

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge
Date: Wednesday 23 March 2011
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.

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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 (Vice-Chairman)
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 - 8*)

To approve the minutes of the last meeting held on Wednesday 2 March 2011 (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.

To receive any questions from members of the Council or members of the public received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front page of the agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 16 March 2011. Please contact the officer named on the front page of the agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6. **Planning Applications** (*Pages 9 - 10*)

To consider and determine planning applications in the attached schedule.

6.a **W/10/03506/REM** (*Pages 11 - 22*)

Reserved matters application for design, external appearance and landscape of 38 dwellings, garages and associated works pursuant to outline planning permission 04/00095/OUT - Land At Blue Hills Devizes Road Hilperton Wiltshire

7. **Planning Appeals Update Report** (*Pages 23 - 24*)

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

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 2 MARCH 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin (Substitute), Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Linda Conley, Cllr Francis Morland and Cllr Julie Swabey

17 Apologies for Absence

Apologies for absence were received from Councillor Malcolm Hewson (substituted by Councillor Trevor Carbin) and Councillor Graham Payne.

18 Minutes of the Previous Meeting

The minutes of the meeting held on 9 February 2011 were presented.

Councillor Ernie Clark asked for some clarification to be provided regarding cost awards against Wiltshire Council and the provision made for these. The Chairman gave a verbal answer at the meeting. The question and answer are appended to these minutes.

Councillor Clark thanked the Chairman for his answer but still expressed unease at the wording of the answer provided on 9 February 2011.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 9 February 2011 with the following amendments (as shown in bold type):

Minute number 11 refers:

W/10/02808/OUT – Proposed extension and conversion of existing house into 7 dwellings - Wayside 62 Bradley Road Trowbridge Wiltshire BA14 0QY

Councillors Peter Fuller and John Knight declared a personal interest as members of Trowbridge Town Council, **and both members of the Town Council Development Committee**. Councillors Peter Fuller and John Knight gave their assurance that they would consider the application with an open mind.

Minute number 14c refers:

For the following reasons:

The proposed two storey extension, replacing the existing single garage, by reason of its position, mass, bulk and height would dominate and overshadow the neighbouring property (111b Beanacre) by reason of a detrimental loss of light to habitable rooms and dominating the amenity space associated with the neighbouring property resulting in detrimental harm **to** the amenities of 111b Beanacre contrary to the provisions of policy C38 of the West Wiltshire District Plan First Alterations 2004 and the guidance contained within the SPG for House Alterations and Extensions.

19 **Declarations of Interest**

There were no declarations of interest.

20 **Chairman's Announcements**

There were no Chairman's Announcements.

21 **Public Participation**

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

22 **Planning Applications**

The Committee considered the following applications:

22.a W/10/03336/FUL - The formation of a new access at Stoke End, the relocation of the existing access to Aroona House, the relocation of the existing tennis court (Aroona House), associated landscaping and formation of a new walled kitchen garden, the relocation of existing parking (approx 7 spaces) and associated infrastructure - Aroona Church Lane Limpley Stoke Wiltshire BA2 7WD

Public Participation:

- Mr John Fletcher spoke in objection to the application

- Mr Peter Crane, on behalf of CPRE (Campaign to Protect Rural England), spoke in objection to the application
- Mr Graham Parker spoke in objection to the application
- Mrs Louise Flemming spoke in support of the application
- Mr Chris Alexander, applicant, spoke in support of the application
- Mr Simon Coombe, Chairman of Limpley Stoke Parish Council, spoke in objection to the application

Councillor Linda Conley, Unitary Member for Winsley and Westwood, reported the high interest in the application by local residents and the emotive nature of objections due to the application being located within the Western Wiltshire Green Belt and Cotswolds Area of Outstanding Natural Beauty. Councillor Conley welcomed the opportunity for the application to be considered by the Western Area Planning Committee to ensure a full and open public debate.

Officers introduced the report which sought approval and, in doing so, drew the Committee's attention to the late list which informed the committee of a petition of 184 signatures objecting to the application as well as the receipt of revised plans (the superseded plans proposed to use gabion walls which had been replaced as part of the proposal by natural Cotswold stone walls flanking the entrance.)

During the ensuing debate the Committee was reassured that the status of the land was agricultural and there was no proposal within the application to change the use of the land.

The Committee questioned the design of the proposed new access from Crowe Hill to Stoke End and it was explained that the "meandering" aspect of the access was due to the nature of the ground (particularly steep slope).

It was also clarified that the proposed walled kitchen garden, replacing the existing tennis court, was not located within the open countryside.

The Committee understood and accepted that the key issues to be considered were road safety and the visual impact on the landscape. With regards to road safety, members of the Committee expressed concerns at the loss of one unofficial pull-in, as the entrance would be blocked in line with the existing wall. Although members of the Committee acknowledged the concerns of the Highways Officers (page 16 of the agenda refers) and recognised that the pull-ins were of an unofficial nature, they felt strongly that the existing pull-ins should be retained.

It was therefore

Resolved:

To delegate authority to the Area Development Manager to grant planning permission subject to the receipt of amended plans showing the two access points to be closed at Church Lane closed at the position of the existing gateways, thereby retaining the existing pull-ins.

For the following reason:

The proposed development would have road safety benefits though the closure of two accesses with poor visibility and the improvement of a third. The proposal would not harm the openness of the green belt and although it would have an impact on the appearance of the landscape, it is considered that the design and mitigation proposed minimise this. Accordingly, it is considered that the proposal is in accordance with the relevant policies of the West Wiltshire Development Plan First alteration (C1; C2; C6; C6a; C31a; C32 and C38).

Subject to the following conditions:

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

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

2. The development hereby permitted shall not be first brought into use until the first 4.8m of the accesses (onto Church Lane and Crowe Hill), measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel) together with a system for the collection and discharge of surface water to prevent runoff onto the highway. The accesses shall be maintained as such thereafter.

REASON: In the interests of highway safety

3. Any gates shall be set back a minimum of 4.8m from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

4. The gradient of the access ways shall not at any point be steeper than 1 in 12 for a distance of 4.8m metres from its junction with the public highway.

REASON: In the interests of highway safety.

5. The access on Church Lane shall not be brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2m back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 18.5m in both directions from the centre of the access, in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of Highway Safety.

6. The access on Crowe Hill shall not be brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2m back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 15m in both directions from the centre of the access, in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

7. 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;
- * means of enclosure;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * hard surfacing materials;
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- * retained historic landscape features and proposed restoration, where relevant.
- * tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

8. The development shall be carried out as specified in the approved Arboricultural Assessment.

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

9. 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.

10. No development shall commence on site until a Construction Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include full details of the measures to be taken to reduce damage to the calcareous grassland during the construction period e.g. fencing, bog mats, careful siting of compounds and storage, machinery spec etc, also mitigation measures for reptiles, timing tree removal to avoid breeding bird season.

REASON: In the interests of Ecology Protection on site.

11. No development shall commence until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include full details of the cut and fill and any reseeded and establishment of banks with a suitable seed mix, control of invasive species, cutting regime to encourage botanical diversity and native tree planning.

REASON: In the interests of protecting the Ecology of the application site.

12. No development shall commence on site until a sample wall panels for the proposed blocking up of the existing accesses, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

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

13. This permission relates to the following plans and documents

ECOLOGICAL SURVEY received on 20.10.2010

ARBORICULTURAL ASSESSMENT received on 20.10.2010
LANDSCAPE AND VISUAL IMPACT received on 20.10.2010
DESIGN AND ACCESS STATEMENT received on 20.10.2010
REVISED ACCESS PROPOSALS received on 22.10.2010
FIGURE 1 SITE LOCATION PLAN received on 01.11.2010
FIGURE 2 EXISTING SITE PLAN received on 01.11.2010
FIGURE 3 LANDSCAPE PLANNING CONT received on 20.10.2010
FIGURE 4 LANDSCAPE CHARACTER received on 01.11.2010
Drawing 622_C_D_103 CROWE HILL ENTRANCE received on 20.11.2010

Drawing: 622_C_D_105 received on 22.10.2010

Drawing: 622_C_D_200 TREES LOST AND RETAINED received on
01.11.2010

Drawing: 622_C_D_102_02 REVISED MASTERPLAN received on 06.01.2011

Drawing: 622_C_D_107 CLOSED STOKE END ENT received on 20.01.2011

22.b W/10/04066/FUL - The siting of a mobile home, touring caravan and dayroom - Land Adjoining Railway Line Court Lane Bratton Wiltshire.

Public Participation

- Miss Dawn Pople, applicant, spoke in support of the application
- Mrs Anita Whittle, representing Bratton Parish Council, spoke in objection to the application

Councillor Julie Swabey, Unitary Member for Ethandune, urged the Committee to consider the application as a whole rather than focusing on highways grounds.

Officers introduced the report which sought refusal, but varying from a decision previously made by Committee on this same site. Officers drew the Committee's attention to the late list which contained additional information received from the applicant and further comments from the Planning Officer.

Members of the Committee asked for and received confirmation that national policy ODPM Circular 01/2006 still applied and would do so until officially replaced.

Following a discussion, members were not convinced that there had been any material change in the circumstances since the decision on the earlier application.

It was therefore

Resolved:

That planning permission be REFUSED

For the following reasons:

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

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

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

23 **Planning Appeals Update Report**

The Planning Appeals Update Report for January 2011 was received.

Resolved:

To note the Planning Appeals Update Report for January 2011.

24 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.05 - 7.30 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

Agenda Item 6

WESTERN AREA PLANNING COMMITTEE

23 March 2011

Planning Applications for Determination

Application No.	Location	Parish	Unitary Councillor
W/10/03506/REM	Reserved matters application for design, external appearance and landscape of 38 dwellings, garages and associated works pursuant to outline planning permission 04/00095/OUT - Land At Blue Hills Devizes Road Hilperton Wiltshire	Hilperton	Ernie Clark

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	23.03.2011		
Application Number	W/10/03506/REM		
Site Address	Land At Blue Hills Devizes Road Hilperton Wiltshire		
Proposal	Reserved matters application for design, external appearance and landscape of 38 dwellings, garages and associated works pursuant to outline planning permission 04/00095/OUT		
Applicant	Abbey Developments Ltd		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	Ernie Clark
Grid Ref	388017 159132		
Type of application	Reserved Matters		
Case Officer	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

In the event that officers are minded to approve the application Councillor Ernie Clark has requested that this item be determined by Committee due to:

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

1. Purpose of Report

To consider the above application and to recommend that the reserved matters be approved.

Neighbourhood Responses:

33 items of correspondence received.

Parish/Town Council Response:

Objection.

2. Report Summary

The main issues to consider are:

- * Design
- * External appearance
- * Landscaping

3. Site Description

The site is the curtilage of a residential property known as Blue Hills, a large and dilapidated property within the parish of Hilperton. The site is surrounded on the east, south and western boundaries by modern residential development, and to the north by linear residential properties along the Devizes Road.

Blue hills is a 2.5 storey property which has been vacant for a considerable period of time and from site inspection is clearly uninhabitable. It is set within very spacious grounds and has an established access onto Devizes Road, a C-classified highway to the north. Within the grounds there are a number of mature and prominent trees which are subject to a group tree preservation order. The boundaries of the site are generally planted with mature hedging of various degrees of quality. The site slopes from the north down to the south.

Adjoining the site to the south is a public footpath. To the east of the site are two access points from the residential unclassified roads of Hanewell Rise and Norris Road via Stourton Park.

The site is allocated in the West Wiltshire District Plan 1st Alteration (2004) under Policy H8B for 35 dwellings. The site has an area of approximately 1.3 hectares comprising a developable area for housing of approximately 1.1 hectares, and public open space of approximately 0.2 hectares.

4. Relevant Planning History

88/00338/OUT - Erection of four dwellings – Refusal on 24.05.1988

04/00095/OUT - Residential development involving demolition of existing house and associated roads footpaths and open space – Permission on 10.07.2009

5. Proposal

This is a reserved matters application pursuant to the extant outline planning permission reference 04/00095/OUT which approved the scheme in principal and also the details of access and siting. The outline planning permission has been subject to a non-material amendment making nominal alterations to the siting and layout of the scheme. The reserved matters for which approval is being sought now are design, external appearance, and landscaping.

The proposal is consistent with the extant approval. It details the erection of 38 dwellings including 27 for sale on the open market and 11 as 'affordable housing' to be managed by a registered social landlord. This equates to approximately 30 dwellings per hectare. This has been designed as 12 house types which includes; 4x five bedroom, 2.5-storey dwellings; 4x four bedroom, 2.5-storey dwellings; 11x four bedroom, 2-storey dwellings 16x three bedroom, 2-storey dwellings; and 3x two bedroom, 2-storey dwellings.

The 11 affordable housing units required under the terms of the outline planning permission have been sited in three groups, one at the south east corner of the site as a terrace of three units, another in the centre of the site adjacent to the open space as a pair of semi-detached dwellings and finally at the vehicular entrance from Hanewell Rise in two terraces of 3 dwellings either side of the access road. The market accommodation has been designed in a variety of ways including detached dwellings, linked detached, semi-detached and terraced.

The proposal includes garaging, parking and roads to service the development utilising the already approved accesses from Hanewell Rise and Norris Road via Stourton Park. There are 83 parking spaces proposed, including garaging and visitor spaces, which has been allocated as between 1 space per dwelling and 4 spaces per dwelling.

Boundary hedgerows are shown as being managed and strengthened with supplementary planting. Retention of the most significant and suitable trees, and additional planting has been detailed in order

to try and provide a suitable setting for the development and the surrounding area. Public open space is detailed in two groups, although principally in the centre east section of the site.

The application has been submitted with an updated set of plans, design and access statement, tree report and landscape specification.

6. Planning Policy

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable Development
DP4 Housing and Employment Proposals
DP7 Housing in towns and main settlements
DP8 Affordable Housing

West Wiltshire District Plan 1st Alteration (2004)

C31a Design
C32 Landscaping
C34a Resource Consumption and Reduction
C38 Nuisance
H2 Affordable Housing
H8B Blue Hills, Devizes Road
H17 Village Policy Limits
H24 New Housing Design
T10 Car Parking
T12 Footpaths and Bridleways
U1a Foul Water Disposal
U2 Surface Water Disposal
U4 Groundwater Source Protection Areas
I1 Implementation
I2 The Arts
S1 Education

Hilperton Village Design Statement SPG (Supplementary Planning Guidance) (2005)

Affordable Housing SPG (2005)

Residential Design Guide SPD (Supplementary Planning Document) (Nov. 2005)

Leisure and Recreation DPD (Development Plan Document) (Jan. 2009)

LP5 New Sport and Recreation Facilities

National guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG17: Planning for Open Space, Sport and Recreation

PPS25: Development and Flood Risk

7. Consultations

Hilperton Parish Council

Objection:

- a) The proposal would result in the unnecessary loss of approximately 19 metres of hedgerow, contrary to the Parish Council's original perception; and
- b) The two and a half storey elevations will overlook existing properties.

Highways

No objection subject to conditions

Libraries and Heritage

No objections

Tree and Landscape officer

No objection: "Further to a number of site meetings with the applicant that resulted in a number of amendments, I can confirm that there are no arboricultural or landscape reasons to refuse this application. If approved the following two conditions should be applied, as there are no conditions in the original outline application for the implementation of arboricultural details or the landscape scheme."

Environment Agency

No objection in principle. Highlights that surface water and drainage needs to be considered in the development.

Spatial Plans

No objections.

Housing

No objection: "Eleven affordable homes meet current identified housing need and policy, as detailed in the outline planning permission, and therefore the new housing team fully supports this reserved matters application."

Natural England

Wishes to make no comment.

Ecologist

No objection subject to clarity on the bat pavilion and informatives. Highlights that condition 16 on the outline planning permission covers bats and birds but is concerned that other protected species may be affected such as badgers, which are protected by other legislation beyond the planning system.

8. Publicity

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

Expiry date: 10 December 2010.

33 items of correspondence received. Summary of points raised:

- * Ensure existing landscaping is preserved
- * The buffer landscaping strip adjacent to Devizes is not being maintained
- * The hedge on the northern boundary needs to be managed better than currently
- * Plans are incorrect / ambiguous
- * Wildlife and ecology interests will be harmed
- * Numerous protected species exist on the site and this has changed since original survey (NB letter from Wiltshire Badger Group – Badgers and Bats live on the site)
- * With cuts in public sector funding what safeguards will be put in place in regards to wild life.
- * Density too high – locally it is 10-23 dwellings per hectare
- * Large scale development in a back garden
- * Out of keeping with the surrounding area as required by the Hilperton Village Statement
- * Affordable housing should be dispersed through the development
- * Affordable housing is not in keeping with the surrounding area and inappropriate in this area of Hilperton
- * Should have 'executive style' housing only
- * Insufficient parking
- * Devizes Road is a dangerous 'rat run', in particular the roundabout which provides the proposed access to the site

- * Access is inadequate/dangerous/inappropriate
- * Roads are unsuitable for construction traffic / The existing Devizes Road access should be used for construction
- * Why isn't the existing access being used?
- * No provision for public transport
- * Too much parking to promote the use of public transport
- * Pedestrian access to Devizes Road is unsafe with no pavement
- * Unsustainable location with some distance to facilities and public transport connections
- * Overlooking and loss of amenity to existing property
- * Impact of construction phase on residential amenity
- * 2.5 storey properties result in overlooking
- * Impact on education facilities which are over subscribed
- * Inadequate play areas for children
- * Impact on medical facilities
- * Recent signage advertising 4 and 5 bedroom housing to the site is objectionable
- * Reduced property values, so all houses should be reassessed for Council tax rates
- * Due to disruption in the construction phase residents should have a Council tax rebate
- * Waste disposal concerns
- * Garage block likely to be a hang out for teenagers and would be out of keeping
- * Local area does not support the proposals and open conflict will result between occupiers of affordable housing and established residents – “Big Society”/localism
- * Proposals do not take into account changes in government legislation, including changes to definition of brownfield land and housing density requirements
- * The existing consent was granted on the basis of the Hilperton Gap bypass being built
- * Noise and smell disturbance, especially from affordable housing
- * The site is in need of urgent development
- * Local planning should learn from previous mistakes made, not make them again
- * The developers are greedy.

9. Planning Considerations

Introduction and Planning History.

This site has been allocated within the local plan for development since 2004 under Policy H8b. This allocated the land in general terms for a developable area of 1.1 hectares to accommodate circa 35 dwellings (including affordable homes to meet the local need in accordance with Policy H2). A further area of approximately 0.2 hectares was identified for open space.

Pursuant to the formal adoption of the current local plan's allocation of the site, an outline planning application was considered by planning committee and a resolution to grant planning permission was agreed in October 2006 subject to the satisfactory completion of a legal agreement. This was formally granted planning permission in July 2009 upon the completion of a legal agreement to the satisfaction of the development control manager.

The planning permission sought to gain approval of the principal and the details of access and siting of 38 dwellings and associated development including roads, garaging and provision of open space. This also indicated which units would be for affordable housing. The related legal agreement obtained developer contributions for a requirement for affordable housing in accordance with Policy H2 of the West Wiltshire District Plan 1st Alteration (2004), provision of open space and contribution to its future management, provision of integrated cycleways and footpaths leading into the existing network, contribution to public transport, contribution to public art and contribution to community facilities at Hilperton Village Hall.

Further to this the site has been sold to new national house builders who have different 'standard' house designs. As siting of the proposals was already approved and the new 'standard' house types do not identically replicate the original approval it was therefore a procedural necessity for a non-material amendment to be granted for nominal changes in regard to siting prior to the submission of reserved matters.

It is within this context and pursuant to the extant planning permission from 2009 that this application for approval of reserved matters is now being submitted. It is stressed that the principle of the development is established and those matters cannot be reasonably revisited within the scope of this reserved matters application. It has been noted that a significant element of local objection has been focused on matters that are beyond the reasonable control of this application.

Design.

The built-form of the proposals has a design which is very contemporary and similar to the recent approval at land rear of The Grange, indeed this is the same developer. In this case there are 12 different house types being proposed which all are well proportioned and unobjectionable. This scheme has a broad variety of house types ranging from terraced up to large detached dwellings. It is accepted that the proposals are not an exact replica of the existing development in this area and the immediate surroundings, however the requirement to be in keeping with the surrounding area is not to be considered a requirement for no further variety. Furthermore the approved siting detailed this exact mix of housing from detached to terraced on the site.

Indeed an objective of new development is that a variety of designs are employed and this scheme will create a range of 12 different housing types over 2 and 2.5 storeys which will create an interesting and varied street scene, which integrates the affordable housing with the market accommodation.

The proposals have included 8 units which are 2.5 storeys in height. In terms of design, development of this scale is part of the surrounding context and evident to the west. It is noted that the parish and some local residents contend that overlooking would occur from the proposals, especially the 2.5 storey development. However second floor windows are not likely to cause a significantly greater level of overlooking than first floor accommodation. Moreover the approved siting and the detailed elevations now provided avoid any significant levels of overlooking. Neighbouring amenity would not be demonstrably harmed.

It is noted that plot 1 has a side elevation window, however this is to a bathroom and so a condition to require it be obscure glazed is considered reasonable.

The design details of the garages are quite standard and unobjectionable. The comments regarding potential congregation at such points are noted, however it is beyond the scope of this application to deal with such matters.

External appearance.

In terms of the visual impression of the proposals the scheme has been set out in a contemporary manner and the siting is not substantially altered from that already granted planning permission. The details of elevation treatments provide a varied and interesting development with staggered building lines. This would ultimately create an overall interesting street scene.

The proposals have been submitted with details of materials. These state the use of red/orange brick with some white/cream through colour render and reconstructed stone sills and keystone heads. Brown concrete roof tiles with some reconstructed grey slate to some of the larger houses are proposed. This is the same as the recently approved details for development south of The Grange, and again whilst this is not particularly exemplar in quality it is in keeping with the Paxcroft Mead development generally.

The external appearance of the development addresses the balance between being in keeping with surrounding development and more recent planning objectives of creating mixed and inclusive communities with affordable housing integrated into developments. Indeed the external appearance of the units inevitably varies in quality but it is noted that there are several open market properties which are similar to the affordable housing units in appearance. This does help create a more integrated appearance.

Landscaping.

The proposals involve the urbanising of what is substantively a grass field with a single large dwelling. However the proposals detail the retention of protected trees, the creation of two formal areas of open space, introduction of integrated and publically accessible cycleways and footpaths, general

landscaping to give the development a sense of maturity and proper management of the existing boundary hedging.

An up to date tree report and landscape specification has been submitted with the proposals. This has detailed what trees are of high quality, moderate quality, low quality and which for arboriculture management reasons should be lost. This survey has informed the reserved matters application, along with the constraints of the current planning permission and resulted in the retention of a number of important TPO trees within the site and safeguarded their root protection areas.

The boundary hedging is important at this site and provides a useful means of protecting existing and proposed residential amenity, wildlife habitat and providing a quality residential environment. It is noted that parts of the boundary hedging are in a poor condition and have not been well managed and maintained. Some areas have become overrun with brambles for example and this has 'choked' other species. The applicants therefore reasonably propose management of these boundaries and appropriate buffer planting of indigenous species. This will in the long term enhance the functions of these hedges.

Around the site, in addition to the retained trees, residential scale planting has been proposed to complement the built form of the development and soften its impact. This includes trees and shrubs. Generally the rear gardens have been left to be treated as future occupiers see fit, although some will have trees already planted prior to occupation.

The proposals have been commented on by the Council's tree and landscape officer who has no objections and it is noted that they have been actively engaged by the developers to help create an acceptable scheme. The tree and landscape officer correctly details that implementation conditions which usually would be imposed at outline stage were omitted. It is considered reasonable and necessary to impose implementation type conditions at this stage as it is a matter that was reserved for further consideration when planning permission was granted.

Other matters arising

The public consultation process has drawn out a number of issues which are generally beyond the scope of this reserved matters application. It is repeated that this is not a planning application, merely a reserved matters pursuant to the extant planning permission and it is in this context that the application should be considered.

The ecology issues, access and affordable housing on this site was a matter for consideration at outline stage and is not material at this reserved matters stage. However in the interests of providing a constructive response the following comments are provided.

Ecology. Since the original ecological survey of this site and the consideration of the extant planning permission a considerable amount of time has passed. In the interim it is apparent that protected species have either moved to the site or it is now realised they are there. In either case it is beyond the scope of this application to deal with ecological matters robustly and it therefore falls that other legislation should deal with the matter. All that can reasonably be done on this application is to include an informative to highlight the presence of protected species. The developers are already aware of this and are understood to be engaging with Natural England and the Council's ecologist on mitigation and obtaining appropriate licences under other legislation. The reserved matters plans originally included a bat pavilion in the open space, however this has been removed at your officer's request. This is because the matter should be handled via condition 16 imposed on the original permission or a further planning application. Furthermore the bat pavilion detailed did not meet the specifications of their ecological report submitted in connection with discharge of condition.

Access. This is matter that also drew significant local attention; however it is approved and cannot be revisited. In terms of construction access, then this is a matter for the developers to consider, they could under the outline permission use either the existing access onto Devizes Road or the two approved accesses for the completed development. It is noted that conditions have been suggested by the highway officer. However these matters should have been addressed, and indeed in some cases were covered, by the outline planning permission. Given the extent of details approved at outline stage it is not considered reasonable to impose the conditions suggested by the highway officer in this case. However the development should be carried out having regard to the outline

planning conditions. Finally it is noted that car parking forms part of Cllr Clark's call-in request, however this is consistent with the information submitted at planning application stage and cannot reasonably be revised either on a reserved matters application for landscaping, external appearance and design.

Affordable housing. This needs to be provided in a variety of locations, including villages as well as town centres. Furthermore it needs to be split and disseminated through new development in small clusters to strike a balance between creating integrated communities and providing economies of scale for the Registered Social Landlord (RSL) in maintaining and servicing the units.

Localism and the "Big Society". The recent announcements in regards to the Localism Bill have been given some consideration. This is still at an early stage and whilst it is quite clear that the government intentions are to devolve power to a local level and may be to reform the planning system, at this time the details of how this will work in practice are unavailable. Moreover there has been no reform in the planning legislation. Therefore it is not considered to be material to the determination of this application. This conclusion should not be read to mean that local views have not been considered in this matter. On the contrary the public consultation is a key part of the planning process and any views are given consideration in light of the planning policy and all other material considerations.

The Hilperton Design Statement makes no explicit reference to the development which should occur on this land. It provides general guidance regarding new development proposals but for the reasons detailed above it is considered that this scheme is suitable and sympathetic to the local context and is consistent with the extant planning permission.

Finally in regards to planning conditions, it is usual practise that conditions are imposed at the outline stage in order to control development. The conditions imposed on the outline approval 04/00095/OUT are therefore still relevant. However it can be reasonable to add conditions if they are relevant to the information submitted at reserved matters stage and could not have been reasonably anticipated at outline stage. Numerous informatives are suggested in light of the consultation responses in the interests of trying to ensure that development is carried out in an acceptable manner.

Conclusion.

Whilst it is acknowledged that there are public objections to the scheme it is necessary to limit consideration to the reserved matters only. This is not an application for planning permission; it is merely seeking to gain approval of the outstanding details pursuant to the permission obtained.

The details of external appearance, design and landscaping are all considered to be acceptable for the detailed reasons above. As such this application is recommended for approval.

Recommendation: Approval

For the following reason(s):

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

- 1 Before the development hereby permitted is first occupied the first floor window in the west elevation of plot 1, shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

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

- 2 The development shall be carried out as specified in the approved Arboricultural constraints plan reference ABBEY17434-01 and shall be supervised by an arboricultural consultant.

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

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C32 and H8B

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

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

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C32 and H8B

- 4 This approval relates to the following plans and documents:

Drawing : 1378-100 received on 05.11.2010
Drawing : 1378-115 A received on 05.11.2010
Drawing : 1378-101 D received on 23.11.2010
Drawing : 1378-116 received on 05.11.2010
Drawing : 1378-102 received on 23.11.2010
Drawing : 1378-111 received on 05.11.2010
Drawing : 1378-112 received on 05.11.2010
Drawing : 1378-113 received on 05.11.2010
Drawing : 1372-114 A received on 17.11.2010
Drawing : 1378-109 received on 05.11.2010
Drawing : 1378-110 received on 05.11.2010
Drawing : 1378-105 received on 05.11.2010
Drawing : 1378-106 received on 05.11.2010
Drawing : 1378-107 received on 05.11.2010
Drawing : 1378-108 received on 05.11.2010
Drawing : 1378-117 received on 05.11.2010
Drawing : 1378-118 received on 05.11.2010
Drawing : 1378-119 received on 09.02.2011
Drawing : 3016/SK02 A received on 05.11.2010
Drawing : ABBEY17434-01 received on 05.11.2010
Drawing : ABBEY17434-10 sheet 1 of 2 received on 29.11.2010
Drawing : ABBEY17434-10 sheet 2 of 2 received on 29.11.2010
TREE REPORT dated 03.09.2010
LANDSCAPE SPECIFICATION dated October 2010
DESIGN AND ACCESS STATEMENT dated October 2010

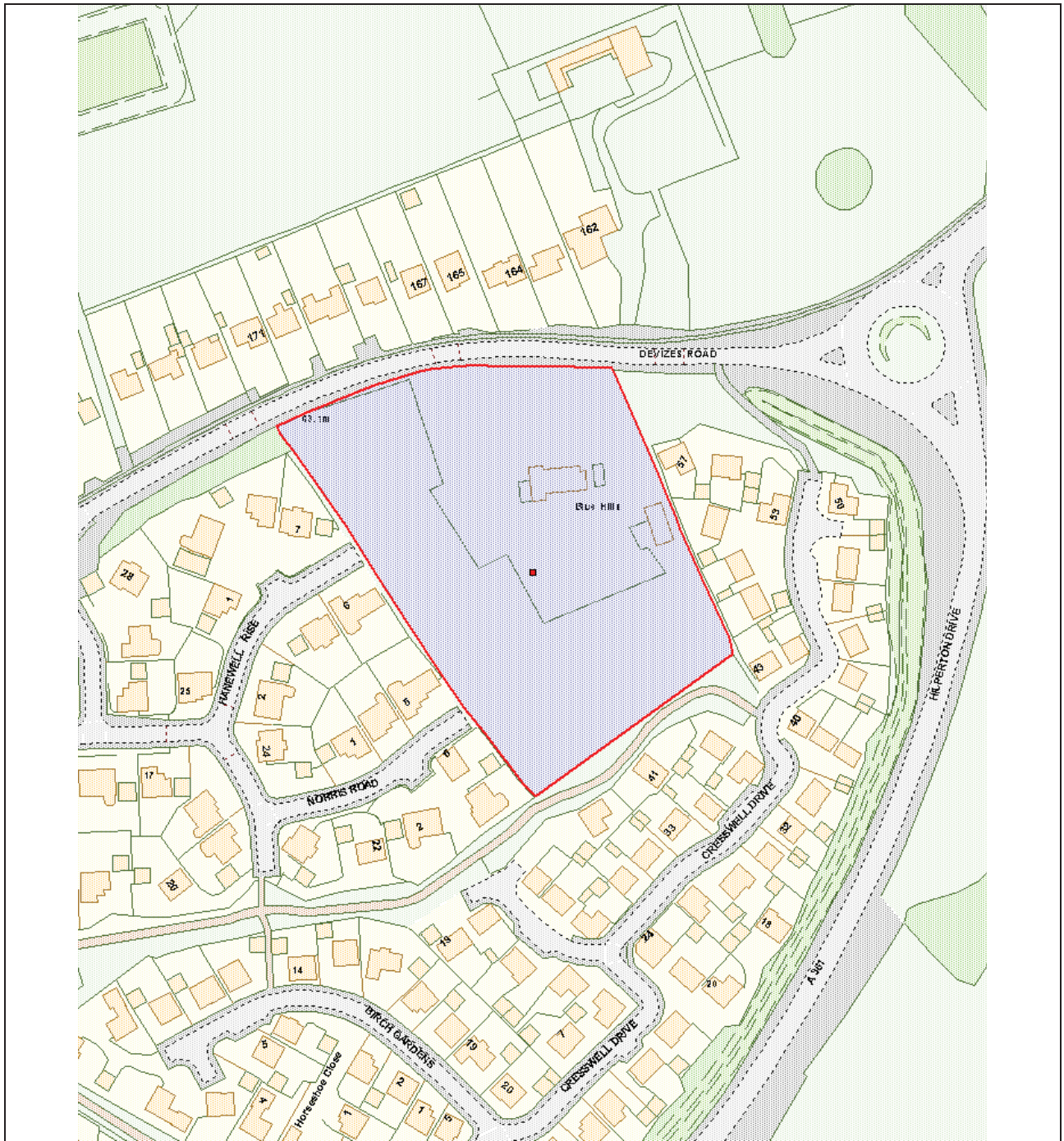
Informative(s):

- 1 Your attention is also drawn to the conditions imposed on the outline planning permission reference 04/00095/OUT and dated 10 July 2009.
- 2 This approval shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 9 July 2009.
- 3 The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts.

- 4 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. Furthermore it is an offence to kill or injure reptiles. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

- 5 The developer is advised that the Environment Agency would expect the surface water drainage system of the site to incorporate elements of sustainable drainage where possible. These techniques include soakaways, infiltration trenches, permeable pavements, grassed swales, attenuation ponds and rainwater harvesting. The variety of sustainable drainage techniques available means that virtually any development should be able to include a scheme based around these principles. More information can be found in the CIRIA SUDS Manual (C697) or at <http://www.environment-agency.gov.uk/business/sectors/36998.aspx>

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



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**Wiltshire Council – Area West
Planning Committee**

**Planning Appeals Update Report
February 2011**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom	Appeal type
W/10/00217/FUL	Land East Of Pinetum Furnax Lane Warminster	Warminster	Proposed industrial units with access road for B1, B2 and B8 use and land raising re-application (09/02742/FUL)	NON- DETERMINATION		WR
W/10/01753/S73	Land West Of Penn Farm Capps Lane Bratton	Bratton	Removal of conditions 2 and 3 attached to planning permission reference 07/03063/FUL and replaced with condition to allow for gypsy traveller occupation only	COM	PER	HRG
W/10/02261/LBC	21 Church Street On Avon Bradford	Bradford on Avon	Addition of electrical sun awning to exterior of rear kitchen roof	DEL	REF	WR
W/10/02808/OUT	Wayside 62 Bradley Road Trowbridge	Trowbridge	Proposed extension and conversion of existing house into 7 dwellings	COM	PER	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom	Appeal type	Appeal Decisn
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	DISMISSED

* 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/10/02115/FUL- 16A Horse Road Hilperton

In dismissing this appeal the Inspector was of the opinion that there were two main issues – the impact on the character and appearance of the area and the amenity of existing neighbours and future occupiers of the proposed dwelling.

She took the view that the proposal would be inconsistent with the current spatial form of development in the area. Furthermore, the siting and design of the proposed new dwelling was unsatisfactory and ‘would be seriously detrimental to the streetscene and surrounding area’. She also considered that the outlook from windows on the front elevation of the existing property would be diminished by a new bungalow ‘at such close quarters’ and, more significantly, would enable overlooking and loss of privacy to neighbouring property.

She concluded by stating that land efficiency remains a key consideration in planning for housing but this should not be at the expense of good design.

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