision of cycle bays, the applicant has confirmed that these on the proposed plans for each dwelling, and are located adjacent to the bin storage areas.

9.4 Neighbouring Amenity Impacts

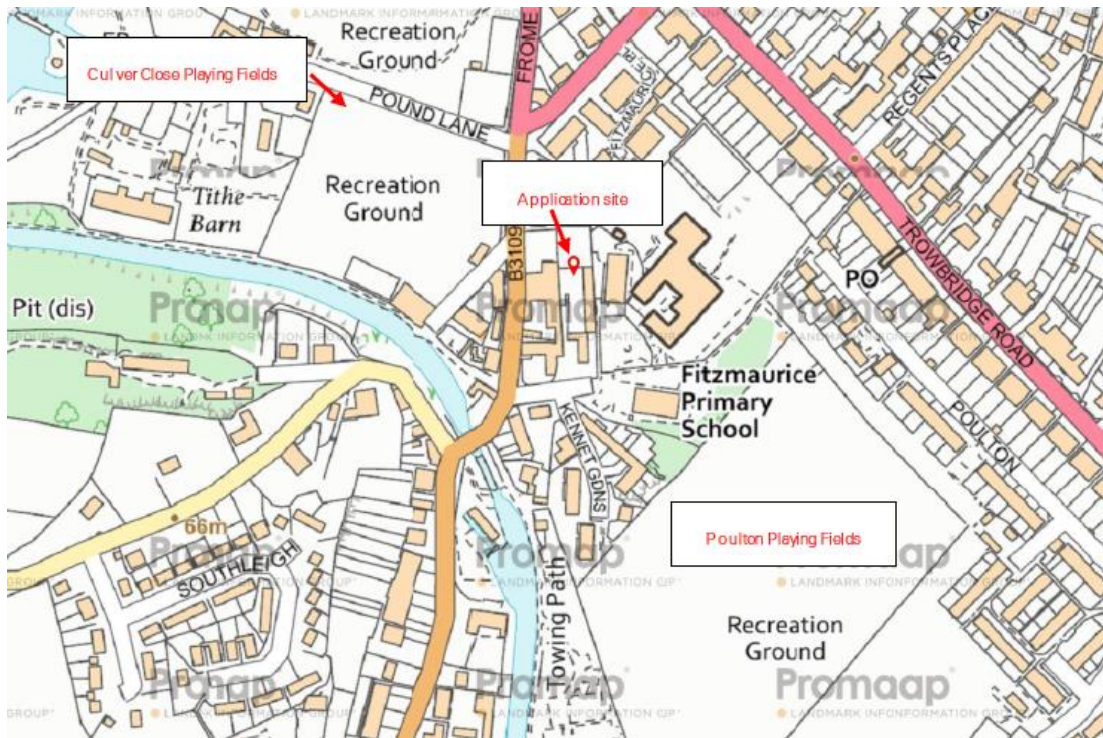
It is considered that by reason of the location of the proposed development there would be no overlooking, overshadowing or overbearing issues that would warrant a refusal reason.

On the eastern elevation triangular shaped dormers are proposed which due to the topography of adjoining land, they would be between ground floor and first floor level when viewed from the rear. These dormer windows would serve a stairwell and not habitable rooms, and as such, there would be no harmful overlooking over the adjoining land which includes the primary school/nursery.

Concerns have been raised regarding whether the proposed amenity space would be sufficient for the proposed three-bed dwellings. The gardens to plots 2-5 (which are the smallest) would measure approximately 16.5 square metres, and officers acknowledge that they are small however, they would provide some private outdoor space to each individual dwelling. On their own, they would be insufficient for family housing. However, there is a large area of shared amenity space to the north (shown in green below) which will be used by the future occupiers which would provide sufficient amenity to make up for the limited private amenity space being allocated for each plot. It is acknowledged by officers that the requested additional turning head would further reduce the amount of green space provided on site. However, by removing two trees which provides additional space, the area represents 22% of the overall site which is considered to be acceptable.



It also has to be acknowledged that the site is in close proximity to the Culver Close Playing Fields and Poulton Playing Fields – both of which are accessible on foot within 4 minutes along existing pavements. The modest provision of communal open space for the proposed development is sufficiently mitigated by the local provisions/



9.5 Impact on Trees

There are some significant trees to the north of the site which would be retained and would not be compromised by the proposed development. The Council's Arboricultural officer has advised that the trees identified for removal within the site are of low grade and amenity and appear to have been neglected since the property became vacant. The submitted tree survey identifies some Category A and B trees within the site – which are to be retained; and as such, to ensure their protection, the area to the north of what would be open space, should be robustly fenced off and should not be used for the storage of any materials and root protection fencing should be installed prior to any demolition / construction works. This can be secured by a suitably worded condition.

9.6 Sustainability and Ecological / Biodiversity Matters

Paragraph 170 of the NPPF requires planning decisions to contribute and enhance the natural environment. A bat survey and Great Crested Newt Survey were submitted with the application.

The bat survey indicated no known bat roosts on site. However, bats are known to fly through and around the site and there is a possibility that crevice bats could be found on site. If bats are found during the construction process, the report requires works to stop and a licenced ecologist to be contacted for further advice. As part of this report it confirms that 2 bat tubes are to be located on the north and south elevations of the proposed development and 4 bat boxes are to be located in the existing trees. This will provide a benefit to the existing environment. This report also requires any trees to be soft felled, external lighting to be kept to a minimum No Great Crested Newts were found in the existing pond on site and the report recommends that if any are found during the construction process then works should stop and a licensed Ecologist should be contacted. Conditions can be applied to a positive recommendation to ensure that these features are carried out to ensure that the development is in accordance with Paragraph 170 of the NPPF.

The loss of the trees to accommodate the additional turning space within the site means that the initially proposed bat boxes need to be positioned elsewhere. Officers therefore consider it appropriate to recommend an additional condition requiring the location of the bat boxes to be submitted to and approved in writing by the Local Planning Authority. The locations would need to be supported by the guidance and direction of a professional ecologist.

9.7 Other Matters

The applicant proposed to connect to the mains sewer for foul sewerage and surface water drainage. Wessex Water have raised no objections to the proposals and officers are satisfied that on drainage grounds, the application is acceptable.

Concerns have been raised regarding the 4-metre high wall on the boundary of the site which is detailed on the plans to remain. Public concerns have also been raised about ground works, excavation and construction/demolition traffic damaging boundary walls and the stability of existing buildings alongside additional bedrooms possibly being created in the future. These matters whilst noted, are not material considerations which would justify a refusal of planning permission.

A third-party concern has been raised regarding the safety of nursery and school children during demolition and construction works due to an existing fence being removed to the rear of the property. This is not a planning matter to consider but is instead a health and welfare matter for the developer to attend to through the safe site practice protocols and Building Control regulations. In relation to this, the applicant's agent was open to having a construction management condition to be imposed as part of any conditional planning permission and include liaison with the nearby school and Nursery. Whilst the Council could require the developer to submit details to set out the proposed on-site working practices and operations, the Council cannot burden a developer to require third party consent. This does not however prevent the applicant from entering separate discussions with third parties outside of the planning sphere to agree matters with the adjoining landowners. A planning informative is considered to have some merit to encourage the applicant to have separate discussions with neighbouring landowners and occupiers.

Another representation cites policies C18 & C31a from the former West Wiltshire District Plan – 1st Alteration which are no longer extant policies. Core Strategy Policies CP57 and CP58 of the Core Strategy are however extant and have been fully appraised by officers.

RECOMMENDATION: Approve subject to 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:

PL001 (existing block and site plan), PL002 (existing site plan 1 of 2), PL003 (existing site plan 2 of 2), PL004 (existing house layout), PL005 (existing elevations), PL006 (existing sections), PL007B (proposed block plan and drainage plan), PL008B (proposed site plan 1 of 2), PL009B (proposed site plan 2 of 2), PL010C (proposed ground floor plan and views), PL011C (proposed first and second floor plans), PL012B

(proposed elevations), PL013 (proposed street scene), PL014A (proposed 3D views), SK01E (site access visibility), DD/A1 (topographic site survey), SP01A (swept path analysis), SP02A (swept path analysis)

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

3. No development shall commence on site until a construction management plan, detailing the timing of deliveries, the projected construction hours and erection of fences, the drainage arrangements during the construction phase and the provision for the installation of attenuation storage prior to the installation of any upstream drainage infrastructure has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be 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 and to ensure the reduction of flood risk elsewhere.

4. No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be 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 and to ensure acceptable surface water discharge.

5. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development until protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations" has been erected to fence off the entire garden area/open space (as shown in green on drawing number PL009A). The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations. This protected area shall not be used for the storage of materials and/or equipment, mixing of materials and shall be kept clear of any associated building works.
6. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

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

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

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

7. The development hereby approved shall be carried out in accordance with the mitigation section of the 'Dusk Emergence and Pre-dawn Re-entry surveys for Bats' dated September 2019 by All Ecology Ltd.

REASON: To ensure adequate protection of protected species.

8. The development hereby approved shall be carried out in accordance with the conclusion section of the 'Great Crested Newt eDNA Analysis' Report dated May 2019 by All Ecology Ltd.

REASON: To ensure adequate protection of protected species.

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

The boundary treatments (including individual plot boundary treatment), means of enclosure, car park layouts, other vehicle and pedestrian access and circulation areas, all hard-surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc).

All hard landscaping shall be carried out in accordance with the approved details prior to the occupation of any dwelling.

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 neighbouring amenity.

10. No development shall commence beyond slab level on site until full details of the proposed access alterations, including the provision of a continuous footway across the site access, has been submitted to and approved in writing by the Local Planning Authority. No dwellings hereby approved shall be occupied until the said works have been completed in accordance with the approved details.

REASON: In the interests of highway safety.

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

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

the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the Conservation Area.

12. The vehicular access hereby approved shall remain ungated in perpetuity.

REASON: In the interests of highway safety.

13. The dwellings hereby approved shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

14. The dwellings hereby approved shall not be occupied until the access and turning areas 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.

15. The dwellings hereby approved shall not be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

16. The dwellings hereby approved shall not be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.

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

17. The dwellings hereby approved shall not be occupied until the locations of 4 bat boxes within the site have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be in place prior to the first occupation of the dwellings hereby approved and shall remain in perpetuity.

REASON: In the interests of biodiversity.

INFORMATIVES TO APPLICANT:

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

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructuralevy

In order to discharge conditions 3 and 4 above, the following will need to be included as part of any future discharge of condition application:

- " Evidence that the surface water drainage system is designed in accordance with national and local policy and guidance, specifically CIRIA C753 (The SuDS Manual), the Non-statutory Technical Standards for SuDS and Wiltshire Council's Surface Water Soakaway Guidance;
- A plan showing the cross sections and design of any attenuation pond and its components.
- Pre and post development surface water discharge rates.
- The proposed ownership details of the drainage infrastructure;
- Any third-party agreements for discharge to their system (temporary and permanent).
- Where a connection to a surface water sewer is proposed, confirmation and acceptance of an agreed connection point and discharge rate for surface water disposal from the sewerage undertaker.
- Construction plan detailing how the site will be drained during construction such that the flood risk to others is not increased.

To avoid disturbing nesting birds and breeding season, no works should take place to the site boundaries between March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

Furthermore, the applicant/ developer must be mindful that bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). All site operators must be informed that if bats are discovered, all works should stop immediately, and Natural England should be contacted for advice on any special precautions before continuing.

The applicant/developer is strongly encouraged to have an open dialogue with the adjacent school and nursery as early as possible prior to the proposed demolition, construction works. The discussion should include details pursuant to the timing of deliveries, the projected construction hours and erection of fences.

The developer/applicant is required to reach an agreement with Wessex Water with respect to finalising foul water and clean water connections.

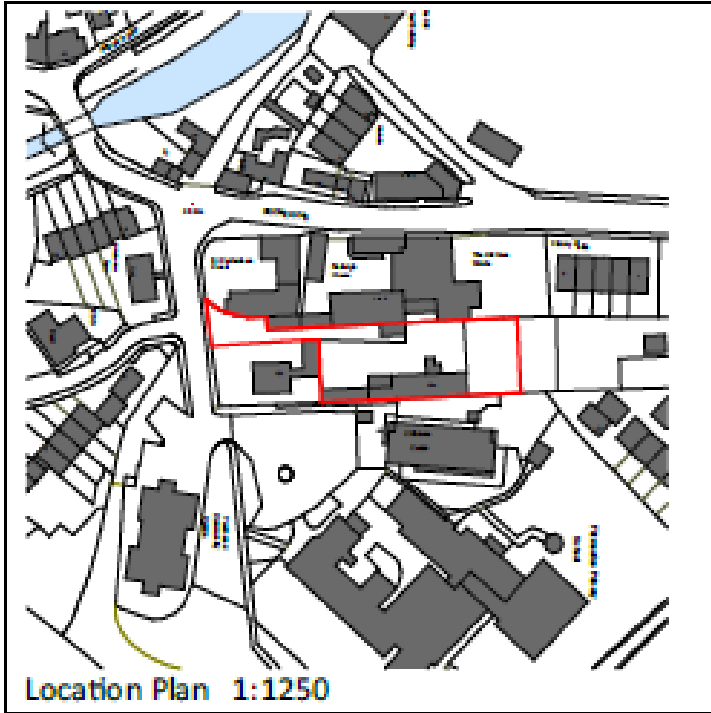
The developer/applicant is advised to ensure appropriate safeguards are fully implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - wheel-washing and waste water disposal - the use and routing of heavy plant and vehicles - the location and form of work and storage areas and compounds - the control and removal of spoil and wastes. The applicant should

refer to the Environment Agency's Pollution Prevention Guidelines at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

The developer/applicant is advised to follow guidance produced by Wiltshire Fire & Rescue Service in terms of precautionary measures to reduce the risks of fire and on-site measures to deal with an emergency. This advice is often in addition to building regulation requirements. Further guidance can be obtained regarding the on-site provision of fire hydrants and a water supply for the purposes of fire-fighting.

The developer/applicant is advised to incorporate water efficiency measures into this scheme to provide resilience to some of the extremes of weather conditions that climate change brings. It benefits future residents by reducing water bills, and also benefits wider society by making more water available at times of shortage. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be promoted and implemented. An appropriate submitted scheme should include a water usage calculator showing how the development would not exceed a total (internal and external) usage level of 105 litres per person per day.

This page is intentionally left blank



This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	22 July 2020
Application Number	19/10471/FUL
Site Address	3A Church Lane Limpley Stoke BA2 7GH
Proposal	Erection of 2 No. dwellings and associated landscaping and access works (amended design).
Applicant	Mr & Mrs A Holdoway
Town/Parish Council	LIMPLEY STOKE
Electoral Division	Winsley and Westwood, Councillor Johnny Kidney
Grid Ref	378214 160472
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

This application was deferred from the 17 June 2020 Western Area Planning Committee to enable the Councillors to attend a site visit. It was previously 'called in' for the Western Area Planning Committee to determine at the request of the elected local ward member, Cllr Kidney for the following reasons in recognition that officers are supportive of the development proposal.

Councillor Kidney originally requested that the application be considered by the Planning Committee for the following reasons:

- Visual impact upon the surrounding area – mainly the setting of the Grade II* Listed Church of St Mary, Limpley Stoke
- Relationship to adjoining properties
- Other – conflict with the neighbourhood plan (specifically infill policy)

1. Purpose of Report

The purpose of this 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

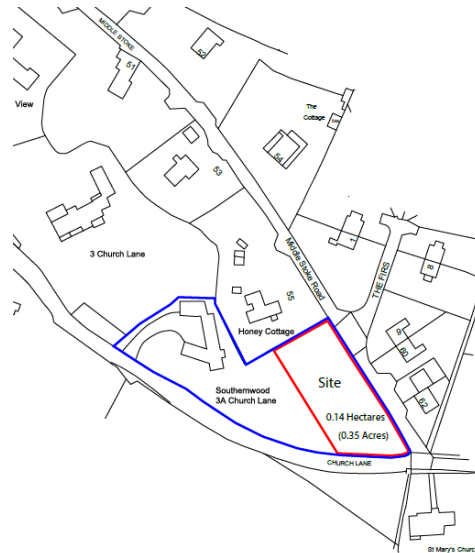
The key determining planning issues are considered to be:

The Principle of Development; Impact upon the Area and wider landscape; Heritage Matters; Highway Impacts; Neighbouring Impacts and Biodiversity Matters.

3. Site Description

The site is currently garden land associated with 3A Church Lane and is within the Bristol, Bath and Western Wiltshire Green Belt. The site also lies within a Special

Landscape Area and the nationally important landscape designated Area of Outstanding Natural Beauty (AONB). The site is located in Limpley Stoke, which is a 'small village'. To the south east is St Mary's Church which is a Grade II* listed building and has curtilage structures that are separately listed Grade II buildings. To the North West is an existing dwelling known as Honey Cottage, to the North East is a cul-de-sac known as The Firs and immediately East are three residential properties known as 60-62 Middle Stoke. To the West is a recently built single storey dwelling that due to the topography of the land sits above the proposed site.



4. Planning History

Reference	Description	Date
18/12089/FUL	Full refurbishment and small extension to existing dwelling	Approved 13.02.2019
17/03051REM	Reserved matters application following 16/10391/VAR for appearance, landscaping, layout and scale for the erection of a single dwelling.	Approved 29.06.2017
16/10391/VAR	Variation of condition 10 of 16/05118/OUT relating to access	Approved 24.10.2016
16/11052/VAR	Variation of Condition 2 of 16/04907/FUL (MMA)	Approved 06.01.2017
16/04907/FUL	Erection of 1 No. dwelling and associated access and landscaping works (Plot 3)	Approved 19.08.2016
16/05118/OUT	Erection of 1 No. dwelling and associated access works (Plot 1).	Approved 19.08.2016
01/01116/FUL	Granny Annexe	Approved 17.09.2001
W94/00854/FUL	Pergola	Approved 25.08.94
W90/00067/FUL	Annexe extension	Refused 24.04.1990
W76/00324/HIS	Swimming pool annexe	Approved 1976

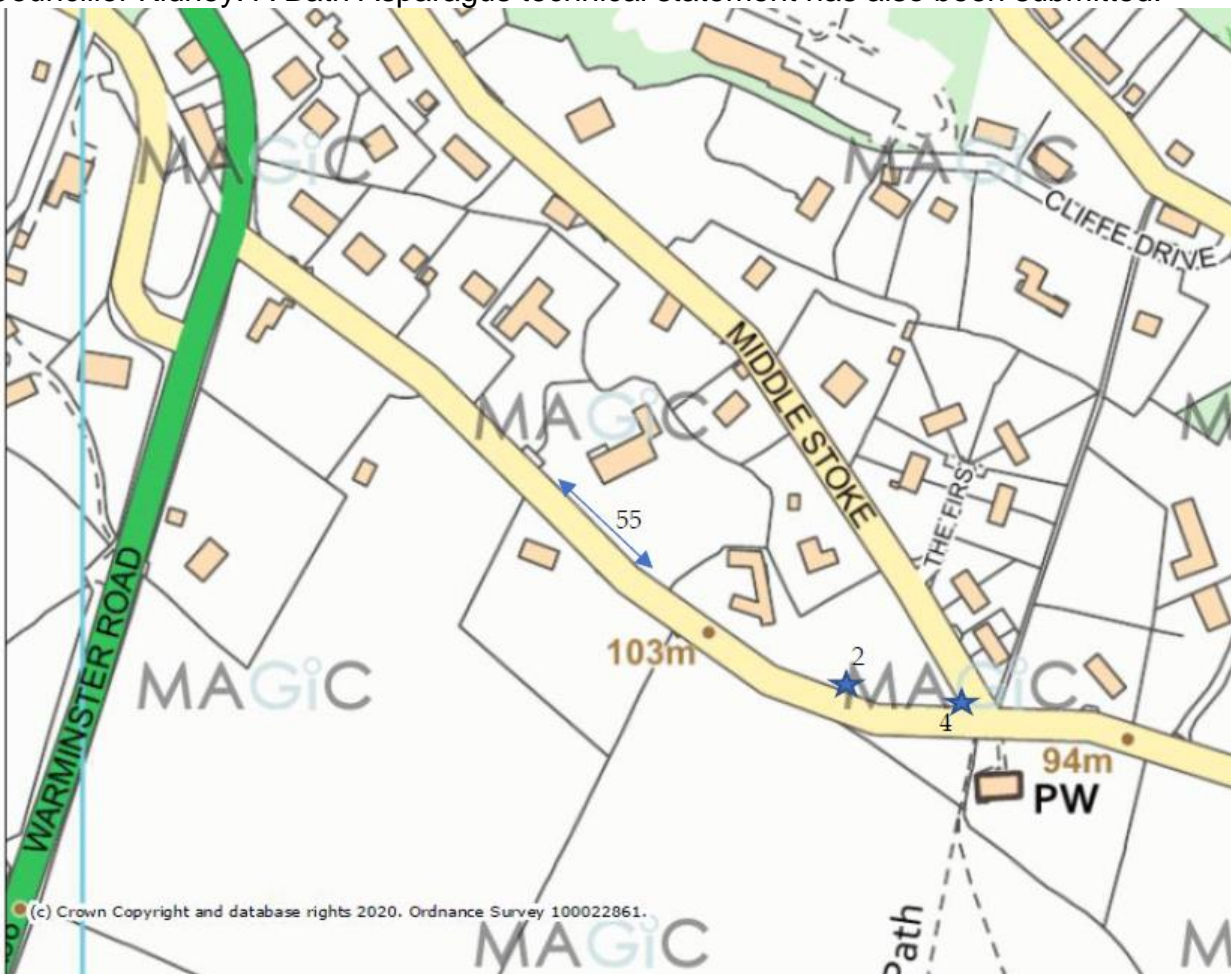
5. The Proposal

This application is for the erection of two 3-bedroom, two-storey dwellings with associated parking, turning and landscaping. The site is currently within the curtilage of 3A and in areas has overgrown vegetation.

Amended plans were received in mid-April which resulted in an additional consultation exercise being undertaken for 21 days. The changes included the following:

- There is an overall reduction in height of 800mm that has been achieved by lowering ground levels by 300mm, and a reduction in the eaves and ridge height of 500mm.
- Houses A and B have been made 300mm narrower (north-south) with a total width reduction of 600mm.
- The side extension to House A has been re-modelled and its rear wall is now flush with the rear wall.
- The upper storey gable end windows to the north and south elevations have been removed. Windows to the east and west elevations have been replaced with dormer windows, which will provide light to the first-floor accommodation.
- The proposed Planting Plan has also been updated to increase the diversity of proposed native species hedge planting and to also annotate proposed ecological mitigation in the form of nesting boxes.

Since the June Western Area Planning committee meeting, the applicant has submitted a plan illustrating the location of the Bath Asparagus plants that were referenced by Councillor Kidney. A Bath Asparagus technical statement has also been submitted.



6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP7 – Spatial Strategy Bradford on Avon Community Area, CP51 – Landscape, CP52 – Green Infrastructure, CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management, CP67 – Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1st Alteration):

Policy C3 - Special Landscape Area, U1a Foul Water Disposal and U2 Surface Water Disposal

The 'made' Freshford and Limpley Stoke Neighbourhood Plan (NP)

Others

- The Wiltshire Waste Core Strategy (adopted 2009)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework 2019 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- "The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3" (HE GPA3)

7. Consultations

Limpley Stoke Parish Council - Objects to the amended plans for the following reasons (summarised):

- the applicant has attempted to address some of the concerns raised in our earlier objection but we still object
- The corner piece of land between Middle Stoke and Church Lane is a highly sensitive site in the village. It is an area of open land that links the village with the countryside adjoining St Mary's Church. The Hawthorn Hedgerow that runs tightly along the beginning of Middle Stoke helps to maintain the rural link and is an original village feature giving a semi-rural view and important habitat for wildlife.
- The previously approved application saw the importance of the church from Middle Stoke.
- The previously approved application allocated this site as a wildflower meadow which was crucial to the acceptance of the dwelling. This proposal replaces the wildflower meadow with 2 dwellings.
- The re-development of Southernwood (previously approved application) was creating 3 properties from the one site. That means that the proposal for the 2 new houses on Middle Stoke do not count as infill development. Wiltshire Council policy in villages suggests that infill development comprises up to 2 properties. This site has already accommodated 2 new properties. These 2 proposed houses will take the total on 3 Church Lane to a total of 4 and as such means that far more notice should be given to local concerns.

- The reduced height will still have a seriously detrimental impact on the setting of the corner of Middle Stoke adjoining Church Lane which is currently open green land, as well as the setting of and views to St Mary's Church.
- The properties opposite on Middle Stoke will still be looking up at the new houses and again, the elevated position above Middle Stoke will be really quite overbearing notwithstanding the 20.5m separation distance between houses. We accept the distances between proposed development and neighbouring properties are over 20m as recommended however these proposed houses are unnecessary overbearing and seriously affect the character and visual amenity of this part of the village.
- The applicant has stated that the setting of the Grade 2* St Mary's Church will be improved by this development as a result of the hedge being moved back by 2m. We strongly disagree – the view of the church as one progresses towards it from Middle Stoke is one of the key views in the village. The church is experienced in an open setting and not constrained by buildings.

The Parish Council objected to the originally submitted scheme raising the following summarised comments:

- The site is highly sensitive in the village. It is an open area of land that links the village with the countryside adjoining St Marys Church. The Hedgerow that runs tightly along the beginning of Middle Stoke helps to maintain the rural link
- Honey Cottage will suffer significantly – overbearing, windows in the gable elevation facing the property will overlook, location which is too close, the height and failure to sink the properties further into the ground
- The houses opposite will be looking up at the new houses and therefore they will be overbearing.
- The relocation of the hedgerow will not improve the setting of the Church – the view of the church as one progresses towards it from Middle Stoke is one of the key views in the village.
- We accept the distances between the proposed and existing dwellings are over 20m but they will be overbearing and affect the character and visual amenity of this part of the village.
- This site has already had 2 new properties – these proposed houses will take the total on site up to 4 which is no longer infill and is contrary to the NP policy.
- This is a highly intrusive and inappropriate development that will fundamentally change the character of the village.

Freshford Parish Council – Objects for the following reasons:

- The construction of these two new homes is inappropriate development which by its nature is harmful to the Green Belt. That the definition of infill is not met in this instance and is neither in compliance with the Neighbourhood Plan Housing Policy nor the Villages Design Statement. It does not clearly outweigh the fundamental need to preserve the openness of the Green Belt.
- The application is in part in direct contravention of the Conditions attaching to the planning permission granted for No3A Church Lane.

Wiltshire Council Conservation Officer – No objection

Wiltshire Council Highways – No objection subject to conditions

Wiltshire Council Ecologist – No objection subject to conditions

Wessex Water - No objection

Historic England – No objection and advises that the Council's own specialist conservation advice should be followed.

Natural England – No objection

8. Publicity

The application was advertised by a site notice and individually posted neighbour notification letters. The deadline for third party correspondence was 8 May 2020. 14 letters of objection were received on the amended plans which can be summarised as follows (which should be read in conjunction with the summarised third party representations raised to the original scheme):

Principle

- Fundamentally this application runs against Wiltshire's Core Planning Policy and adopted Neighbourhood Plan for Limpley Stoke, which allows for limited infilling of only up to two houses and the previous application has already fulfilled this.
- If this is allowed -where will future development stop?

Impact on Amenity

- The proposal is still too imposing and will result in loss of light and privacy
- Reducing the dwellings by 800mm does not overcome our concerns

Other Matters

- This application is solely for financial gain
- How can the pre-application advice be positive without local input and community consultation?

In addition to the above, 12 letters of objection were received to the originally submitted plans which have been summarised as follows:

Principle Issues

- This is excessive given the previous development of 2 dwellings on the site and its proximity to the St Marys Church.
- It will jeopardise the character of this small village
- This is not infill and therefore against local policy and the NP
- This is not affordable housing – it does not benefit anyone in the village

Impact on the area

- The buildings will be overbearing, domineering with a significant impact upon the horizon which would be acutely felt from the lower end of The Firs.
- The long flowing hedging is part of the character of our neighbourhood and neatly frames both the church and the open skyline.

- The site remains one of the few areas of open grassland and hedging within Middle Stoke and is quite distinctive
- Habitat loss would be detrimental to wildlife – there are lizards, hedgehogs, toads and insects
- The proposal will interrupt the view towards the church – the plans submitted are outdated because the vegetation no longer exists.
- Render, slate and metal roofs are not appropriate when comparing against the older properties in the area.

Impact on neighbouring amenity

- We have endured noise and disruption from this site for 2 years
- The height of the dwellings would be obtrusive in relation to the open views when viewed from the Church
- The propose dwellings would be overbearing to the properties opposite.

Highway Impacts

- Middle Stoke is a very small lane and putting another access point onto it will cause further problems
- How will vehicles turn
- The changing of the junction will only encourage larger vehicles to try and use our lane
- Why can't the access be taken from the existing access to 3A rather than Middle Stoke?
- There are no pavements
- There is a likelihood of increase in traffic on the blind corner with Church Lane and Middle Stoke which will subsequently cause risk to the church boundary walls on Church Lane as cars exit Middle Stoke

Other Matters

- The applicant has not made no effort to be open with the plans to develop the site
- There could be safety issues to the villagers caused by building traffic management and vans during the build process.
- There is risk to our boundary wall which is opposite the site as the access is at the narrowest point of Middle Stoke especially during construction.

9. Planning Considerations

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

9.1 Principle of Development

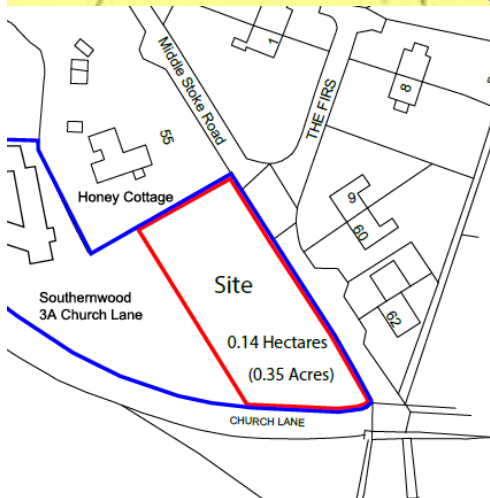
The site is located within the small village of Limpley Stoke. Core Policy 2 confirms that at small villages, development will be limited to infill within the existing built up area and that proposals for small developments in small villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- *Respects the existing character and form of the settlement*

- Does not elongate the village or impose development in sensitive landscape areas
- Does not consolidate an existing sporadic loose knit areas of development related to the settlement

Limpley Stoke has an adopted Neighbourhood Plan and defines infill as: *“the filling of a gap normally capable of taking no more than two houses. Infill development must be consistent with the policies set out in the Plan and preserve the openness of the Green Belt”*

The site is within the defined “northern settlement” as detailed below which is a snippet from Map 2 of the NP (left) within which infill residential development is permitted subject to certain criteria.



It is considered when assessing the application against the principle of CP2 the proposal would fall under the definition of infill due to the existing built up development which sees existing dwellings to the North, East and West of the site and as such does not elongate the village or result in sporadic loose knit development. The site as demonstrated above is also located in the northern settlement of the NP where future development is to be focussed. The criteria of CP2 and the NP will be assessed below in the design section of this response.

The Parish Council and neighbour objections have stated that as there have already been two dwellings built on the original site of Southernwood (under references 16/05118/OUT & 16/04907/FUL) and therefore the definition of infill has already been achieved. The opinion of the objection letters is that the addition of the dwellings

proposed as part of this application would be over the definition of infill as stated in the NP. However, every application has to be based upon its own merits and the development description is for two dwellings which is in accordance with the definition contained in the NP and the WCS and as such is considered to be acceptable in principle terms.

Concerns have also been raised regarding the prospect of future development if this application were to be approved. Any future development would be decided upon on its own merits but would need to be located within the “built up area” identified in the NP and comply with policies in the WCS – this current application complies with both of these adopted documents.

The site is also located in the Green Belt. The NPPF confirms that *inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.* It continues to say that the construction of new buildings is inappropriate. Exceptions to this include *limited infill in villages*. As such in principle it is considered that the proposal would be considered appropriate development within the terms of the NPPF as the proposed dwellings are considered to be infill.

9.2 Impact upon the character and appearance of the area

The proposed semi-detached dwellings face onto Middle Stoke Road and are set back to mirror the pattern of development of the existing dwellings opposite the site. By being set back from Middle Stoke Lane, the view of the church when approaching it from Middle Stoke Road remains uninterrupted.

The dwellings are to be built with rubble stone to the front and side elevations and through colour render to the rear elevation under a natural slate roof. The rainwater goods will be metal and the windows and doors will be painted timber. The single storey extensions are to be built with timber under shallow metal roofs. The materials are considered to be appropriate to their immediate setting which sees the use of the above materials on existing dwellings.



Saved Policy C3 states: *The landscape character of Special Landscape Areas will be conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes. Proposals for development essential to the social and economic well-being of the rural community or desirable for the enjoyment of its amenities will be permitted having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations.*

CP50 states in full: *Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.....*

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area's special qualities (as set out in the relevant management plan), must also demonstrate that it would not adversely affect its setting.

Due to the location of the proposed dwellings which are situated on lower ground than the recently built dwelling known as Southernwood and due to their location adjacent to existing dwellings it is considered that the proposed development would not have an impact upon the Special Landscape Area, the openness of the Green Belt or the AONB.

Much has been said in the letters of objection regarding the wildflower meadow in the previously approved application. The concern appears to stem from this current application contravening the previous approval. Below is an extract from the landscaping plan on the approved application. Whilst the wildflower meadow has been shown and there is a condition on the decision notice to require the soft landscaping to be carried out, it was not explicit to the approval of the previous application and as such there is no material planning reason to use this reason to withhold future development on the site such as the one subject of this current application.



9.3 Drainage

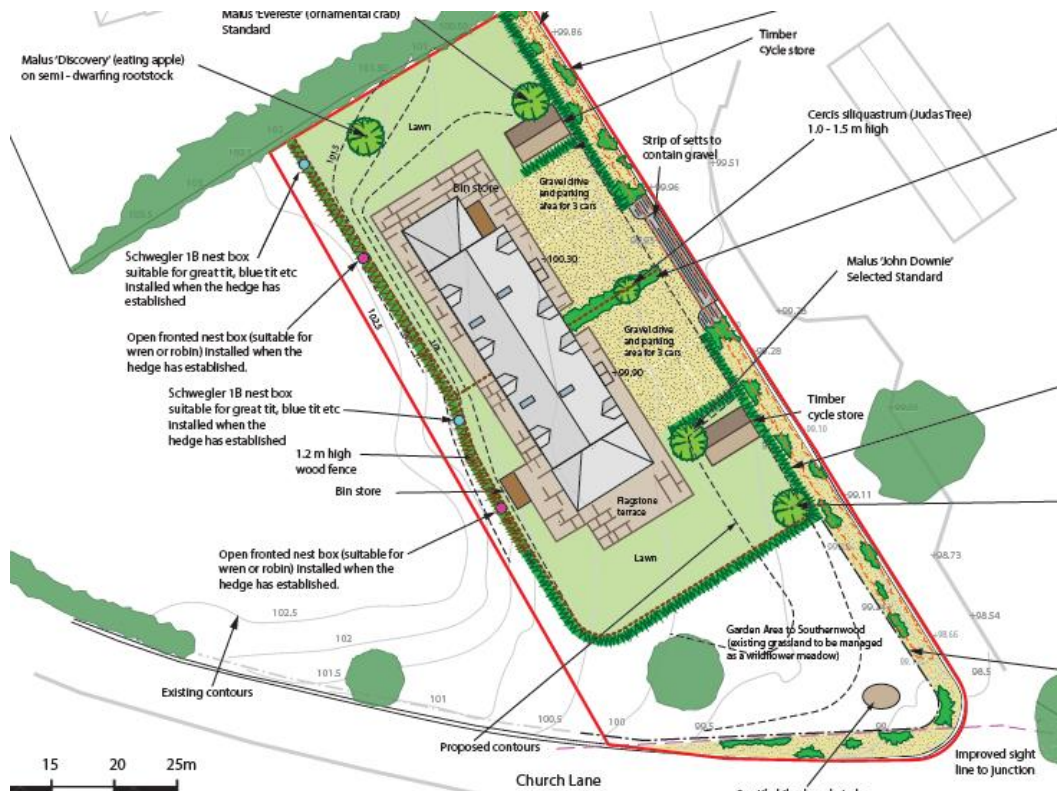
The planning application indicates that foul sewerage will be disposed of via the main sewer and that rainwater run-off will be disposed of via a soakaway. Wessex Water have raised no objections to the proposal.

9.4 Ecology/Biodiversity

Paragraph 170 of the NPPF requires planning decisions to contribute and enhance the natural environment. The site is within the core zone for Greater Horseshoe bats using the Bath and Bradford on Avon Bats Special Area of Conservation. An extended phase 1 habitat survey has been submitted with the application which found that the site is likely to be used for commuting and foraging bats. The existing state of the site also makes it possible that common reptiles and birds are likely to be using the site as a habitat. No badgers or great crested newts were found on the site.

To ensure the site can still be used for the foraging and commuting of bats new hedgerows around the two proposed dwellings will be planted to compensate for the hedgerow being removed for the visibility splays for both the dwelling and the junction improvements. Two ash trees on site will be maintained and new trees will be planted.

A bat box is also proposed on the southern elevation. In addition to these elements, nest boxes are to be erected and a reptile hibernacula (winter sheltering area) in the garden area outside of the proposed residential curtilage and closest to the church.



The phase 1 habitat survey requires any new lighting to be downward facing and the stone wall that is to be reduced to be done so by hand during the spring and summer months when reptiles are not hibernating. Land levelling is also not to be undertaken during the winter months in case of reptile hibernation. Any works to trees and hedgerows that are suitable for nesting birds will have to be undertaken during the winter months of October to February which is outside of the main breeding season. All of these recommendations are considered to be necessary and acceptable and as such can be conditioned to ensure that it is carried out in accordance with the submitted details.

The Council's Ecologist has confirmed that there will be no likely significant impacts to ecological features including the Bath and Bradford on Avon Bats Special Area of Conservation, subject to conditions which are considered to be acceptable. The proposal is therefore considered to comply with CP50 and paragraph 170 of the NPPF.

As previously stated, Bath Asparagus plants have been found on the site. The submitted technical note identified 6 plants, 4 of which would be impacted upon by the proposed development. 55 Asparagus plants were also found nearby but are not within the developable site area. The 4 plants that would be impacted upon are located near to the junction where highway improvements are proposed. The height of the wall as existing would not change, however the survey recommends that any work near the plants should be done so by hand and not when the plant is in flower. It is considered that with the recommendations suggested by the ecologist, a planning condition would suffice, and there would not be substantive reasons to refuse the planning application.

Conditions 2 and 4 have been revised since the June committee meeting to take into account the updated landscaping plan and the asparagus plant technical note.

9.5 Impact upon the setting of the Listed Building

The site lies North West of the Grade II* Listed building known as St Marys Church.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Paragraph 193 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

Paragraph 194 of the NPPF states that *"Any harm to, or loss of, the significance of a designated heritage asset (... from development within its setting), should require clear and convincing justification."*

Paragraph 196 of the NPPF states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."*

Core Policy 57 of the Wiltshire Core Strategy states: *"A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings"*

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

The following points are taken from the Historic England document "The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3" (HE GPA3) that are considered to be particularly relevant:

HE GPA3 Part 1:

"The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset."

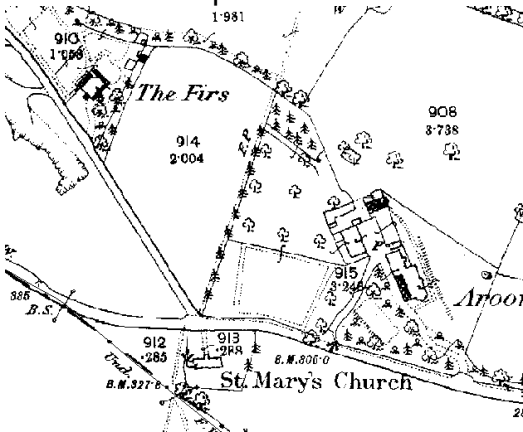
"The extent and importance of setting is often expressed by reference to visual considerations. ...views of or from an asset will play an important part..."

"While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time."

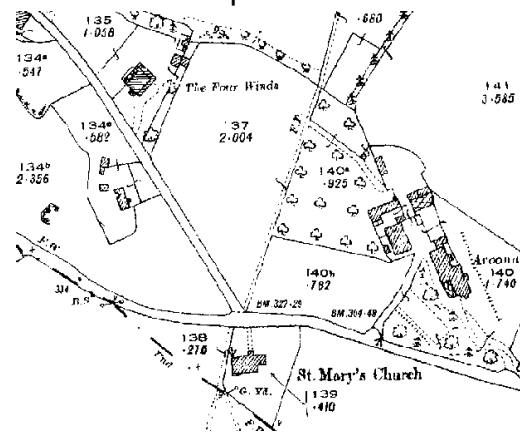
“The importance lies in what the setting contributes to the significance of the heritage asset or to the ability to appreciate that significance.”

This application for a pair of semi-detached dwellings which would have an impact on the setting of the Grade II* listed church to the south east of the application site. The site and the church are not within a Conservation Area. The Grade II* listed church has its origins in the 10th Century with building periods from the 13th, 15th, 17th and 19th Centuries and was then restored and extended in the 20th Century. The church has evolved over the centuries to its present configuration. The relationship the church has with the village and therefore the setting of the church has also evolved over the last 150 years. The church in 1868 was in relative isolation, and since then the village has gradually moved closer to the church as houses have been built. As follows:

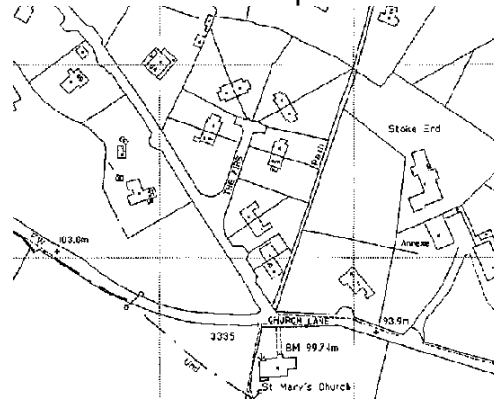
1868-1899 map extract:



1908-1933 map extract:



1952-1992 map extract:

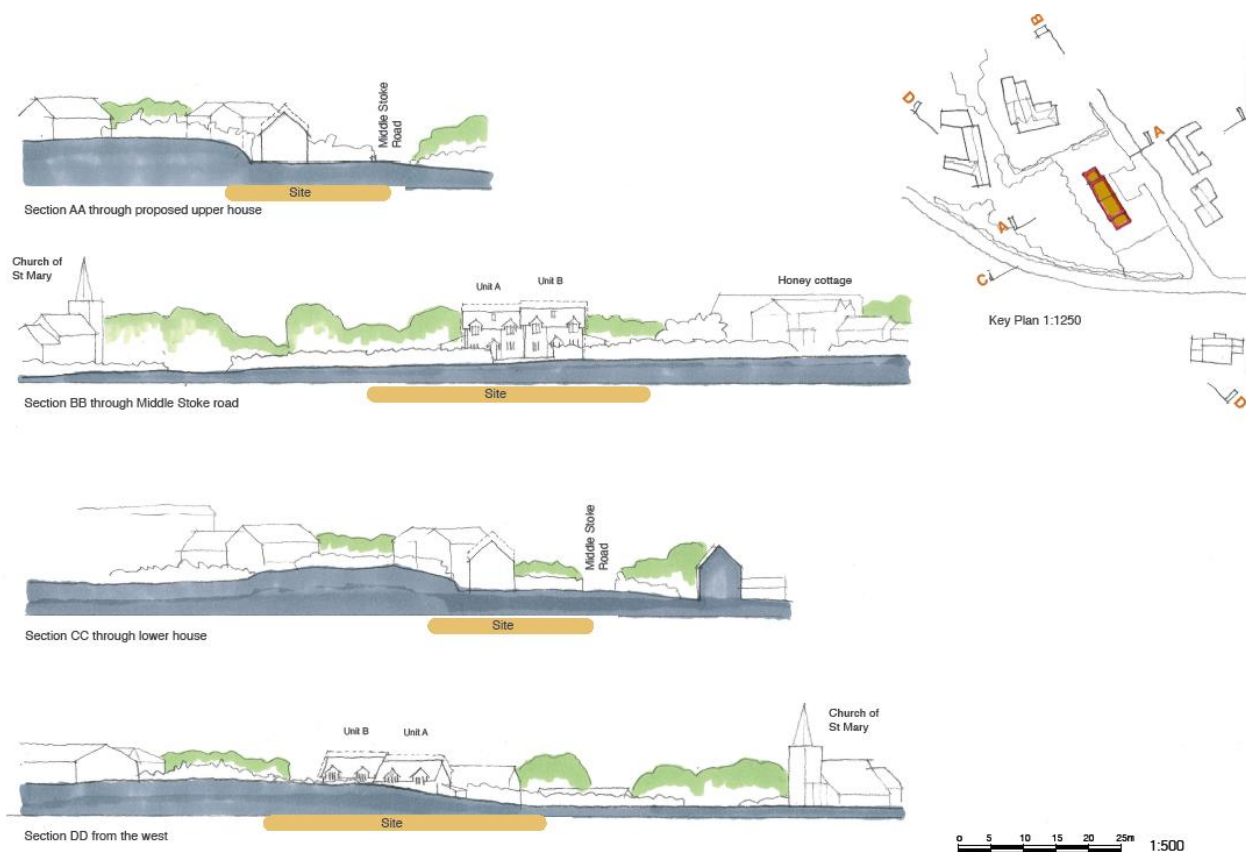


The proposed dwellings would be opposite 9 The Firs and 60 Middle Stoke. Number 62 Middle Stoke would still remain the closest dwelling to the church (around 39 metres). The southern-most tip of the proposed dwellings would be around the same distance from the church as Damson House, Church Lane (around 45-50 metres). These existing dwellings are not built with traditional materials and do not respect the setting of the church.

The distance between the church and the application site also crosses two existing boundaries, hedging and other vegetation, with a third boundary hedge proposed around the proposed garden. The front and side elevations of the proposed dwellings (north, east and south) would be built in natural stone. On the south elevation would also be a ground floor timber projection. These are the most important elevations with

regard to the setting of the church. The Conservation Officer is of the opinion that these complementary materials would not result in harm to the setting of the church.

The proposed dwellings would be dug into the site, bringing the ridgeline down accordingly. The Proposed Site Sections drawing (007 Rev. 4) shows that the scale of the proposal is in keeping with the topography and surrounding buildings. Sections BB and DD in particular show the relationship between Honey Cottage, the proposed dwellings and the church. The Conservation Officer is of the opinion that this demonstrates a consistent approach to the scale of the dwellings and one that follows the historic pattern of new development in the village. Looking at the gradual expansion of the village, the proposed development would be in keeping with the grain and plot sizes of the nearby dwellings; the plot size of the proposal would be consistent with surrounding development.



The HE GPA3 explores the fact that the setting of a listed building changes over time and is not fixed. The above paragraphs show that the proposed development remains consistent with the growth of the village and that the proposed dwellings would be no closer to the church than other development already in place. The setting of the church has changed from one of relative isolation to one that is more closely connected to the village.

The Conservation Officer is of the opinion that views from the churchyard, part of which is raised, would include a view of the proposed development; however, as above, the design and use of natural materials would not mean that this view becomes harmful to the setting of the church. The ability to appreciate the significance of the church would not be marred by the proposed development. The proposed development would have an impact on the setting of the church, but not a harmful one; due to the use of natural

materials, the siting and design, its scale and massing, the result would be a neutral impact.

The proposal includes highway safety works which are discussed below, however as part of these works, the existing wall is to be reduced and the hedge removed and a new one planted further back to increase visibility along the lane. It is considered that these works would only improve the view of the church when viewed from the village which is currently interrupted by the existing hedge.



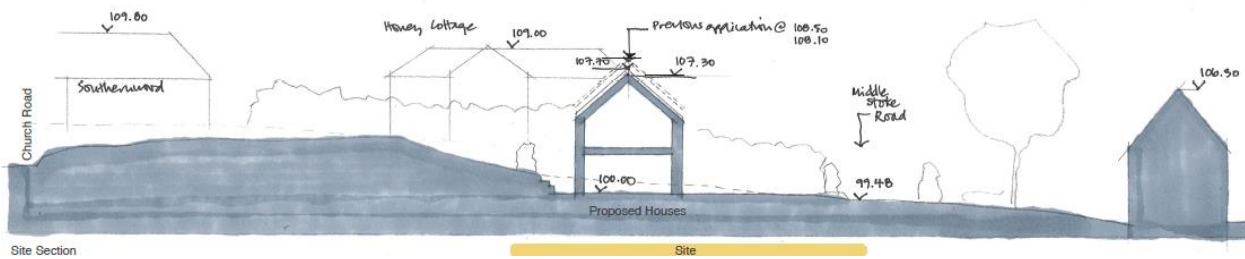
The Conservation Officer is therefore of the opinion that the design, siting, use of complementary materials, along with the intervening vegetation (existing and proposed) would not result in harm to the setting of the church. The development would continue the careful expansion of the village that would not in this case be detrimental to the setting of the church. The proposal is therefore considered to comply with the relevant policies, CP57, CP58, the Historic England document “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning” and the NPPF.

9.6 Impact upon neighbouring amenity

The ridge of the proposed dwellings is lower than that of Honey Cottage. The Northern elevation is approximately 11 metres to the boundary of Honey Cottage from the single storey element and 15.5 metres to the two-storey element and just over 22 metres to the closest point of Honey Cottage which does have fenestration at ground floor and first floor facing the site. The proposed Northern elevation sees a window at ground floor facing the boundary with Honey Cottage but no windows at first floor level. It is therefore considered that the proposed dwellings would not overlook, overshadow or be overbearing to the existing dwelling known as Honey Cottage.

The front elevation sees a distance of approximately 28 metres between the existing dwellings (9 The Firs and 60 Middle Stoke Road) and the proposed dwellings where Middle Stoke Road also runs in-between. It is therefore considered that there would be no overlooking to existing properties that would warrant a refusal reason. It is accepted that the proposed dwellings will be located on slightly higher ground than the existing properties opposite, however given the distance between them, it is considered that there would be no overbearing or overshadowing issues that would warrant a refusal reason. The occupiers of the existing dwellings may lose their outlook, however this is

not a material planning consideration and cannot be taken into consideration when making a decision on this application.



The recently built dwelling to the west by reason of its location on higher ground and slightly more north would not be affected by the proposed development.

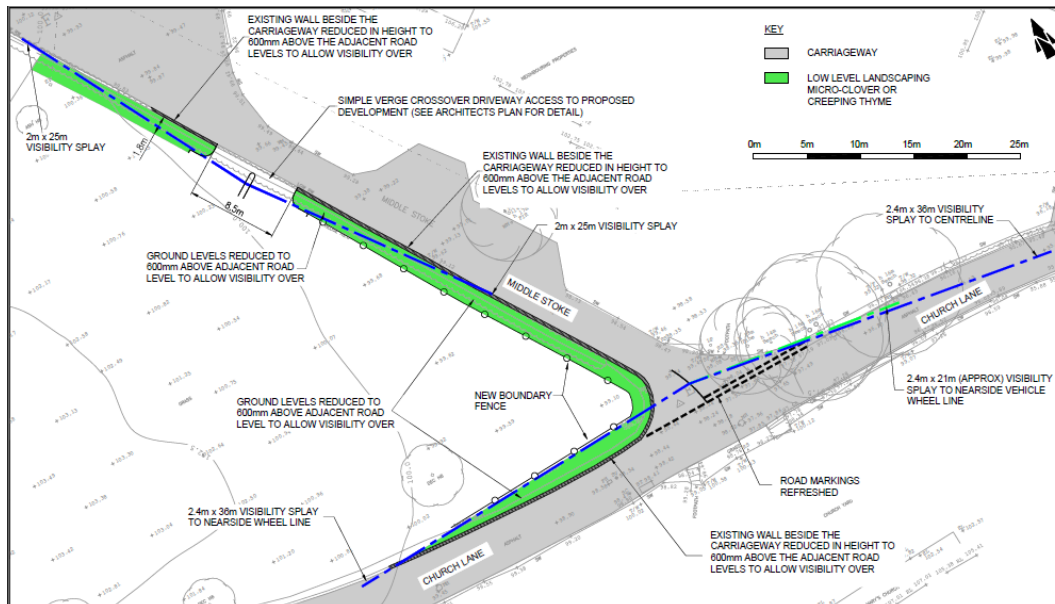
Noise related to construction has been cited as an objection. As the construction process is temporary this would not be a reason to refuse the application.

It is considered that the proposal would not result in loss of amenity that would warrant a refusal reason and as such the proposal complies with the relevant criteria of CP57.

9.7 Highway Impact

Three parking spaces per dwelling are proposed which complies with the Wiltshire Parking Strategy and the proposed access and off-street turning area complies with the relevant policies. The Highways Officer has raised no objections to the proposal subject to conditions which are considered to be appropriate.

An objection to the proposal including the following: *There is a likelihood of increase in traffic on the blind corner with Church Lane and Middle Stoke which will subsequently cause risk to the church boundary walls on Church Lane as cars exit Middle Stoke.* The proposed change in junction is considered to only bring about benefits to the village by ensuring the corner is no longer blind and as such is considered to be appropriate. The changes include the lowering of the existing wall to 600mm (which will be done by hand) with an area of low-level landscaping beyond to allow greater visibility for people when using the junction. A re-located boundary fence is to be erected behind the visibility splay lines. It is important to note that the wall in the majority of places will be left in situ as it is already below 600mm.



9.8 Other Matters

Some concerns that have been included are not material planning considerations that can be taken into consideration when making a recommendation on this application. These include financial gain, lack of public consultation by the Applicant before submitting the application, the pre-application process not including consultation with the public and safety measures during the construction process.

10. Conclusion

The proposal is considered to comply with the relevant policies of the Local Plan and as such is recommended for approval.

RECOMMENDATION: Approve with 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:

Received on 31st October 2019: Location Plan, 18086-SK01 (junction improvements), D01 Rev A (Drainage Strategy)

Received on 15th April 2020: 002 Rev4 (site plan), 003 Rev 3 (proposed ground floor plan), 004 Rev 2 (proposed first floor plan), 005 Rev 3 (E&W elevation plan), 006 Rev 4 (long section and N&W elevation plan), 007 Rev 4 (proposed site sections), 010 Rev 2 (roof plan)

Received 25th June 2020: Planting Plan (Drawing Number 318_PP_01_rev B)

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

- 3 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

- 4 The development hereby approved shall be carried out in accordance with the 'Discussion and Conclusions' section of the revised Extended Phase 1 Habitat Survey' report by Stark Ecology (April 2020), the Bath Asparagus Technical Note by Stark Ecology (June 2020), the revised Planting Plan (Drawing Number 318_PP_01_rev B).

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

- 5 Prior to any lighting being installed on the site details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be carried out in accordance with the approved details.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

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

REASON: In the interest of highway safety and to ensure adequate off-street parking, access and turning facilities for the proposed dwellings.

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

REASON: In the interest of highway safety and to ensure no material is discharged onto the highway

- 8 No part of the development shall be first occupied until the visibility splays shown on the approved plans (18086-SK01 Rev B) have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interest of highway safety and to ensure occupants of the proposed dwellings can leave the site in a safe manner

- 9 No part of the development hereby permitted shall be first occupied until the junction improvements have been carried out in accordance with the approved plans (18086-SK01 Rev B).

REASON: In the interest of highway safety

- 10 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.

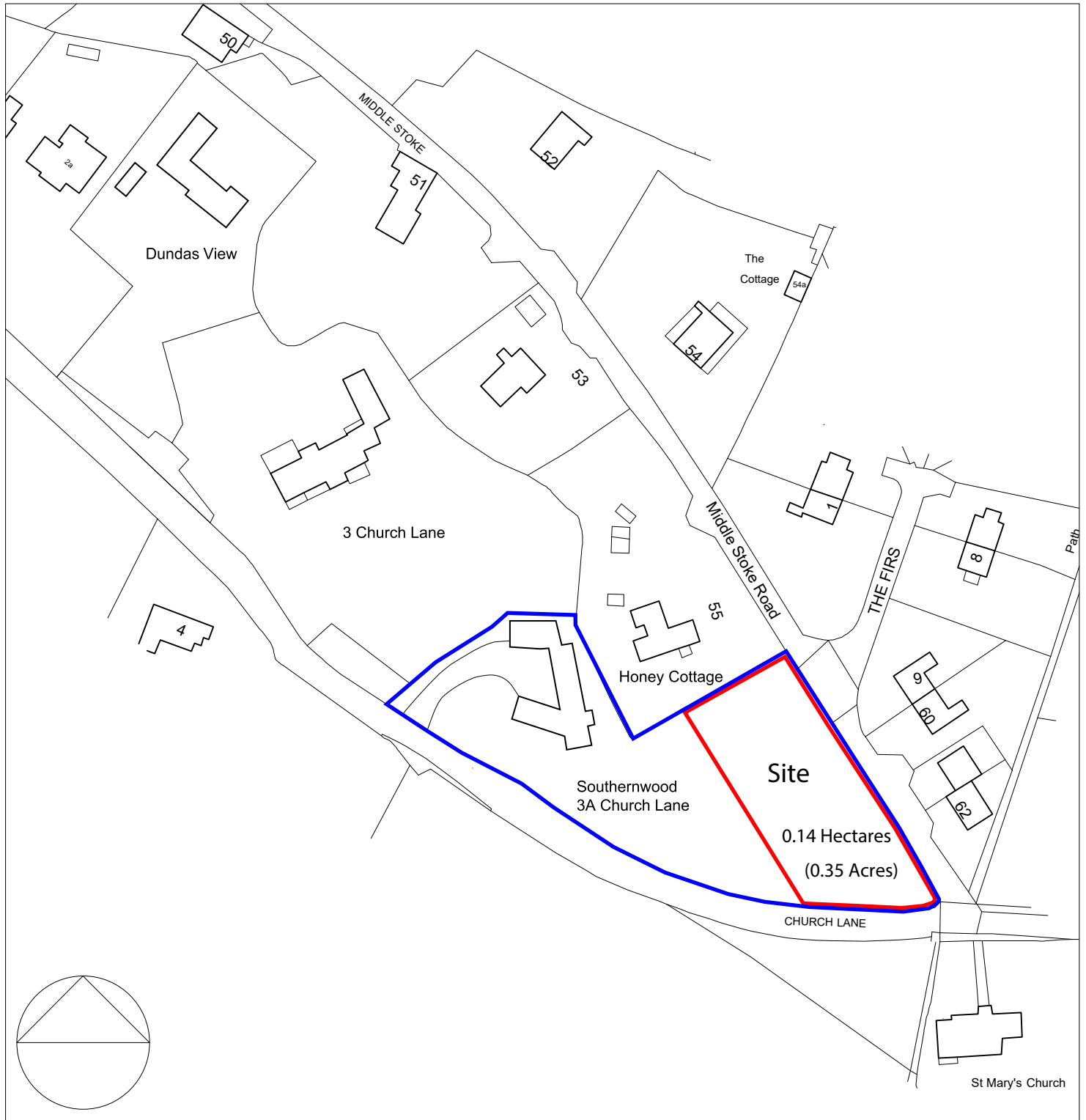
INFORMATIVES TO APPLICANT:

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

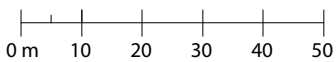
The consent hereby granted shall not be constructed as authority to carry out works on the highway. The applicant is advised that a licence will be required

from Wiltshire Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's vehicles crossing team on vehicleaccess@wiltshire.gov.uk and 01225 71335.

This page is intentionally left blank



Ordnance Survey (c) Crown Copyright 2019 .
 All rights reserved . Licence number 100031673



3A Southernwood Church
 Lane Limply Stoke BA2
 7GH

Date: 30.10.19
 Drg No: 318_LOC_01
 Scale: 1:1250 @ A4

This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	22 July 2020
Application Number	19/12153/VAR
Site Address	McDonald's Restaurant 235 Bradley Road Trowbridge BA14 0AZ
Proposal	Variation of condition 3 of W/96/00587/FUL to modify the opening hours to 06:00-23:00 Monday to Saturday
Applicant	McDonalds Restaurant
Town/Parish Council	Trowbridge Town Council
Electoral Division	Councillor Andrew Bryant, Trowbridge Drynham
Grid Ref	385,495 156,022
Type of application	Variation of condition
Case Officer	David Cox

Reason for the application being considered by Committee

Cllr Bryant as the unitary ward Member requested that should officers be minded to approve this application, it should be brought before the elected members of the western area planning committee for its determination to consider the impact upon local residences in respect of noise, smell, traffic and pollution.

This application is brought back to Committee following the deferment made at the 17 June 2020 committee meeting and to report back to Members on the requests made for additional information relating to litter management as well as noise and traffic impacts on neighbouring amenity. Members are also advised that the applicants have submitted a site management plan (SMP) and a supporting letter in response to the committee deferment to which this revised report refers.

1. Purpose of Report

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, to consider the recommendation that the application should be approved.

2. Report Summary

The main issues discussed in this report are as follows:

- The Principle of the Development
- Impact on neighbouring amenity
- Impact on traffic congestion
- Litter

3. Site Description

The application site comprises of the McDonalds restaurant which is located within the Spitfire Retail Park located along Bradley Road in Trowbridge. It has a drive through facility where orders are placed on the eastern side of the building and paid for and collected on the western side facing the residential properties on the opposite side of Bradley Road. The residential properties immediately opposite are approximately 55 metres from the McDonalds building; and, No 134 (opposite the junction into the retail park) is approximately 40 metres away.

To the south of the application site but still within the Retail Park, Costa Coffee and a KFC facility operate, both of which are positioned at similar or at closer distances to the residential properties that front Bradley Road.

Although Costa Coffee does not have a drive through, consented planning application reference 19/08237/VAR allows it to be open for business during the hours of 06:00-19:00 Monday-Saturday (including Bank Holidays) and 08:00 -18:00 on Sundays. Deliveries are not allowed

between the hours of 19:00 to 06:00 Monday-Saturdays nor before 08:00 or after 18:00 on Sundays.

KFC has different and varied opening hours and does not currently open earlier than 10am, but can trade until 23:00. Similar to MacDonalD's, KFC has a drive through with product collection on the western elevation facing Bradley Road – similar to MacDonalD's.



Site Location Plan with Costa Coffee and KFC to the south



The MacDonalD's consented Drive-Thru facility

4. Planning History

W/96/0586/FUL – Single Storey Restaurant with Drive-Through Facility (A3) with associated landscaping and car parking – Permitted 19 September 1996 (this is the existing McDonalds building). **Condition 3 restricted the use and servicing to the hours of 07:30 – 23:00**

14/03456/FUL - Reconfiguration of the drive thru lane to provide a side-by-side order point, incorporating a new island for signage and reconfigured kerb lines and associated works to the site. One tree to be removed with the planting of new tree. Installation of 2 no. Customer Order Displays – Permitted 21 May 2014. **This application consented a change to the drive through road layout on the eastern side to allow for two order points, which has been implemented.**

16/11877/VAR - Variation of Condition 3 of planning permission W/96/00586/FUL (to allow for business hours of use and servicing 06:00 – 24:00)– Refused 6 February 2017 for the following reason (which was not appealed).

“The proposed extended hours of operation by reason of increased activity by customers, staff and deliveries beyond the existing hours, would give rise to a loss of amenity to the existing nearby residential development, contrary to CP57 of the adopted Wiltshire Core Strategy.”

5. The Proposal

This application is materially different to refused 16/11877/VAR in that this application only seeks to extend the business opening hours in the morning on Mondays - Saturdays as 06:00-23:00 Monday to Saturday.

On Sundays the existing restriction of 07:30-23:00 for on-site servicing and opening hours would remain unchanged.

No operational development is proposed under this application.

6. Planning Policy

Wiltshire Core Strategy (WCS) - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy); CP2 (Delivery Strategy); CP3 (Infrastructure Requirements); CP29 (Trowbridge Area Strategy); CP57 (Ensuring High Quality Design and Place Shaping).

The National Planning Policy Framework (NPPF), Noise Policy Statement for England (NPSE) and Planning Practice Guidance (PPG)

7. Summary of Consultation Responses

Trowbridge Town Council – Objects. The original condition remains pertinent and should not be changed

Wiltshire Council Highways Officer: No objection. The extended morning opening hours are outside of the usual peak traffic periods and as a result, are not considered to represent a highway capacity issue in this instance.

Wiltshire Council Environmental Health Officer: No objection

Noise - The noise impact assessment undertaken by Hawkins Environmental as part of an application by Costa Coffee was submitted to provide information to officers to enable them to assess whether plant noise associated with their original application would lead to a harmful impact

on nearby residential properties. This report was also relevant when Costa submitted a variation of hours application.

McDonalds have referred to the Hawkins Environmental report on the basis that the two sites are in a similar location, accessed off the same road, with the same residential properties nearby. Although the report was carried out in 2018, there is no evidence to suggest that traffic flow has changed considerably in the last few years, and therefore we have looked at the background noise measurements within this report to help assess whether the extension of hours at McDonalds would cause a significant noise issue to the nearby residential properties.

Background noise levels from the report are set out below which are fairly high given the time of day timeframes surveyed, which is attributed to the busy road, which residents say starts to get busy from 5am. There is an increase of between 9-13db when the road is at its busiest.

6am – 6.15am	49.5
6.15am – 6.30am	46.0
6.30am – 6.45am	47.6
6.45am – 7am	51.4
7am – 8am	58.7
8am – 9am	62.6

The 2018 Hawkins Environmental report confirms that the background noise levels are relatively high at 6am for this location with the dominant noise source being vehicle traffic along the A363. It is considered significant that this report determined that the rated sound level (including a 7dB penalty correction for interment plant) at 6am to be -14dB below the background level at the nearest residential receptor at around 30 metres distance away. As such, for this McDonalds application and considering the location of the drive through being so close to the main road, it is wholly unlikely that the rated sound level would exceed the background levels at 6am when measured at the façade of the closest residential property (positioned around 40 metres away). To require a separate or additional noise report in the context of this background information currently available (and relatively recently produced) would be unnecessary.

In terms of the concerns raised about the noise generated by the drive-thru, in our experience, and following a review of relevant noise reports* a typical early morning customer to a McDonalds drive thru would be on their way to or from work and does tends not to linger at the site. Vehicles drive very slowly round the circuit and do not open and close doors. The only other source of noise from the activity that may cause adverse impact by virtue of its sound frequency and intermittency, would be the use of a customer order display (COD) intercom unit. However, it is noted that the intercom unit is located on the other side of the building to the residential receptors and therefore any noise would be shielded well below the aforementioned level of background noise from the road and other ambient sources. In any case, typical noise generated from COD units at 2metres distance are 52 LAeq 10 mins and or 71 LA MAX which allowing for distance adjustments of >58 metres would result in noise levels well below background levels.

*<https://documents.norwich.gov.uk/Planning/StreamDocPage/obj.pdf?DocNo=10986132&PageNo=1&content=obj.pdf>

Litter - We are not aware of any litter complaints at the site. When the food officers inspect establishments, they make sure they have a waste contract and that the commercial bin area is well managed. They also check for vermin issues and if any problems are identified the establishment is required to take immediate action.

Conclusion - Taking everything into account we believe that the background levels identified in the noise impact assessment are consistent with the current traffic flow. Noise associated with an early morning drive-thru would most likely be commuters, which given the time of day should move through the drive-thru effectively without exceeding the background noise levels.

8. Publicity

A site notice was displayed on 20 January 2020 and 13 neighbour notification letters were posted. Following this consultation, six representations were received (four objections and two letters of support, one being a local resident) which can be summarised as follows:

Supportive Comments:

- I'm an early starter and am often frustrated by the late 0730 start. This would help me, and others start their day at a reasonable hour. Many other tradesmen agree with me
- We live opposite the Spitfire Estate and we have absolutely no issue with the proposed start time of 6am. If it was 24 hours, it would be objectionable.
- Costa Coffee opens at 6am
- Traffic on Bradley Road starts at 5am anyway.
- People should not live opposite a retail park and moan about it

Objections:

- We live opposite and we strongly oppose the application to open at 6am. There would be too much increased activity and noise at that time of the morning and would be totally unacceptable
- The original permission set the time at 0730 for a reason; being that its near residential premises and that the business would have an impact on nearby residents
- Opening earlier would lead to staff arriving earlier for work, presumably around 5am creating more noise
- Customers would start arriving before 6am, creating more noise
- The supporting statement is complete nonsense
- Litter issue in this area is abysmal. They don't empty the bins often enough.



Map showing nearby properties and the nearest REPs

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 are enshrined within the WCS, constitute the relevant development plan for the Trowbridge (CP29) area.

9.1 Principle of the Development

9.1.1 The Wiltshire Core Strategy (WCS) promotes through Strategic Objective 1, to deliver a thriving economy “*encouraging economic vitality, providing local jobs for Wiltshire’s population*”. McDonalds is an existing business located within a well-established retail park and this proposal would help retain existing jobs whilst also allowing for longer hours of work. No operational development is proposed. The principle of development is therefore supported by officers.

9.2 Impact on Neighbouring Amenity

9.2.1 WCS core policy 57 (vii) states that: “*Development must have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants including the consideration of pollution e.g. noise and fumes.*”

9.2.2 Officers acknowledge that an application was refused (under application 16/11877/VAR) to increase the opening hours from 07:30-23:00 to 06:00-24:00 due to concerns raised about the impact it would have on neighbouring amenity. However, the concerns around the previous application mainly related to anti-social behaviour, police being called, noise disturbance and ‘boy racer’ congregation – activities that would be far more akin to late-night opening, which is not part of this application.

9.2.3 This proposal seeks to increase the opening hours for an extra 90 mins in the morning with a 06:00 start and retaining the 23:00 closure (Monday to Saturday) – and would not likely lead to the same concerns officers raised against the 2016 application. Officers submit that this application is materially different to the refused 16/11877/VAR application.

9.2.4 Following the Committee’s deferment, the Council’s Environmental Health Officer has looked at previous Environmental Health noise complaints, and the only issues reported from McDonald’s itself related to an alarm being tested in the morning when the store manager arrived to open the restaurant. McDonalds have now confirmed that the alarm has been reduced in volume and is now inaudible outside of the restaurant. The Council’s Environmental Health Officer is satisfied and continues to have no objection to the proposal.

9.2.5 Noisy staff returning to work was highlighted as a concern and officers have, since the application was deferred, engaged with the appointed agents and secured a Site Management Plan (SMP) which includes details on staff, litter picking/management and other operational practices of the business. In relation to staff arrivals, the SMP confirms the following:

“Staff arriving in the early morning trading period will arrive no earlier than one hour before opening, in order to carry out essential services to prepare the restaurant for opening. It is expected that no more than 3 staff members will arrive at the store in the period 05:00 – 05:30. Members of staff who choose to travel by car will park in the area of car parking directly adjacent to the Curry’s unit, furthest away from residential dwellings in order to keep noise to a minimum at the site. Staff are reminded to keep noise to a minimum at all times when arriving at the site in the early morning period.

**McDonalds* plan to set up the restaurant pre-opening at 6am with only 3 members of staff, with a further 3 members of staff arriving for the first hour’s business.”*

9.2.6 Officers submit that 6 members of staff arriving and being present between 5am and 6am (and until circa 8am) is not a large number and it would not be unexpected for some to arrive by means other than motor vehicles. It is acknowledged that McDonalds tend to attract and employ a younger workforce who are likely to be local and may not drive (or be able to afford their own motor vehicle). Therefore, the concerns raised about additional noise being created from staff arriving for a 06:00 start are not shared by planning or public protection officers. The evidence to which the public protection officer references within section 7 above, does not support the thesis that the proposal would lead to harming neighbouring amenity. It is also noted that there have been no Environmental Health noise related complaints about staff arriving to work for the existing business hours.

9.2.7 The McDonalds drive-thru ordering points are on the eastern elevation facing the retail park itself and not residential properties. In the SMP it states that:

“During the extended hours, the Customer Order Display unit has the facility to be set to the lower night time setting which automatically reduces the speaker volume during these hours..... and therefore is not audible from Bradley Road.”

9.2.8 The order collection side is on the western elevation facing Bradley Road. However, as the Council’s public protection officer argues, any increased noise levels created by the additional use made of the retail park entry point and the drive-thru in the early morning period would not exceed the background levels (as recorded and referenced above). The supportive representation letter received from a nearby local resident argues that road traffic noise from Bradley Road starts around 5am, and officers are entirely satisfied that any vehicle noise using the drive-thru from 06:00 would not cause substantive harm to justify refusing planning permission. Moreover, the Council’s Environmental Health Officer argues that *“taking into account the location of the drive through being so close to the main road, it is wholly unlikely that the rated sound level will exceed the background levels at 6am when measured at the façade of the closest residential property around 40 metres away.”*

9.2.9 Officers are also mindful that in 2019, the Council approved application 19/08237/VAR to allow the nearby Costa Coffee facility to be open for business from 6am. Should the committee resolve to refuse this application for the McDonalds facility against officer recommendation, members are respectfully advised that they would need substantive planning reason for doing so, supported by evidence, which would be required and essential to defend any subsequent appeal; and a failure to do so, may place the local authority at risk of a costs award for unreasonable behaviour.

9.2.10 Officers are also very appreciative of the ongoing Covid-19 pandemic, the consequential impacts and restrictions; and the changes and press releases made by Central Government to support the local economy, and with the ongoing necessity to socially distance, the proposed extended operating hours could assist in this regard.

9.3 Impact on Highway Safety, Traffic Flow and Congestion

9.3.1 The Councils Highways officer has no objection stating that the extended morning opening hours are outside of the usual peak traffic periods and as a result, would not represent a highway capacity issue or concern.

9.4 Litter Concerns

9.4.1 The submitted Site Management Plan responds to the above matters by stating that:

“There are 8 external bins in the car park of the restaurant. The store has a strict litter collection protocol which includes dedicated litter patrols done every 1 – 2 hours. Litter patrols cover the whole site.

the restaurant assists in other large scheme litter events in the area. McDonald's is a founding member of 'Clean Coasts Week' and the 'Love Where You Live' anti-littering campaign which aims to encourage everyone to take action to help reduce the amount of litter in their local area, and across the UK by 2020. This restaurant has sponsored 'Love Where You Live' events in 2018 and 2019, with a planned event in 2020 cancelled due to the coronavirus pandemic. The restaurant will continue to plan and undertake 'Love Where You Live' events when safe to do so."

9.4.2 Officers are of the view that litter is well managed on the site and that there is no substantive evidence to argue that the development conflicts with WCS Core Policy 57 (vii) by reason of impact on amenity through litter. On this point, the committee is respectfully reminded that the McDonalds facility can legitimately open for business at 07:30 and stay open until 23:00. Refusing the application on litter concerns is not considered reasonable or defensible.

10. Conclusion (The Planning Balance) -

It is considered that the proposed earlier opening hours would not lead to substantive adverse harm affecting the amenity of residents of properties on the opposite side of the road, and this, combined with the economic benefits that would prevail, justifies an approval.

11. RECOMMENDATION: Approve subject to following conditions

1. The use hereby permitted shall only take place between the hours of 06:00-23:00 Monday-Saturday (including Bank Holidays) and 07:30 - 23:00 on Sundays. Deliveries shall not take place between the hours of 23:00 to 06:00 Monday-Saturdays nor before 07:30 or after 23:00 on Sundays.

REASON: In the interests of neighbouring amenity and to be synchronised with the other nearby takeaway food/restaurant outlet.

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

Site Location Plan and Covering Statement Letter – both received 23 December 2019; response letter to Committee received 3 July 2020 and Site Management Plan – received 6 July 2020

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

3. The development hereby permitted shall be carried out in strict accordance with the submitted details of the approved Site Management Plan at all times in perpetuity.

REASON: In the interests of neighbouring amenity.

INFORMATIVES TO APPLICANT: The applicant is respectfully advised to consider adding to or making more prominent, existing advertisements that encourage customers not to drop litter or to not have loud music or radios when using the drive-thru.

The applicant is also respectfully encouraged to promote the use of sustainable modes of transport other than using private motor vehicles for their staff, and for those who drive to McDonalds to consider car share potential and to park as far away from Bradley Road as reasonably possible in order to reduce potential noise disturbance and to encourage a more environmentally friendly and carbon free future.

McDonald's Restaurant, 235 Bradley Road, Trowbridge, BA14 0AZ
Site Location Plan



Promapv2
LANDMARK INFORMATION

Ordnance Survey © Crown Copyright 2019. All Rights Reserved.
Licence number 100022432
Plotted Scale - 1:1250. Paper Size - A4

This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	22 July 2020
Application Number	20/01219/FUL and 20/02055/LBC
Site Address	Manvers House, No.3 Kingston Road Bradford On Avon BA15 1AB
Proposal	Alterations and extensions to existing office building including erection of mansard storey on north wing; change of use of central building and southern wing from B1 offices to form 2 dwellings (C3).
Applicant	Mr Moore
Town/Parish Council	BRADFORD ON AVON
Electoral Division	Councillor Sarah Gibson, Bradford on Avon South
Grid Ref	382740 - 160964
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Gibson has requested that the two applications at Manvers House be called-in for the elected members of the western area planning committee to determine should officers be minded to approve planning permission and listed building consent for the proposed development citing the following concern:

- The proposed change of use to residential is contrary to the neighbourhood plan.

1. Purpose of Report

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

2. Report Summary

- Principle of development
- Impact on the setting of the listed building/Conservation Area/adjacent listed buildings
- Impact on the living conditions of adjacent residents
- Highway issues/Parking
- Other issues

3. Site Description

Manvers House is a grade II* listed building located within the settlement limits of Bradford on Avon and within the Bradford on Avon conservation area. The building consists of three main elements namely: the principal three-storey central building built in Bath stone - parts of which date back to the 17th century, a single storey 19th century addition built off the southeast elevation and a two-storey modern 20th century office development adjoining the northwest elevation.

The existing front elevations facing Kingston Road are detailed by way of a street elevation plan on the following page, with site photos and location plans providing some local context.



Manvers House - Existing front elevation as seen from Kingston Road

As can be seen for the following photos there is an obvious separation between the listed element of the main central 3 storey building and the 20th century modern office development:

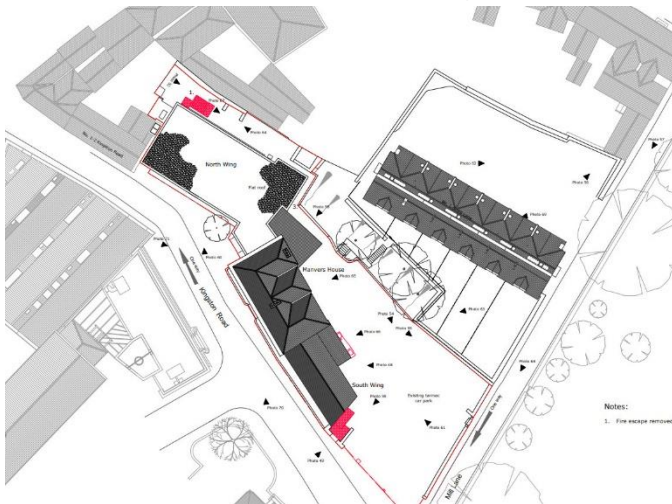


Photo of modern 20th century addition - Manvers House

Photo of 17th century main building - Manvers House

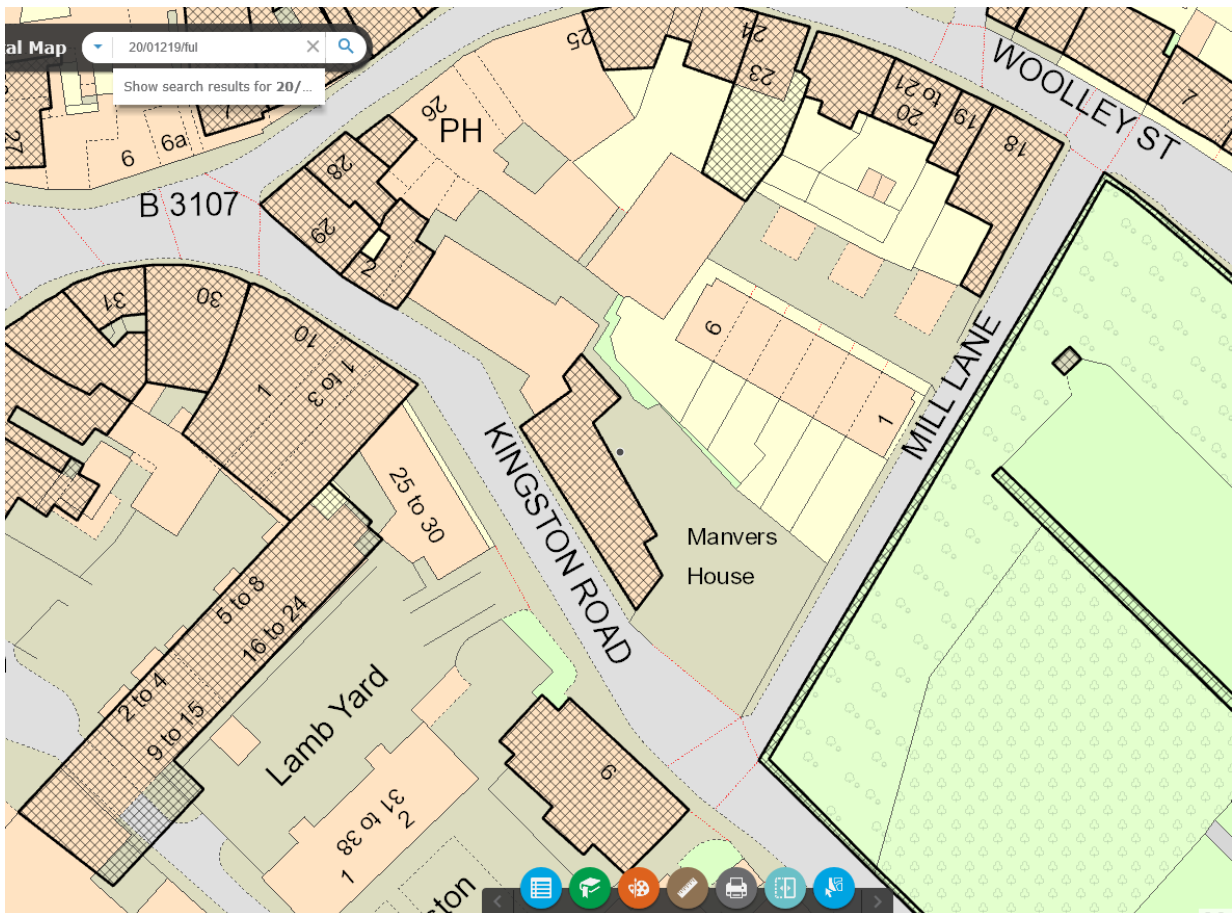
The listing refers mainly to the three storey and single storey elements of Manvers House. The property fronts Kingston Road and has a car park to the side that stretches round to the rear that can accommodate approximately 23 cars. A tree that is subject to a Tree Preservation Order is positioned directly to the north of Manvers House within the grounds of No. 6 Mill Lane.

Manvers House site plan existing



Manvers House aerial photo





There are a number of listed buildings near to Manvers House which are illustrated above as hatched properties. The building is located within the centre of Bradford on Avon where there are a variety of uses including residential, retail and commercial.

4. Planning History

19/04593/LBC - Works to enable the building to be subdivided into three smaller office buildings – Approved 01.08.2019

W/08/000918/LBC - Conversion of Manvers House to form 6 dwellings and one office suite (Class B1) and erection of 7 new build dwellings and associated works – Refused 10/09/2008 for the following reason:

1. The application as submitted is considered to result in harm to the character of the listed building by reason of loss of historic fabric and new partitions resulting in poor proportional arrangements with regard to windows and fireplaces. As such the proposal is contrary to advice in PPG15, Structure Plan Policy HE7 and Policy C28 of the West Wiltshire District Plan Policy 1st Alteration (2004).

W/08/00917/FUL - Conversion of Manvers House to form 6 dwellings and one office suite (Class B1); and erection of 7 new build dwellings, and associated works – Refused 10/09/2008 for the following reasons -

1. *In the opinion of the Local Planning Authority the available evidence does not justify the loss of the existing employment land at the Manvers House Site. The loss of such employment land is contrary to Policy E5 of the West Wiltshire District Plan Policy 1st Alteration (2004).*

2. *The proposed conversion of the main section of the Listed Building into a six-bedroom residential dwelling lacking associated private useable amenity area commensurate with the scale of the property would result in a cramped form of development to the detriment of the amenities of the future occupiers of the dwelling. As such the proposal would be contrary to Supplementary Planning Guidance Residential Design Guide and Policy C31a & H24 of the West Wiltshire District Plan Policy 1st Alteration (2004).*

3. *The creation of 13 dwellings on the site generates demand for additional primary school places in the locality. The submitted application does not include any mechanism for the provision of such facilities and as a result is contrary to the requirements of Policy DP2 of the Structure Plan and Policy S1 of the West Wiltshire District Plan Policy 1st Alteration (2004).*

4. *The creation of 13 dwellings on the site generates demand for public open space provision in the locality. The submitted application does not include any mechanism for the provision of such facilities and as a result is contrary to the requirements of Policy R4 of the West Wiltshire District Plan Policy 1st Alteration (2004).*

The above cited 2008 refused applications sought to convert Manvers House into 6 dwellings (including 4 flats within the 20th century modern section) which would have resulted in the loss of almost all the employment floor space, save for the one B1 office space.

W/94/00670/LBC – Internal modifications and general upgrading together with limited external repairs/reinstatement to building 90/91 – Approved 29.09.1994

5. The Proposal (application 20/01219/FUL and 20/02055/LBC)

5.1 Application 20/01219/FUL is a full application seeking permission to change the use of the main 17th century central part of Manvers House into a 6-bedroom dwelling, to change the use of the single-storey 19th century addition into a 3-bedroom maisonette and to construct a third floor onto the 20th century northwest block, to provide office use. Minimal alterations are proposed to the exterior of the 17th century main house under this application which would leave the essential character and appearance unchanged. The 6-bedroom dwelling would have the bedrooms at the first and second floor levels and a living room, kitchen and dining room on the ground floor level. The dwelling would have an area of private amenity space to the rear measuring approx 114 square metres, a bin store and 2 allocated parking spaces within the car park. The 3-bedroom maisonette would have the bedrooms on the ground and first floor levels and a kitchen, living room/dining room at ground floor level. This unit would have one dedicated parking space to the rear and would have access to a small courtyard measuring approx 18 sq. metres for amenity purposes. This courtyard would also accommodate a small cycle store (2 cycles) and a bin store. The proposed roof addition to accommodate an additional 158sqm of office floor space would have a mansard roof that would retain and increase the provision of modern office space. The roof would extend the height of the north block by approx 3 metres. 7 parking spaces are proposed in the courtyard to the east of the main building to serve the offices and to the rear of the north block 2 cycle shelters are proposed providing accommodation for 12 cycles.

5.2 Concurrent to the 20/01219/FUL planning application, listed building consent is sought under application 20/02055/LBC which seeks approval for the associated works to the listed building to bring about the change of use and for the construction of the third-storey to the northwest block. The listed description is as follows:

C18. Ashlar frontage, hipped pantiled roof. 3 storeys 7 windows, double-hung sashes, glazing bars (except on ground floor), architrave surrounds. End windows on ground floor have triangular pediments on moulded stone brackets. Simple moulded cornice with plain parapet, plain string at 2nd floor window sill level and heavy moulded and dentilled cornice at 2nd floor level. Cut-stone brackets between window architraves and both cornices. Central doorway with semi-circular head, 6-panelled door and fanlight. Door opening heavily rusticated, with triple keystone and impost. Tuscan half-columns, rusticated with square blocks, architrave, plain frieze and moulded and dentilled cornice. Single-storey extension to right with stone-tiled roof, 4 windows, 3 light casements with stone mullions and flat dripmoulds.

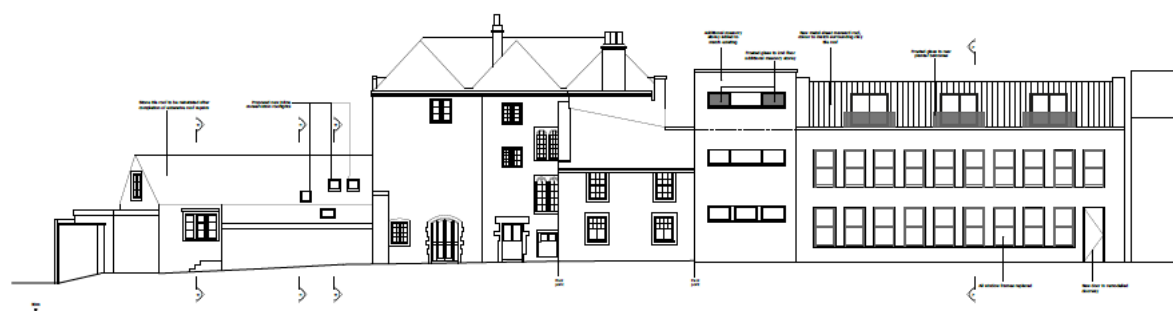
Nos 3, 6 and 9 together with the section of wall and gatepiers at the Hall form a group

5.3 Works within the 17th century main house include - modern openings forced though into the north wing would be sealed off, the modern corridor partitions and office kitchen fittings would be removed, and a new opening is planned to the kitchen area to provide access into the garden terrace area. Within the 19th Century annex the following alterations are proposed - the modern ceiling would be removed, and a new staircase would be constructed to access the loft space while the existing entrance block would be extended to provide additional internal space with new roof lights being proposed.



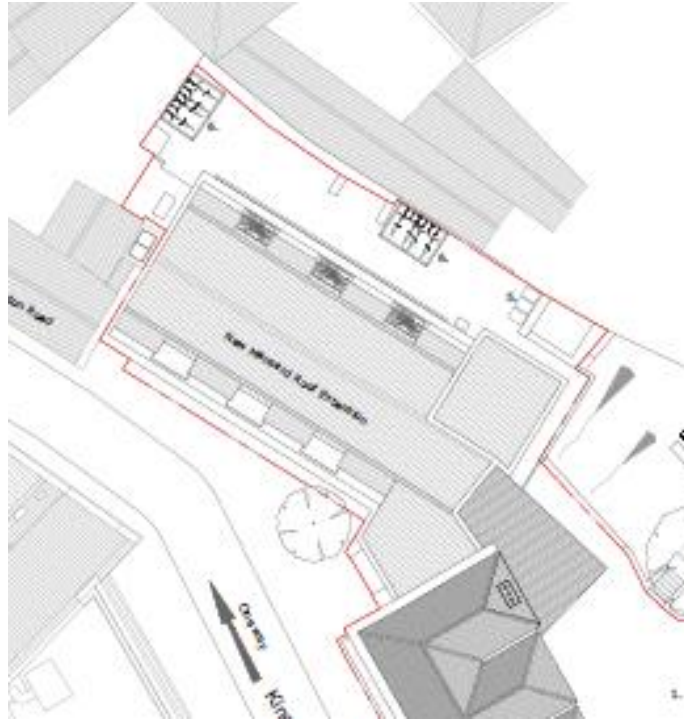
Proposed Street Elevation
1:100

Proposed front elevation



Proposed Rear Elevation
1:100

Proposed rear elevation



Proposed roof plan new mansard northwest wing

6. Planning Policy

Wiltshire Core Strategy (WCS) - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure requirements; Core Policy 7: Spatial Strategy – Bradford on Avon Community Area; Core Policy 35: Existing Employment Land; Core Policy 41: Sustainable construction and low-carbon energy; 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; Core Policy 61: Transport and Development; Core Policy 62: Development impacts on the transport network

West Wiltshire District Local Plan (saved policies) TC1 Upper Floor Uses in Town Centres

The made Bradford on Avon Neighbourhood Plan (BOANP) – especially Policies BE1, E1 and T2

Supplementary Planning Guidance and Wiltshire Local Transport Plan 2011- 2026

National Planning Policy Framework 2019 (the Framework) – especially chapters: 2. Achieving Sustainable Development; 5. Delivering a Sufficient Supply of Homes; 9. Promoting Sustainable Transport; 12. Achieving Well-Designed Places; and 16. Conserving and Enhancing the Historic Environment

7. Summary of consultation Responses

Bradford on Avon Town Council: Objects for the following reasons:

Retention of existing employment sites is vital to the future of Bradford on Avon. The Bradford on Avon Neighbourhood Plan seeks to stimulate, secure and protect economic activity in the town through retaining existing employment sites and creating new by encouraging commercial activity in the town centre and this site is historically a key component of the town's economy.

The Wiltshire Council Adopted Core Strategy strongly supports the retention of employment in the town and Core Policy 35, *Existing Employment Sites* and Core Policy 36 *Economic Regeneration* are relevant considerations.

Similarly the National Planning Policy Framework 2019 seeks to ensure sustainable development as being economic, social and environmental as an integral whole.

At the local level reducing outward commuting can contribute to improving the traffic problem in the town and the retention of employment will aid the town's economic performance. In housing terms the allocation for the town to 2026 has been achieved.

Manvers House is a key employment site in Bradford on Avon with the potential to attract a level of activity similar to that that has just be re-allocated to Kingston Farm. Unlike other employment spaces it has the attraction of adequate private parking.

Insufficient justification has been submitted to support the change of use and the Town Council urges Wiltshire Council to refuse the application.

Bradford on Avon Preservation Trust: Objects for the following reasons:

This interesting and historic building was used for many years, since Avon Rubber left the site, by Hitachi and that clearly indicates that it was attractive to a high-profile company for commercial use. We need more employment opportunities in the town, not less.

Despite the retention and extension of part of the commercial building at the site, the proposals would result in a significant net loss of commercial floor space as a result of the change of use of a principal portion of the property to residential use.

The Bradford on Avon Neighbourhood Plan seeks to stimulate, secure and protect economic activity in the town through retaining existing employment sites and creating new by encouraging commercial activity in the town centre.

It is important that employment provision is maintained within the town to support the local economy. It is critical to the continued vibrancy of Bradford on Avon as a commercially successful town. The proposed change of use would harm the local economy and be to the detriment of the vitality and viability of the town centre which already contains a mix of different uses.

Moreover, there is more than adequate parking provision for a commercial property.

We therefore object to this application which would result in the loss of a commercial use for which insufficient justification has been submitted. No evidence other than a glossy marketing brochure has been submitted that would indicate that the site has been fully marketed for commercial use.

Regarding the principal listed building we would point out that the interior of this historic building has been much altered in the past to the detriment of its character and integrity. However, there is no reason why historic features could not be preserved and reinstated as part of scheme for employment use.

The proposals would be contrary to the Bradford on Avon Neighbourhood Plan and to the Wiltshire Core Strategy and should be refused.'

The Council's Conservation Officer: No objection subject to conditions.

This is a Grade II* listed building in the centre of Bradford on Avon in the Conservation Area and surrounded by other listed buildings. The significance of the listed building lies in its fine architectural detailing and its historic fabric. It's plan form has changed gradually over the years, but the central listed building has retained much of its internal character. The significance of the Conservation Area and the settings of the surroundings listed buildings relies on the historic street pattern and the built environment that together contributes to the character of the historic industrial working town.

Alterations to the existing extension - The listed building has an attached extension forming a modern set of offices. This extension would be separated off from the main listed building internally and would become essentially a separate building. This extension is not of high architectural quality or materials although the facing blocks do respect the colour of the local stone. The proposal to add a mansard roof to this part of the building would result in a more finished appearance overall and would remain subservient to the main listed building. The use of a mansard behind a parapet is in keeping with the town's wide variety of roof types and would not conflict with other features of the street scene within the Conservation Area. The replacement of the existing windows with new alternatives would also enhance the appearance of this part of the building.

Works to the main building - The conversion of the main listed building and its southern historic addition into two dwellings is compatible with the character of the this listed building. Whilst it has been in commercial use for long periods of its life, it is suited for residential use. The works to the main listed building internally mainly consists of blocking door openings to divide the buildings, adding some minor internal partitioning and adding kitchen and bathroom facilities. These are uncontroversial works that would not result in harm to the character or fabric of the listed building. The plan form would be somewhat restored, albeit with minor partitioning added. Joinery details have been submitted and these are acceptable. The most impactful alteration would be the replacement of the majority of the roof structure to the south wing. The existing roof structure is a set of simple trusses with struts – a Victorian mix of timbers that have been increasingly propped and supported by newer timbers over the years. The roof structure has failed and been subsequently repaired, supported and propped and it is at the point where further repairs become difficult. This scheme proposing the change of use is an opportunity to address the problem fully and result in a complete roof structure to take the building into its next phase of life.

Conclusion - For the north existing extension the proposal would result in an enhancement to the Conservation Area and the setting of the listed building due to the

new windows and the additional storey. The main listed building would be maintained almost as is, only minor changes, resulting in a neutral impact to its historic fabric and character. The south wing would have some loss of historic fabric, but this is fabric at the end of its useful life and the opportunity is here to safeguard the wider structure for the future. Therefore, I have no objections to this scheme.

Economic Development Team: Objects for the following reasons (with a caveat):

Manvers House is located in Bradford on Avon's town centre. This is a Grade II listed building which provides high-quality, central office space in the town benefiting from parking to the rear. It is centrally located, close to amenities and services and very accessible. It helps to provide with employment opportunities in the Town Centre for its residents and supports the local economy.

CP35 states that it is important to retain existing employment uses outside the Principal Employment Areas to maintain diversity and choice of sites for employers and allow for local business expansion.

This site supports the Council's strategic objective to deliver a thriving economy by providing employment space and thus helping to provide a range of job opportunities in Bradford on Avon.

Residential development on this site would therefore be contrary to the objectives underpinning CP35.

Objective 3 of the Bradford on Avon Neighbourhood Plan seeks to stimulate, secure and protect economic activity in Bradford on Avon through a process of retaining existing employment sites and providing new opportunities. One key issue this objective is meant to help tackle is the need to minimise the continued loss of employment land to housing.

Residential development on this site would therefore be contrary to the objectives underpinning Objective 3 of the Neighbourhood Plan.

Wiltshire Council's Economic Development Team therefore objects to the proposals.

However, it should be appreciated that adopted Wiltshire Core Strategy CP35 does allow for changes of use and loss of employment floor space if evidenced that the property is no longer commercially viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (of at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account the prevailing market conditions.

Highways Team: No comments.

Drainage Team: No comments

Historic England: No comments

8. Publicity

This application has been publicised via press advertisement and site notices and individual posted letters that were sent to all neighbouring properties within close proximity of the site. As a result of the publicity, 15 representation letters have been received raising the following concerns:

- The submission has factual inaccuracies and inaccurate plans
- The development would cause overlooking/loss of privacy to neighbouring residents and loss of light/sunlight/overshadowing
- There would be an overbearing impact
- The development proposes poor use of materials and would not preserve or enhance the character of the conservation area
- The new roof addition is of poor design
- There would be adverse impact on trees
- The development would have an adverse impact on nearby heritage assets
- Loss of employment floorspace - contrary to made Neighbourhood Plan
- Loss of parking
- The marketing exercise is criticised and is considered 'out of date' with third party objector claiming there is a viable commercial future for the property
- Inadequate level of private amenity space for future occupiers
- No 'notice of intention' has been volunteered pursuant to the Party Wall Act
- Manvers House was never solely residential
- Loss of views

9. Planning Considerations

9.1 Principle of Development

9.1.1 Conversion to residential use - The site lies within the town settlement boundary of Bradford on Avon with the adopted Wiltshire Core Strategy defining Bradford on Avon as a Market Town. Core Policy 2 asserts that within the limits of development within market towns, there is a presumption in favour of sustainable development.

9.1.2 Loss of employment floor space - The development proposes the change of use of the main 17th century central 3 storey building and southern 19th century wing from B1 office use to residential use (extending to approx. 476 square metres). The scheme also proposes the erection of a mansard floor addition to the northern wing of the building for B1 office use (providing approx. 158 square metres) which would, provide for approx. 635 square metres of office floor space for commercial use (note: the existing floorspace measures 953 square metres).

9.1.3 With the proposed residential considered, the scheme would result in a net loss of approx. 318 square metres of office floorspace overall.

9.1.4 Objective 3 of the Bradford on Avon Neighbourhood plan states - *'to stimulate, secure and protect economic activity in Bradford on Avon through a process of retaining existing employment sites and providing new opportunities. Also, to encourage appropriate commercial activity in the town centre to support the day and evening economy and to encourage the diversification of rural businesses including the use of redundant rural buildings for alternative employment uses.'*

9.1.5 Due to the change of use to residential, employment use on site would be reduced, however the employment site is not being lost. In addition, by allowing the erection of the mansard roof to the main 20th century office block, the site becomes more suitable for modern office use because the floorspace being lost is the less commercially viable 17th century main building and later 19th century addition which are considered unsuited for modern business needs. The change of use would also allow the preservation of the listed building in its current form.

9.1.6 Policy E1 of the Bradford on Avon Neighbourhood Plan goes onto state that: *'Sustainable business and employment development within or adjacent to Bradford on Avon will be supported.'*

9.1.7 The site is located within the centre of Bradford on Avon which is considered to be highly sustainable with very good public transport links. The train station is located approx. 1/4 mile away, and although limited, there are some public car parks nearby. Officers consider the development complies with Policy E1 of the made neighbourhood plan.

9.1.8 Adopted WCS Policy CP7 – which is the Community Area Policy for Bradford on Avon is supported by paragraph 5.35 which states that:

“the economic self-containment of Bradford on Avon will be addressed through delivering employment growth as part of strategic development and retaining all existing employment sites”;

And,

“the loss of employment land in Bradford on Avon will not be supported, in accordance with Core Policy 35. New employment development, in addition to the strategic allocation, will be supported. This will help address the historic loss of employment land in the town due to market forces and the attractiveness of Bradford on Avon to retired people, second home owners and commuters, which have exerted pressure on former employment sites in the town to be converted to residential use”

9.1.9 Adopted WCS Core Policy 35 'Existing Employment Land' moreover states that:

“Within the ...Market Towns (e.g. Bradford on Avon) ...proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must demonstrate that they meet, and will be assessed against, the following criteria:

- i. The proposed development will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use.*
- ii. Where the proposal concerns loss of employment land of more than 0.25 ha in the Principal Settlements, Market Towns or Local Service Centres it is replaced with employment land of similar size elsewhere at that settlement.*
- iii. It can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment uses on a greater part of the site, providing the same number or more permanent jobs than on the original whole site.*

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

v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

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

9.1.10 Taking each of these criteria in turn:

In terms of criteria i) the scheme proposes a net loss of approximately 33% of the office space in the building. However, the office space to be lost consists of the main 17th century building and later 19th century addition which has proven difficult to let and is considered less commercially viable. The remaining office space (approx 635 sq. metres) would be located in the modern 20th century wing of the building and would be of sufficient size to accommodate between 30-40 employees depending on floorspace to employee ratios. The offices remain vacant and the new mansard roof would increase the amount of modern open plan office space which is considered to be more commercially viable and less likely to remain vacant.

9.1.11 Criteria ii) as listed above, is not relevant to this case due to the size criteria.

9.1.12 In terms of criteria iii) the proposed development to convert the listed building to residential use would, in the words of the conservation officer '*safeguard the wider structure for the future*' and facilitate the continued use of the site for employment uses. Allowing some of the office space on site to be converted to residential would help deliver the remaining employment area which otherwise may remain vacant. However, it is recognised that the change of use would decrease the amount of office floorspace overall.

9.1.13 In terms of criteria iv) the scheme does seek to retain some office floorspace and the mansard roof addition would not result in substantive harm to the amenities of adjacent residents. This issue is considered in more detail within section 9.3 'Impact on the living conditions of adjacent residents' later on in this report.

9.1.14 In terms of criteria v) the applicants have submitted a marketing report in support of their application which confirms that the building is currently vacant and has been marketed by Carter Jonas since June 2019. The report states that the majority of enquiries related to the occupation of the modern office block. The report concludes by asserting that

'It is considered likely that tenants will be found for the modern block but not for the historic buildings due to the cellular nature of the accommodation they provide'.

The property was listed on the Carter Jonas website and a number of recognised commercial property portals and mailed to applicants on Carter Jonas database, commercial agents and a number of larger office occupiers within the immediate area. Advertising was targeted towards companies looking for office space ranging between 1,992 and 8,367sq.ft. Interest in response to the marketing has focused primarily on the modern office block with a total of 4 of the 5 enquiries related to this use. However, none of the enquires progressed to letting. Further details on the submitted marketing report can be found in the Appendix attached to this report

9.1.15 Criteria vi) is not relevant in that there is no relocation of any business proposed.

9.1.16 The proposed change of use affects the main 17th century three-storey building and the 19th century single-storey southern annex. Due to the listed status of the building, both of these sections of Manvers House are considered less than ideal for continued office use as confirmed by the marketing report.

9.1.17 Revisions made by Government to permitted development rights in recent years has set out a clear direction to allow for more flexibility in terms of converting commercial property into residential use. The Town and Country Planning (General Permitted Development) (England) Order 2015) as currently amended, allows for the change of use of B1 offices to residential use without the need of planning permission (under Class O of the Order). Whilst this provision does not (at present) extend to this specific case, due to the listed status and the proposed operational development, in recent weeks, the Prime Minister has publicly announced Government plans to radically reform the planning system to introduce greater freedom for buildings and land in town centres to change to residential use, especially where vacant and redundant. The <https://www.gov.uk> website lists the government news articles and includes a press release dated 30 June 2020 titled “PM: Build, Build, Build”. Until legislation is passed, we will not know how far the Government will pursue a ‘radical’ revision to the planning system, but the press release sets out the clear intention of Government to systematically provide additional means by which new homes are delivered – potentially outside of the development management planning control.

9.1.18 NPPF paragraph 81 section d) states that planning policies should: *'be flexible enough to accommodate needs not anticipated in the plan, [and to] allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances'*.

9.1.19 NPPF paragraph 85 section f) moreover states that planning policies should: *'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'*

9.1.20 The proposed change of use at Manvers House would constitute a net loss of approximately 318 sq. metres of B1 office floor space which equates to an approximate loss of 33% of commercial floor space within the building. Officers acknowledge that the application breaches the Bradford on Avon Neighbourhood Plan, which through Objective 3, seeks to redress the imbalance between living and working, and to ensure that employment and commercial activity are retained. However, due regard must be given to the caveated requirement set within WCS CP35 and NPPF paragraph 153 where marketing exercise evidence concludes that the ongoing viability of the

commercial floor space within the older parts of Manvers House is questionable. This development would not result in the total loss of commercial floor space and from the evidence submitted, officers are satisfied that the loss of approximately 320 square metres of commercial floorspace to be used as residential is justified and would not adversely affect the local economic activity of the town to such a degree that planning permission should be refused.

9.1.21 Moreover, and following the expert conservation advice provided by the Council's conservation officer, officers are mindful of NPPF paragraph 185 which sets out the positives derived from sustaining heritage assets through viable uses rather than have them left vacant.

9.1.22 The proposed roof addition to the main 20th century office wing to the northwest would provide greater flexibility for commercial offices in new open plan floorspace which would accord with objective 3 of the Bradford on Avon Neighbourhood Plan.

9.1.23 The proposed sensitive conversion of the main 17th century building and 19th century southern annex would remove the modern interventions which would deliver a degree of betterment in terms of the interiors of the listed buildings.

9.2 Impact on the setting of the listed building/Conservation Area/adjacent listed buildings

9.2.1 NPPF paragraph 193 states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

9.2.2 Paragraph 194 of the NPPF leads on to stress that: *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."*

9.2.3 Paragraph 196 of the NPPF moreover asserts that: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."*

9.2.4 Core Policy 57 of the Wiltshire Core Strategy requires: *"A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings"*.

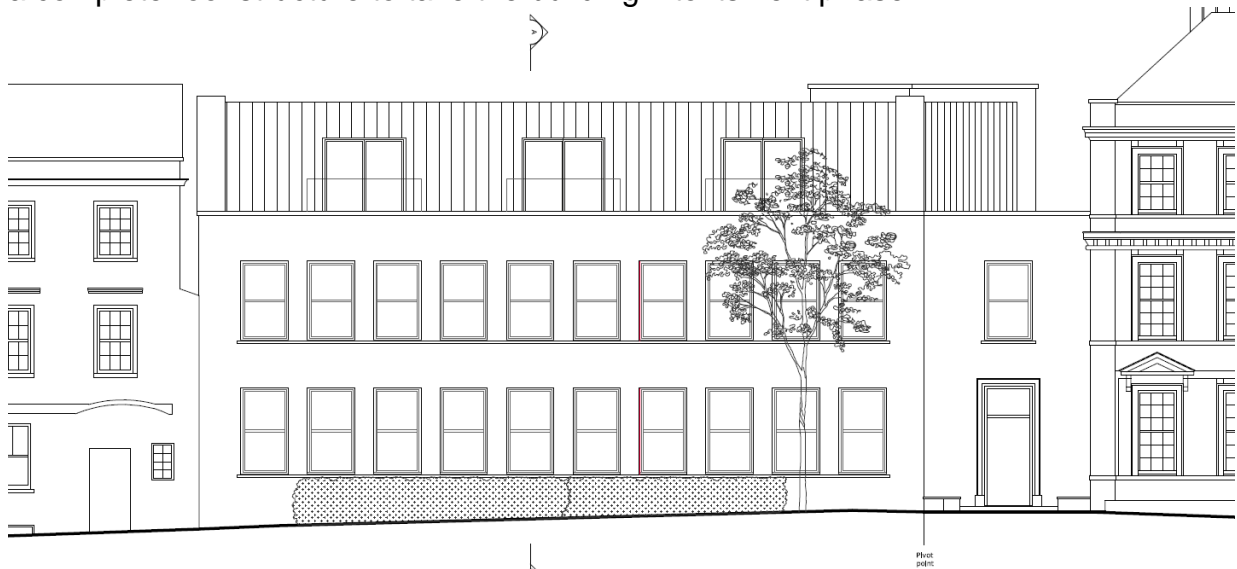
9.2.5 Whilst WCS Core Policy 58 echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

9.2.6 Manvers House is a grade II* listed building located in the centre of Bradford on Avon and within the Bradford on Avon Conservation Area. The significance of the listed

building lies in its fine architectural detailing and its historic fabric. Its plan form has changed gradually over the years, but the principal part of the listed building has retained much of its internal character. The significance of the Conservation Area and the setting of the surroundings listed buildings relies on the historic street pattern and built environment that together, contribute to the character of the historic industrial working town.

9.2.7 The conversion of the main listed building and its southern historic addition into two dwellings is considered compatible with the heritage asset. Whilst it has been in commercial use for long periods of the years, it is suited for residential use. The works to the main listed building internally extends to blocking up modern door openings to divide the buildings, adding some minor internal partitioning and kitchen and bathroom facilities. These are uncontroversial works that would not result in causing harm to the character or fabric of the listed building. The plan form would be somewhat restored, albeit with some minor partitioning. Joinery details have been submitted and these have been appraised and accepted by the Council's conservation officer.

9.2.8 The most impactful alteration would be the replacement of the majority of the roof structure to the south wing. The existing roof structure is a set of simple trusses with struts – a Victorian mix of timbers that have been increasingly propped and supported by newer timbers over the years. The roof structure has failed and been subsequently repaired, supported and propped and it is at the point where further repairs become difficult. This scheme creates the opportunity to address the problem fully and result in a complete roof structure to take the building into its next phase.



New mansard roof to north block (Kingston Road elevation)

9.2.9 The listed building has an attached extension referred to as the north block forming a modern set of offices. This extension would be separated off from the main listed building internally and would essentially become a separate building. The current extension is not of high architectural quality or materials although the facing blocks do respect the colour of the local stone. The proposed construction of a mansard roof (**as shown in plan form above**) would result in a more cohesive finished appearance overall that would remain subservient to the main listed building. The use of a mansard behind a parapet would be in keeping with the town's roofscape and would not conflict with other features of the street scene within the Conservation Area. The replacement

of the existing windows with new alternatives would enhance the appearance of this part of the building. Overall, the proposed materials are considered acceptable.

9.2.10 The main listed building would be maintained almost as is with only minor changes, resulting in a neutral impact to its historic fabric and character. The south wing would have some loss of historic fabric, but the associated fabric is at the end of its useful life and the opportunity exists to safeguard the wider structure for the future.

9.2.11 The development would, overall, cause no harm to the heritage assets and the alterations proposed to the modern 20th century addition and southwest 19th century annex, would result in an enhancement and betterment to the character of the conservation area. For the same reasons, the development would cause no harm to the adjacent listed buildings. The scheme therefore complies with WCS Core Policy 58 and the Framework.

9.3 Impact on the Living Conditions of Adjacent Residents

9.3.1 WCS Core Policy 57 titled: 'Ensuring High Quality Design and Place Shaping' requires development to have regard to the compatibility of adjoining buildings and uses, the impact achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

9.3.2 A number of residential properties border the site or are located nearby, including No's 1-2 Kingston Road to the west, No.24 Silver Street to the north and No's 1 to 6 Mill lane to the northeast.

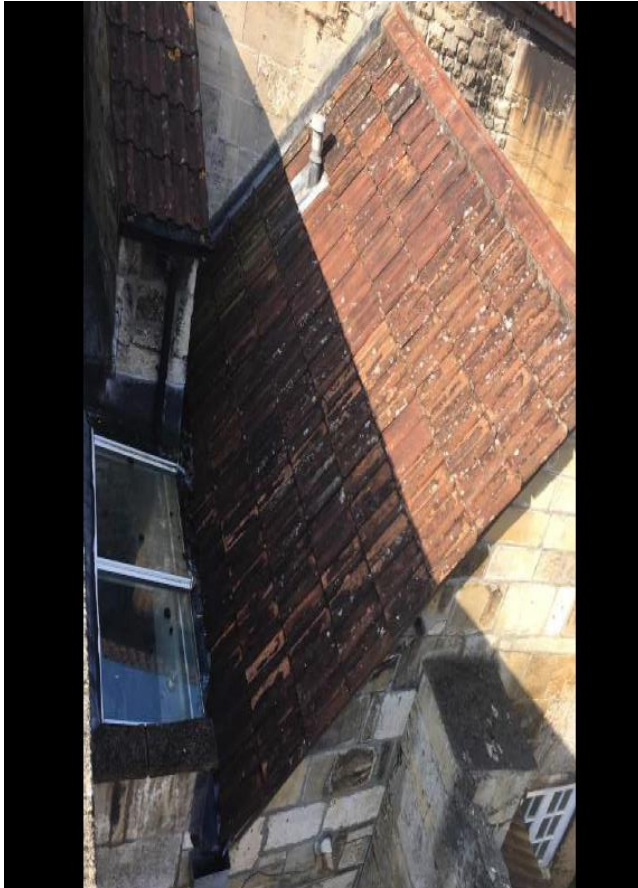
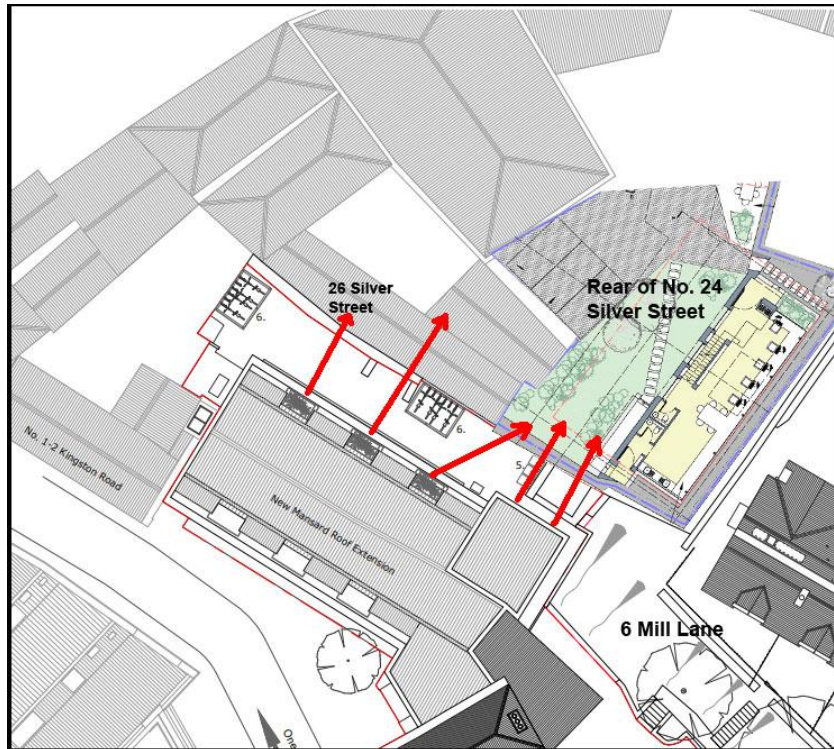


Photo of rooflight No. 1-2 Kingston Road

9.3.3 In terms of neighbouring impacts to No's 1-2 Kingston Road, a rooflight to this property sits adjacent the northwest wing of Manvers House and third parties have complained about a potential loss of light to this rooflight from the proposed third floor extension. This rooflight is set in a deep valley position which is already overshadowed by both the existing flank wall of the Manvers House North Wing and No's 1-2 Kingston Road, as can be seen from the attached photograph opposite. In addition, as detailed on plans for the conversion of No.1-2 Kingston Road from offices to residential approved in 2000 (under application W/00/00551/LBC) the roof light, located in the northeast corner of the building, serves an alcove to the first-floor kitchen. As such, and being mindful of the sun's orbit, officers submit that the development would not result in significant levels of additional loss of light and the harm caused would not warrant a refusal of planning permission.

9.3.4 Residents at No. 24 Silver Street have complained that the area directly to the rear of their property which forms an area of amenity space following the demolition of the rear outbuilding under application 16/08409/FUL (as detailed on the plan below), would be overlooked by the proposed new mansard roof. Works to the rear of No. 24 Silver Street are currently ongoing. The separation distance from the northern boundary of Manvers House and the southern boundary of this amenity space is approx. 5.5 metres, in addition, due to level changes in the area, this amenity space is located opposite the first-floor level of Manvers House north block staircase. Officers accept that the mansard window closest to the staircase and windows from the new second floor staircase would result in some overlooking of the amenity area (as detailed in the plan below). However, it should be noted that this amenity space is already directly overlooked by neighbouring properties fronting Silver Street and side windows to No. 6 Mill Street. Consequently, a condition is recommended to be imposed on any planning permission requiring that these three windows to the new mansard and staircase be obscurely glazed. The remaining 2 rear windows of the mansard would overlook an outbuilding to the rear of No. 26 Silver Street and an area of car parking adjacent the amenity space of No. 24 Silver Street (detailed in the plan below).



New mansard to north wing and relationship with adjacent properties



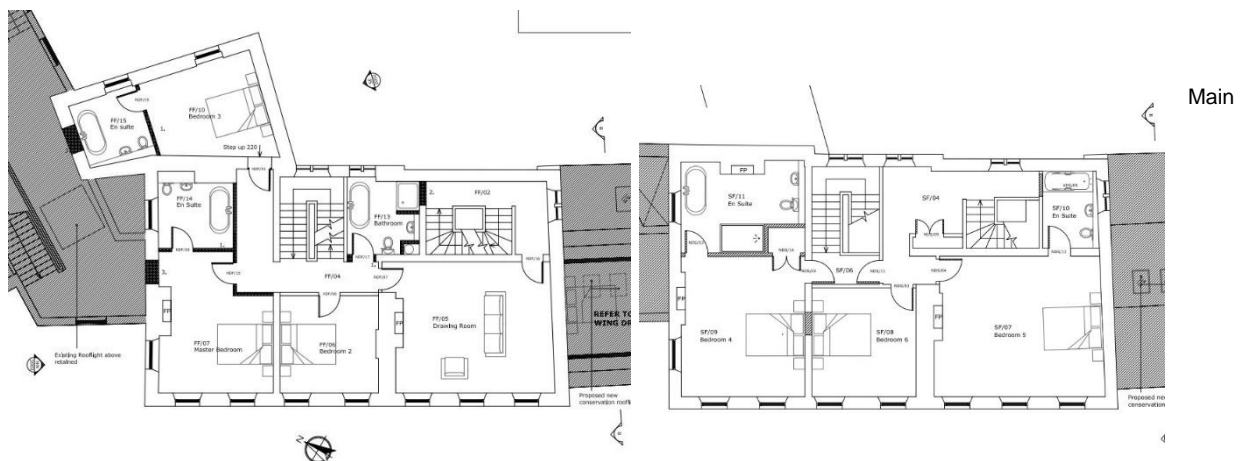
Photo from rear of No. 24 Silver Street that would face new roof addition and stairway

9.3.5 In addition, it is considered that due to the separation distance and limited height of the proposed Mansard roof (approx. 3 metres), the development would not result in substantive loss of light or result in overbearing impact to neighbouring properties and residents, including the amenity space to the rear of No. 24 Silver Street.

9.3.6 The separation distance between the rear elevation of Manvers House and the rear elevation of the properties at Mill Lane is approx. 11 metres (viz. No. 6) and 27 metres (viz No. 3) as the properties angle away from each other. At its closest, the rear

boundary of No. 6 is approx 3 metres from the northern boundary of Manvers House while the rear boundary of No. 3 is approx 14.5 metres from the northern/rear boundary of Manvers House. In terms of the impact of the development on properties at Mill Lane it must be stated that these properties are already overlooked by the existing office development and in particular by the windows at the second-floor level. In addition, the rear gardens of No's 1-6 Mill Lane, in particular the southern aspect of the gardens, are already overlooked by rear windows of existing properties fronting Mill Lane.

9.3.7 It is appreciated that with the proposed conversion, the use of Manvers House would change but the number of people potentially looking out of the windows towards the neighbouring properties would be materially reduced. In addition, the application proposal would result in three windows at the second-floor level (facing north) serve non-habitable rooms such as a stairway and hallway. Whilst of the four north facing windows at first floor level, one would serve a stairway and two would serve bathrooms and for those serving the bathrooms, they would be obscurely glazed. The remaining window would serve a bedroom (as detailed in floor plans and photo of existing north elevation below). Although this would result in some overlooking of neighbouring property, in particular the residents at No. 6 Mill Lane, it should be noted that this window is not new and the potential for overlooking from this window already exists.



building Manvers House proposed first floor

Main building Manvers House proposed second floor

9.3.8 It is recognised that the southeast facing windows serving the new staircase to the new mansard roof would overlook the rear gardens of properties at Mill Lane, in particular No. 5 and No. 6 Mill Lane (as detailed on the plan of the new mansard roof to the northwest wing above). However, these properties are already overlooked by existing windows serving the offices as detailed in the photos below.

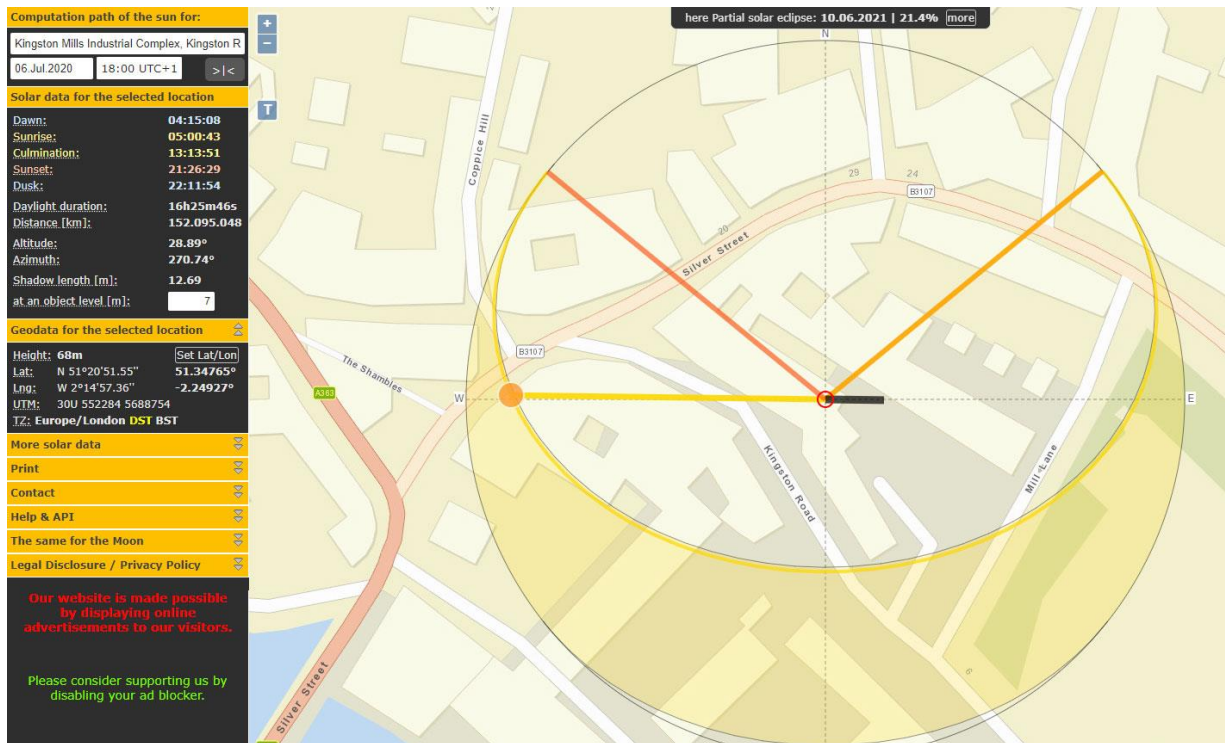


Photos from rear garden of No. 6 Mill Lane towards existing NE and N elevations of Mansard House

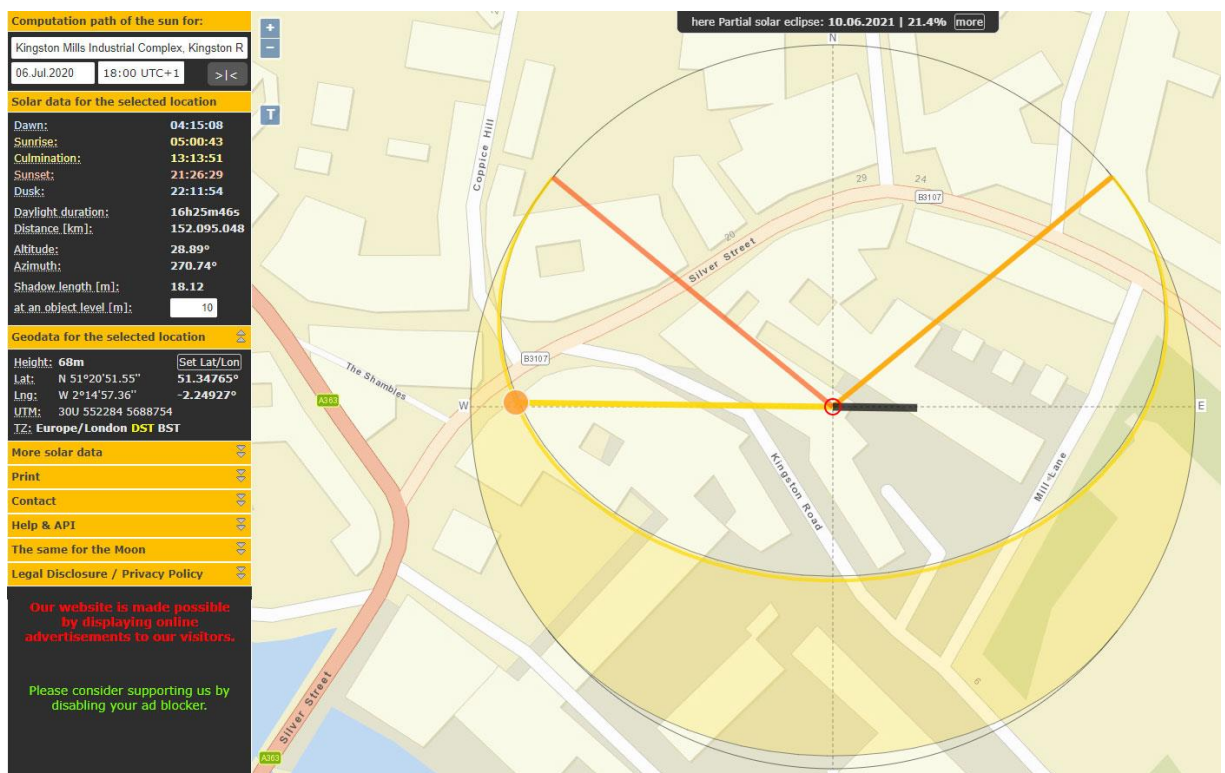
9.3.9 As such it is not considered that the overlooking resulting from the change of use, in particular any overlooking of properties at Mill Lane, would be so detrimental to the living conditions of residents that the application should be recommended for refusal.

9.3.10 A planning condition is however recommended for any approval requiring the new southeast facing second floor windows to be obscurely glazed in addition to the windows in the main central building serving bathrooms.

9.3.11 Specific to the proposed erection of the second-floor stairway (an increase in height of approx. 3 metres) and roof addition, officers have had due regard to the sun's orbit and potential for causing overshadowing and loss of light to the rear garden of No. 6 Mill Lane especially during late afternoon and evenings. However, officers are satisfied that the impacts would be temporary for part of the day/evening and would not result in significant detriment to the living conditions of the residents of No. 6 to justify a refusal of planning permission. As can be seen from the Sun calculation test below taken at 6 pm on a July evening the rear garden of No. 6 Mill Lane is already in shadow, and although the proposed extension to the staircase would increase this overshadowing, it would be limited during the day.



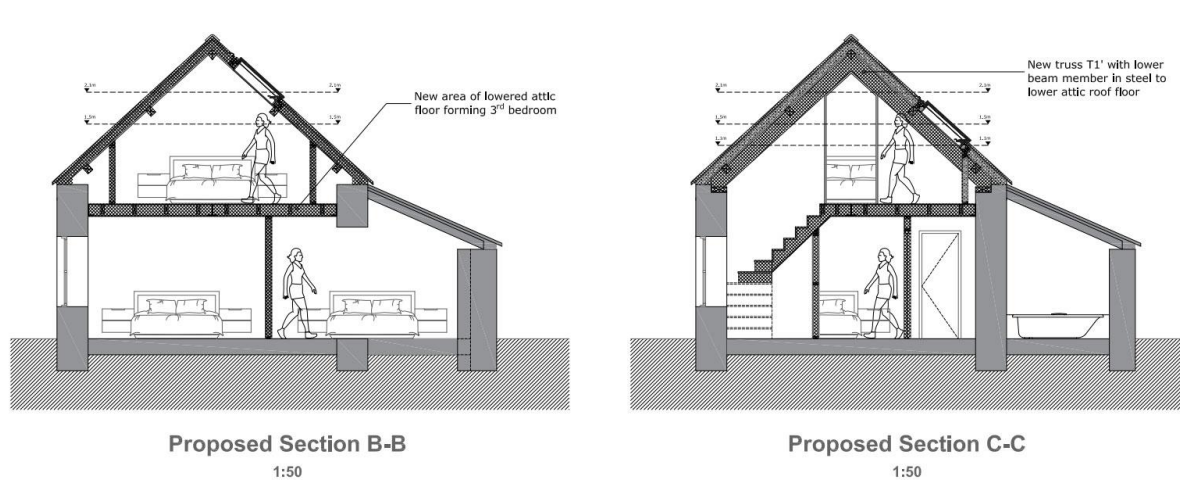
Sun calculation - Impact on rear garden of 6 Mill Lane - Existing height of building



Sun calculation - Impact on rear garden of 6 Mill Lane - Proposed height of building

9.3.12 The scheme proposes new roof lights to the east wing to serve a bedroom and hallway (which is not considered a habitable room) in the first floor of the 19th century conversion however due to the height of the rooflights and/or separation distance from the rear boundaries of properties at Mill Lane and the higher elevation of the properties

at Mill Lane, this aspect would not cause undue harm in terms of loss of privacy or overlooking to neighbouring residents.



9.3.13 Due to the separation distances and juxtaposition of the new mansard roof to the north wing in relation to residential properties at No's 25 to 30 Lamb Yard, there would be no additional overlooking or loss of privacy to residents of these flats.

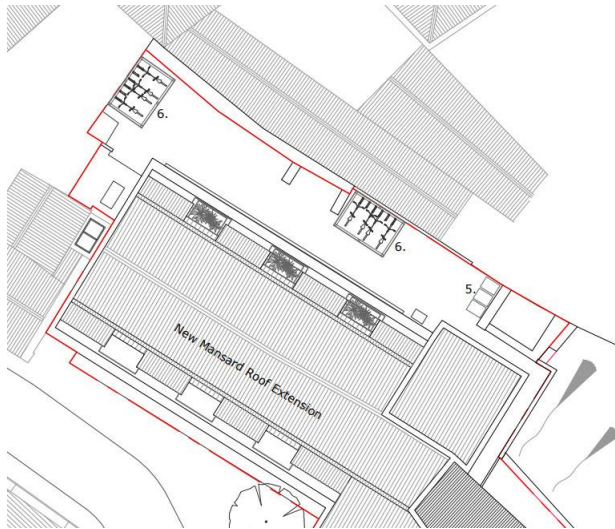
9.3.14 The proposed development would not lead to significant levels of loss of privacy, overlooking or overshadowing to neighbouring residents to warrant a recommendation for refusal, and officers are satisfied that the development complies with WCS Core Policy 57 and the NPPF.

9.4 Highway Issues/Parking

9.4.2 The aim of Objective 6 of the Bradford on Avon Neighbourhood Plan seeks 'to improve the pedestrian environment in the town, encouraging people to walk or cycle rather than use their cars thereby assisting in the improvement of the overall environment and air quality.' Meanwhile, Policy T2 states that 'Development proposals that would result in the loss of public or private parking capacity will not be supported unless they can show that alternative capacity will be provided elsewhere or can show that the proposals will result in a reduction in the need for off-street parking.' However, paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

9.4.3 The application seeks planning permission for the change of use of part of Manvers House from offices to form a 6-bed dwelling and a 3-bed dwelling in addition to the erection of a mansard roof for office purposes. Currently, the property has 23 off road parking spaces located to the side and rear of Manvers House with access off Kingston Road. The applicant proposes to reduce the total number of spaces to 10 with 2 spaces being allocated to the 6-bed property, and 1 space for the 3-bed property. This would leave 7 spaces remaining for the office use. This would constitute as a Local Transport Plan shortfall of 2 off road parking spaces for the residential use and about 14 spaces for the office use.

9.4.4 Officers acknowledge that there is limited off road parking in the immediate area and would argue that the traffic restrictions found on the surrounding roads would not likely lead to displaced car parking causing a problem to local residents. Instead, with the subject property being considered as a sustainable location, and within short walking distance to public transport links including the train station, the proposed on-site parking deficit is not considered unacceptable, and it is noted that the Council's highway authority has raised no objections.



Proposed cycle shelters

9.4.5 There are some public car parks available in the area, but within a town centre, officers would expect and encourage more people to walk, cycle or use public transport, and consistent with several recent mixed use developments that have been reported to committee in recent times, (e.g. 18/06893/FUL at the Halve clinic in Trowbridge) officers recommend the imposition of a planning condition to secure a travel plan that details how the development would promote sustainable modes of transport as an alternative to relying upon private motor vehicles. In addition, a condition is recommended to secure cycle shelters to be constructed and made available prior

to occupation. It is proposed 2 cycle shelters accommodating 12 cycle spaces would be located to the rear of the north block as detailed in the following plan. Design of these shelters would also be conditioned.

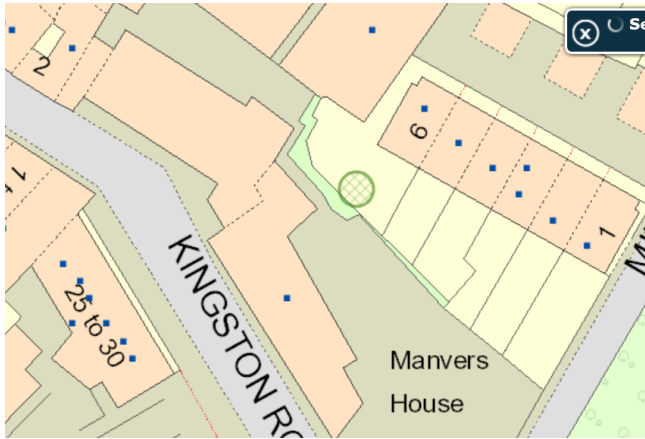
9.4.6 The reduced amount of parking for the proposed development would not lead to such levels of harm to highway safety in the immediate area as to warrant a recommendation for refusal.

9.5 Other Issues

9.5.1 Other issues have been raised by third parties namely criticising the accuracy of the submitted plans and stating the submission contains factual inaccuracies. Officers secured revised plans and details to redress these concerns, and the presented application for member consideration is considered to be of sufficient standard to inform a full and proper assessment which is supported by a detailed design and access statement that contains the marketing exercise and particulars.

9.5.2 Additional concern has been raised by third parties about the level of amenity space available for future occupiers of this development. A rear garden space extending to approx. 114 square metres would be available for the main 6-bed dwelling and a private courtyard extending to approx. 18 square metres would be available for the 3-bed maisonette. There are no adopted plan policies prescribing the size of amenity space for residential development in Wiltshire. Instead, each case must be assessed on its own merits. In this particular case, officers are satisfied that within this town centre location, the proposal is acceptable.

9.5.3 Additional concern has been raised about the impact of the development on a nearby tree (Grey Poplar - see below) that is subject to a Tree Preservation Order (TPO). However, officers are satisfied that the development would not impact on the tree. A condition will be applied to any approval requiring details of tree protection during construction.



9.5.4 Third parties have also commented on loss of views however, a loss of a view over other land and property is not a material planning consideration.

9.5.5 Third parties have also argued that no 'notice of intention' has been volunteered by the developer in regard to the Party Wall Act. However, this is a civil legal matter between third parties, and is not a planning issue.

TPO Tree (Grey Poplar) located in the rear garden of No. 6 Mill Lane

10. Conclusion (The Planning Balance)

Manvers House is grade II* listed building located within the settlement limits of Bradford on Avon and within the Bradford on Avon Conservation Area. The building consists of three main sections; a principal three-storey central building dating back to the 17th century, a single storey 19th century addition erected off the southeast elevation and a 2-storey modern 20th century office development adjoining the northwest elevation.

The proposed development would result in the loss of 320 sq. metres of office floor space, however it is considered this loss would be offset by facilitating the new viable uses of the property which would comprise a mix of residential and continued office/commercial floor space that would not only preserve the listed building, but with the removal of the modern interventions, and the construction of an appropriate well designed new roof, would provide a heritage betterment.

The proposed development would have reduced parking provision however this would be offset to some degree by encouraging use of alternative more sustainable modes of transport and reducing the dependency upon private motor vehicles.

The proposed development would not adversely impact the living conditions of neighbouring residents and the development would cause no harm to the grade II* listed building or adjacent / nearby listed buildings.

The proposed development would provide 2 additional market dwellings and, with the addition of the new mansard roof, would facilitate the continued use of the site for employment purposes and preserve the listed building in its current form. There would also be some short terms benefits during the construction phase through direct and indirect job creation.

Overall, officers are satisfied that the development should be supported subject to conditions.

RECOMMENDATION: APPROVE subject to the following conditions

Recommended Conditions for planning application: 20/01219/FUL

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:

19044_NP-XX-XX-DR-A-1001-C Location Plan
19044_NP-XX-XX-DR-A-1002-D Existing Site Plan
19044_NP-XX-00-DR-A-1003-B Existing Ground Floor Plan
19044_NP-XX-01-DR-A-1004-B Existing First Floor Plan
19044_NP-XX-02-DR-A-1005-B Existing Second Floor Plan
19044_NP-01-00-DR-A-1006-B North Wing Existing Ground Floor Plan
19044_NP-01-01-DR-A-1007-B North Wing Existing First Floor Plan
19044_NP-01-02-DR-A-1008-B North Wing Existing Roof Plan
19044_NP-02-00-DR-A-1009-B Main House Existing Ground Floor Plan
19044_NP-02-01-DR-A-1010-B Main House Existing First Floor Plan
19044_NP-02-02-DR-A-1011-B Main House Existing Second Floor Plan
19044_NP-03-00-DR-A-1012-B South Wing Existing and Proposed Ground Floor Plan
19044_NP-03-01-DR-A-1013-B South Wing Existing and Proposed First Floor Plan
19044_NP-01-00-DR-A-1016-B North Wing Proposed Ground Floor Plan
19044_NP-01-01-DR-A-1017-B North Wing Proposed First Floor Plan
19044_NP-XX-00-DR-A-1018-C North Wing Proposed Second Floor Plan
19044_NP-02-00-DR-A-1019-B Main House Proposed Ground Floor Plan
19044_NP-02-01-DR-A-1020-B Main House Proposed First Floor Plan
19044_NP-02-02-DR-A-1021-B Main House Proposed Second Floor Plan
19044_NP-XX-XX-DR-A-1022-E Proposed Site Plan
19044_NP-XX-00-DR-A-1023-B Proposed Ground Floor Plan
19044_NP-XX-01-DR-A-1024-B Proposed First Floor Plan
19044_NP-XX-02-DR-A-1025-C Proposed Second Floor Plan
19044_NP-XX-XX-DR-A-2001-B Existing and Proposed Street Elevation
19044_NP-XX-XX-DR-A-2002-D Existing SE Elevation
19044_NP-XX-XX-DR-A-2003-D Existing-Proposed Rear Elevation
19044_NP-XX-XX-DR-A-3001-A Existing Section A-A
19044_NP-XX-XX-DR-A-3002-B Existing and Proposed Sections B-B, C-C and D-D
19044_NP-XX-XX-DR-A-3021-C Proposed Section A-A
19044_NP-XX-XX-DR-A-4001-B Door Architraves and Skirtings Detail
19044_NP-XX-XX-DR-A-4004-B French Door Detail
19044_NP-XX-XX-DR-A-4005-A Rooflight Detail
19044_T05_001_A_Door Schedule

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

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

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- details of methods to protect the tree subject to a TPO located to the rear of 6 Mill Lane during construction works. These methods shall be in accordance with British Standard 5837 (2012): "Trees in Relation to Design, Demolition and Construction - Recommendations" and shall be maintained for the duration of the works;
- means of enclosure;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. bin stores, cycle shelters, furniture, play equipment, refuse and other storage units, signs, lighting etc).

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, protection of existing important landscape features, in the interests of the character and appearance of the Conservation Area and preserving the character and appearance of the listed building.

4. 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.

5. Before the development hereby permitted is first occupied the windows in the northeast and southeast elevations of the new second floor mansard roof serving the WC and stairway and the eastern most northeast facing window of the new mansard roof serving the new office space and the windows in the north elevation serving the en-suite and bathroom at first floor level of the Main House shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

6. No part of the development hereby approved shall be occupied until the parking area shown on the approved plans (Dwg No. 1022 rev E) has been consolidated, surfaced and laid out in accordance with the approved details. The parking area shall provide two parking spaces to be allocated to the new 6-bed dwelling, one space for the new 3-bed maisonette and 7 spaces for the office use. Thereafter, the parking area shall be maintained and remain only available for such use in perpetuity.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

7. No part of the office development shall be occupied until the cycle parking facilities shown on the approved plans (Dwg No. 1022 rev E) have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

8. No part of the office development shall be occupied until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring with the results being made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

Informatives

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 to make contact with Wessex Water to ensure the site is served by appropriate water and foul water connections.

Recommended Conditions for application: 20/02055/LBC

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:

19044_NP-XX-XX-DR-A-1001-C Location Plan
19044_NP-XX-XX-DR-A-1002-D Existing Site Plan
19044_NP-XX-00-DR-A-1003-B Existing Ground Floor Plan
19044_NP-XX-01-DR-A-1004-B Existing First Floor Plan
19044_NP-XX-02-DR-A-1005-B Existing Second Floor Plan
19044_NP-01-00-DR-A-1006-B North Wing Existing Ground Floor Plan
19044_NP-01-01-DR-A-1007-B North Wing Existing First Floor Plan
19044_NP-01-02-DR-A-1008-B North Wing Existing Roof Plan
19044_NP-02-00-DR-A-1009-B Main House Existing Ground Floor Plan
19044_NP-02-01-DR-A-1010-B Main House Existing First Floor Plan
19044_NP-02-02-DR-A-1011-B Main House Existing Second Floor Plan
19044_NP-03-00-DR-A-1012-B South Wing Existing and Proposed Ground Floor Plan
19044_NP-03-01-DR-A-1013-B South Wing Existing and Proposed First Floor Plan
19044_NP-01-00-DR-A-1016-B North Wing Proposed Ground Floor Plan
19044_NP-01-01-DR-A-1017-B North Wing Proposed First Floor Plan
19044_NP-XX-00-DR-A-1018-C North Wing Proposed Second Floor Plan
19044_NP-02-00-DR-A-1019-B Main House Proposed Ground Floor Plan
19044_NP-02-01-DR-A-1020-B Main House Proposed First Floor Plan
19044_NP-02-02-DR-A-1021-B Main House Proposed Second Floor Plan
19044_NP-XX-XX-DR-A-1022-E Proposed Site Plan
19044_NP-XX-00-DR-A-1023-B Proposed Ground Floor Plan
19044_NP-XX-01-DR-A-1024-B Proposed First Floor Plan
19044_NP-XX-02-DR-A-1025-C Proposed Second Floor Plan
19044_NP-XX-XX-DR-A-2001-B Existing and Proposed Street Elevation
19044_NP-XX-XX-DR-A-2002-D Existing SE Elevation
19044_NP-XX-XX-DR-A-2003-D Existing-Proposed Rear Elevation
19044_NP-XX-XX-DR-A-3001-A Existing Section A-A
19044_NP-XX-XX-DR-A-3002-B Existing and Proposed Sections B-B, C-C and D-D
19044_NP-XX-XX-DR-A-3021-C Proposed Section A-A
19044_NP-XX-XX-DR-A-4001-B Door Architraves and Skirtings Detail
19044_NP-XX-XX-DR-A-4004-B French Door Detail
19044_NP-XX-XX-DR-A-4005-A Rooflight Detail
19044_T05_001_A_Door Schedule

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

3. Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Samples of external materials
- Large scale details of all external joinery including metal-framed glazing (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels;
- Large scale details of all internal joinery (1:5 elevation, 1:2 section);
- Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
- Details of all new or replacement rainwater goods

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

Appendix I Copy of Marketing Report produced by Carter Jonas

The Principle of the Proposed Uses

6.1 The site is within the Bradford on Avon urban area and is considered to be an appropriate location for residential development under Core Strategy policies CP1 and CP7.

6.2 The current B1 employment use is a key consideration in relation to the principle of the proposed conversion of the historic buildings to residential use. In this respect, the buildings are vacant and have been marketed by Carter Jonas since June 2019 through the following marketing channels:

- Particulars – marketing produced (see Appendix 3)
- Property has been listed on the Carter Jonas website and a number of recognised commercial property portals
- Property mailed to applicants on Carter Jonas database, commercial agents and a number of larger office occupiers within the immediate area
- Advertising of the property acknowledges the Listed Building Consent to split the building into a number of smaller office suites and is targeted towards companies looking for office space ranging between 1,992 and 8,367sq.ft.

6.3 Interest in response to the marketing has focused primarily on the modern office block (Figure 1 – building A). There have been five enquiries, four of which relate to the modern block only. However, none have been progressed to letting terms for a variety of reasons, as detailed below:

- 1 Interested in occupation of the whole. A new start-up company without any track record and no guarantors offered. Not progressed due to lack of covenant strength, track record or willingness to offer director guarantees.
- 2 – Party looking for open plan offices of 4,000 sq ft within a 10 mile radius from existing office based north of Bath. Premises discounted due to location from existing office and parking provision.
- 3 – Local based company looking for open plan offices. Viewed modern extension only and whilst premises suited requirement internal issues have meant they are not currently in a position to progress.
- 4 – A local company interested in the modern annex only. They are still interested but are not in a position to sign heads of terms
- 5 – A local company interested in taking a single floor of the modern annex only. They have opted to remain in their existing facility.

6.4 It is considered likely that tenants will be found for the modern block but not for the historic buildings due to the cellular nature of the accommodation they provide. The proposal therefore seeks to increase the amount of modern, open-plan officer space by 130m² (1,399 sq ft) through an additional floor to the modern block to provide a total of 503m² (5,414 sq ft). The historic elements are to be brought into residential use, more suited to their configuration and character.

6.5 In accordance with the provisions of Core Strategy policy CP35, the proposal therefore retains and expands the modern employment space for which it is considered there is likely to be demand and safeguards the heritage assets, which are unsuited to modern business needs, by bringing them into residential use, in keeping with the original purpose of the principal listed building.

6.6 Overall, it is considered that the principle of the proposed development is in accordance with national and local planning policy.



This page is intentionally left blank

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	22 July 2020
Application Number	20/03166/FUL
Site Address	45 Seymour Road, Trowbridge BA14 8LX
Proposal	Proposed new dwelling
Applicant	Mr Craig Stone
Town/Parish Council	TROWBRIDGE
Electoral Division	Councillor Edward Kirk, Trowbridge Adcroft
Grid Ref	385637 - 158767
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Cllr Edward Kirk has requested that this application be called-in for the elected members to determine should officers be minded to grant permission. The key issues identified by Cllr Kirk for Members to consider are as follows:

- The scale of development
- The visual impact upon the surrounding area
- The relationship to adjoining properties
- The design – bulk, height, general appearance
- The environmental/highway impacts
- The car parking provision

1. Purpose of Report

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

Trowbridge Town Council objects to the proposed development for the reasons set out within section 7 of this report. Section 8 summarises the one letter of representation the LPA has received.

2. Report Summary

This application is a material revision to the planning application which was refused under application reference 19/04777/FUL – that sought permission for a two=storey 3-bed detached dwelling. The application was determined against the Wiltshire Core Strategy and NPPF and was refused under delegated authority for the following reasons:

- 1 *The proposed dwelling by reason of its location, building layout, built form, height, scale and area of amenity space fails to relate positively to the existing street scene and fails to effectively integrate into its immediate setting, and would result in a cramped form of*

development. The proposal is therefore contrary to Core Policy 57 of the Wiltshire Core Strategy.

- 2 The proposed dwelling by reason of its location and design relates poorly to, and would overlook, the neighbouring dwelling private amenity space at No. 43 Seymour Road to the south and would be in a cramped relationship with the existing building at No. 45 Seymour Road, resulting in an overbearing and overshadowing presence harmful to the amenity of future occupants. The proposal is therefore contrary to Core Policy 57 of the Wiltshire Core Strategy.

The key issues therefore are whether or not the above reasons for refusal have been overcome and if the revised proposals introduce any new material considerations militating against approval.

3. Site Description

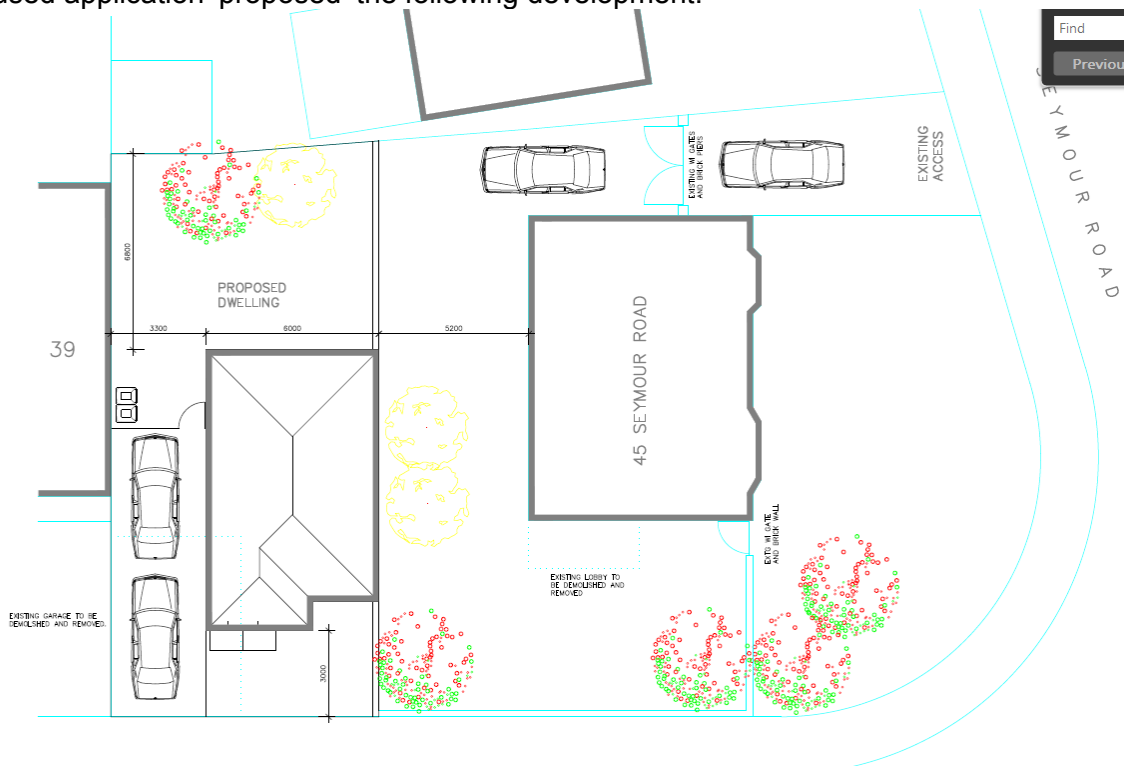
The application site forms part of the residential curtilage to the detached dwelling at No. 45 Seymour Road, which is located on a corner plot at the intersection of Seymour Road & Palmer Road in Trowbridge. The existing dwelling is a single storey bungalow, with a detached garage to the rear. To the south east lies No. 39 Palmer Road and, to the south west, 43 Seymour Road.



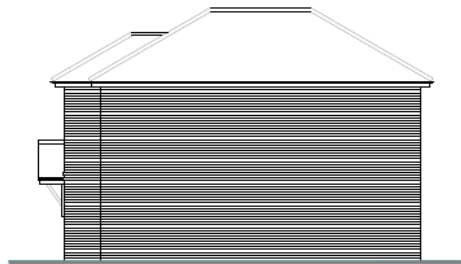
4. Planning History

19/04777/FUL - Proposed two storey three-bedroom detached dwelling Refused: 16. 07.2019.

The refused application 'proposed' the following development:



NORTH-EAST (FRONT) ELEVATION



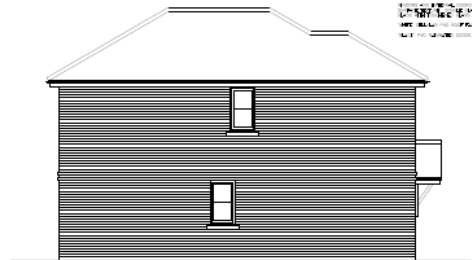
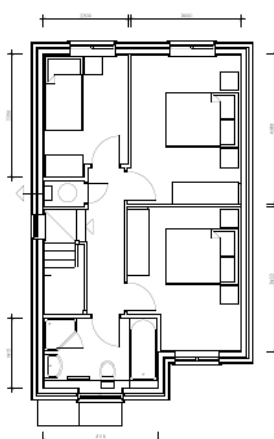
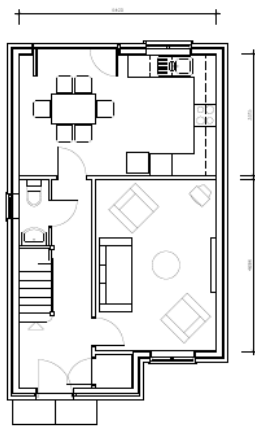
NORTH-WEST (SIDE) ELEVATION



SOUTH-WEST (REAR) ELEVATION

AutoCAD SHX Text
NORTH-WEST (SIDE) ELEVATION

PROPOSED EXTER
[Illegible text]



SOUTH-EAST (SIDE) ELEVATION

FLOOR AREA
[Illegible text]



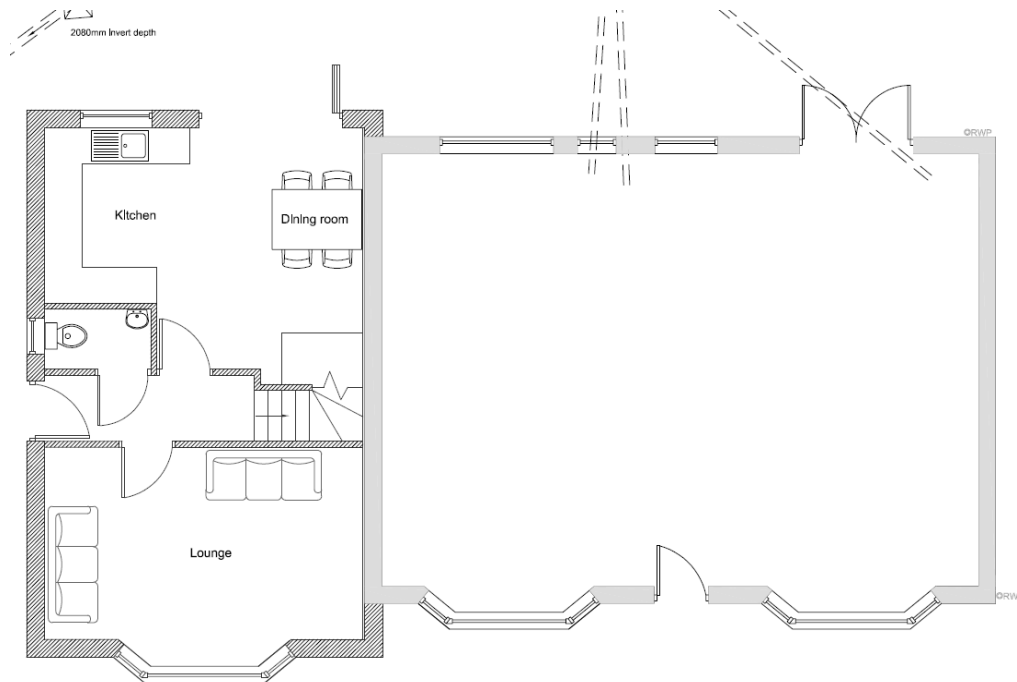
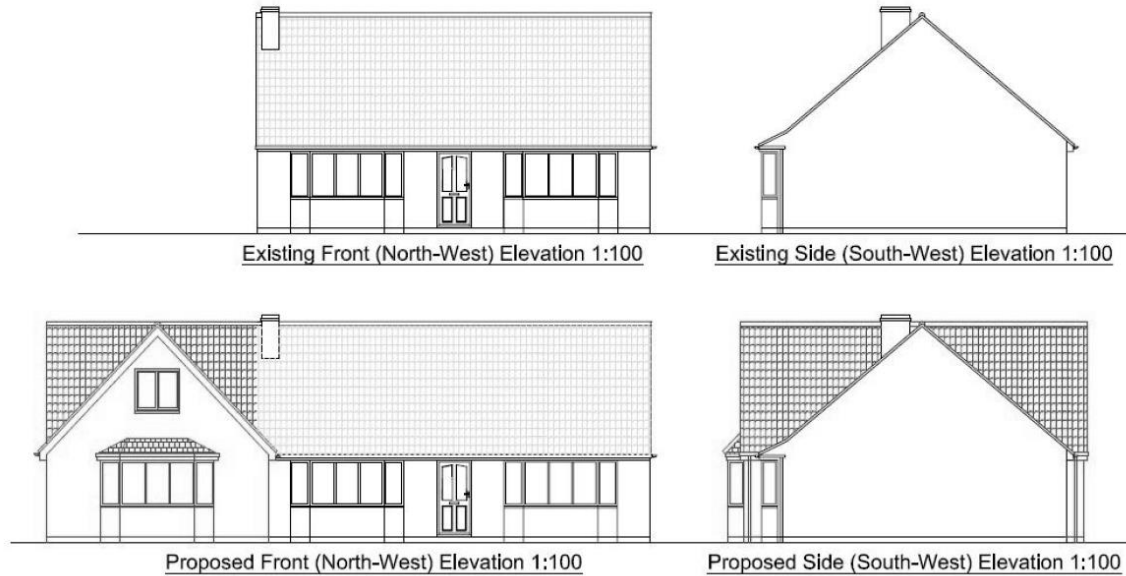
19/04733/FUL – Proposed change of use from unitarian meeting house to residential and alterations to existing bungalow – Approved 16.07.2019

W/87/00224/FUL – Change of use of domestic bungalow to church and meeting hall – Approved 31.03.1987

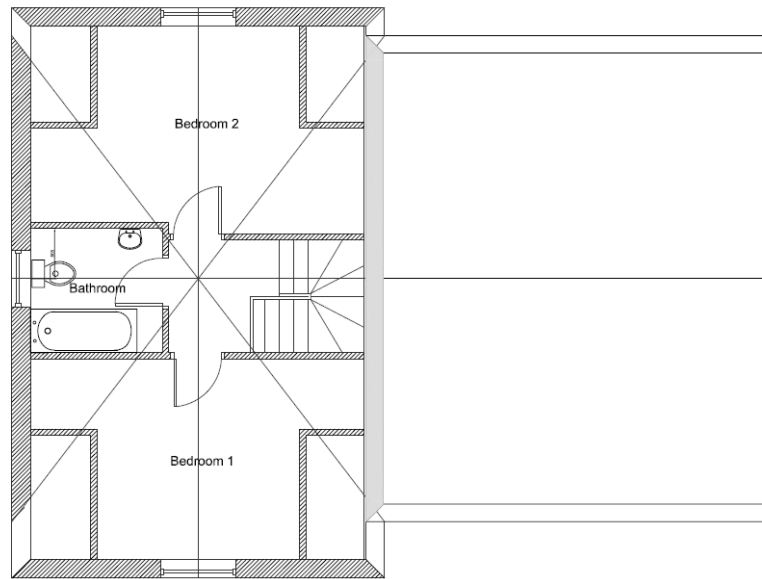
W/81/01174/HIS – Private garage – Approved 13.04.1982

5. The Proposal

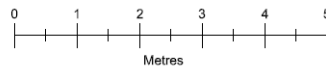
The proposal is for a new two-bedroomed dwelling which would form a semi-detached pair with the existing bungalow on site. The two bedrooms to the modest dwelling would be provided within the roof space, with the ridge line of the new building matching that of the existing structure.



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



6. Planning Policy

Wiltshire Core Strategy: CP1 Settlement Strategy; CP2 Delivery Strategy CP29 Spatial Strategy: Trowbridge Community Area; CP57 Ensuring high quality design and place shaping; and CP61 Transport and New Development.

The National Planning Policy Framework and Planning Practice Guidance

7. Summary of consultation responses

Trowbridge Town Council - Objects on the grounds that the proposed dwelling by reason of its location, building layout, built form, height, scale and area of amenity space fails to relate

positively to the existing street scene and fails to effectively integrate into its immediate setting, and would result in a cramped form of development. The proposed dwelling by reason of its location and design relates poorly to, and would overlook, the neighbouring dwelling private amenity space at No. 43 Seymour Road to the south and would be in a cramped relationship with the existing building at No. 45 Seymour Road, resulting in an overbearing and overshadowing presence harmful to the amenity of future occupants.

Cllr Kirk invited attention to a dismissed appeal for refused application 17/00160/OUT which was pursuant to a separate dwelling and related to similar issues.

Note for committee: Whilst every application must be tested on their own merits, officers are mindful that Cllr Kirk has specifically referenced the above 2017 appeal, and as such, the planning inspector's reasons for dismissing the outline appeal for a detached dwelling within the grounds of No.86 St Thomas Road on 15.12.2017 are listed below:

"10. The rear garden of no. 86 is stepped, with the rear part being at a slightly higher level than the area adjacent to the existing rear elevation and conservatory. As this is an outline application I do not have full details of the proposed new dwelling but its side elevation would be located in close proximity to the front garden of no. 2 Grasmere. However, as this is a large front garden and the main property is some distance further back I do not consider that it would have an overbearing effect on no. 2.

11. In addition, the proposed dwelling would be reasonably close to the common side boundary with no. 84. It would occupy much of the plot formed by the existing rear garden of the host property, and no. 84 has a rear garden of a similar length. Despite there being some separation distance between the nearest elevation of the proposed dwelling and the common side boundary with no. 84 I consider that the proposal by virtue of its prospective footprint and positioning would be likely to have an overbearing impact for the occupiers of no.84. There is also the potential for overlooking of the rear garden of no. 84. However, the degree of overlooking could potentially be made acceptable through the specific design of the dwelling and associated landscaping.

12. Although the proposal would result in a much smaller garden area for the host property I consider that it would still enjoy a reasonable amount of private outdoor space and thus the proposal would be acceptable in this regard. Due to the distances involved and the difference in levels between the proposed and host property I consider that the proposal potentially would have an overbearing effect on no. 86 and would also have the potential to give rise to an unacceptable level of overlooking for the occupiers of no. 86. Again, the degree of overlooking possibly could be reduced to an acceptable level through the detailed design of the new dwelling and the siting of suitable landscaping or boundary treatments.

13. The appellants have submitted a diagram to demonstrate that the proposed dwelling would accord in regard to no. 86 with the '25-degree rule' that is described in West Wiltshire District Council's Design Guidance House Alterations and Extensions Supplementary Planning Guidance, July 2004. I concur that based on this a suitable level of sunlight and daylight could be achieved.

14. It is difficult to fully assess the effect on the living conditions of the occupants of nearby properties without a detailed design. Nevertheless, it is likely that the harmful effect on the living conditions of the occupiers of nos. 84 and 86 in terms of overlooking and being overbearing would be greater if the proposed dwelling were two storeys in height.

15. Due to the relationship between the appeal site and the neighbouring properties, I consider that even if a single storey design option was chosen the proposal would be likely to have an overbearing effect that would unacceptably detract from the living conditions enjoyed by the

occupiers of no. 84 and to a lesser degree those of no. 86. Furthermore, the appellants have not provided sufficient evidence to adequately demonstrate that the proposal would be acceptable in this regard. As such, it would be contrary to paragraph 17 of the Framework and also to CS Core Policy 57 which seeks to ensure that development has regard to the compatibility of adjoining buildings and the amenities of existing occupants”.

The site plan for refused application 17/00160/OUT is shown below:



Wiltshire Council Highway Officer – No objection.

8. Publicity

Following the neighbour notification exercise, one third party objected on the grounds of overdevelopment and increased highway hazards at the intersection of Palmer Road and Seymour Road, especially due to the busy nature of the latter. Additional concerns were raised about loss of privacy and nuisance during construction.

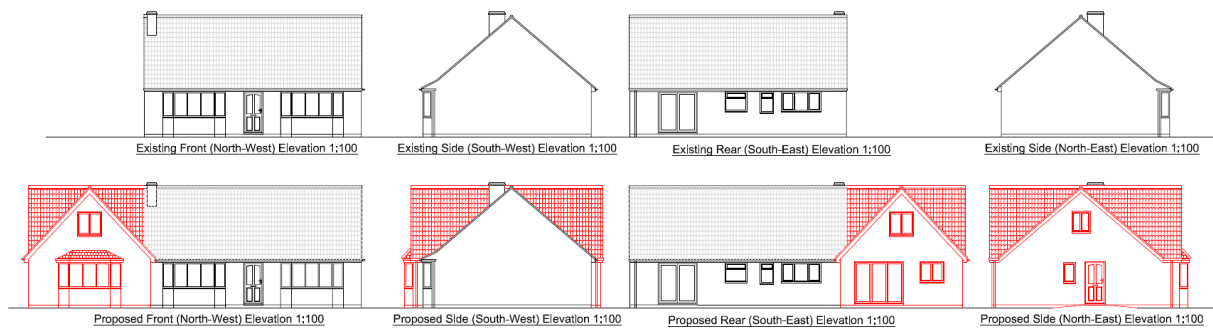
9. Planning Considerations

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

9.1 Principle of Development - The site lies within the settlement boundary of Trowbridge. Core Policy 1 and Core Policy 29 define Trowbridge as a Principle Settlement; and, Core Policy 2 identifies that within the limits of development, there is a presumption in favour of sustainable

development at, amongst others, Principle Settlements. The principle of development has therefore been established and the scheme complies with Core Policies 1, 2 and 29 of the Wiltshire Core Strategy.

9.1.1 Site Specific Considerations - The site was the subject to a recent planning application which was refused for a detached dwelling within the rear garden (see section 4 above). The current proposals seek permission to extend the existing dwelling to create a semi-detached unit and there would no longer be substantive overshadowing or overlooking concerns to neighbouring properties. The previously cited concern attached to the 2019 development being cramped with the rear-facing aspect of the existing dwelling at 45 Seymour Road would also no longer arise. The 2019 proposed double-storey detached building would have been out of keeping with the existing dwelling and the neighbouring street scene. The applicant now proposes to create a separate residential unit by extending the existing property as shown below which would create a continuous roofline – to which officers have no objection and would argue would be sympathetic to the host property and surrounding development, including the nearby dwelling positioned opposite – as shown in the photograph below - which has dormers and a side-facing window serving rooms to the roofspace.

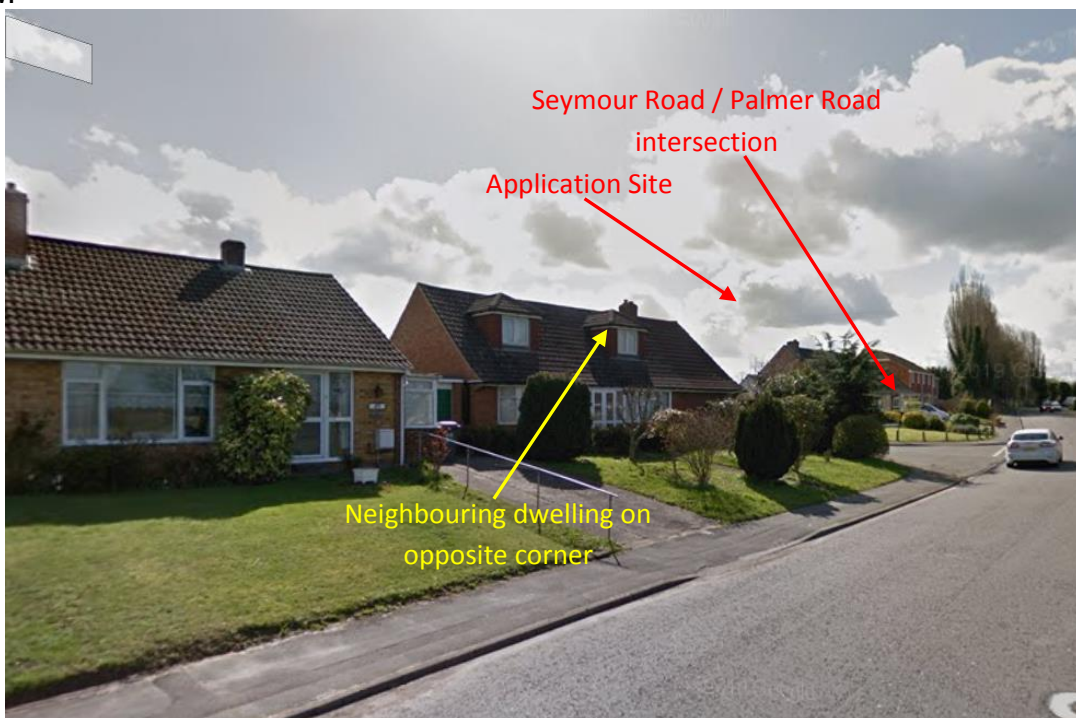


Officers are of the opinion that the cited reasons for refusing application 19/04777/FUL have been overcome. However, this fresh application must also be considered on its own merits to which the following commentary applies.

The subject property is located in a residential area where there is a variety of house types and construction materials with Palmer Road primarily comprising double-storey detached dwellings. Whereas, within the vicinity of the site along Seymour Road, there is a variety of dwelling types to the south, ranging from bungalows to double storey terraces and semi-detached dwellings as the following site photograph reveals.



To the north there is a row of bungalows, including a dormer bungalow as shown above and below.

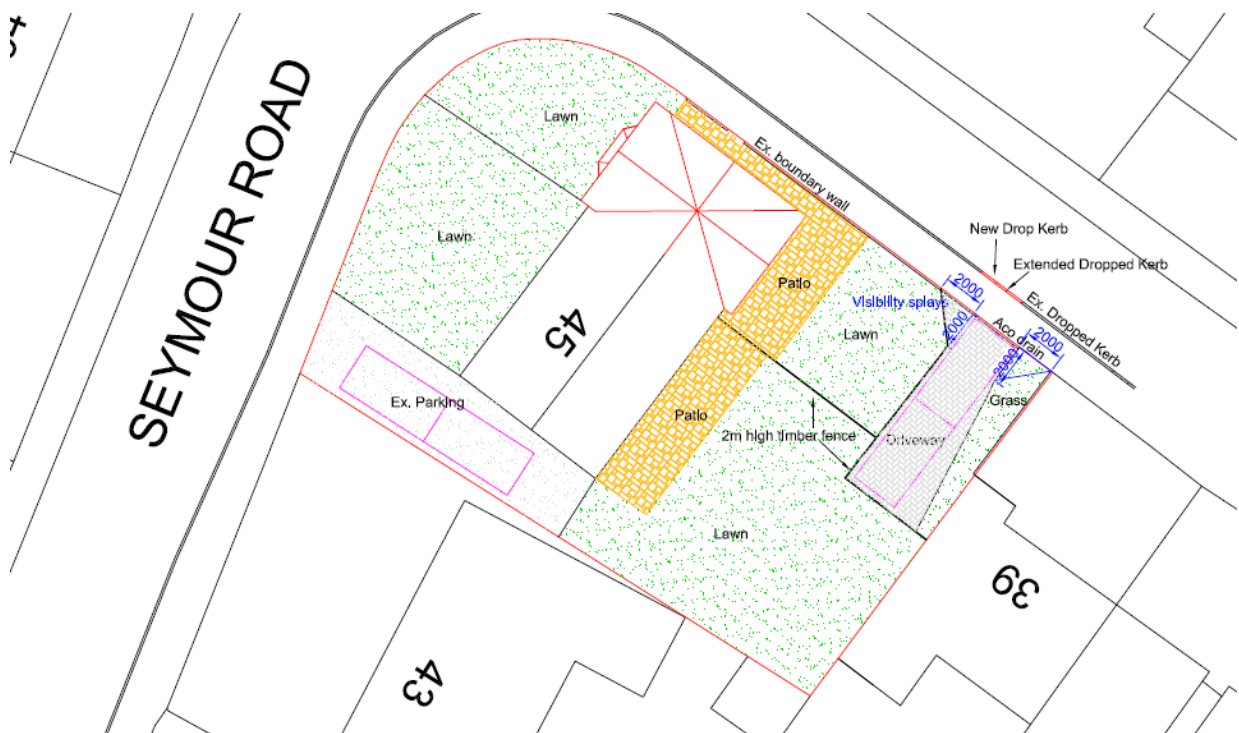


The site is not in a Conservation Area or location having any protected landscape designation. The proposals would create a new frontage and gable end that would face onto Seymour Road but would not be visually obtrusive or harmful.

It is noted that the Town Council has raised concerns about the proposed development relating poorly to and overlooking No.43 Seymour Road. Officers do not consider the development to harm No. 43 and there would be no windows overlooking No.43. The proposed rear elevation upper floor bedroom window would face across to the blank gable of No 39 Palmer Road – which is illustrated on the following photograph.



The proposed 2-bed dwelling would have its own dedicated amenity provision/ garden ground at the front and rear which are considered acceptable. Both the new and existing dwelling would be provided with two on-site car parking spaces which is acceptable to the Council's highway officer.



The 2017 cited appeal decision to which Cllr Kirk refers, for a detached dwelling within the domestic curtilage of a property at St Thomas' Road is not considered comparable to what is proposed at No.45 Seymour Road; and, as stated previously, every application must be tested on its own merits.

With regard to third party representation, officers do not consider the development would have unacceptable highway impacts and the new dwelling would have a private rear garden space including parking that would extend to 100m² with the depth of the garden, excluding the parking

provision measuring 9.4m - which is considered acceptable to serve the needs of the proposed 2-bed dwelling.

In view of the above, it is considered that no unacceptable neighbouring amenity issues would arise and the design is acceptable in this corner-plot context.

10 Conclusion (The Planning Balance)

The proposal would provide a new dwelling within a sustainable location in Trowbridge Development Limits, where new development accords in principle with WCS policy. The design is appropriate to the setting and street scene. No unacceptable harm would arise for neighbouring amenity or to highway safety.

RECOMMENDATION: Approve 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:

AH2020/42 Sheet 1 of 3 Registered on 30 April 2020
AH2020/42 Sheet 2 of 3 (Revised) Received on 3 June 2020
AH2020/42 Sheet 2 of 3 Registered on 30 April 2020

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

3 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter. The surface areas shall be so constructed as to prevent the flow of surface water from the site onto the adjacent public highway.

REASON: In the Interests of highway safety.

4 The materials to be used in the construction of the external surfaces of the new dwelling shall match those of the existing dwelling.

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

INFORMATIVE TO APPLICANT:

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

Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. 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



This page is intentionally left blank