

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge
Date: Wednesday 19 October 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Marie Gondlach (Democratic Services Officer), 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 Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr Stephen Petty
Cllr Rod Eaton	Cllr Pip Ridout
Cllr Peter Fuller (Chairman)	Cllr Jonathon Seed
Cllr Mark Griffiths	Cllr Roy While (Vice Chairman)
Cllr John Knight	

Substitutes:

Cllr Rosemary Brown	Cllr Tom James MBE
Cllr Andrew Davis	Cllr Francis Morland
Cllr Russell Hawker	Cllr Helen Osborn
Cllr Malcolm Hewson	Cllr Fleur de Rhe-Philippe
Cllr Keith Humphries	

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 28 September 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**

The Council welcomes contributions from members of the public.

Statements

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

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 12 October 2011. Please contact

the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6. Planning Applications

To consider and determine the following planning applications:

- 6.a **W/11/02226/FUL - Land Adjacent 3 Forewoods Common Holt Wiltshire - Dismantle and re-erection of existing barn for storage**
(Pages 9 - 14)

Site Location	Land Adjacent 3 Forewoods Common Holt Wiltshire
Development	Dismantle and re-erection of existing barn for storage
Recommendation	Approval
Division Member	Councillor Trevor Carbin
Town / Parish Council	Holt

- 6.b **W/11/02180/FUL - 35 Lacock Gardens Hilperton Wiltshire BA14 7TF - Rear conservatory with balcony to roof** (Pages 15 - 18)

Site Location	35 Lacock Gardens Hilperton Wiltshire BA14 7TF
Development	Rear conservatory with balcony to roof
Recommendation	Approval
Division Member	Councillor Ernie Clark
Town / Parish Council	Hilperton

7. **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.

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 28 SEPTEMBER 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman),
Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout and Cllr Roy While (Vice
Chairman)

Also Present:

Cllr Francis Morland and Cllr Jeff Osborn

85 Apologies for Absence

Apologies for absence were received from Councillors Mark Griffiths, John Knight and Jonathon Seed. No substitute member had been able to attend the meeting.

86 Minutes of the Previous Meeting

The minutes of the meeting held on 7 September 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 7 September 2011.

87 Declarations of Interest

W/11/02014/FUL - Application to replace extant permission (reference W/07/03825/FUL - allowed on appeal) for the conversion of existing house to form two 1-bed flats and new build creating a further two 1-bed flats - 6 Summerdown Walk Trowbridge Wiltshire BA14 0LJ.

Councillor Peter Fuller declared a personal interest as a member of Trowbridge Town Council Development Committee which had previously discussed the

project. Councillor Fuller gave his assurance that he would consider the application with an open mind.

88 **Chairman's Announcements**

There were no Chairman's Announcements.

89 **Public Participation**

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

90 **Planning Applications**

The Committee considered the following applications:

90.a W/11/02014/FUL - Application to replace extant permission (reference W/07/03825/FUL - allowed on appeal) for the conversion of existing house to form two 1-bed flats and new build creating a further two 1-bed flats - 6 Summerdown Walk Trowbridge Wiltshire BA14 0LJ

Public Participation:

- Mrs Lisa Wiltshire spoke in objection to the application.
- Mr Barry Jones spoke in objection to the application.
- Mrs Sue Smith spoke in objection to the application.

Councillor Jeff Osborn, Unitary Councillor for Trowbridge Grove, urged the committee to consider objecting to the application as he felt there had been material changes since the appeal decision and that access and traffic difficulties would be exacerbated.

Officers introduced the report which sought approval.

During the ensuing debate members of the committee, although noting that private residential gardens were now excluded from the definition of previously developed land in Annex B of Planning Policy Guidance PPS3, and appreciating the issues raised by the objectors, could not be satisfied that there were sufficient grounds to depart from the previous appeal decision.

Resolved:

That planning permission be GRANTED.

For the following reasons:

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 take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted 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: To ensure that the development harmonises with its setting.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

3. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These shall include the replacement of the existing close boarded timber fence around the outside of the site with new hedging, the details of which shall be included within the landscaping scheme, together with details of any trees on the site that are to be retained and the means for protecting them during construction; means of enclosure and the surfacing materials to be used in construction of the approved access, parking spaces, turning area, pedestrian circulation areas and patio. The works shall be carried out as approved and completed prior to first occupation of any of the flats hereby permitted or in accordance with a timetable to be agreed in writing by the local planning authority.

REASON: To provide a satisfactory landscaped setting for the development, in accordance with policy C32 of the West Wiltshire District Plan 1st.

4. The approved parking spaces and turning area shall be kept free from obstruction and retained for their intended purpose thereafter.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

5. None of the flats shall be occupied until works for the disposal of sewerage and surface water on site have been provided in accordance with details to be submitted and approved in writing by the local planning authority.

REASON: To ensure that the development can be adequately drained.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A.

6. Demolition or construction works and deliveries to and from the site shall not take place outside 0800 hours to 1730hours Monday to Fridays and 0800 hours to 1400 hours on Saturday and shall not take place at any time on Sundays or public holidays.

REASON: To minimise the disturbance to neighbouring amenities.
West Wiltshire District Plan 1st Alteration 2004 – Policy C38

7. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
Plan 653-03 received on 11/7/2011.

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

90.b W/11/01460/FUL - Siting of temporary dwelling (3 years) for agricultural worker with package treatment plant and new access track - Oak Tree Farm Os 6600 Great Chalfield Atworth Wiltshire

Public Participation:

- Mr Graham Heard, National Trust employee, spoke in objection to the application.
- Mr Nick Burns-Howell spoke in support of the application.
- Miss Janet Kennedy, applicant, spoke in support of the application.
- Mr Brian Griffin, agent, spoke in support of the application.

Councillor Peter Fuller relayed Councillor Mark Griffith's regret at not being able to attend the meeting.

Officers introduced the report which sought refusal and in doing so drew the committee's attention to the late list which contained comments from the agent and response from officers.

During the ensuing debate members of the committee discussed issues including animal welfare, value of local enterprises, impact on heritage assets and the open countryside.

Resolved:

That temporary planning permission be REFUSED

For the following reason:

The applicant has failed to satisfy the Council that there is an essential need for a temporary dwelling to be sited at this particular site. The application fails the

functional test as set out in Annex A to PPS7. The applicant currently occupies a dwelling in the village of Broughton Gifford, a short drive, cycle or walk from the site. The existing dwelling provides the required level of accommodation necessary to fulfil the functional needs of the enterprise. On this basis, an additional dwelling on the site would run contrary to the advice contained within Annex A of PPS7 and to West Wiltshire District Plan Policies C1 and H19.

**90.c W/11/01642/FUL - Change of use from A1 to A5 - 2 High Street
Westbury Wiltshire BA13 3BW**

There was no public participation.

Officers introduced the report which sought approval, in doing so he clarified some of the figures included on page 39 of the agenda:

- 21 business units were A1 shops;
- 4 units were A2;
- 1 unit was a D1 institutional use;
- 1 Café;
- 2 units were A5 takeaways;
- 1 unit was a restaurant / takeaway.

He also pointed out that the visitor centre was open and that there were no vacant units.

During the ensuing debate members of the committee were satisfied that the conditions should address any concerns such as intrusive levels of noise or odour control.

Resolved:

That the change of use from A1 to A5 be GRANTED.

For the following reason:

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

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 use hereby permitted shall only take place between the hours of 08:00 and 23:00.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.
POLICY: West Wiltshire District Plan - 1st Alteration - C38.

3. Prior to the operation commencing a scheme of noise control shall be submitted to the LPA for approval. The scheme shall be fully implemented prior to the use commencing.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.
POLICY: West Wiltshire District Plan - 1st Alteration - C38.

4. Prior to the operation commencing a scheme of odour control shall be submitted to the LPA for approval. Once approved, the scheme shall be fully implemented prior to the use commencing.

REASON: To ensure the creation/retention of an environment free from intrusive odours in the interests of the amenity of the area.
POLICY: West Wiltshire District Plan - 1st Alteration - C38.

Informative:

1. The applicant is advised to contact the food safety team when considering more detailed design and layout and prior to the operation of any food business.

91 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.20 pm)

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

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

PLANNING COMMITTEE Minute Item 90

28th September 2011

Observations and recommendations made since preparation of agenda

Item	Comments
Planning Applications	
6b	<p>W/11/01460/FUL</p> <p>Comments from agent in support of the application, claiming that the applicant needs to live on site and referring to the Council's decision in 2009 at Willowbrook Farm Broughton Gifford to allow an agricultural workers dwelling on a holding that has an alpaca herd when there was a dwelling close by in the village. He claims his client has a record of losses of stock and will be managing a larger enterprise than either Mudmead or Willowbrook.</p> <p><i>Officer comment: The Willowbrook Farm decision is not comparable as alpacas were only part of the livestock activities that also included a beef unit on a much longer established farming business.</i></p>

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	19.10.2011		
Application Number	W/11/02226/FUL		
Site Address	Land Adjacent 3 Forewoods Common Holt Wiltshire		
Proposal	Dismantle and re-erection of existing barn for storage		
Applicant	Mr N Allen		
Town/Parish Council	Holt		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	384785 161153		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Scale of development
- * Visual impact upon the surrounding area
- * 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 - None received.

Parish Council Response - Objects, for the reasons set out in the report below.

2. Report Summary

The main issues to consider are:

Existing Use and Principle of Development
Impact on the Green Belt
Impact on neighbouring amenities/land uses

3. Site Description

This application relates to a 200 square metre steel framed building which is located on land at 3 Forewoods Common, Holt. The site is located in the open countryside and in the Western Wiltshire Green Belt. It is understood that the building was previously used as part of timber yard and associated operations. Such operations and associated usage ceased around 1992, when the site was then used for general storage purposes. The building has a lawful use for B8 storage purposes.

4. Relevant Planning History

W/10/00051/CLE - Certificate of lawfulness for use of existing barn for B8 storage purposes - Certificate Issued 05.03.2010

5. Proposal

Under this application, the applicant seeks to dismantle the existing 200 square metre, 4.6 metre high wooden and asbestos roofed storage building and replace it with a more secure building of the same dimensions, but with a mono-pitch roof with a metal covering replacing the asbestos roof material. The applicant also seeks to provide an internal disabled w/c.

6. Planning Policy

Government Guidance

PPG2 - Green Belts

PPS7 - Sustainable Development in Rural Areas

West Wiltshire District Plan - 1st Alteration

C1 - Countryside Protection

C31a Design

U2 - Surface Water Disposal

7. Consultations

Parish Council - The Parish Council is opposed to the application. The application is for re-erection of the existing barn, but the plans state 'barn to be converted'. We would query the need for toilet facilities and are concerned that the 'conversion' will lead to a change of use.

Highways - Note the proposed replacement storage barn and that no alterations are being made to the existing access and parking arrangements. Due to this, no Highway objection is raised.

Wessex Water - No objection providing the development does not impact on Wessex Water infrastructure.

Environmental Health - No objections.

8. Publicity

The application was advertised by site and press notices and neighbour notification. No third party representations have been received.

9. Planning Considerations

Existing Use and Principle of Development

The existing building has a lawful use for storage purposes. In this application, the use would remain the same and no alterations are proposed to the access or parking arrangements nor to the on-site landscaping.

The applicant seeks to rebuild the 200 square metre storage building to the same layout and size, using similar building materials, including the waney edge timber exterior (which shall be re-used). The purpose is to provide a more secure building to discourage theft. The applicant proposes to replace the asbestos sheeting with composite metal roof sheets.

It is noted that the Parish Council have raised an objection against this application on the grounds that the submitted site plan is somewhat misleading as it has some notation which is not accurate. This one plan has the notation "barn to be converted". However, discussions with the agent have confirmed that this is erroneous as no conversion is proposed. A planning condition is considered appropriate to ensure there is no doubt over what is being applied for and approved.

There is no policy grounds to justify refusing the provision of the a disabled WC within the building which is considered to be a small, but essential facility for the applicant.

Impact on the Green Belt

The national planning guidance covering development within Green Belts is found within PPG2. This publication stresses the importance of their being a presumption against inappropriate development. It is also important to appreciate that the general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances.

New buildings proposed in the Green Belt often fall within the category of inappropriate development. However, the guidance in PPG 2 does allow for the re-use of existing buildings as these should not prejudice the openness of Green Belts, since the buildings are already there. It acknowledges that this can help to secure the continuing stewardship of land, and that the alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction. In this case, the building is being re-built, but to the same size and footprint and in a manner that should result in an environmental improvement compared to what is currently in situ. The character, appearance and openness of the area will remain unchanged.

Impact on neighbouring amenities/land uses

The proposals would not detrimentally affect neighbouring interests or adjoining land uses and no objections from local residents have been received.

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.

- 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, including samples if requested, 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. The timber boarding on the external walls shall be put in place before the building is brought into use. 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 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). No allowance is hereby given to convert the said building to any other use without a separate application being submitted and approved by the local planning authority.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 - Policy C1

- 4 Notwithstanding the erroneous notation on the site plan (received on 08 August 2011), no permission is hereby granted for any conversion to the existing storage facility, which is the subject of demolition and replacement.

REASON: To define the terms of this permission.

- 5 No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

REASON: In the interests of the appearance of the site and the amenities of the area.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policies C31a and C38

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

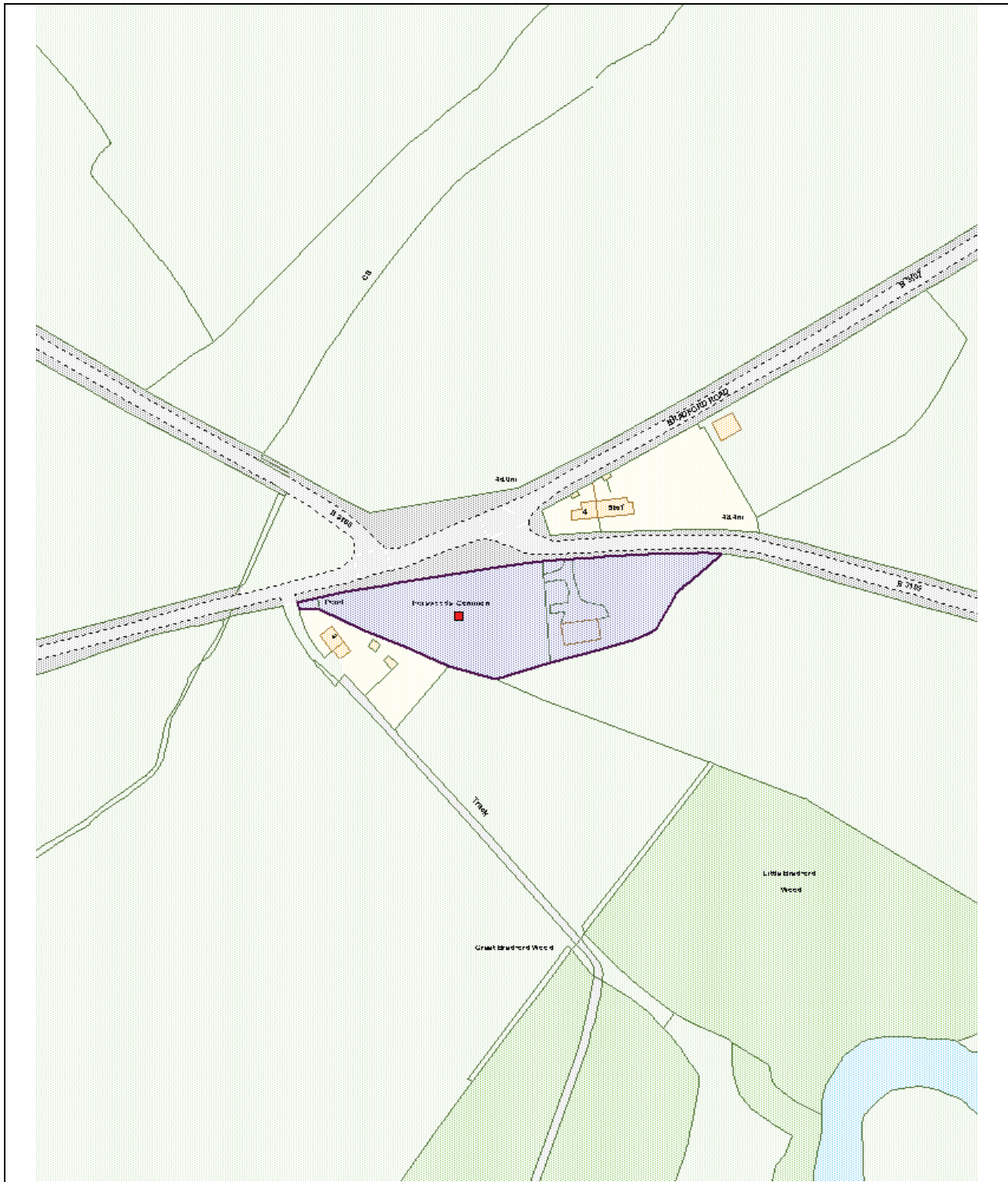
LOCATION PLAN received on 08.08.2011
SITE PLAN received on 08.08.2011
EXISTING PLANS received on 08.08.2011
PROPOSED PLANS received on 08.08.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

- 1 The applicant should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within, or close to the site.
- 2 The applicant is advised to ensure that all asbestos material is removed and disposed of properly in accordance with Hazardous Waste Regulations. The applicant is encouraged to contact the Environment Agency for more information.

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



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MSA: 100022961

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	19.10.2011		
Application Number	W/11/02180/FUL		
Site Address	35 Lacock Gardens Hilperton Wiltshire BA14 7TF		
Proposal	Rear conservatory with balcony to roof		
Applicant	Mr Paul Ranger		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	Ernie Clark
Grid Ref	387878 158782		
Type of application	Full Plan		
Case Officer	Miss Jennifer Fivash	01225 770344 Ext 01227 770297 jennifer.fivash@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Clark has requested that this item be determined by Committee due to the parish council objecting to the application and their wish that it be considered by the planing committee.

1. Purpose of Report

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

Neighbourhood Responses

No comments received

Parish Council Response

Objects, for the reasons set out below

2. Report Summary

The main issues to consider are: the impact on the amenity of neighbours and on the appearance of the area.

3. Site Description

The property is a detached house in the Paxcroft Mead estate. It backs onto the A361 Hilperton Drive but is well screened from it by the boundary planting and landscaping that screens the Paxcroft Mead estate from the traffic on the A361. It is a brick built house with an existing rear conservatory entered from the lounge. It is positioned in such a way that the house does not overlook the rear gardens of neighbouring properties.

4. Relevant Planning History

The existing rear conservatory was granted planning permission in 2004.

5. Proposal

The proposal is to construct a brick and glass single storey extension at the rear of the house, with entrance from the kitchen. The extension would lie alongside the existing conservatory, with a 1 metre gap between. It would extend out the same length as the existing conservatory (4 metres) and would have the same width (4 metres). It would have a flat roof that the applicant would use as a balcony, with access from the landing and with glazed panels.

6. Planning Policy

West Wiltshire District Plan - policies C38 and C31a

7. Consultations

Hilperton Parish Council - object to the proposal on the grounds that it will be incompatible with the existing planning permission in relation to the style of the extension and the first floor balcony and that the balcony will overlook adjoining properties and conflict with the pattern of development.

8. Publicity

The application was advertised by site notice and neighbour notification. No comments have been received

9. Planning Considerations

The issues here are the impact on the appearance of the area and the impact on the amenity of neighbouring properties.

The extension would be built of brick and glass at the rear of the house and would not be widely visible from public view due to the landscaping separating the estate from the A361 Hilperton Drive. It is in its form and shape typical of a conservatory. The unusual part is the balcony on the roof. First floor balconies can often cause problems of loss of amenity to neighbouring property through direct overlooking, particularly on estates where houses are close together, or to the rear of terraces. However, in this instance, the design of the estate and the orientation of the house is such that the balcony will not directly overlook the rear gardens of either of its neighbours, but instead will look out over the landscaped buffer and to the countryside beyond.

In this location, it is considered that the design of the conservatory and its associated balcony will not cause any harm to either the appearance of the area or the amenity of neighbouring properties. Accordingly, permission is recommended.

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.

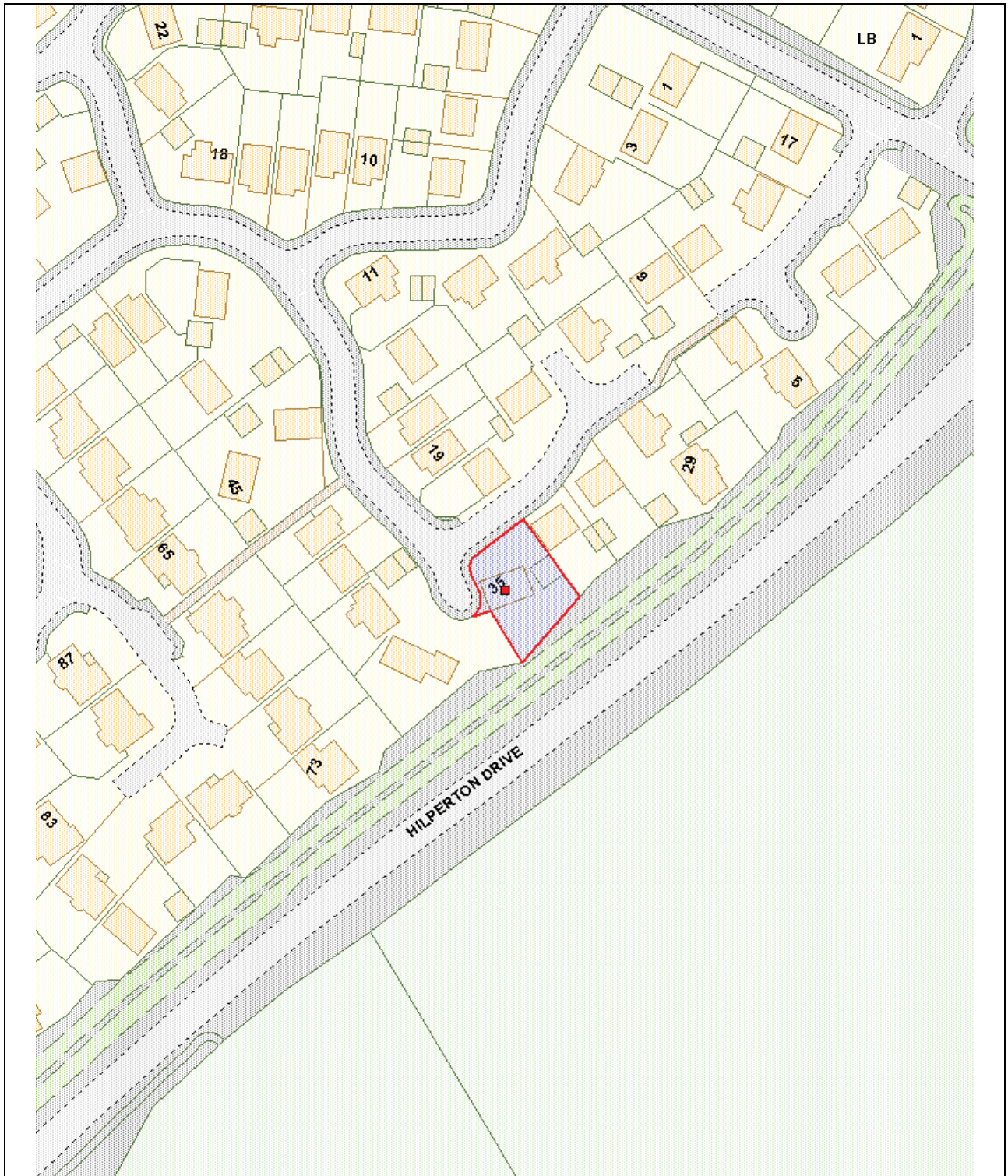
Subject to the following condition(s):

- 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 This permission relates to the details contained within the application forms and to the plans submitted with them in August 2011.

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



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