

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge
Date: Wednesday 8 December 2010
Time: 6.00 pm

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

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

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

Membership:

Cllr Ernie Clark	Cllr Christopher Newbury
Cllr Rod Eaton	Cllr Graham Payne
Cllr Peter Fuller (Chairman)	Cllr Stephen Petty
Cllr Mark Griffiths	Cllr Jonathon Seed
Cllr Malcolm Hewson	Cllr Roy While
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Francis Morland
Cllr Trevor Carbin	Cllr Jeff Osborn
Cllr Andrew Davis	Cllr Fleur de Rhe-Philippe
Cllr Russell Hawker	Cllr Pip Ridout
Cllr Tom James MBE	

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 6*)

To approve the minutes of the last meeting held on 27 October 2010 (copy attached.)

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

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

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

6. **Planning Applications** (*Pages 7 - 8*)

To consider and determine planning applications in the attached schedule.

6.a **W/10/02695/FUL** (*Pages 9 - 14*)

Retrospective application for siting of a catering trailer - Riverside MOT Centre Bradford Road Melksham Wiltshire SN12 8LQ

6.b **W/10/03031/FUL** (*Pages 15 - 26*)

Application to renew planning permission W/05/00744/FUL to allow time to submit reserved matters pursuant to reference 98/01149/OUT - Land West Of Biss Farm West Ashton Road West Ashton Wiltshire

6.c **W/10/03311/FUL** (*Pages 27 - 36*)

New dwelling - Land Rear Of 11 And 15 St Marys Lane Dilton Marsh Wiltshire

6.d **W/10/03172/FUL** (*Pages 37 - 42*)

Demolition of existing rear extension and replacement with two storey extension, general repair and maintenance works to interior and exterior of existing listed building - 12 High Street Steeple Ashton Wiltshire BA14 6EL

6.e **W/10/03173/LBC** (*Pages 43 - 50*)

Demolition of rear extension and two storey rear extension - 12 High Street Steeple Ashton Wiltshire BA14 6EL

7. **Planning Appeals Update Report** (*Pages 51 - 54*)

To receive details of appeal decisions and appeals pending (see attached schedule.)

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

None

This page is intentionally left blank

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 OCTOBER 2010 IN COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Ernie Clark, Cllr Andrew Davis (Reserve), Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr Malcolm Hewson, Cllr John Knight, Cllr Francis Morland (Reserve), Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

186 Apologies for Absence

Apologies for absence were received from Councillors Graham Payne (substituted by Councillor Andrew Davis) and Christopher Newbury (substituted by Councillor Francis Morland).

187 Minutes of the Previous Meeting

The minutes of the meeting held on 6 October 2010 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 6 October 2010.

188 Declarations of Interest

W/10/01933/FUL – Councillor Malcolm Hewson declared a personal interest as he had on occasions frequented the premises.

189 Chairman's Announcements

There were no Chairman's Announcements.

190 Public Participation

The Chairman thanked everyone for attending the meeting. He then explained the rules of public participation and the procedure to be followed.

191 **Planning Applications**

The Committee considered the following applications:

191.a W/10/02908/FUL Extensions to hay barn and kennels, erection of porch to existing cabin and erection of an agricultural building - Littleton Stables Littleton Semington Wiltshire BA14 6LF

1. Mr Kirwen Cole, agent for the applicant, spoke in support of the application.
2. Mr Brian Smyth, Semington Parish Councillor, spoke in objection to the application.

Officers introduced the report which recommended approval, explained the application's history and drew the Committee's attention to the late list which contained additional comments.

During the debate that followed members of the Committee sought reassurance that the agricultural building would only be for agricultural use and sought clarification of the Planning Inspector's report.

It was therefore

Resolved

That planning permission be GRANTED

For the following reason(s)

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

Subject to the following condition(s):

1. The pig farrowing building development hereby permitted shall be begun before the expiration of three years from the date of this permission. All other developments, namely the extensions to the stable/workshop/kennels and former tractor shed shall be begun before the 12 January 2013.

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 and to reflect the temporary nature of some parts of the existing development.

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

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

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

3. The use permitted under planning permission W/09/00407/FUL dated 12 January 2010 shall be carried on only by Mr Adrian, Mrs Christine and Mr Lee Diment, and shall be for a limited period until 12 January 2013, or the period during which the premises are occupied by one or more of these named persons, whichever is the shorter, within 6 months of which all residential use shall cease; the touring caravan, industrial container 'B', kennels and extensions hereto shall be removed; the cabin shall be restored to the condition and appearance approved under planning permission 01/00008, dated 21 February 2001; and the land to which planning permission W/09/00407/FUL dated 12 January 2010 relates restored to its condition before the residential use commenced.

REASON: In order to protect the rural character of the area and define the terms of this permission.

Informative(s):

1. The development hereby approved is limited to that detailed in section 3 of the submitted application form, namely "extensions to hay barn and kennels, provision of a small porch to existing cabin, erection of an agricultural building" pursuant to the conditions attached herewith.

191.b W/10/01933/FUL Change of use of ground floor of former public house to residential - The Beehive 263 Trowbridge Road Bradford On Avon Wiltshire BA15 1UA

1. Mr James Honey spoke in objection to the application.
2. Mr John Feane spoke in objection to the application.
3. Mr A.R Meyrick-Carpenter, applicant, spoke in support of the application.
4. Mrs Jane Reeves spoke in support of the application.

Officers introduced the report which recommended approval and explained that a robust marketing exercise had taken place.

A debate followed during which the Committee expressed regret at the loss of a public house but most members of the Committee felt that in this case the size and location of the building would make it difficult to compete with nearby similar establishments and be a viable business.

It was therefore

Resolved:

That planning permission be GRANTED

For the following reason(s):

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

Subject to the following condition(s):

1. The development hereby permitted shall 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

3. The ground floor conversion hereby approved together with the upper floor accommodation of The Beehive shall be occupied as one dwelling unit.

REASON: The formation of a separate residential accommodation would not be appropriate.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H19.

Informative(s):

1. The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated 22 June 2010.

192 **Planning Appeals Update Report**

The Planning Appeals Update Report for September 2010 was received.

It was pointed out that there was an error in the report (page 33 of the agenda refers) and it should read as follows:

W/09/03287/OUT - Land Adjoining 14 Woodrow Road Melksham

The Inspector in allowing the appeal considered that the main issue was whether the erection of a 2 storey dwelling in the side garden of No.14 Woodrow Road would have an unacceptable impact on the amenities enjoyed by the occupants of Nos 33 and 34 Woodcombe.

Although he understood why members had been concerned about a possible loss of privacy he was of the opinion that this could be addressed by ensuring that there would be no overlooking of Nos 33 and 34 from any habitable rooms at first floor level. However no cost were awarded.

Resolved:

To note the Planning Appeals Update Report for September 2010.

193 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.25 pm)

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

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

This page is intentionally left blank

Agenda Item 6

Western Area Planning Committee

8 December 2010

Planning Applications for Determination

Item No.	Application No.	Location	Parish	Unitary Councillor
6.a	W/10/02695/FUL	Retrospective application for siting of a catering trailer - Riverside MOT Centre Bradford Road Melksham Wiltshire SN12 8LQ	Melksham (Town)	Rod Eaton (Melksham North)
6.b	W/10/03031/FUL	Application to renew planning permission W/05/00744/FUL to allow time to submit reserved matters pursuant to reference 98/01149/OUT - Land West Of Biss Farm West Ashton Road West Ashton Wiltshire	West Ashton	Francis Morland (Southwick)
6.c	W/10/03311/FUL	New dwelling - Land Rear Of 11 And 15 St Marys Lane Dilton Marsh Wiltshire	Dilton Marsh	Julie Swabey (Ethandune)
6.d	W/10/03172/FUL	Demolition of existing rear extension and replacement with two storey extension, general repair and maintenance works to interior and exterior of existing listed building - 12 High Street Steeple Ashton Wiltshire BA14 6EL	Steeple Ashton	Jonathon Seed (Summerham and Seend)
6.e	W/10/03173/LBC	Demolition of rear extension and two storey rear extension - 12 High Street Steeple Ashton Wiltshire BA14 6EL	Steeple Ashton	Jonathon Seed (Summerham and Seend)

This page is intentionally left blank

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	08.12.2010		
Application Number	W/10/02695/FUL		
Site Address	Riverside MOT Centre Bradford Road Melksham Wiltshire SN12 8LQ		
Proposal	Retrospective application for siting of a catering trailer		
Applicant	Ms Christine Wood		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham North	Unitary Member:	Rod Eaton
Grid Ref	389739 163955		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * In the interests of public debate.
- * Highway considerations

This application is on the fringes of several parishes and ward areas. It is therefore worthy to note that the adjacent ward member Councillor Mark Griffiths has also requested call-in of this application due to:

- * "Time. Continual lack of detail or completed applications."

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- * Highway safety, including access and parking provision
- * Flooding
- * Environmental Health
- * Visual appearance

3. Site Description

The application site is on the fringes of Melksham, accessed from the B3107 which runs between Melksham and Bradford on Avon via Holt. The site is within Melksham's Parish but immediately adjacent to the parishes of Melksham Without and Broughton Gifford.

The predominant land use in the vicinity and indeed within the application site is industrial and this defines the character of the site. However it is noted that to the south and west of the application site is open countryside with a very different appearance.

As this is a retrospective application the development for which permission is being sought is already present on site. This includes a change of use of land to allow the stationing of a mobile snack bar on the site with use of a small area around the trailer for tables and chairs and waste storage. In addition there is hard standing used for parking of vehicles.

4. Relevant Planning History

None

5. Proposal

This is a retrospective application for the stationing of a mobile snack trailer on the site for the sale of hot foods with ancillary areas of seating, waste storage and car parking being used in connection to this.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C32 Landscaping

C38 Nuisance

PPS1: Delivering Sustainable Development

PPG13: Transport

PPS25: Development and Flood Risk

7. Consultations

Melksham Town Council

No objection

Broughton Gifford Parish Council

"Broughton Gifford Parish Council viewed the application documents which it downloaded from the Wiltshire Council website since it was not automatically sent a copy, even though this site is virtually on its boundary. Whilst the Parish Council noted some of the comments made in respect of highway safety it has no objections to the application itself.

The Parish Council merely wished to ensure the applicant complied with planning policy just as everyone else has to. It was extremely disappointed with the apparent inability of Wiltshire Council to enforce compliance for an application to be submitted within a reasonable timescale. It took over 15 months on this occasion, whereby the business continued to trade unrestricted. Wiltshire Council seemed to be strung along for a considerable length of time on the promise that an application was in the pipeline, which perhaps should be addressed in a review of planning and enforcement policy.

The Parish Council thanks Mr Griffiths for calling this application in to the Planning Committee, as it will highlight the possible abuse of planning policy that can occur, to the detriment of the impression Wiltshire Council would prefer to project to the general public, most of whom are able to comply with relevant regulations as necessary."

Highways

Comments on 05.10.2010:

"Further to my email below and to our subsequent conversation, I have given further consideration to this application in the light of new advice from the applicant's representative, Mr Dennis Clarke, that there have been no accidents or incidents associated with the existing entrance whilst the facility tends to attract passing cars and light vehicles. He explained that an existing entrance, some 25m to the north, attracts a significant amount of commercial traffic and that the catering trailer, having more than 8 parking spaces, also serves the existing uses on the remainder of the site.

Whilst this new information is helpful to understand the application proposals, I remain of the view that the proposals would be unacceptable from a highway safety point of view and so recommend the reasons for refusal I have cited in my email below dated 22 September."

Original comments on 22.09.2010.

"It is apparent that the site has a permitted use associated with small-scale engineering/motor trades that generates a modest amount of daily traffic.

My concern is that the proposal, being road traffic-based, is likely to generate considerable additional vehicle movements at the site access onto Bradford Road, where the visibility splay to the south-west is limited to around 2.4m by 60m. This road is speed de-restricted with approach speeds from the south-west being in the region of 45-50mph. Such speeds would justify a visibility splay of 2.4m by 160m. In addition, the proposal is likely to increase the number of right turning movements into the site when there is no safe right turning facility available on Bradford Road and limited forward visibility to the south-west. The facility is also likely to encourage drivers of large vehicles to park on Bradford Road when using the facility, rather than attempt to enter and turn on the site. Finally, the potential for parking for the facility would reduce the space available for parking for the permitted use/s on the site.

As a result of the above considerations, I wish to raise a highway objection to the application citing the following reasons:-

- The increased use of the existing access, arising from the generation of additional conflicting traffic movements resulting from the development, would be prejudicial to road safety.
- The development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point.
- The proposal would result in the loss of on-site vehicle parking facilities and could therefore encourage parking on the highway with consequent risk of additional hazards to all users of Bradford Road.

Environment Agency

08.10.2010

No objection in principle to the retrospective application but wishes to make the following recommendation.

"We recommend that the applicant contacts the Emergency Planner at Wiltshire Council to discuss the scope and content of an emergency flood evacuation plan for the site. The final approval of this document will ultimately lie with the Council. We recommend that the applicant registers to receive our Floodline Warnings Direct service, who can be contacted on 0845 988 1188 or via our website."

Initial comment received on 05.10.2010

Policy objection to this proposal.

Environmental Health

No objections. Informative suggested to state that the applicant will need to register as a food business.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 6 October 2010

Summary of points raised:

* No comments received.

9. Planning Considerations

9.1 This application is a retrospective proposal. It is always regrettable to have a retrospective application, however the clear breach of planning regulations is not material to the determination of the case. It is stressed that the application, like any proposal, must be treated purely on its planning merits and this being a retrospective application is not in itself material.

9.2 Therefore the comments of Broughton Gifford Parish Council are noted, but ultimately they are a separate matter which needs to be addressed as feedback for this Council in handling enforcement matters.

9.3 The proposals are for a snack bar and it is noted that whilst the Environmental Health Officer has no record of this food business, and that has to be addressed again as a separate matter, they have no objection in principle to the operation. The EHO suggests no conditions in relation to this retrospective proposal.

9.4 The proposals would result in a very minimal visual impact on the context of this site's lawful employment and industrial use. Visually the proposals within the context of the area pose no planning concerns and are consistent with the surrounding area.

9.5 Turning to other matters, it is noted that the snack van has been sited in the functional floodplain (flood zone 3b) and is immediately adjacent to South Brook. This location is the highest level of flood risk as defined in PPS25. Unusually, when the level of flood risk is this high and the information provided is so limited, the Environment Agency has concluded to raise no objection to the proposals. It is detailed on the public file that the EA initially objected to the proposals on policy grounds, however they subsequently have confirmed that they have no objection and their first letter was sent in error.

9.6 Whilst it is accepted that the siting of the snack bar, in flooding terms, could not be substantially worse, taking a pragmatic view it is accepted that the rubbish storage, table and chairs, and fuel could easily be packed away and the snack bar towed away from the flood area in the event that flooding is likely. Moreover however is the fact that the experts on flood risk at the EA do not raise an objection. On the basis largely of the EA comments it is very hard to substantiate a reasonable flooding objection to the proposals.

9.7 Turning to the issue of highway safety, it is noted that the Council's highway officers do raise an objection to the development. Indeed even after discussion with a representative of the applicant and the case officer highway objection to the proposal remains. From verbal communications it is understood that a representative of the appellant has suggested a temporary permission be granted to allow an assessment of the actual highway safety risk. However planning officers would not advocate the use of temporary permissions to assess highway safety. Issues of highway safety do have genuine, immediate and potentially life threatening consequences. To allow what has been assessed by expert highway officers as being dangerous development to remain on an authorised basis to test the risks is not considered to be wise or reasonable. As such it would fail to meet the tests of a condition as detailed in Circular 11/95 which required a condition to be reasonable.

9.8 On the basis of the expert opinion of the highway officers as detailed in full above it is considered that the proposals are detrimental to highway safety. Furthermore in the event that the full potential of this brownfield site is made use of then the concerns of the highway officer would be exacerbated. For example planning permission exists of the site for more industrial units to be erected to the NE of the MOT garaging business, albeit it has not been implemented. Further on the same site a planning application is pending for the use of the site in connection with cement batching, an activity that has previously occurred on this land. All of these uses would increase the use of the existing access and parking facilities to which this application relates.

9.9 After careful consideration of all the planning issues relevant to the site, it is considered that this application should be recommended for refusal on the basis of all the concerns raised by the expert highway officers.

Recommendation: Refusal

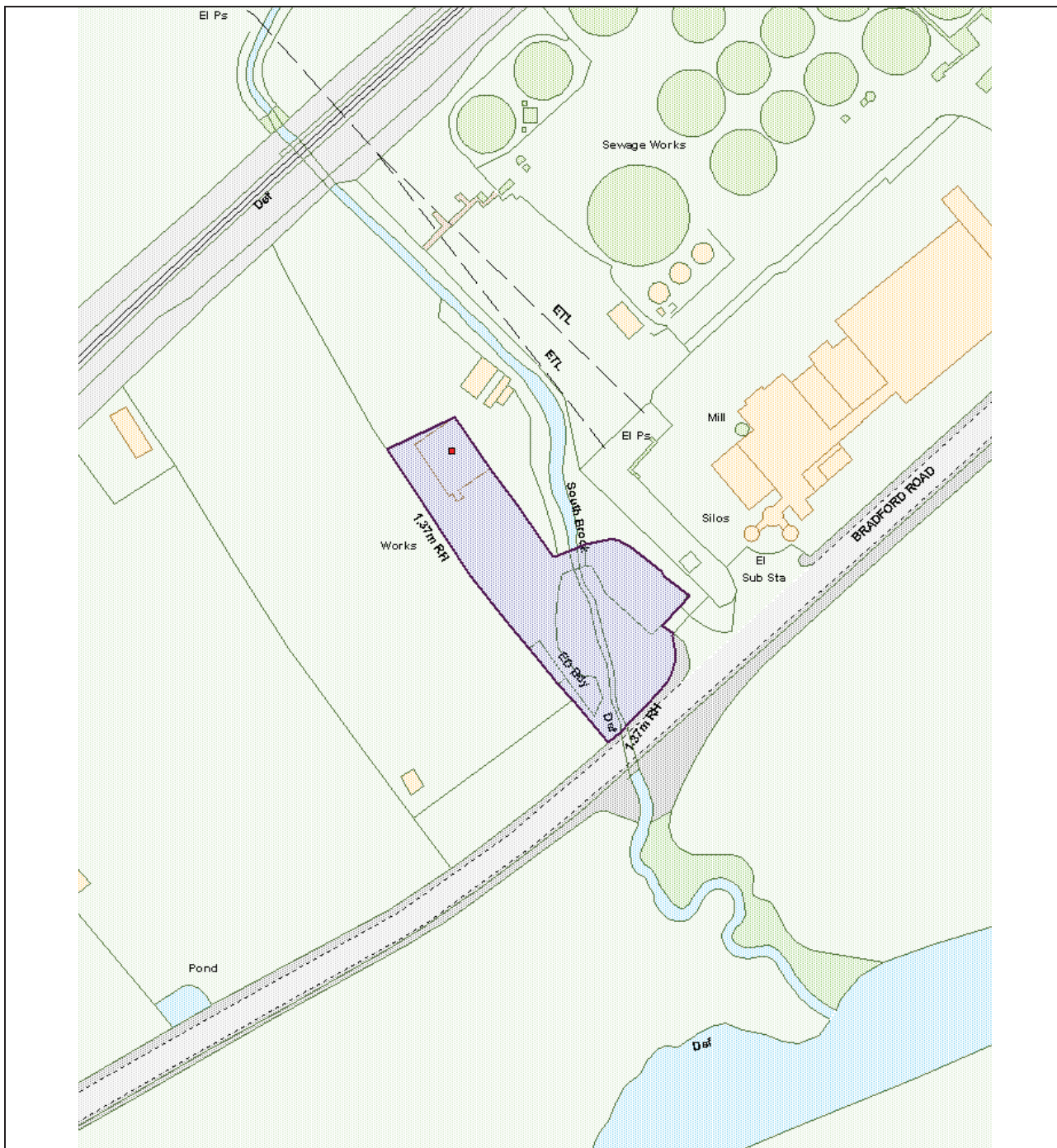
For the following reason(s):

- 1 The increased use of the existing access, arising from the generation of additional conflicting traffic movements resulting from the development, would be prejudicial to road safety.
- 2 The development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point.
- 3 The proposal would result in the loss of on-site vehicle parking facilities and could therefore encourage parking on the highway with consequent risk of additional hazards to all users of Bradford Road.

Informative(s):

- 1 In the event that the applicant is minded not to pursue this matter at a planning appeal they are advised that the catering trailer and all associated equipment including but not necessarily limited to tables, chairs, and waste storage facilities should be removed from the site with immediate effect; and the land returned to its original state prior to the commencement of development which was stated as being 14 June 2009 on the application form.
- 2 In the event that the applicant is minded to pursue this matter at a planning appeal they are advised that they need to register this mobile catering trailer as a food business with the Council's Environmental Health team who can be contacted on 01225 776655 or www.wiltshire.gov.uk.
- 3 In the event that the applicant is minded to pursue this matter at a planning appeal they are advised that the site is within an area designated as being at a high risk of flooding. They should consider their emergency flood evacuation plan for the site and register with the Environment Agency's Floodline Warnings Direct service who can be contacted on 0845 988 1188 or www.environment-agency.gov.uk.

Appendices:	
Background Documents Used in the Preparation of this Report:	



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office ©
 Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council
 Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : LOCATION PLAN received on 26.08.2010
 Drawing : OS PLAN received on 26.08.2010
 Drawing : BLOCK PLAN NTS received on 21.08.2010
 Drawing : BLOCK PLAN 1:200 received on 26.08.2010
 Drawing : PHOTO received on 21.08.2010

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	08.12.2010		
Application Number	W/10/03031/FUL		
Site Address	Land West Of Biss Farm West Ashton Road West Ashton Wiltshire		
Proposal	Application to renew planning permission W/05/00744/FUL to allow time to submit reserved matters pursuant to reference 98/01149/OUT		
Applicant	Persimmon Homes (Wessex) Ltd		
Town/Parish Council	West Ashton		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	386962 157248		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 5174 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

* Environmental/highway impact

1. Purpose of Report

To consider the above application and to recommend that an extension of time for a previously approved outline development under reference 98/01149/OUT be granted.

Neighbourhood Responses
35 letters of objection received.

Parish/Town Council Response
Objects to the development proposal for the reasons stated on page 3.

2. Main Issues

The main issues to consider are:

The main issue to consider is whether or not there have been any material changes to circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL.

3. Site Description

The land which is the subject of this application relates to 30 acres (12.1 hectares) of land at West Ashton Road, Trowbridge. The land is currently used for agricultural purposes but it is allocated in the adopted West Wiltshire District Plan as Site E1A - New Business Park. The site is roughly triangular in shape and is located on the eastern side of the public highway.

The adopted West Wiltshire District Plan identifies the site for future employment use following the former District Council's decision to grant outline permission in 1998. The Local Plan states that "the site is well related to the town, residential areas and the town centre, whilst not being so close as to

cause environmental or amenity problems. The site has no adverse implications for the interests of nature conservation. In particular the ancient semi-natural woodland of Biss and Green lane Woods. The site offers an excellent opportunity to provide an attractive landscaped site, integrated with the proposed country park and adjacent residential areas, which could cater for a wide range of employment uses."

"There are opportunities for good access to the main county road network and additional new road links are safeguarded in the Plan to eventually provide in future years a northern link through Paxcroft Mead and the Hilperton Gap to the Staverton Diversion, Bath and the A46/M4".

4. Relevant Planning History

On 8 October 1998 outline planning permission was granted for the development of land to the west of Biss Farm, West Ashton Road for employment uses B1, B2 and B8. All matters were reserved for subsequent approval under application ref: 98/01149/OUT.

Following this, permission was granted for 01/01617/FUL on 6 February 2003 via an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) for the continuation of the 1998 permission without compliance with the standard 3 year reserved matters period.

In approving 01/01617/FUL, the Council failed to specify the time limit conditions. Nevertheless, by virtue of Section 92/(3) of the Town & Country Planning Act 1990, the permission is deemed to have been granted subject to the standard 3 year period. Therefore, the 2003 permission granted on 6 February 2003 required that in the case of any reserved matter details needed to be submitted by 5 February 2006 (3 years after the 6 February 2003 permission).

In 2005, permission was granted on 7 June 2005 (under 05/00744/FUL) to vary Condition 1 and the deemed time limits covering phasing and the stated time period to submit reserved matters attached to 98/01149/OUT.

5. Proposal

As part of approving the 05/00744/FUL application, the former District Council agreed to specify that reserved matters needed to be submitted before the expiration of 6 years from the date of the permission i.e. before 6 June 2011. At the time, the Council accepted the applicants request for an extended time period for compliance in recognising that the development of the application site for employment development was [and remains] "fundamentally dependant" on the development of 550 dwellings on land south of Paxcroft Mead (Policy H11) [please note that under a separate application, discussions are ongoing about increasing the number to 650 - which would require committee approval at a later date] and the Hilperton Relief Road (Policy T5).

The applicants advise that gaining planning permission for these 2 developments, together with submitting and gaining approval of reserved matters is unlikely to be achieved by June 2011. The applicants seek to obtain an extended time limit of 5 years, compared to the standard 3 years, for them to submit the necessary reserved matters to the Council.

Under this application, permission is sought to allow an extension of time for the submission of reserved matters following on from the Council's decision to grant outline permission (98/01149/OUT) - an application which has been renewed twice under references 01/01617/FUL and 05/00744/FUL (both of which were section 73 applications).

In recognition of Section 73 (5) of the Town and Country Planning Act and the related Explanatory Memorandum and the advice issued as "Greater flexibility for planning permissions: Guidance, 2009", an application seeking a renewal of permission subject to new time limits is identified in Article 10B(1) (b) as separate and alternative to one made under Section 73; it is also explicitly recognised as a valid form of application by the amendments made to Article 4E dealing with application for planning permission. It therefore follows that a permission granted under these provisions would be granted under section 70 of the Act (like most permissions); it would not involve procedures, or result in a permission, under section 73.

The Guidance contained within the Explanatory Memorandum indicates that SI 2009 2261 is intended to introduce a new procedure for dealing with applications to replace an extant permission which meets specified criterion. Needless to say, this application must be treated as being a fresh application but crucially, it must also be determined in full acknowledgement that an existing, extant permission exist for the site.

Following the Council's decision to approve 05/00744/FUL, the previous Government made changes to the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order which came into force on 1 October 2009. The purpose of the amendment to the aforesaid Order was fundamentally based on adding greater flexibility to applicants and developers to apply for an extension of time to implement approved schemes during a period of continued economic decline. The Government recognised that during such a period, there has been a sharp downturn in the commencement of approved schemes and to avoid developers having to bare further costs and delays (if a fresh planning application was required), the Government made amendments to the GDPO. The fact that in this case and site, previous extensions have been granted, is irrelevant. Following the 2009 revision, the key points are:-

Has the development (previously approved) commenced?

Is the development (previously approved) extant (i.e. time limits have not yet lapsed)?

In this case, the answer to both points is no; and therefore, the Council must duly consider the planning merits of allowing an extension of time for reserved matters to be approved before development commences on site.

6. Planning Policy

Government Guidance

PPS1 - Delivering Sustainable Development

PPS4 - Planning for Sustainable Economic Growth

PPG13 Transport

Wiltshire Structure Plan 2011

DP4 Main Settlements

West Wiltshire District Plan - 1st Alteration 2004

E1A New Employment Allocations

T4B New Distributor Roads

7. Consultations

West Ashton Parish Council - Objects to the development proposal on the following grounds:

In the first instance we would like to refer to the planning permission granted on 7 June 2005 (W/05/00744/FUL). Due to the already severe congestion between West Ashton, Yarnbrook and Heywood it is essential that if any new permission is granted there should be no dilution of the requirements set out in paragraphs 11, 12, 13, 16 and 19 of the original permission.

Since the Westbury Bypass Inquiry some 18 months ago when approval for a bypass was not approved, no progress has been made in improving the road conditions along the A350. It is imperative therefore that before any work is commenced on the new Paxcroft Mead development or the development land the infrastructure proposals must be met.

Secondly we would like to refer to the Pegasus covering statement - Legal background to the application (page 2) - The original permission was given in 1998, this is now 2010, 12 years later. This application may accord with the criteria set out in the "Legal Background" section but there is no escaping the fact "NO" development has taken place in the 12 years since permission was granted. A reason given was because of the economic downturn, which we suggest only occurred in the past two to three years so is therefore not relevant.

We would also question why it is necessary to increase the number of dwellings from 550 to 650, almost a 20% increase. No mention has been made as to what impact this will have on the allocation of employment land, or the density of the proposed development.

In terms of timing (page 6) (ii), the applicants statement notes that "the HRR must be completed within 4 years or the completion of 450 houses at East Trowbridge". Why is this an option? It appears to afford the developer the opportunity to build 450 houses in 4 years and the HRR may or may not be built at all. In terms of the applicants last paragraph - "In order to take account of the delays ...etc", the Parish Council suggest that this should be rejected since after 12 years of apparent inactivity it seems perfectly reasonable that the developer should commit.

The Parish Council consider that the increase from 550 to 650 dwellings, almost a 20% increase with no explanation whether this is density or reallocation of employment land in reality amounts to a significant material change, for which an explanation is required before any further planning permission is granted.

In summary the Parish Council concludes that this application seeks to extend the permission whilst adding a significant number of dwellings (100). It suggests an "or" condition for infrastructure i.e. roads. Therefore approval should be subject to a firm infrastructure condition of activity and timescale compatible with the dwelling timescale. Clarification of where the land is reallocated for the extra 100 houses and the permission time extension approved if work commences to improve the road infrastructure before the housing and employment development is undertaken.

Highways - No highways objection to extension of time of application 05/00744/FUL.

Environment Agency - No objection to the renewal of application 05/00744/FUL

Wessex Water - No comments. An informative necessary.

Spatial Planning - The proposals for this site are incorporated into the existing adopted West Wiltshire District Plan, First Alteration 2004 as allocation E1A. The delivery of this site is linked to residential development to the east of Trowbridge (allocation H11), which in turn will enable delivery of the West Ashton distributor road (to the east of the E1A allocation) and the Hilperton Relief Road (allocation T5A).

The case made by the developer relating to the current downturn in the housing market and the need for the viability of the proposed residential development to be revisited appears to be compelling. Delivery of this, and associated sites listed above, are considered to be very important for the future of Trowbridge. On this basis there is a clear planning policy precedent to support development on this site. There are no policy objections to the application. Further background information is provided below which may help to give some useful context to how the above application can contribute to the wider, strategic future of Trowbridge.

Work is underway to prepare the Wiltshire Core Strategy, which will replace the West Wiltshire District Plan and provide a strategic policy framework for Wiltshire up to 2026. A document entitled 'Wiltshire 2026 - Planning for Wiltshire's Future' was published for consultation in the autumn of 2009. This included proposals for future strategic housing and employment growth in the main towns across Wiltshire, including Trowbridge. A preferred location for strategic development was set out in this document for Trowbridge, which consisted of land to the south and south east of the town, either side of the West Ashton Road. This preferred location for growth also incorporated the site which features in this application. The identification of this site followed intensive assessment of all available sites around the town and also took into consideration any consultation responses from earlier stages of the plan making process. Overall, a good level of support for this proposal was received through the consultation responses and through a workshop held with key local stakeholders. This meeting included representatives from the Town Council, Chamber of Commerce, Economic Partnership, Local elected Councillors and others.

The proposed strategic development of this site is considered to represent the most appropriate location to accommodate growth in Trowbridge to provide for the medium and long term needs of the town. The future development of this site would deliver a number of benefits to the town.

Work is also under way to prepare a master plan for Trowbridge Town Centre. This is focused on regenerating a number of brown field sites in the town centre and strengthening the quality of the town, providing additional employment, improved retailing, centrally located housing, improved public transport connectivity and contributing to improved infrastructure and facilities for the town. This work is being prepared alongside the Core Strategy and it is considered that both of these planning tools are essential to ensure the aspirations of Trowbridge residents can be delivered.

The Trowbridge master plan is being driven by the Trowbridge Vision Board. The responses to Wiltshire 2026 included the clear messages that the town needed to grow (and many responses supported increasing the level of growth to that proposed), providing a significant increase in employment land allocated and providing for job creation, and improving infrastructure delivery. In particular improvements to the A350 interchange at Yarnbrook was called for. The evidence from the Wiltshire 2026 consultation and the consultation undertaken through the Trowbridge Vision work indicates that there is a clear appetite for growth and for improvements to infrastructure, facilities and employment growth in the town.

8. Publicity

The application was advertised by site notice / press notice / neighbour notification.
Expiry date: 29 October 2010

Summary of points raised:

35 individual letters of objection received raising concerns about :

KEY PLANNING OBJECTIONS:

building work would result in a negative effect in terms of noise and increased traffic on West Ashton Road causing gridlock at busy periods;
impact on wildlife - where will deer, kestrels and bats go if the site is developed;
erosion of green buffer between Trowbridge and West Ashton;
loss of valuable agricultural land;
lost views of superb open countryside;
building on green field land and cutting down all the trees;
risks of health and safety of local residents;
is a b8 use appropriate so close to a residential area_
drainage concerns and potential affect on surrounding land;
the Government abolished the Regional Spatial Strategies and the Trowbridge Preferred Option Plan, as consulted upon in November 2009, should also be abolished;
how can one survive without employment?
shortage of hospital beds and school places and job vacancies;
doctors surgeries are already struggling to cope to meet demand;

ALTERNATIVE SITES:

why not develop a Brownfield site - there are plenty to choose from in Wiltshire, such as the old camp site at Keevil, the Spitfire retail park, the White horse business park and West Wilts trading estate as well as the unfinished site on the A350 near Melksham;
there is ample empty business premises elsewhere - is there any need for another business park / industrial estate?
building on the edge of town will exacerbate the "doughnut effect" leaving Trowbridge town centre to stagnate further. A town centre first approach should be taken;

HOUSING RELATED OBJECTIONS:

there is no requirement for the new housing. It is completely unnecessary. There are many houses and flats empty in Trowbridge, why do we need more_
housing building in the future will be market based, which will result in less homes being built in Trowbridge, which in turn will mean less need for new employment;
lack of local support for this development - does the proposal meet the context of the new localism approach which is being heralded by the coalition government;

DELAYS:

After 12 years since the original permission, there has been no forthcoming reserved matters which suggests that there is no interest or commitment to the project by the developers; when the original outline approval was granted it was on the premise that improvements will be made to the A350 roundabout and the bypass. This scheme has clearly been abandoned; why does the Council want to extend the urban settlement of Trowbridge? the economic position of the country has changed and this needs to be taken into account;

LOCAL PETITION:

In addition to the above individual letters, a signed petition objecting to the development has been submitted and signed by 119 individuals.

9. Planning Considerations

9.1 The main issue to consider is whether or not there have been any material changes to circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL.

Fundamentally, it is essential to note that the application proposal is consistent with Development Plan Policy. The site continues to be allocated for employment development (defined as Policy E1A). Indeed, the comments from the Council's Spatial Planning section re-enforce the point that the site is an integral part of the future development of east Trowbridge, and the Town as a whole. The Council has repeatedly recognised that the delivery of strategic employment development continues to be dependant upon two other strategic Local Plan allocations coming forward, namely:-

The residential development on land south of Paxcroft Mead (Policy H11) - the site known as East Trowbridge Development; and Paxcroft Mead and Hammond Way Link Road (Policy T5) - the road known as Hilperton Relief Road.

In addition, there is recognition that it is difficult to market and develop employment land until it is accessed and serviced with the necessary infrastructure in place. At the same time, the land to the north of the site is subject to an outline application which will seek to gain Council approval to increase the number of houses to be built from 550 to 650 (reference 04/02105/OUTES) which is still subject to section 106 negotiations which include agreeing the mechanisms for affordable housing and securing grant funding and recognising the changing economic conditions. Once the principle of residential development at land East of Trowbridge has been agreed and the scheme is implemented, a new roundabout junction at the top of West Ashton Road and distributor road would be provided (as they are agreed prerequisites for any employment development at this identified site labelled E1A in the Local Plan). This infrastructure would facilitate the servicing and opening up of the business park and enable effective marketing and the promotion of the employment site.

A wide selection of objections have been received, however, the Council has previously taken on board the issues raised. Infrastructural concerns can all be covered through planning conditions. Some locals raise concern about lack of jobs. Once granted and implemented, this site would deliver such jobs. Other concerns and objections relate largely to the principle of the development, which has clearly been established by the Council through approving previous renewals as being of great importance to the future development of Trowbridge. The comments received from the Council's spatial planning team highlight the importance of this adopted employment site.

Whilst the applicants 8-page supporting statement explains their reasoning behind applying for a planning renewal, it has resulted in attracting quite substantial local objection to a separate residential development site. To clarify matters and to alleviate any local concern, the site subject to this application would not involve any new housing. As stated within the applicants own submission, they are currently still in discussions with the Council to seek approval for an extra 100 houses on a separate, but policy linked site. For the avoidance of any doubt, the final decision to grant such an extension would rest with Elected Members.

In order not to prejudice any such decision, Members are advised that this renewal application should only be determined on the following:

1. Is it acceptable to the Council to allow an extension of time for an extant permission which the Council has identified as being of strategic importance to be developed as a business park and in the fullness of time, to provide jobs?
2. Are the attached conditions associated to 05/00744/FUL still appropriate / robust ?

In answering point 1 above, it is necessary to note that there have been no material changes to the site circumstances that would indicate a need to re-visit the decision made in respect of application reference 05/00744/FUL. There have been no relevant planning policy changes since this scheme was granted planning permission on 7 June 2005. The significant and wide reaching rapid economic downturn on a global scale is a material consideration worthy of note.

It is also true to say that the development of this employment site strongly relies upon the approval and implementation of the residential scheme at land East of Trowbridge (the Persimmon Homes site) and the completion of the Hilperton relief Road. A strong case has been made that the above two developments are at least 4 years away from completion and thus a condition allowing an extension of time for 5 years to submit phased reserved matters for the employment site is considered reasonable and justified.

In response to point 2 above, the conditions as attached to application 05/00744/FUL are sound, but some do require revision to make them more robust and precise. Others require revision to ensure that the terms of this permission does not stymie undertaking infrastructure improvements as required by policy.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

- 1 Approval of details of the siting, design and external appearance of the building(s), means of access thereto and the landscaping of the site ("the reserved matters") in each phase of the development shall be obtained from the local planning authority in writing before any development in that phase is commenced.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 2 i) Application for the approval of reserved matters shall be made to the local planning authority before the expiration of 5 years from the date of this permission;
 ii) The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matter(s) to be approved, whichever is the later.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 To enable the local planning authority to ensure that each phase of the development, when carried out, is complete and incorporate every appropriate and necessary ancillary feature, the

details submitted pursuant to condition 1 above, shall include a phasing programme linked to highway and infrastructure improvements with each phase subsequently agreed with the local planning authority. Once implemented, each agreed phase shall be carried out in full accordance with approved plans (pursuant to condition 1), prior to any building being brought into use.

REASON: In order to define the terms of this permission.

- 4 In order to ensure an appropriate mix of uses in accordance with the objectives of the Development Plan, and the employment requirements of the area, each phase of development shall provide that not less than 70% of the gross floor space of any subsequently approved building(s) and an equivalent proportion of related open space shall fall within B1 or B2 Use Classes as defined with the Town and Country Planning (Use Classes) Order 1987.

REASON: In order to define the terms of this permission.

- 5 To ensure a satisfactory landscaped setting for the development, the site shall be landscaped in accordance with a landscaping scheme which shall be subject to the prior approval of the local planning authority and shall be carried out concurrently with each agreed phased stage of the development. The approved scheme for each stage shall be implemented in the first appropriate planting season of the implementation of the stage using trees and shrubs of approved species and height and be maintained thereafter for a period of not less than five years. Any tree and shrubs which fail within that period shall be replaced with the agreement of the local planning authority and be subsequently maintained for a further period of five years.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan Policy C32 and C40.

- 6 To reserve control of the local planning authority over the external materials of construction and to ensure that the appearance of the buildings is in keeping with the established local character, a schedule of the external materials to be used in the construction of all building(s) shall be submitted to and approved by the local planning authority prior to any building(s) being constructed on site.

REASON: In order to define the terms of this permission.

- 7 In the interests of flood prevention, no development pursuant to the erection of any building(s) shall be commenced until a scheme of positive surface water drainage to the River Biss has been designed, agreed by the local planning authority, and constructed to the satisfaction of the Council. Such a scheme shall include for the provision of sheet run-off from the site to be discharged via a new drainage ditch from the site to the River Biss.

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

- 8 In the interests of flood prevention, no development pursuant to the erection of any building(s) shall be commenced until a scheme of realigning the Blackball Brook and the regarding of the floodplain has been designed, agreed by and completed to the satisfaction of the local planning authority. Such works shall make provision for future maintenance access to the brook and subsequently no development shall take place within 30 metres of the Brook.

REASON: In the interests of flood prevention.

POLICY: Government Guidance PPS25 - Development and Flood Risk.

- 9 In the interests of pollution control, no development pursuant to the erection of any building(s) shall be commenced until a scheme showing the location of all areas required for the open storage of goods, materials and wastes has been submitted and agreed in writing by the local

planning authority. All vehicle parking areas, service areas and yard spaces shall be constructed of impermeable materials and suitably sized oil/chemical/petrol interceptors shall be incorporated in related surface water drainage systems.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 10 In the interests of pollution control, all oil or chemical storage tanks shall be surrounded by an impervious bund with a retention capacity of at least 110% of the largest tank within the bunded area and no working connections shall be made outside the bunded area. Waste oils and chemicals shall be collected and disposed of in an approved manner and no waste oils or chemicals shall be discharged to any drainage system.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 11 In the interests of highway safety, there shall be no vehicular access to the employment site other than via a new roundabout on the West Ashton Road.

REASON: In order to define the terms of this permission.

- 12 The details of access to the site (pursuant to condition 1 above) shall include a distributor road between the site access roundabout on the West Ashton Road and the north-eastern boundary of the site on a line and level to be agreed with the local planning authority. There shall be no direct frontage access to the distributor road, and no more than two side road junctions onto the distributor road.

REASON: In order to define the terms of this permission.

POLICY: West Wiltshire District Plan Policy T4

- 13 To secure the necessary highway works/infrastructure improvements to accommodate the needs of additional traffic generation, no development pursuant to the erection of any building(s) shall commence until a scheme of works for widening of the West Ashton Road, improving Yarnbrook Roundabout and Blackball Bridge, and providing for the completion of a road link from the West Ashton Road to the north-eastern boundary of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed phasing programme relating to the progress of the works to occupied floor space on the site. All highway works/infrastructure improvements shall be carried out in full accordance with the approved scheme.

REASON: In the interests of highway safety.

POLICY: Government Guidance PPG13 - Transport.

- 14 To ensure that the extension of the distributor road is not prejudiced by the failure to complete the part of the works within the site in a reasonable timescale, no more than 20,000 square metres of gross floor space on the site shall be occupied until arrangements securing the completion and adoption of the distributor road to the north-eastern boundary of the site, have been submitted to and approved in writing by the local planning authority.

REASON: In order to define the terms of this permission.

POLICY: West Wiltshire District Plan Policy T4

- 15 To ensure safe access to the site, no development, other than that relating to site earthworks, drainage, landscaping and access works shall be commenced until the roundabout, indicated in

outline on drawing no. FP 089/3 Rev E, has been completed with the written approval of the local planning authority.

REASON: In the interests of highway safety.

- 16 In the interests of highway safety and to encourage transport modes other than the private car, no building(s) shall be occupied until the following provision has been made for pedestrians and cyclists:

i) a pedestrian crossing on the West Ashton Road at the western extremity of the site;
ii) a footpath/cycleway route linking the pedestrian crossing on the West Ashton Road with the proposed Eastern Distributor Road and the proposed Biss Meadows Country Park;
iii) other footpath/cycleway routes connecting to ii) above to provide access through the rest of the site. Such provisions shall be in accordance with details that shall have first have been submitted to and agreed in writing by the local planning authority before any work commences on site in connection with the development hereby permitted. Development shall take place in full accordance with these approved details.

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

POLICY: Government Guidance PPG13 - Transport and West Wiltshire District Plan Policy T11 and T12.

- 17 In the interests of highway safety, the field accesses shown at points D and E on drawing no. FP 089/3 Rev E shall be permanently stopped up and replaced by a single agricultural access shown at point F prior to any building on the site being occupied, in accordance with details to be submitted to and approved by the local planning authority.

REASON: In the interests of highway safety.

- 18 To prevent pollution of the water environment, details of a scheme for the provision of foul drainage works shall be submitted to and approved by the local planning authority before any development pursuant to the erection of any building(s) is commenced on site. Once approved, the scheme shall be completed in full accordance with the agreed scheme, or as otherwise agreed in writing by the local planning authority.

REASON: To prevent pollution of the water environment.

POLICY: Government Guidance PPS23 - Planning and Pollution Control.

- 19 In order to protect the visual amenities of the area, the submission of landscaping details as required by condition 5 above, shall include a 30 metre landscaping buffer around the site which shall require the prior approval of the local planning authority prior to the erection of any building(s) on the site. The prior approval of the local planning authority will also be required in terms of the phasing and future maintenance of the landscaping buffer for the lifetime of the development.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan Policy C32.

- 20 To ensure adequate parking and servicing provision is available at the time future uses are commenced, detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the local planning authority before any development pursuant to the erection of any building(s) commences on site. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking and landscaping of car parking spaces and serviced areas where appropriate and full details of their method of construction. All works referred to in this condition

shall be completed and the parking/servicing areas shall be available for use before the completed premises are occupied.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan Policy T10.

- 21 In order to protect the visual amenities of the area, the submission of details as required by condition 5 above, shall include a plan indicating the location of all trees and hedgerow along with a schedule identifying each species.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan Policy C32 and C40.

- 22 In order to protect any wildlife interest on the site, prior to the commencement of any development on site (i.e. building work or infrastructure improvements), an ecological survey shall be carried out to establish the presence of any protected species on or immediately adjacent to the site, the level of any identified population and the extent their habitat. The survey results and any necessary mitigating measures to avoid causing harm to any protected species shall be submitted and approved by the local planning authority. Details submitted pursuant to condition 19 above shall, as appropriate, include any necessary measures to safeguard any protected habitats and species found on site. Following the approval of such details, any agreed mitigation shall be implemented on site in accordance with an agreed timetable and phasing, as appropriate.

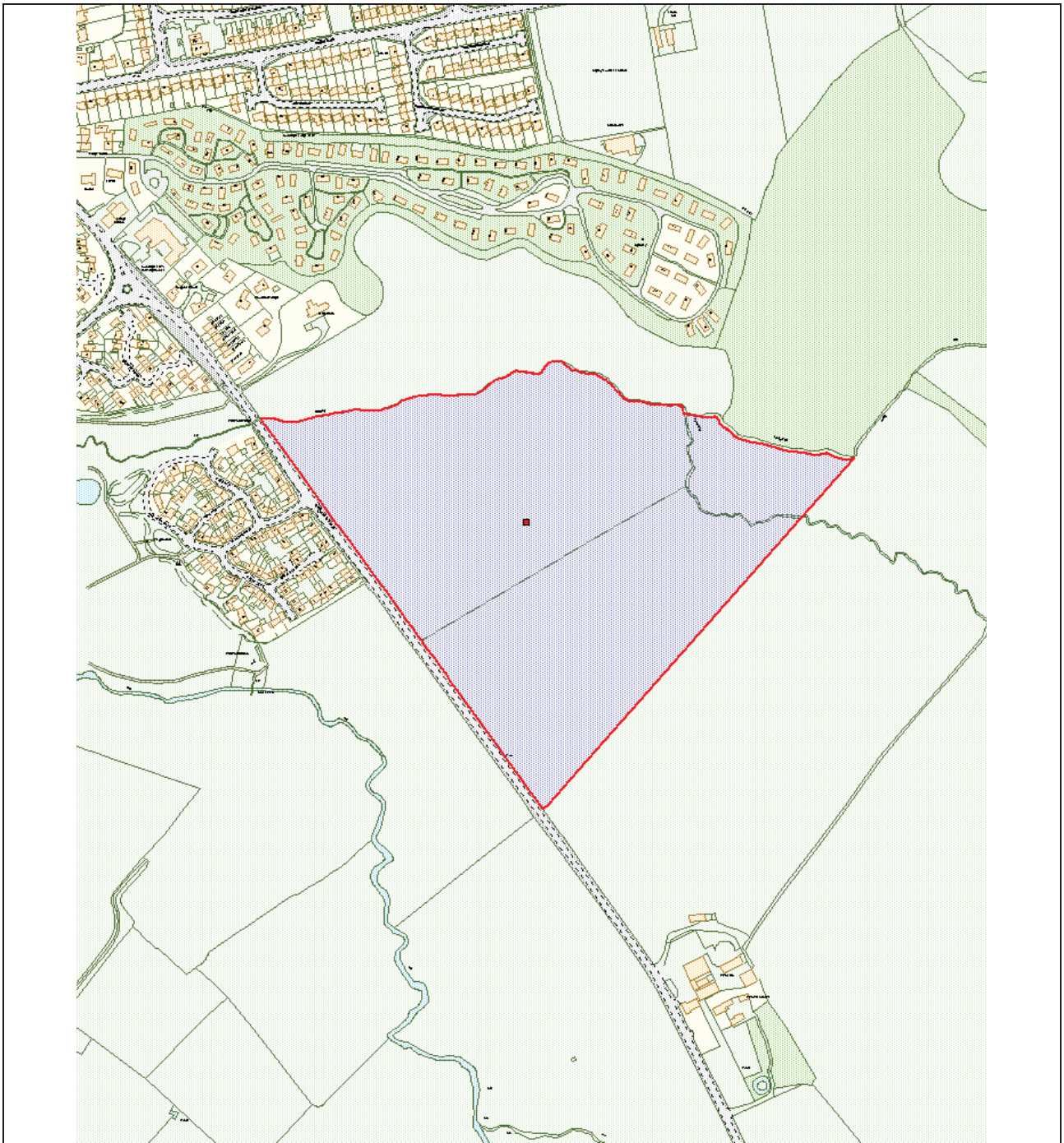
REASON: To mitigate against the loss of any existing biodiversity and nature habitats.

POLICY: Government Guidance PPS9 - Biodiversity and Geological Conservation.

Informative(s):

- 1 Prior to any commencement of development on site, the applicant/developer is advised to contact Wessex Water to agree future connections to the public water and foul drainage systems.

Appendices:	
Background Documents Used in the Preparation of this Report:	



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office ©
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council
Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : P.0639_01 SITE PLAN received on 21.09.2010

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	08.12.2010		
Application Number	W/10/03311/FUL		
Site Address	Land Rear Of 11 And 15 St Marys Lane Dilton Marsh Wiltshire		
Proposal	New dwelling		
Applicant	Mr Lindsay Young		
Town/Parish Council	Dilton Marsh		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	384976 150035		
Type of application	Full Plan		
Case Officer	Mrs Judith Dale	01225 770344 Ext 5245 judith.dale@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

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

1. Purpose of Report

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

Neighbourhood Responses

The application was advertised by site notice and neighbour notification. Seven letters of objection have been received on the following grounds:

- the inadequacy of the existing road to accommodate additional traffic
- additional parking within the access road
- inadequacy of the current drainage system
- excessive size of the proposed dwelling for the size of plot
- development is out of keeping with others in the area
- development would affect existing property values
- large size of rear windows and consequent loss of privacy
- the applicant has not consulted with adjacent owners as stated
- the footprint is significantly larger than the existing outline consent
- the loss of vegetation and trees
- there is an underground stream within 20 metres of the site

One letter has been received raising no objection to the design of the house but commenting that a 5 bed property is too large and that boundary screening should be retained as far as possible.

A further letter has been received from a local member identifying inaccuracies with the accompanying Design and Access statement, the inefficient use of the site, no reference to the watercourse close to the site; the excessively large size of the proposed dwelling.

Parish Council Response

The Dilton Marsh Parish Council objects to the development on the following grounds:

“- The proposed building is massive and its design, style and dimensions make it grossly incongruous with the existing properties in that area. It is overdevelopment and would be an alien feature on the landscape.

- The area is prone to flooding and the addition of a new building of that size will exacerbate the existing flooding problem and would, itself, be a casualty.

- The existing sewage drainage system including the local ‘pumping station’ is currently inadequate to deal with present demands – the flooding referred to often contains raw sewage - and a new building will exacerbate the existing problem

- There is a watercourse passing under or close to the site, and there is no information shown in the application as to the route of the culvert through which it runs nor whether it is of sufficient size and depth. Indeed, it is possible that neither the present applicant nor those advising him are even aware of the existence of the culvert in question.

- The removal of trees would destroy the existing woodland on the site – a valuable wildlife area

- There is no Right of Access – putting a gate in a hedge does not give right of access. A gate was erected in the hedge leading to Dutts by the trustees of a/the previous owner a couple of years ago. This does not entitle right of access and the gate has not been used as such, since its erection.

- The highway in Dutts was not built for heavy traffic. In fact it is a narrow access road leading to the homes in this area, with a turning head at the end, in which the residents of the maisonettes have to park their vehicles. The Dutts is neither wide enough nor sturdy enough to cope with construction traffic to such a site.

- There has been no consultation with local residents – although the application suggests otherwise.”

2. Main Issues

The main issues to consider are:

- the principle of the development
- design considerations
- highway and access considerations
- impact on adjoining amenity
- landscape considerations
- drainage and other matters

3. Site Description

The application site comprises an L-shaped area of land, approx 0.08ha, to the rear of nos 11-15 St Marys Lane. It has a direct frontage of approx 36m onto the Dutts, a modern cul de sac of 2 storey and single storey dwellings which parallels St Marys Lane. The site is generally level and grassed with mature hedging around the boundaries and effectively hidden by a substantial screen of trees behind an existing 2m highway verge.

The site is located within the village boundary limit of Dilton Marsh with no additional planning constraints.

4. Relevant Planning History

08/01910/OUT – Erection of new dwelling – Permission – 02.09.08

5. Proposal

This application is a detailed scheme for the erection of a detached 5 bed dwelling with attached double garage. The submitted details show a symmetrical 2 storey property with 2 no projecting front gables under pitched gabled roofs and a linked detached garage, also under a pitched roof, to the side. Proposed materials are red brick with a string course detail at garage eaves level, concrete interlocking tiles for the roof areas and uPVC doors and windows.

A new vehicular access to the site is proposed across the existing grass verge and a 24m long, 1.2m wide footpath laid as an extension to the existing footpath along the site frontage. The rear edge of this new path was originally to be delineated by a new low brick wall, but is now to be marked by the existing hedge which is to be retained .

6. Planning Policy

West Wiltshire District Plan 1st alteration 2004

H17 Village Policy Limit

H24 New Housing Design

C31 Design

C38 Nuisance

U1a Foul Water Disposal

U2 Surface Water Disposal

PPS1 Delivering Sustainable Development

PPS3 Housing

SPD Residential Design Guide

SPG Design Guidance – Principles

7. Consultations

Dilton Marsh Parish council

Objects to the proposal as reported above

Highways

No objection subject to conditions relating to the consolidation of the access, parking area and footway, and a scheme for the discharge of surface water.

Wessex Water

Comments that the developer will need to agree appoint of connection to Wessex infrastructure for the disposal of foul flows, surface water and water supply; the developer should check with Wessex to ascertain whether there may be uncharted sewers or water mains within the site.

8. Publicity

See above

9. Planning Considerations

9.1 The principle of development

The principle of a development of one single dwelling on this site is clearly acceptable:

- The site is located within the village boundary limit for Dilton Marsh where new housing will be permitted subject to it being in keeping with the character and appearance of the area; it not comprising backland development; it not resulting in the loss of an important open space or a visual gap, it not giving rise to flood risk or highway problems. While these criteria will be examined separately in greater detail, the principle of this development is in accordance with H17

- Outline permission for a single dwelling was granted under 08/019190/OUT and is still extant – although the current application site varies slightly in terms of boundary lines, the substantive development site remains unaltered and there would appear to be no reason to now re-visit the principle of development on this land.

- While the development at approx 13 units per hectare is clearly inefficient in terms of density, the outline permission was granted within the context of PPS3 which, at that time, required development to be at a minimum of 30dph. Notwithstanding that a single dwelling was permitted contrary to that advice, the recently amended PPS3 (June 2010) has now removed these density requirements and there could be no justification for now requiring a higher density in the light of less onerous current guidance.

- While the amended PPS3 now excludes private residential gardens from the definition of previously developed land where there would be a presumption in favour of development, the current site has the benefit of an extant permission and is clearly within the village boundary where the principle in favour of development still remains.

9.2 Design considerations

The proposed development is for a 5 bed 2 storey dwelling with double garage, and occupying much of the width of this site. This scale of development has attracted a deal of local objection and is one of the reasons for the application being called to the Committee for determination.

There is no question that the proposed dwelling is large, but in determining the application, the planning considerations must be that the development would either be contrary to policy or would give rise to some form of acknowledged harm. Within that context, the following points are relevant:

- The outline permission clearly indicated a large 2 storey dwelling with an attached double garage on its western side, and an overall width of 20m; the current proposal shows a development of similar form and layout, of identical width.

- The outline permission showed a total ground floor footprint of 141 sq ms, and indicated an overall floor area of 260 sq ms; the corresponding figures for the current scheme are 166 sq ms and 280 sq ms. While the current scheme is therefore larger by comparison, the increase is only in the region of 8% and most of it is accommodated at ground floor level only in the form of a larger garage and an additional rear conservatory.

- The approved outline scheme indicated a 2 storey dwelling with a footprint of 112 sq ms; the 2 storey element of the current proposal is, in fact, smaller at approx 100 sq ms.

- The footprint of the proposed development occupies just over a quarter of the available plot which does not represent an unacceptable pattern of development.

- Both schemes show the proposed development in a similar position relative to the eastern boundary and the immediately adjoining property (2 Dutts)

- The ridge height of the proposed development is approx 7.7m which is within an acceptable norm for 2 storey development.

- The proposed distance between the rear elevation of the new dwelling and no 11 St Marys Lane measures approx 28m, which compares favourably with the 21m generally advised as an appropriate distance between properties to safeguard privacy.

- Proposed first floor windows in the rear elevation must have been anticipated in granting permission for a 2 storey development at the outline stage and, although large, would not materially increase the level of overlooking of adjoining garden areas; no conditions were imposed at that stage relating to the size or positioning of windows to address any identified concern.

- Although the properties opposite the site are single storey, the adjoining property at 2 Dutts is not only 2 storey but has a 2 storey frontage of approx 15m which is wider than the proposed dwelling (11m)- in terms of massing within the street scene, therefore, the proposal would, arguably, have a lesser impact than an existing development.

- In terms of character, there is no one prevailing type within this area, with flats, bungalows, and large and small dwellings all in evidence.

Against this background, and despite the concerns expressed over the scale of this development, it is considered that there are no design reasons for refusing this application. Although larger than a development which was clearly indicated at the outline stage, the scale of the increase is marginal and the impact of that increase would not result in overall harm to either the street scene or the character of the area. The particular design of the dwelling is acceptable in itself, the proposed choice of materials would be in keeping and a reason for refusal based on size and scale would be unsupportable in the light of the 'approved' position.

9.3 Highway and access considerations

The Highway officer has no objection to the proposal which largely reflects the outline position. The design and location of the proposed access is acceptable, the level of parking and turning meets required standards and the provision of an extended footpath along the site frontage is as required by condition of the outline permission.

This application does vary from the outline in that the site now includes the highway verge which did not form part of the earlier permission. Although formal notice has not been served on the Highway Authority, it is aware of the proposed works on that land which are required to comply with a condition of approval imposed by the same Highway Authority.

9.4 Impact on residential amenity

In terms of neighbouring amenity, the proposed development will have no significantly greater impact than might have been evident at the outline stage when the principle of 2 storey development was accepted on this site. As referred to above, windows at first floor level would have been anticipated in the rear elevation; the distance between rear elevations exceeds the standard generally advised; proposed rooflights in the floor above the garage which might have resulted in an additional degree of overlooking have since been removed from the scheme; the adjoining property to the east has no windows in its side gable elevation which would be affected.

As a result, the details of the proposed scheme raise no additional amenity concerns which could not be addressed by appropriate conditions limiting further window openings.

9.5 Landscape considerations

The frontage of the site is currently marked a dense vegetation boundary, mainly leylandii, which was indicated at the outline stage as being retained. This current application now shows this as being removed to accommodate the proposed footpath and boundary wall.

Although of variable quality, this boundary is of some visual importance in the overall street scene and would serve to mitigate against the impact of the proposed development. Its retention would not prejudice the provision of the footpath or impact on the proposed vehicular access and there would appear to be no other reason for the wholesale removal of this screen. The applicant has now agreed to its retention, subject to suitable cutting back, and this can be covered by appropriate condition.

9.6 Drainage and other considerations

In the light of an extant outline permission for the principle of a dwelling on this land, concerns over flooding at the site, the inadequacy of the existing drainage system, the inadequacy of the road to accommodate construction traffic, the impact on wildlife and rights of access are all matters which would now be unreasonable to use to resist this current application.

Wessex Water has raised no objection to the drainage aspects of the development which are ultimately a matter to be determined under separate legislation; the Highway Officer has no objection to either the principle or detail of the scheme; there are no planning restrictions on the wholesale removal of vegetation within the site by the landowner separate from any development proposals; while rights of access are not a planning matter, there is a general right of access onto the highway to serve a development. Where relevant, these matters are addressed either as conditions or informatives to the decision.

Conclusion

Despite the level of concern expressed with regard to the scale of this development, it is only marginally larger than that which was effectively granted through the outline permission, there were no restrictions imposed at that stage in terms of the ultimate scale of the development, and the scheme now being proposed would not, in itself, result in overall harm to either the wider area or adjoining properties. Under the circumstances, a refusal could not be justified or supported at appeal and the application is recommended for permission.

Recommendation: Permission

For the following reason(s):

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and any planning objections have been overcome by conditions.

Subject to the following condition(s):

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

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

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- 3 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
 - * indications of all existing trees and hedgerows on the land;
 - * details of any to be retained, together with measures for their protection in the course of development;
 - * all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - * finished levels and contours;
 - * hard surfacing materials;

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 5 Notwithstanding the details required by condition 3, the existing hedge along the frontage of the site shall be retained except where necessary to create the vehicular access into the site and maintained in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development

West Wiltshire District Plan 1st Alteration 2004 – POLICY: C32

- 6 No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C32 and C38

- 7 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 **** until surface water drainage has been constructed in accordance with the approved scheme.

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

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

- 8 The development hereby permitted shall not be occupied until the access, parking area and footway have been implemented in a consolidated surface (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The areas shall be maintained as such thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted above ground floor level in the rear and side elevations of the development hereby permitted.

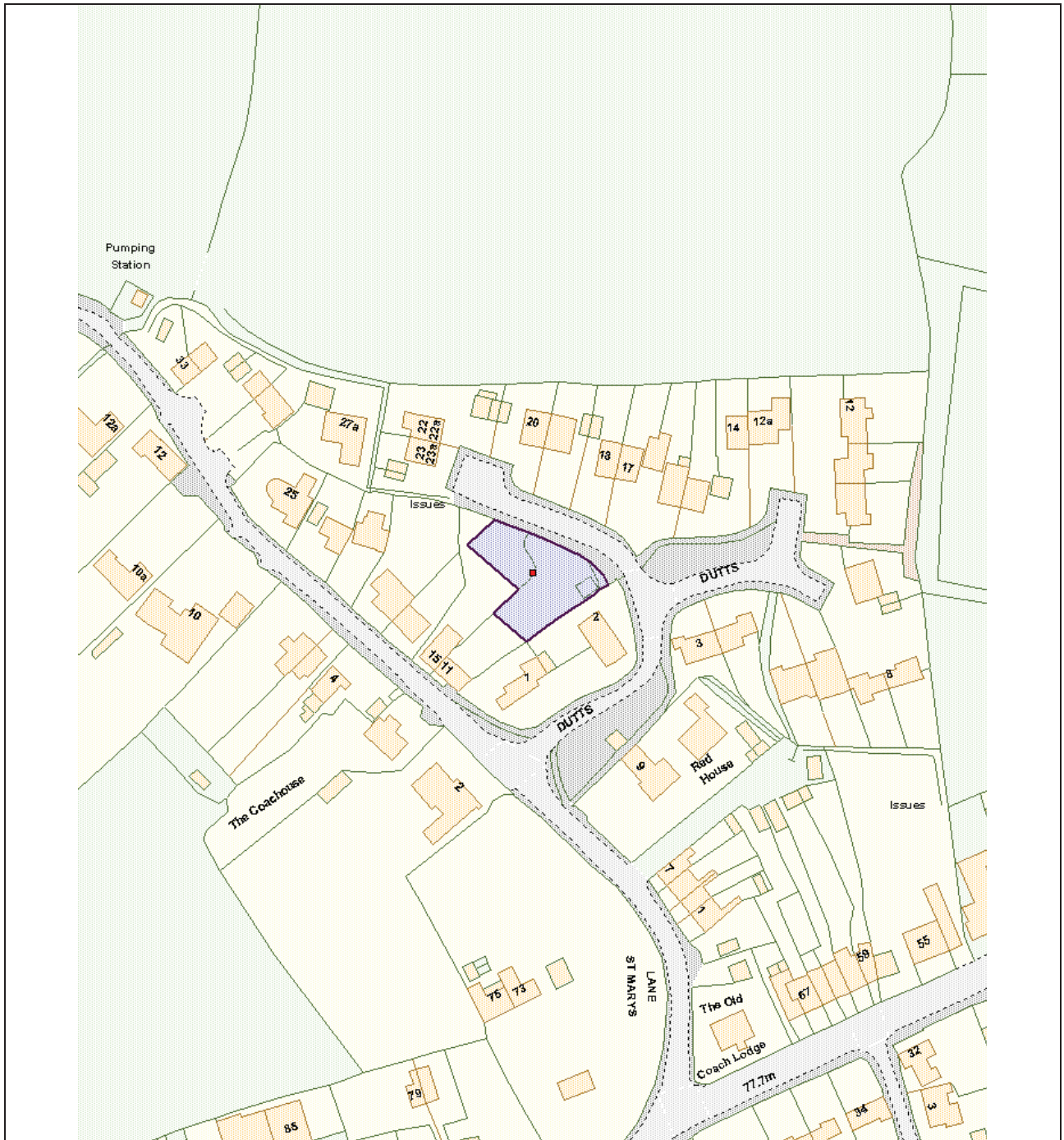
REASON: In the interests of residential amenity and privacy.

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

Informative(s):

- 1 The developer is advised to contact Wessex Water with regard to the connection to Wessex infrastructure for the disposal of foul flows, surface water flows and water supply, and to ascertain whether there may be any uncharted sewers or water mains within or near to the site
- 2 The applicant is advised to contact the Council's Drainage Officer/Environment Agency to satisfy himself that there are no watercourses within or near to the site which might be affected by, or which might prejudice the implementation of, this development
- 3 The applicant is advised that it is an offence under the Wildlife and Countryside Act 1981 to disturb protected species including Great Crested Newts and nesting birds. In the event of discovering protected species or nesting birds, works should cease immediately and advice sought from a suitably qualified ecologist or Natural England.

Appendices:	
Background Documents Used in the Preparation of this Report:	



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office ©
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council
Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : PROPOSED ELEVATIONS

Drawing : 010810/002

Drawing : 010810/003 received on 14.10.2010

Drawing : 010810/006 received on 14.10.2010

Drawing : 010810/007 received on 14.10.2010

Drawing : 101810/009

Drawing : LOCATION PLAN received on 14.10.2010

This page is intentionally left blank

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	08.12.2010		
Application Number	W/10/03172/FUL		
Site Address	12 High Street Steeple Ashton Wiltshire BA14 6EL		
Proposal	Demolition of existing rear extension and replacement with two storey extension, general repair and maintenance works to interior and exterior of existing listed building		
Applicant	Mr M Lavington		
Town/Parish Council	Steeple Ashton		
Electoral Division	Summerham And Seend	Unitary Member:	Jonathon Seed
Grid Ref	390506 157066		
Type of application	Full Plan		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 5297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

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

1. Purpose of Report

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

Neighbourhood Responses

3 Letters of objection.

Parish/Town Council Response

Object

2. Main Issues

The main issues to consider are:

- Principle
- Impact on Listed Building
- Impact on Conservation Area
- Impact on Residential Amenity

3. Site Description

The application site contains a detached grade II listed cottage located within the Conservation Area of Steeple Ashton. The Cottage is two stories in height with a raised rear garden. The rear garden is set behind a retaining wall constructed from natural stone which also borders the access road. The cottage has an existing single storey rear lean to extension. To the south east of the site is a two storey detached dwelling which shares the access point with the application site.

4. Relevant Planning History

W/09/01112/LBC – Late consent for alterations to dwelling house – Consent 04.06.2009

W/09/01104/FUL – Retrospective application for single and two storey rear extension and alterations to dwelling house – Permission 04.06.2009

82/00147/HIS – Change of use from milk parlour to farm shop – Permission 27.04.1982

5. Proposal

The application seeks permission for the demolition of the existing rear extension and the erection a two storey rear extension. The two storey extension would have a pitched roof which would cover the sides of the extension. Two roof lights would be inserted into the west roof slope of the proposed extension. The proposal would be constructed from materials to match the existing building.

The proposed extension at ground floor level would be 7.1 metres by 3.8 metre and the first floor would be 4.3 metres by 5.4 metres with a height of 5.98 metres to the ridge.

This application is a revised scheme to that approved under planning reference W/09/01104/FUL.

6. Planning Policy

West Wiltshire District Plan First Alteration 2004

C17 Conservation Area

C18 New Development within Conservation Areas

C28 Alterations and Extensions to Listed Buildings

C31A Design

C38 Nuisance

PPS5 Planning for the Historic Environment

Steeple Ashton Village Design Guide

7. Consultations

Steeple Ashton Parish council

Object.

Conservation Officer

Approve.

8. Publicity

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

Expiry date: 12 November 2010

Summary of points raised:

3 letters of objection received. Comments relate to:

- Loss of privacy
- Loss of daylight
- Size of roof
- Size of extension
- Overbearing
- Visually intrusive
- Design out of keeping with house and village
- Changing the balance of the property

9. Planning Considerations

9.1 Principle

This application is the resubmission of a previously approved planning application W/09/01104/FUL for a two storey rear extension. This extant permission has not been started due to the proposed extension intersecting a historic well within the rear garden of the property. The principle of extending the property by a two storey rear extension of the same height has already been established by this extant permission. Although the proposal is larger than the approved scheme the retention of the historic well is an important consideration and the implementation of the extant would result in damaging the well.

9.2 Listed Building

The proposed extension is larger than the extant permission however the design and sympathetic use of materials would complement the character of the listed building. The tapered design with contemporary features mixed into the timber frame with brick infill mirroring the materials used in the host building resulting in bringing interest to the rear elevation which would reflect the side and front elevation of the property whilst maintaining the historic fabric of the property. Consequently although the addition of the proposed extension would change the character of the rear elevation of the building, it would not result in any significant loss of the special interest of the house.

The proposed rear extension would be large, however due to its stepped appearance, design, use of materials and a lower ridgeline than the host building, on balance it is considered to be acceptable to the character of the listed building. The extension would also allow for the preservation of the historic well and structurally support the rear wall of the listed building.

9.3 Conservation Area

The proposal would preserve the character of the Conservation Area due to the use of sympathetic materials and the stepped in design of the extension the proposal would not represent a dominate feature as the proposal would only be partly visible for the road. Although the size of the extension is larger than the extant permission it is considered that on balance the proposal would not be detrimental to the special character and appearance of the Conservation Area.

9.4 Residential Amenity

The proposal would not cause any additional overlooking due to the position of the extension. In terms of overshadowing and the overbearing raised in representations the proposal would cause minimal overshadowing to both the neighbouring properties due to the position of the extension in the

centre of the property so as to not cause detrimental harm to the amenities of the surrounding neighbours and therefore on balance the proposal is considered to be acceptable.

9.5 Design

The roof line would be set down to the same height as the extant permission representing a subservient extension. The extension would use contemporary features within the design of the proposal which would mean that although the form of the building would be altered, the form of the original building would still remain legible and distinct and it is therefore considered on balance that the proposal is acceptable.

9.6 Conclusion

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

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

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

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

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

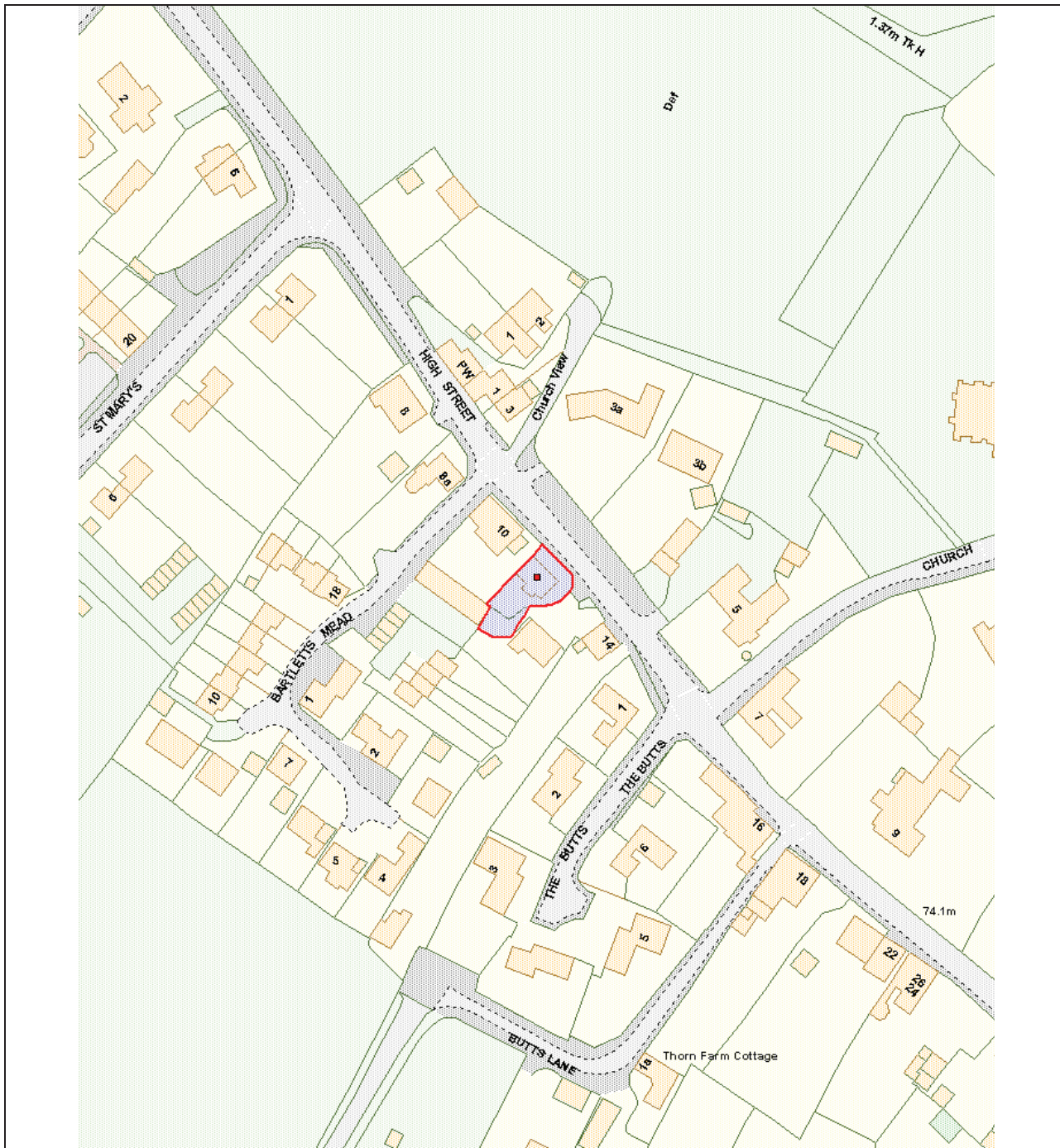
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the north west and south east elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

Appendices:	
Background Documents Used in the Preparation of this Report:	



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 1152/11 received on 06.10.2010
Drawing : 1152/03A received on 18.10.2010
Drawing : 1152/04A received on 06.10.2010
Drawing : 1152/05 received on 06.10.2010
Drawing : 1152/06A received on 06.10.2010
Drawing : 1152/07B received on 06.10.2010
Drawing : 1152/08B received on 06.10.2010
Drawing : 1152/09A received on 06.10.2010

Drawing : 1152/10A received on 06.10.2010
Drawing : LOG STORE received on 18.10.2010

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	08.12.2010		
Application Number	W/10/03173/LBC		
Site Address	12 High Street Steeple Ashton Wiltshire BA14 6EL		
Proposal	Demolition of rear extension and two storey rear extension		
Applicant	Mr M Lavington		
Town/Parish Council	Steeple Ashton		
Electoral Division	Summerham And Seend	Unitary Member:	Jonathon Seed
Grid Ref	390506 157066		
Type of application	Listed building		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 5297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

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

1. Purpose of Report

To consider the above application and to recommend that listed building consent be granted subject to conditions.

Neighbourhood Responses

1 Letter of objection received.

Parish/Town Council Response

Object

2. Main Issues

The main issues to consider are:

- Impact on Listed Building
- Impact on setting
- Impact on Character
- Impact on historic fabric

3. Site Description

The application site contains a detached grade II listed cottage located within the Conservation Area of Steeple Ashton. The Cottage is two stories in height with a raised rear garden. The rear garden is set behind a retaining wall constructed from natural stone which also borders the access road. The cottage has an existing single storey rear lean to extension. To the south east of the site is a two storey detached dwelling which shares the access point with the application site.

4. Relevant Planning History

W/09/01112/LBC – Late consent for alterations to dwelling house – CONSENT 04.06.2009
W/09/01104/FUL – Retrospective application for single and two storey rear extension and alterations to dwelling house – PERMISSION
82/00147/HIS – Change of use from milk parlour to farm shop – PERMISSION 27.04.1982

5. Proposal

The application seeks permission for the demolition of the existing rear extension and the erection a two storey rear extension. The two storey extension would have a pitched roof which would cover the sides of the extension. Two roof lights would be inserted into the west roof slope of the proposed extension. The proposal would be constructed from materials to match the existing building.

The proposed extension at ground floor level would be 7.1 metres by 3.8 metre and the first floor would be 4.3 metres by 5.4 metres with a height of 5.98 metres to the ridge.

This application is a revised scheme to that approved under planning reference W/09/01112/LBC.

6. Planning Policy

West Wiltshire District Plan First Alteration 2004
C28 Alterations and Extensions to Listed Buildings

PPS5 Planning for the Historic Environment

Steeple Ashton Village Design Guide

7. Consultations

Steeple Ashton Parish council

Object.

Conservation Officer

Approve. (See attached appendices for full comments.)

8. Publicity

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

Expiry date: 12 November 2010

Summary of points raised:

1 letter of objection received. Comments relate to:

- Size of extension
- Changing the balance of the property
- Building losing its character

9. Planning Considerations

9.1 Impact on Listed Building

Considering the extant consent the proposed development would be larger than that already given consent. However the proposed extension will provide buttressing for the rear wall which is required to stop further movement of the rear elevation. The rear elevation has a different character to the front and side elevations being the use of materials being more random assortment of bricks and the timber being covered and the different style windows inserted over time. The addition of the extension would change the character of the rear elevation however it is considered that the proposal would not result in any significant loss of special interest of the house and is therefore on balance considered to be acceptable.

In addition the extension would also allow for the retention of the historic well within the garden and structurally support the rear wall and is therefore considered to be acceptable.

9.2 Impact on Setting

Adjacent to the application site another grade II listed building. This building has already been altered to the rear. The proposed extension or though projecting from the rear wall more than the other rear extension would not harm the setting of this listed building due to the stepped nature of the proposal and its design features and materials mitigating the impact of the proposal and not resulting in over-riding harm to the setting of the listed buildings and is therefore considered to be acceptable.

9.3 Impact on Character

The proposed extension would alter the character of the listed building however this would not be detrimental to the property. The design of the extension would, when viewed from the front, be only partly visible due to the tapered design of the extension. The stepped in form of the extension and the ridge height being below the host building reduces the impact of the extension and the use of traditional materials within the contemporary design reflects the original character of the property. The proposal due to the above on balance is considered to be acceptable to the character of the listed building.

9.4 Impact on Historic Fabric

The proposal would result in a minimal loss on the historic fabric of the property and would result in the retention of the historic well which would be partly destroyed if the extant consent is built. It is therefore considered that due to the minimal loss of historic fabric the proposal is considered to be acceptable.

9.5 Conclusion

The proposal complies with policy and listed building consent should be granted subject to conditions.

Recommendation: Consent

For the following reason(s):

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

Subject to the following condition(s):

- 1 The 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 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C31a and C28

- 3 No works shall commence on site until details of all new external window joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C28
Planning Policy Statement 5: Planning for the Historic Environment

- 4 The rooflights hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C28
Planning Policy Statement 5: Planning for the Historic Environment

- 5 No works shall commence on site until details of all new or replacement rainwater goods (which shall be of metal construction and finished in black) and their means of fixing to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C28
Planning Policy Statement 5: Planning for the Historic Environment

Appendices:	Conservation Officer Consultation Application No.: 10/03173/LBC and 10/03172/FUL This proposal for a large two storey rear extension that would be larger than that previously approved, however this has been
--------------------	--

designed to take into account the historic well that has been discovered. The previously approved extension sited a wall directly over the well which would have made future inspection and maintenance of the well impossible and would have damaged the well by the imposition of the foundations.

The proposed rear extension would have two parts – a wider section adjacent to the house, and a narrower section as it projects further into the garden.

The first part of the extension would have a width of 7.1 metres. The listed building is 10 metres wide and therefore the proposed extension would extend across most of the rear of the listed building. This part of the extension would project 3.8 metres. At this point the extension would narrow to 4.3 metres and project for a further 1.6 metres. The ridge of the proposed extension would be 1.2 metres below that of the host listed building.

In terms of design the proposal is a mixture of traditional form and materials with some contemporary features such as the glass panels in the south west elevation. The design of the extension would be complementary to the listed building and its proportions would give it a robust appearance yet one that would not take focus away from the dominance of the host listed building.

The first part of the extension would have low eaves with large roof slopes. At the shorter projecting distance this roof form would be a traditional response to extending this building. The second part of the extension would have eaves at 3 metres in height and a more simple gable roof form over.

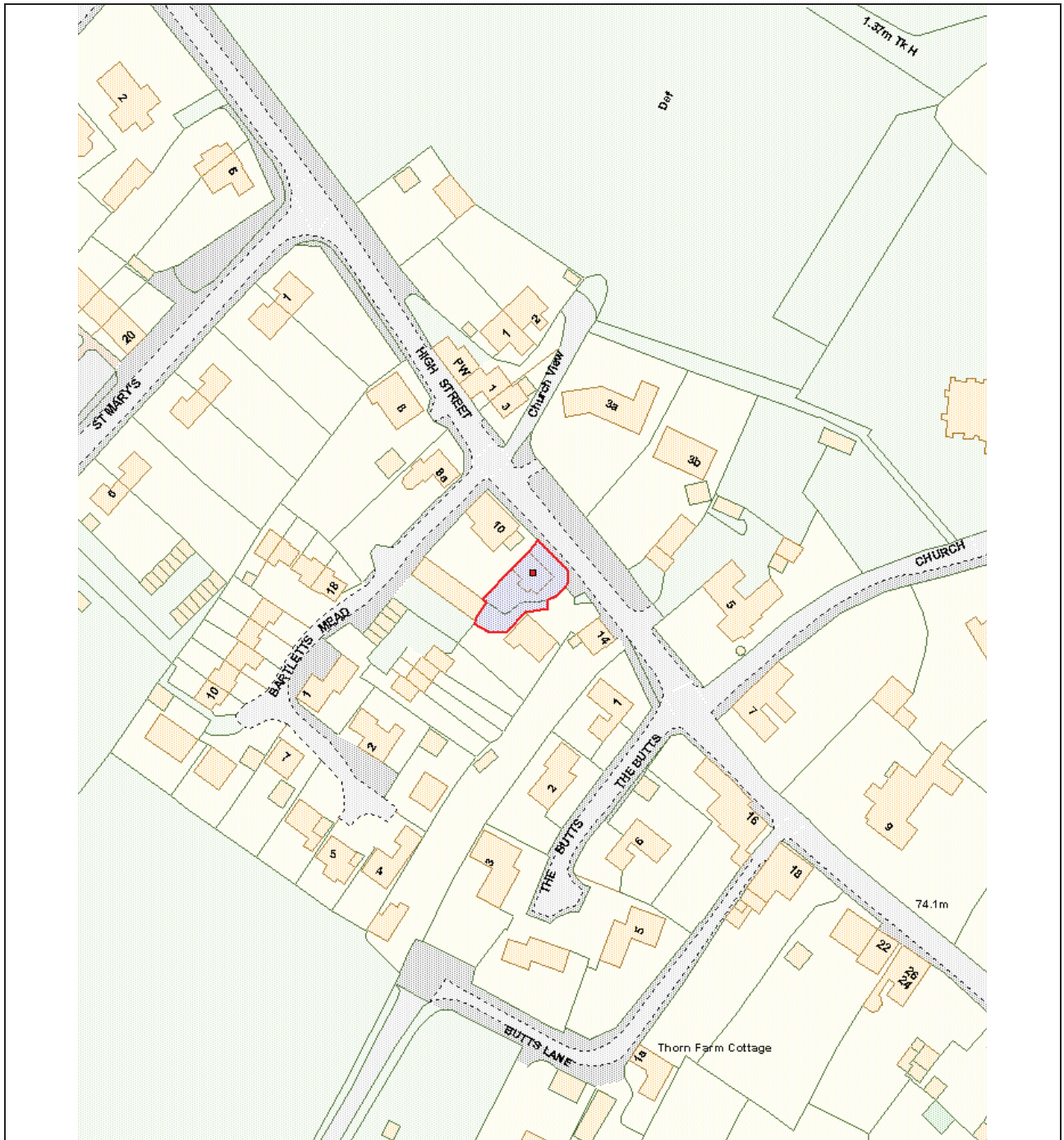
The character of the rear of this listed building is different from that of the front and sides. The front and sides are predominantly structural timber frame with brick infill panels and these are the primary parts of the character of the building. The rear elevation is a more random assortment of brick sections and some already covered timber framing, with odd windows that have been inserted over the years. The character of the rear is not as special as at the front and sides. The main point of interest in the rear elevation is the area of brick and stone in a very rough checkerboard pattern. This section of the rear wall would remain untouched. Consequently although the addition of the proposed extension would change the character of the rear elevation of the building, it would not result in any significant loss of the special interest of the house.

The form of the building would be altered quite substantially. However, the effect of stepping the extension to a more narrow form as it projects away from the listed building, and keeping the ridgeline lower, would diminish its proportions when obliquely viewed from the street and Conservation Area. The special character and appearance of the Conservation Area would not therefore suffer overt harm.

The contemporary features within the design of the proposal would mean that although the form of the building would be altered, the form of the original building would still remain legible and distinct. The extension would not pretend to be historic despite using some traditional features.

The proposed extension would result in minor interventions to

	<p>connect it to the main listed building. This would result in the loss of a minor amount of historic fabric such that no harm would be caused.</p> <p>The proposed materials for the extension would be high quality natural materials in keeping with the host listed building and the surroundings – a matching red clay brick, clay double roman tiles, metal guttering and downpipes, painted timber windows. These are acceptable and would add to the design and appearance of the extension.</p> <p>The neighbouring property is also a listed building and the setting of that building must be taken into account. The neighbouring property is a more substantial building and has itself been altered at the rear, although not to such a deep plan. The proposed extension would result in a change to the setting of the nearby listed building however due to the stepped nature of the proposal and its design features and materials, its impact would be mitigated and would not result in over-riding harm to that setting such that it would warrant a refusal.</p> <p>A new Structural Engineer’s Report has been prepared and submitted for this application. The report discusses the need for a continued buttress to the rear wall of the listed building, to prevent further movement. The proposed extension would act as this buttress and therefore would safeguard against future structural movement of the listed building in this direction.</p> <p>The proposed rear extension would be large, however due to its stepped appearance, design, use of materials and a lower ridgeline than the host building, on balance it is considered to be acceptable to the character of the listed building and to the special character and appearance of the Conservation Area. The extension would also allow for the preservation of the historic well and structurally support the rear wall of the listed building.</p> <p>Recommendation: Approve</p> <p>Date: 22/11/10 Signed:</p> <p>Russell Brown</p>
<p>Background Documents Used in the Preparation of this Report:</p>	



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office ©
 Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council
 Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

RELEVANT APPLICATION PLANS

- Drawing : 1152/11 received on 06.10.2010
- Drawing : 1152/03A received on 18.10.2010
- Drawing : 1152/04A received on 06.10.2010
- Drawing : 1152/05 received on 06.10.2010
- Drawing : 1152/09A received on 06.10.2010
- Drawing : 1152/06A received on 06.10.2010
- Drawing : 1152/07B received on 06.10.2010
- Drawing : 1152/08B received on 06.10.2010
- Drawing : 1152/10A received on 06.10.2010
- Drawing : LOG STORE received on 18.10.2010

This page is intentionally left blank

**Wiltshire Council
Western Area Planning Committee**

**Planning Appeals Update Report
October 2010**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/10/02115/FUL	16A Horse Road Hilperton	Hilperton	The proposal is for the subdivision of an existing plot at 16a Horse Road, construction of a separate single detached dwelling with attached single garage, plus parking spaces, including forming new vehicular access	DEL	REF	WR
W/10/02318/FUL	Turnpike Cottage 76 South Wraxall	South Wraxall	Two storey extension to the rear of Turnpike Cottage, a proposed new access drive with provisions for parking and a turning area.	DEL	REF	WR (Householder)
W/10/01984/FUL	Land Rear Of 36 Bradley Road Trowbridge	Trowbridge	Demolition of existing garage and erection of new bungalow and access	DEL	REF	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
W/10/00328/FUL	Land Adjacent 3 East End Avenue Warminster	Warminster	Proposed detached house	DEL	REF	WR	DISMISSED
W/10/01434/FUL	Sainsbury Store Bath Road Melksham	Melksham	Extensions to existing foodstore, including a mezzanine floor, cafe, construction of a new pedestrian link to bank street, relocation of the petrol filling station and new kiosk, extensions and alterations to the car park and associated landscape, flooding and ecological works	COM	PER	INQ	ALLOWED
W/09/02476/FUL	Land Adjacent Potters Hill Farm 50 Little Hill Crockerton	Longbridge Deverill	Demolition of agricultural building and construction of detached house	DEL	REF	WR	DISMISSED
W/09/03166/FUL	Woodside Cottage East Hill Heytesbury	Heytesbury	Replacement building to form residential annexe	DEL	REF	WR	DISMISSED
W/10/01011/FUL	Land Fronting 2 Sandridge Road Melksham	Melksham	Erection of two dwelling houses	DEL	REF	WR	DISMISSED
W/09/03538/FUL	7 New Road Bradford On Avon	Bradford on Avon	Provision of 2 car parking spaces at rear of property	DEL	REF	HRG	ALLOWED
W/09/03539/LBC	7 New Road Bradford On Avon	Bradford on Avon	Provision of 2 car parking spaces at rear of property	DEL	REF	HRG	ALLOWED
08/00272/USE_L	Fairfield Piggeries Leigh Road Bradford On Avon	Bradford on Avon	Appeal against unauthorised use of site as waste transfer depot	ENFORCEMENT APPEAL		INQ	WITHDRAWN

* additional notes on decision below

- I = Inquiry H = Hearing
- Del = Delegated decision

WR = Written Representations
Comm = Committee decision

WR (HAS) = Written Representations (Householder)

❖ **Points of interest arising from decisions**

W/10/00328/FUL - Land Adjacent 3 East End Avenue Warminster

This appeal was dismissed and the Inspector considered that the main issue was the effect of the proposal on the character and appearance of the street scene and wider residential area. Her view was that a small detached house with a shallower roof, narrower width and no bay windows would appear incongruous in this setting. She concluded by stating that the effective use of land should not be at the expense of design quality.

W/10/01434/FUL - Sainsbury Store Bath Road Melksham

In allowing this appeal subject to stringent conditions the Inspector considered that although there was a high risk of flooding in the area there would be no increase in risk as a result of the proposals. He found in the absence of any contrary evidence that the proposals would not cause unacceptable harm to the living conditions of neighbouring residents with regard to noise, fumes or lighting. He took the view that there would be very few glimpses of the extended store or petrol filling station from public vantage points within the conservation area, gave little weight to the impact on private views, and as such concluded there would be no harm to its character or appearance. The impact on the setting of listed buildings was negligible. There was no compelling evidence of a risk of pollution.

A partial award of costs was justified on the grounds of unreasonable behaviour resulting in unnecessary expense with regard to the appellant having to submit a proof of evidence in relation to noise when its impact could have been controlled by conditions to prevent late night and early morning nuisance.

We await details of the amount of costs being claimed by the appellant and the amount will be reported to the committee in due course.

W/09/02476/FUL - Land Adjacent Potters Hill Farm 50 Little Hill Crockerton

The Inspector in dismissing this appeal stated that the proposal was overbearing and would harm the amenities of neighbours and would also increase traffic use of a sub-standard road junction.

W/09/03166/FUL - Woodside Cottage East Hill Heytesbury

The Inspector in dismissing this appeal considered that the main issues in relation to the proposal for a residential annexe were the rural location impact on the countryside and matters of sustainability in this isolated location. It would result in an unsustainable pattern of development that would be contrary to policy. The argument that the proposed annexe was necessary for the future health and well-

being of an elderly relative was not sufficient justification to outweigh the more general planning considerations and that the personal circumstances of the appellant were not a material consideration.

W/10/01011/FUL - Land Fronting 2 Sandridge Road Melksham

This appeal was dismissed and the Inspector took the view that although the dwelling had an unusually large front garden the introduction of two more dwellings would appear as if they had been 'shoe-horned into the site' and would appear very cramped and with a very small amount of space around them.

W/09/03538/FUL & W/09/03539/LBC- 7 New Road Bradford On Avon

In allowing these appeals the Inspector considered that the main issue was the need to preserve the character of the principal listed building and the character and appearance of the conservation area. He stated that in his view demolition of and alterations to an external curtilage wall that was of little intrinsic value would result in little harm to the heritage asset or materially diminish its significance. Furthermore, the location of the proposed parking area in a discreet and private enclave would be unlikely to harm the character or appearance of the conservation area.

The Inspector allowed the partial award of costs because unnecessary expense had been incurred by the appellant because the Council had failed to substantiate its assertion that the wall was an 'important feature' and due to its inconsistent behaviour in granting permission for a similar development on the adjoining site.

We await details of the amount of costs being claimed by the appellant and the amount will be reported to the committee in due course.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
W/10/00091/ENF_L	Barn at Manor Farm North Bradley	North Bradley	Land and new dwelling / Land and converted agricultural building	INQ	CC	19.04.2011 & 20.04.2011