

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge,
BA14 0RD
Date: Wednesday 30 November 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 Andrew Davis | Cllr Tom James MBE |
| Cllr Russell Hawker | Cllr Jeff 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 - 10*)

To approve the minutes of the last meeting held on 9 November 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 no later than 5pm on Wednesday 23 November 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/11/02357/FUL - Former Bradford On Avon Hospital Berryfield Road, Bradford On Avon, Wiltshire (Pages 11 - 30)**

| | |
|------------------------------|---|
| Application Number | W/11/02357/FUL |
| Site Location | Former Bradford On Avon Hospital Berryfield Road, Bradford On Avon, Wiltshire |
| Development | Erection of 63 bed Care Home (Class C2) and 14 assisted Living Units (Class C2) with associated access, car parking (40 No. spaces), communal open space, landscaping and relocated electricity sub-station |
| Recommendation | Approval |
| Division Member | Councillor Rosemary Brown |
| Division | Bradford on Avon North |
| Town / Parish Council | Bradford on Avon |

6.b **W/11/01373/FUL - Church Farm, Church Street, Hilperton, Wiltshire, BA14 7RG (Pages 31 - 52)**

| | |
|------------------------------|--|
| Application Number | W/11/01373/FUL |
| Site Location | Church Farm, Church Street, Hilperton, Wiltshire, BA14 7RG |
| Development | Residential development of 20 units including conversion of existing buildings, new build and associated works |
| Recommendation | Approval |
| Division Member | Councillor Ernie Clark |
| Division | Hilperton |
| Town / Parish Council | Hilperton |

6.c **W/11/01248/FUL - The Forge, Park Street, Heytesbury, Wiltshire (Pages 53 - 60)**

| | |
|------------------------------|---|
| Application Number | W/11/01248/FUL |
| Site Location | The Forge, Park Street, Heytesbury, Wiltshire |
| Development | Two storey extension and internal alterations |
| Recommendation | Approval |
| Division Member | Councillor Christopher Newbury |
| Division | Warminster Copheap and Wyllye |
| Town / Parish Council | Heytesbury Imber And Knook |

6.d **W/11/02648/FUL - Land Adjoining 16 Wiltshire Crescent, Melksham, Wiltshire (Pages 61 - 70)**

| | |
|------------------------------|---|
| Application Number | W/11/02648/FUL |
| Site Location | Land Adjoining 16 Wiltshire Crescent, Melksham, Wiltshire |
| Development | Proposed conversion of existing garage into new dwelling |
| Recommendation | Approval |
| Division Member | Councillor Jon Hubbard |
| Division | Melksham South |
| Town / Parish Council | Melksham (Town) |

6.e **W/10/03480/REM - Land Adjoining 21 Wynsome Street, Southwick, Wiltshire (Pages 71 - 78)**

| | |
|------------------------------|--|
| Application Number | W/10/03480/REM |
| Site Location | Land Adjoining 21 Wynsome Street, Southwick, Wiltshire |
| Development | Proposed new dwelling |
| Recommendation | Approval |
| Division Member | Councillor Francis Morland |
| Division | Southwick |
| Town / Parish Council | Southwick |

6.f **W/11/02194/FUL - Land Rear Of 12 Lavender Close, Melksham, Wiltshire (Pages 79 - 84)**

| | |
|------------------------------|--|
| Application Number | W/11/02194/FUL |
| Site Location | Land Rear Of 12 Lavender Close, Melksham, Wiltshire |
| Development | Change of use of land from grass verge to hardstanding for use as access |
| Recommendation | Approval |
| Division Member | Councillor Jon Hubbard |
| Division | Melksham South |
| Town / Parish Council | Melksham (Town) |

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 9 NOVEMBER 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 Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty,
Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr David Jenkins

99 Apologies for Absence

There were no apologies for absence.

100 Minutes of the Previous Meeting

The minutes of the meeting held on 19 October 2011 were presented.

Resolved:

**To approve as a correct record and sign the minutes of the meeting held
on 19 October 2011.**

101 Declarations of Interest

Planning Appeal in respect of land at Slag Lane and Hawkeridge Road –
Councillor Peter Fuller declared a personal and prejudicial interest as he had
become aware, since the application had been before committee, that the social
housing element of the development would be sold to Jephson Housing
Association, for which he is a Tenant Representative.

W/11/02185/FUL – Land North of Dunch Lane, Melksham, Wiltshire.

Councillor Rod Eaton declared a personal interest as a member of Melksham
Town Council and as he had been lobbied by the Town Council. He gave his
assurance that he would consider the application with an open mind.

102 **Chairman's Announcements**

The Chairman informed the committee of a change to membership as agreed at Full Council on Tuesday 8 November 2011: Councillor Jeff Osborn would replace Councillor Helen Osborn as a substitute for the Western Area Planning Committee.

103 **Public Participation**

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

104 **Planning Applications**

The Committee considered the following applications:

104.a W/11/02427/FUL - 40 Newleaze Park Broughton Gifford Wiltshire SN12 8PL

Public Participation:

- Mr Ronal Bush spoke in objection to the application.
- Mr Richard Harlow (agent) spoke in support of the application.

The Area Development Manager introduced the report which sought approval and in doing so drew the committee's attention to the late list, which is appended to these minutes for ease of reference, and clarified that the neighbouring dwelling referred to in the report was No.42 (No.40 being the applicant).

Members of the committee expressed concerns over the issue of the adjoining garage wall and it was explained that the issue would be regulated by the Access to Neighbouring Land Act and the Party Wall Act 1996. It was also confirmed that the two Acts cited would have to be complied with even if planning permission were granted.

Resolved:

That planning permission 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To ensure that the development harmonises with its setting.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A

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

REASON: To ensure that the development can be adequately drained.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

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

REASON: In the interests of highway safety.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

5 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 5/9/2011

AH2011/03/1 Rev B received on 5/10/2011

AH2011/03/2 Rev B received on 5/10/2011

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:

1 The dropped kerb should be extended across the full width of the driveway. An application pack will be issued from our Vehicle Crossing Team to implement this requirement.

104.b W/11/02185/FUL - Land North Of Dunch Lane Melksham Wiltshire

Public Participation:

- Mrs Sandra Kenyon spoke in objection to the application.
- Mrs Yvonne McCoubrey spoke in objection to the application.
- Mr Martin Yarwood spoke in objection to the application.
- Mr Richard Harlow (agent) spoke in support of the application.

The Area Development Manager introduced the report which sought approval. In response to technical questions asked by members of the committee it was confirmed that the application was retrospective, that agricultural rights included the keeping of animals, that the stables were deemed permanent and that the horses on site were in private ownership.

During the ensuing debate members of the committee pointed out that the highway access had already been granted and they could not be convinced that there was an environmental issue.

It was therefore

Resolved:

That planning permission be GRANTED.

For the following reasons:

The proposed development would not materially affect the amenities of the neighbours and any planning objections have been overcome by conditions.

Subject to the following conditions:

1 Within one month of the date of this permission, details of the proposals for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) shall be submitted to and approved in writing by the Local Planning Authority. The operation of the use authorised by this permission shall be carried out in accordance with these approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

2 The equestrian use hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with any commercial equestrian tuition.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38

3 No manure or materials shall be burnt on site.

REASON: In order to minimise nuisance and safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan First Alteration 2004 policy C38 and E10

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

Site location plan received on 2 August 2011

Block Plan received on 2 August 2011

AH2011/47 Rev A received on 24 August 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.

104.c W/11/02216/FUL - Upper Farm Upper Farm Northwest To Upper South Wraxall Lower South Wraxall Bradford On Avon Wiltshire

Public Participation:

- Mr David Pearce (agent) spoke in support of the application.

The Area Development Manager introduced the report which sought approval. Members of the committee sought and gained reassurance that both of the buildings had been marketed for alternative business, tourist and recreational use.

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 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 carried out except in complete accordance with the details shown on the submitted plans:

LOCATION PLAN – Drawing no. LDC.1485.001 received on 06.08.2011
SITE PLAN – Drawing No. LDC.1485.002 Rev C received on 05.10.2011
EXISTING PLANS BARN A – Drawing no. LDC.1485.003 received on 06.08.2011
EXISTING ELEVATIONS BARN A – Drawing No. LDC.1485.004 received on 06.08.2011
PROPOSED PLANS BARN A – Drawing No. LDC.1485.005 Rev C received on 06.08.2011
PROPOSED ELEVATIONS BARN A – Drawing No. LDC.1485.006 Rev B received on 06.08.2011
SECTIONS BARN A – Drawing No. LDC.1485.007 Rev B received on 06.08.2011
EXISTING PLANS BARN B – Drawing no. LDC.1485.008 Rev A received on 06.08.2011
EXISTING ELEVATIONS BARN B – Drawing No. LDC.1485.009 Rev C received on 06.08.2011
PROPOSED PLANS BARN B – Drawing No. LDC.1485.010 Rev C received on 06.08.2011
PROPOSED ELEVATIONS BARN B – Drawing No. LDC.1485.011 Rev C received on 06.08.2011
PROPOSED ELEVATIONS BARN B – Drawing No. LDC.1485.012 received on 06.08.2011
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.

3 No development shall commence on site until details and samples of the materials to be used for the external walls (including the new means of enclosure) 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.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policy C31a and H21.

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

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

5 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

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

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

7 No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.9 metres above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 policy C31a

8 The development hereby permitted shall not be occupied until provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

9 No development shall commence on site until details of the external timber boarding finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policy C31a, C17 and H21.

10 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 those Orders with or without modification), no development within Part 1, Classes A-E and Part 2 Class A-C shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.

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 future alterations, additions, extensions or enlargements.

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

11 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 additional wall or roof openings, other than those shown on the approved plans, shall be formed in the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: PPG2 - Green Belts and West Wiltshire District Plan 1st Alteration 2004 policy C31a, C38, E8 and H21.

12 The mitigation measures detailed in the approved Ecological/Bat Surveys undertaken by Skilled Ecology Consultancy Ltd shall be carried out in full prior to the first occupation of the development hereby approved.

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

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

Informatives:

1 The applicant/developer is advised to note that the grant of planning permission does not derogate the applicant's legal responsibilities under the Conservation of Species and Habitats Regulations (2010). It is the applicant's responsibility to obtain a European Protected Species licence from Natural England to legitimise any action likely to breach Regulation 41.

2 The applicant/developer is advised to note the content of Wessex Water's letter dated 30 August 2011.

3 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

4 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.

5 The applicant/developer is advised to note the content of the Environment Agency's letter dated 5 September 2011.

104.d W/11/02232/FUL - Mayflower Farm New Road Codford Warminster Wiltshire

Public Participation:

- Mr Chris Bayne spoke in objection to the application.
- Mr David Shaw spoke in objection to the application.
- Mr Simon Firth spoke in objection to the application.
- Brigadier Mark Elcomb spoke in support of the application.
- Mr Paul Hember spoke in support of the application.
- Mr Jonathan Nuth spoke in support of the application.
- Mr Richard Burden expressed the concerns of the Area of Outstanding Natural Beauty (AONB) Partnership.
- Mrs Rosemary Wyeth, Codford Parish Council Chairman, spoke in objection to the application.

The Area Development Manager introduced the report which sought approval and welcomed the opportunity for this unusual application to be debated in a public forum.

Members of the committee recognised the unusual nature of the application and the necessity for the committee to balance the need for the building in this location and potential local employment against the impact on an AONB.

Resolved:

That planning permission be REFUSED.

For the following reasons:

1. The visual impact of the proposed development would harm the landscape and be detrimental to the purposes of the Cranborne Chase and West Wiltshire Downs AONB, contrary to Policies C1 and C2 of the West Wiltshire District Plan (1st Alteration).

2. The proposed development is incompatible with the rural character of the area and would lead to a loss of tranquillity and to inappropriate urbanisation of land outside of the built up area of the village. This would conflict with policy E6 of the West Wiltshire District Plan (1st alteration) and with policy EC6 of PPS4 that seeks to protect the countryside for the sake of its intrinsic character and beauty and to strictly control economic development in the open countryside.

105 Urgent Items

There were no Urgent Items.

106 Exclusion of the Press and Public

Councillor Pip Ridout apologised as she had to leave the meeting at that point.

Councillor Peter Fuller left the meeting at that point, minute no.101 refers.
Councillor Roy While in the chair.

Resolved:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute number 107 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

107 Planning Appeal in respect of Land at Slag Lane and Hawkeridge Road, Westbury

Officers introduced a report seeking the committee's approval that, in the light of new information contained in the report, the Council withdraw its opposition to the proposal at the forthcoming public inquiry into the appeal against the decision by the Western Area Planning Committee to refuse planning application W/10/03406/FUL at Slag Lane and Hawkeridge Road, Westbury.

Resolved:

That the Council inform the Planning Inspector at the forthcoming public inquiry that in the light of the new evidence contained in the Draft Wiltshire Workspace and Employment Land Review, it no longer wishes to pursue the reasons for refusal set out in the decision notice on planning application W/10/03406/FUL.

Councillor Christopher Newbury asked for his vote against the resolution to be recorded.

(Duration of meeting: 6.00 - 8.45 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

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|---|--|----------------|
| Date of Meeting | 30.11.2011 | | |
| Application Number | W/11/02357/FUL | | |
| Site Address | Former Bradford On Avon Hospital Berryfield Road Bradford On Avon Wiltshire | | |
| Proposal | Erection of 63 bed Care Home (Class C2) and 14 assisted Living Units (Class C2) with associated access, car parking (40 No. spaces), communal open space, landscaping and relocated sub-station | | |
| Applicant | Castlemead Care/Berryfield House Regeneration Company | | |
| Town/Parish Council | Bradford On Avon | | |
| Electoral Division | Bradford On Avon North | Unitary Member: | Rosemary Brown |
| Grid Ref | 382633 161633 | | |
| Type of application | Full Plan | | |
| Case Officer | Mr James Taylor | 01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk | |

Reason for the application being considered by Committee

Councillor Rosemary Brown 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;
- * Issues raised by local residents;
- * Opportunity to discuss with relevant officers.

1. Purpose of Report

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

Neighbourhood Responses:

16 letters of objection, and

20 letters of support.

Bradford on Avon Town Council Response:

No objection / Support

2. Report Summary

The main issues to consider are:

- * Planning history;
- * provision of care facilities;
- * setting of Grade II listed building;
- * setting of conservation area;
- * individual and woodland tree preservation orders;
- * highway safety, access and car parking provision;
- * neighbouring residential amenity; and
- * design, scale and materials.

3. Site Description

The application site is the western part of the former Berryfield hospital site which has been allocated as a “housing commitment” in the local plan. The former hospital site has in recent years been subdivided into two halves and the redevelopment of the main house and the associated eastern part of the site is on-going with many of the units now sold and occupied.

This application relates only the redevelopment of the western part of the site. This has a gentle variation in levels sloping generally from the north down to the south. It is undeveloped and has become overgrown grassland. The site has a number of tree preservation orders (TPO), including a woodland TPO on the boundary trees to the north, west and south of the site. The eastern boundary is a mix of residential walls/fences, mature trees, post and rail fencing, immature planting and hedgerows. Access to the site is existing from Berryfield Road; this was the original access to the hospital, but that building is now served by a new access created for the residential redevelopment.

To the east of the site is the Grade II listed Berryfield House, to the north, beyond the woodland belt is circa 1970s residential development, to the west are properties that front onto Bath Road and indeed Bath Road itself and the associated conservation area boundary. To the south and south-east are further circa 1970s residential properties.

4. Relevant Planning History

08/00004/FUL - Mixed-use development comprising: new build healthcare incorporating nursing home, assisted living units, and ancillary accommodation (Class C2); conversion of Berryfield House to 3 no. dwellings and erection of 8 no. new dwellings (Class C3); conversion of the Coach House and Bothy to offices (Class B1); and associated landscaping and access works – Permission at committee on 20.01.2009

5. Proposal

This is a revised proposal for the provision of a nursing home and assisted living units (Class C2) with ancillary development including roads, car parking, landscaping and re-location of an electricity substation.

In 2008 part of the planning permission for the redevelopment of the whole Berryfield site included (on the area subject to this current application) a 42-bed care home and 27 assisted living units. This revised application has increased the care home to a 63-bed care home facility and reduced the assisted living units down to 14.

Access to the site would be via the existing access onto Berryfield Road. Upon entry to the site it is proposed to erect the first of two blocks of assisted living accommodation. This would be a staggered terrace of 4 units over 2 storeys each with 2 bedrooms. Then to the north of this and the first of the

TPO constraints would be 10 more assisted living units with an irregular U-shaped footprint. This would be a further 2-storey block and include a mix of flats and houses with a mix of 2 and 3 bedrooms.

The assisted living units would be constructed from render to the walls with stone details, and natural slate to the roofs.

The ancillary development connected to the assisted living units is allocated car parking for 16 car parking spaces and 7 garage spaces, communal bin storage, private patios/balconies and communal landscape gardens.

The assisted living units have been submitted as Class C2 development consistent with the 2008 approval. A counsel opinion to confirm the use class has been submitted as part of the application. Part of that counsel assessment has been on the basis of the demonstrated link between the care home operator and the assisted living operator. Occupiers of any assisted living units would have to be 55+ years and at least one of the occupiers would be in need of a significant element of care. The occupiers of the assisted living units would have access to communal facilities provided within the care home. This matter was previously controlled by use of a condition to require the assisted living units be class C2 only.

Continuing north along the internal access road to the site and beyond the substantial Oak subject to a TPO a 63 bedroom care home facility is proposed. This is generally a 3 storey building with much of the ancillary development such as kitchen, plant and staff facilities located within the roof of the principal block. In addition to this the proposal details ancillary facilities for residents including 6 lounges, 3 dining rooms, hairdressers, activity room, treatment room, nursing stations and drugs rooms and managers/administration/waiting areas.

The care home would have walls constructed from a mix of render and natural stone, the roof would be natural slate and grey coloured single membrane metal.

The ancillary development connected to the care home is allocated car parking for 22 car parking spaces, 2 disabled bays and an ambulance space, cycle store, bin storage, maintenance store, and communal landscape gardens.

In addition the proposals include the relocation of an existing electrical substation at the site because reasonable access is required for servicing permanently and in perpetuity. In its current position the development would not facilitate necessary access, so its relocation is a requirement.

The application has been submitted with the following supporting information over and above the usual detailed plans:

- * Design and Access Statement;
- * Arboricultural Method Statement;
- * Statement of Community Involvement;
- * Flood Risk Assessment;
- * Ecological Assessment; and
- * Counsel opinion on the Class C2 use of the development.

During the course of the application discussions have been had with the developers in light of the consultation responses. A number of suggestions and requests were presented by officers, and some alterations to the scheme were possible. It is accepted that these do not address the full extent of the public objection to the scheme, but they have been listed for clarity:

- * Substation has been repositioned;
- * Use of natural stone has been used more strategic ally, so increased on the east and south elevations and reduced on the west elevation;
- * Levels for care home lowered to 91.05 (dependent upon bed rock conditions); and
- * Alterations to site entrance and pedestrian facilities.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C17 Conservation Areas

C23 Street scene

C31A Design

C32 Landscaping

C35 Light pollution

C38 Nuisance

C40 Tree planting

E4 Premises outside employment policy areas

T10 Car parking

T11 Cycleways

T12 Footpaths and bridleways

CF1 Community facilities

CF2 Re-use of community facilities

U1A Foul water disposal

U4 Groundwater Source Protection Areas

I1 Implementation

I3 Access for everyone

Wiltshire and Swindon Structure Plan 2016

DP1 Priorities for sustainable development

DP2 Infrastructure

DP3 Development strategy

DP5 Town centres, district centres and employment areas

DP9 Re-use of land and buildings

T5 Cycling and walking

T6 Demand management

C1 Nature conservation

C5 The water environment

HE2 Other sites of archaeological or historic interest

HE7 Conservation Areas and Listed Buildings

RLT1 Recreation, sport and leisure

Supplementary Planning Guidance (SPG)

Design Guidance - Principles (Adopted July 04)

Affordable Housing (Adopted July 2004)

Bradford on Avon Character Assessment (Adopted Jan 2001)

Wiltshire Local Transport Plan 2011-2026

Car Parking Strategy

National guidance

PPS1: Delivering Sustainable Development

PPS4: Planning for Economic Growth

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS23 Planning & Pollution Control

PPG24 Planning & Noise

PPS25: Development and Flood Risk

7. Consultations

Bradford on Avon Town Council

No objection – "...accordingly the Town Council welcomes the proposals and considers that the merits of the project and its importance to the town should be seen as important considerations in favour of approval. It is also the Council view that the differences between the approved scheme and the present proposal are not sufficient reasons to prevent the revised scheme from proceeding. The

Council therefore supports the present proposals and urges Wiltshire Council to approve the application.”

Conservation Officer

14 November 2011

No objection.

Earlier comments prior to final and revised plans:

No objection subject to revisions on east elevation materials and substation location:

“Of these proposals the main building of conservation concern is the care home itself that would be to the west of the listed building.

There is an extant 2008 permission for a care home on this site. The principle of a large building in such a close proximity to the listed building has therefore been established.

This current scheme proposes a larger building due to the functional need of the use, but it is nevertheless of a similar bulk and mass of building when compared to the previous approval. The height of the current proposal is approximately 2 metres higher than the previous one at 12 metres.

The north eastern section of the building would be raised from the lower height of the previous scheme up to the full height, but this has been justified as part of the need to get a certain amount of floor space for the use. Being a former hospital site, a care building on this site would fit in with the character of the area and this involves a minimum amount of development to make the project viable. Therefore, the increase in height of the north eastern section is acceptable in historic terms. The setting of Berryfield House would not be unduly harmed.

In terms of siting, a comparison of the approved and the proposed layouts show that the currently proposed building would be, at points, one metre closer to the listed building, but at other points would be the same distance as previously approved. This is considered to be a minimal change that would not affect the setting of the listed building.

The design of the care home is acceptable, the east elevation being the most important for the setting of the listed building. The fenestration is rhythmic and yet has enough variation in the vertical treatment to give an interesting and non-monotonous appearance.

However, the materials rely too heavily on render. Natural stone is shown as being used on two large projecting bays, almost as a border to render within. These projecting bays should be entirely dressed in stone. This would effectively break up the render on the rest of the building.

The proposed siting of the electric substation, shown at position G on AL(51)002 Rev B, is unacceptable. This would bring an unsympathetic and intrusive feature into the setting of the listed building. Vegetation cannot be used to screen a feature that is otherwise unacceptable. This substation needs to be resited to a more discreet location, away from the setting of the listed building.

Recommendation: Negotiate materials and substation as above.”

English Heritage

“The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.”

Tree and Landscape Officer

No objection subject to conditions.

Ecologist

No objection – “Thank you for consulting me on the above application. I have reviewed the Ecological Assessment report (Aspect Ecology, August 2011) in conjunction with the proposed plans (Landscape Proposals drawing no.920, Ward Associates, August 2011). The site is predominantly over-grown amenity grassland, with several mature trees and a belt of woodland habitat along the western boundary; the latter is likely to be a locally important wildlife corridor. The mature trees are considered to have some bat roost potential, and the marginal woodland habitat is likely to be used by

foraging/commuting bats. Bat roosts of several species, including the rarer Lesser Horseshoes, have been recorded at the Berryfield site, although this is not acknowledged in the Ecological Assessment. Nonetheless, these habitats will be retained within the proposals and providing that lighting is restricted along the woodland edge, there will be no significant impact from the development. With the retention of these ecological habitats, and additional native species planting along the woodland edge (as shown in the landscape plan), the site will retain its functional connectivity and provide habitat opportunities for mammals, reptiles and breeding birds. The incorporation of bat roosting opportunities into the new building (i.e. 1FR Bat Tube / 2FR Bat Tube /N27 Bat Box Brick by Schwegler) would be welcomed and would provide biodiversity enhancement in line with the requirements of PPS9.”

Natural England

No objection.

Wiltshire Wildlife Trust

The biological records screen details pipistrelle, long-eared & lesser horseshoe bat records from hospital.

Environment Agency

No objection subject to conditions.

Wessex Water

No objection subject to condition on foul and surface waters.

Highways Officer

14 November 2011

No objection subject to condition.

Earlier comments prior to final and revised plans:

No objection subject to some revisions:

“The proposal is to develop the site of the former Berryfield Hospital site pursuant to an outline application reference W/08/0004 for the hospital and its grounds. The proposals are for a 63 bed care home and 14 assisted living units on the western part of the wider hospital grounds.

In principle, I have no highway objection to the proposals although there are a number of matters, as follows, that will need attention before I would be prepared to formally make such a recommendation

–

- The visibility for drivers looking left when leaving the site is restricted by vegetation located between the footway and No. 5 Berryfield Road. I am seeking advice as to whether this vegetation can be cleared to significantly improve this situation.
- The various documents supporting the application provide differing information on the level of parking to be provided. Whilst I do not consider the ultimate numbers would be inadequate, it is important that a breakdown of spaces and garages is provided. It appears the parking provision is weighted towards the assisted living units and whilst this is not unacceptable, it will need to be confirmed that there would be flexibility so that any overflow from one facility would be accommodated in the other facility.
- I consider the wide bell mouth site access junction with Berryfield Road is inappropriate for the proposed use of the site and the presence of pedestrians. The junction should be modified to form a crossover junction over which pedestrians will have a continuous footway. It would still then be appropriate to have a footway along the western side of the access road and a short section of footway initially on the eastern side.
- A 6m wide aisle will be required for all car parking spaces.
- A continuous footway should be provided from Berryfield Road to the entrance to the care home by introducing crossovers to car parking.

Subject to the above matters being resolved and conditions relating to the access detail, parking and turning on site and the emergency access, I will have no highway objection to the application.”

Community Services

Support in principal – “A comprehensive assessment of the care market in Wiltshire conducted in 2008 indicated that there was an under supply of specialist care home placements for people with dementia and nursing home provision across Wiltshire. Additionally, the older population within Wiltshire was predicted to increase by 55.7% between 2007 and 2026, and within the Bradford on Avon community area, the older population was predicted to increase by 48% over the same timeframe. Our most recent population projections indicate that the older population will increase by 26% more than was originally estimated.

The Department of Community Services is supportive of this proposed development; however we would request that the developer reconsider the tenure mix of the extra care apartments to provide a proportion (30%) of affordable rented units so that it is in line with the tenure profile of older people across Wiltshire.”

Housing Officer

“A formal response from housing is not required”.

8. Publicity

The application was advertised by 2 site notices on Bath Road and Berryfield Road, a press notice in the Wiltshire Times and neighbour notification cards to 66 properties.

Expiry date: 11 November 2011

Summary of points raised:

16 letters of objection (including 1 from the Bradford on Avon Preservation Trust)

- * Care home impacts on setting of Grade II listed Berryfield House;
- * Increased height to 3 storeys – development should be restricted to 2 storeys;
- * Increased footprint;
- * Dominate private residential gardens – overlooking – loss of light;
- * Too much render and not enough stone to walls;
- * Form of proposal too complex and lacking reference – at odds with adjacent listed building;
- * Relocated substation unacceptable – too close to residential gardens;
- * Levels above extant scheme;
- * Overdevelopment of the site;
- * Proposals are misleading and understate impact;
- * Light pollution;
- * Noise from vehicles including ambulances;
- * Consultation has been inadequate and location of site notice is not close enough to site;
- * Access is dangerous – proximity to school – suggest using Bath Road;
- * Trees are an ineffective screen for 6 months of the year;
- * Monstrous flat roof building;
- * Distances to neighbouring property misrepresented;
- * wandering paths invade residential privacy;
- * the residential scheme has been carried out with respect , what was the point if this is allowed;
- * eye sore to those visiting town from Bath Road conservation area;
- * there is a need in the town for more homes for the 55+;
- * should return to the extant permission and withdraw this application;
- * reminiscent of a wayside Travel Lodge;
- * what are the windows and doors made out of;
- * Lack of information;
- * A helicopter pad would be unacceptable.

20 letters of support

- * Nursing home is much needed;
- * There is a covenant on land to allow only a health care facility to be built;
- * Principal has been established by planning history;
- * Additional employment – supporting economic growth;
- * Design is sympathetic to surroundings / Attractive well designed;

- * Sympathetic to listed building;
- * Careful landscaping required;
- * Benefit to local area;
- * Sure developer will deal with building work in same sensitive manner as the residential redevelopment.

Furthermore a letter from Duncan Hames MP has been submitted which in summary is supportive of the principle but reiterates some of the detailed concerns represented through the consultation phase urging that they be addressed and/or considered in the planning committee decision.

9. Planning Considerations

* Planning history

Whilst every planning application must be assessed on its merits, there is a planning permission extant on this application area for a 42 bed care home facility in the northern section of the site and then 27 assisted living units in 3 blocks over the southern portion. All of the extant development was over a mixture of 1-3 storeys. This planning approval was granted up to January 2012 at planning committee in 2009.

This history does to an extent provide the context for considering this application. It demonstrates that the principle of this type of development is acceptable, and it points to the widespread desire locally to see a healthcare development realised on the former hospital site.

* provision of care facilities

The site has been allocated in the local plan as a “housing commitment”, there is no policy to require a health care facility on this site. However it is noted that the public consultation process has made it clear that there is a private covenant on the land for the next 35 years which requires this.

Generally the local plan policy seeks to support the provision of community facilities such as health care. Furthermore the consultation with colleagues in community services has revealed a need for this type of development and with demographic trends the need is only likely to increase. In short this proposal is considered to be an important part of the local community facility provision and in principal it has widespread support.

* Setting of Grade II listed building

There are nonetheless critical site sensitivities that have to be addressed in order to consider if the scheme is acceptable in detail.

Firstly turning to the impact on the setting of the Grade II listed Berryfield House, which by the standards of a grade II listing is arguably one of the finer examples of architecture and historic interest. It is important to assess the relative value of the heritage asset when assessing the proposals against Planning Policy Statement 5. This is clearly an important building historically to the town and points to the historic use of this site for care provision. Maintaining this relationship (albeit in a different form) is a valuable positive to the scheme within a heritage asset assessment. Further this building is clearly of architectural merit also. It has classic proportions and a number of quality design features, and has been built from traditional local materials.

Defining the setting of any building is always a grey area and this is usually done by looking at historic features including boundary treatments and landscaping. It is clear that the setting of this building has substantially evolved over time including the circa 1970s residential development that largely surrounds it, and more recently the immediate eastern curtilage redevelopment for housing. However to the west of the listed building the setting may be defined in part by the incomplete hedge and then there is an area of ‘leakage’ to the south west where only recently has a small hedge and post and rail fence been planted/erected. In short the setting of Berryfield House is very subjective.

It is assessed that the care home building may reasonably be concluded to be within the outer edges of the listed building’s setting, but the assisted living units are outside of it, by reason of principally their distance from the listed building but also the presence of a large TPO tree.

The care home building proposed is undoubtedly a large structure. It has been designed over 3 storeys through a functional necessity which will be discussed later. It has been designed to reflect some architectural features of the adjacent listed building, e.g. parapet walls and use of stone. It has been sited at a lower ground level than the listed building, reduced after discussion to the same level as the extant scheme. The ancillary development for staff has generally been limited to the roof void in order to keep the overall massing and height of the building as low as the developers consider they reasonably can achieve and keep the scheme viable. The scheme has made a varied use in depths and materials on elevations to add interest and variety to the building and this is considered to be positive. This has allowed the development to avoid being a pastiche of the adjacent listed building and be a contemporary building that is independent to the listed building, but has sufficient context to respect the listed building. The overall height of the development would not be greater than that of the listed building by virtue of having low slab levels. A separation distance of up to 40 metres would be maintained between the care home and the listed building, which is comparable to the extant scheme.

Rather than merely summarise the expert opinions of the Council's conservation officer, they have been repeated verbatim above, and following some relatively minor but important alterations they have no objection to the development. The proposals have been subject to a consultation with English Heritage and some of the "amenity bodies", even though this is beyond statutory requirements. However this has revealed no meaningful responses. The local amenity body, the Bradford on Avon Preservation Trust has objected to the development proposals; they are of the view that the care home element of the scheme needs complete rethinking as it is unimaginative and banal, local lime stone must be used and details on windows are required. More information and a serious revision is required in their opinion. Your officers though take a different view and consider the design, whilst lead from functional requirements has incorporated details that add variety and interest. More stone has been sought on the east elevation with Berryfield House and clarification on windows has been provided (powder coated metal frames) and may be controlled by condition. The overall design of the care home facility is considered to be of a better quality than the extant scheme, albeit it does have a greater mass too.

The proposal would have an impact on the setting of this grade II listed building, however after careful consideration, on balance it is not deemed to create significant demonstrable harm to the setting. The care home building would be a building that would sit alongside the listed building, and having its own character and identity it would not rival it; furthermore it is different and separate enough to avoid competing with the listed building despite its scale. Furthermore it is not considered to cause any greater impact than the extant permission so as to merit refusal of the application. This final conclusion is consistent with expert internal conservation advice and the views of Bradford on Avon Town Council.

A further issue in terms of the setting of the Grade II listed Berryfield House has been the location of a substation. The scheme has been revised in order to have the substation further away from the listed building and remote from its setting.

* Setting of conservation area

The conservation area is equally an important heritage asset that needs to be handled with care. The site, where it has a boundary with Bath Road abuts the conservation area. The assisted living units have been reduced in number and scale over the extant approval. This combined with the protected mature tree features mean that the development nearest the conservation area would have less of an impact than the extant scheme. The 3-storey care home is set to the northern part of the application site and given the degree of separation would not be prominent. Whilst it would be higher than the extant scheme it is not considered that it would have any significant affect on the character, appearance or setting of the conservation area. For these reasons the proposals accord with conservation area policies.

* Individual and woodland tree preservation orders

This application has been submitted with a landscaping scheme and an arboricultural method statement. At pre-application stage it was made very clear that any development needed to respect the trees and woodland subject to preservation orders and additional planting to supplement this and complement the built form would be required. This has been achieved. The Council's tree and landscape officer raises no objection subject to conditions which seek implementation of all the

measures detailed within the application and a management plan. Trees subject to protection will not be affected by the development scheme.

* Highway safety, access and car parking provision

The proposals would make use of the existing access onto Berryfield Road. Some objection has been received regarding this approach stating it would be prejudicial to highway safety. It has to be accepted that this was once the only access to the hospital site and would have been subject to significant movements of traffic. The original redevelopment scheme of the wider Berryfield site created a new access for all the residential and office development that is now substantially complete. It was always intended that the old access would remain for the care home and assisted living units. It is appreciated that the care home has increased its accommodation substantially, but the level of assisted living has also reduced substantially which arguably balances this out. There would be no demonstrably greater harm using this access for the proposals over and above the extant scheme.

The proposals have been subject to consultation with expert highway officers who in principle raise no objection. They have, in acknowledgement of the presence of the school to the east and the proximity with a junction with Bath Road to the west noted an opportunity to use Council owned land to increase the eastern visibility splay. This involves the removal of some landscaping but that is not of such amenity value so as to raise an objection, moreover it is not subject to any protection. This has been confirmed by the Council's tree and landscape officer. The loss of planting would be compensated for by the improvement to visibility and suitable low level planting that should be part of any landscaping scheme approved by condition. The visibility splay has been stipulated by the highways officer and reflected in a condition.

The highway officer has sought other alterations to the scheme and clarification which the applicants have partially incorporated into the final scheme. This includes providing enhanced pedestrian facilities over the existing bell mouth access. Furthermore, within the site, provision of a continuous footpath with crossovers has been provided and also minor changes to car parking to ensure standard manoeuvring have also been incorporated. A condition on this matter has been suggested to allow on-going discussion on the finer details of these improvements, and ensure that the works are carried out prior to occupation of any development.

For the sake of clarity it is reiterated that 16 parking spaces and 7 garages are provided for the assisted living units and 24 (including disabled, plus one more as an ambulance bay) are provided for the care home. This is acceptable and will be controlled by the approved plans condition.

It is stressed that this is unlikely to remove objection from local residents, however it is an improvement on a scheme which would ultimately cause no significant harm anyway. To move the access to Bath Road (as some residents have suggested) is not considered to be necessarily a better solution; moreover it is not what is being applied for and may have harmful impacts on TPO trees.

Within the site the arrangements for parking etc are deemed to be acceptable. These are ultimately care home and assisted living units, so the movement of vehicles of occupiers are likely to be quite modest. Staffing and visitors will be able to make use of walking, cycling and convenient public transport in addition to the limited on-site parking. The proposals accord with the newly adopted car parking strategy for Wiltshire.

* Neighbouring residential amenity

The proposed development has resulted in objection from residents that would adjoin the site to the north, east and west. Concerns range in terms of amenity loss from noise in connection with vehicles and residents using the gardens, to overshadowing, overlooking and loss of light.

There are no minimum distance requirements between windows of new development and garden boundaries and habitable room windows which are strictly applicable to this scheme. The Council however does have adopted guidance on house alterations and extensions that stipulate a habitable room window should be 10 metres or more from an adjoining garden boundary and 21 metres from a neighbour's habitable room window. The proposals would generally respect this guidance. There is one area where the care home's windows would be less than 10 metres from the boundary of the site. However the area to which it would overlook is part of the communal parkland setting of Berryfield House. It is understood that in the residential redevelopment of Berryfield this may have been sold as

private garden area, and if that is the case it is part of a very large garden area. To have overlooking of a proportionately small area of garden is not considered to be significantly harmful, and would not merit refusal of the scheme. It is appreciated that local residents may feel, given the amount of time that they have been able to enjoy a vacant and open site next to their homes, that the level of overlooking proposed is unacceptable. However this is a subjective judgement and given modern development standards, the need to make the most efficient use of land and the long held plans to redevelop the site for health care then the level of amenity impact is not considered to be harmful in planning terms.

In terms of loss of light then proposals are of sufficient separation distances from and to existing properties to avoid demonstrable harm.

As existing landscaping should not be considered as a permanent feature in assessing development, then its presence as a screen to the development has been afforded little weight. However in reality there is mature landscaping to the north and west of the proposals, which for several months of the year (when many would want to enjoy their gardens) would provide a natural screen. To the east it is appreciated that this screen is not mature and it is agreed that the submission arguably overstates the value this would have in terms of reducing amenity impacts. Furthermore it is noted that the proposals are now a bank of 3-storey development at this point rather than a tiered 3, 2 and then single storey, albeit the revised scheme's footprint is set further away from the boundary than the extant scheme. However the proposals are not considered to create demonstrable harm in terms of residential amenity.

In terms of noise, it is inevitable that the proposals will have a level of noise from residents using the facilities, visitors, servicing etc. However it is not considered that this would cause any significant harm given the degree of separation from existing residential property.

The suggestion that residents will be wandering through the woodland has been refuted by the applicants. There will be hard landscaping features such as retaining walls to prevent this. The point of the 'wandering paths' is to encourage outdoor recreation for residents in a structured and accessible manner.

* Design, scale and materials

The proposals have been redesigned so that the scale of development as you enter the site is at 2-storeys and becomes progressively higher as you move through the site and reach the terminus of the 3-storey care home. This follows the natural topography of the site also. The proposals make use of the site's tree constraints to add a sense of maturity to the scheme and ensure that it fits around these defining natural characteristics. The assisted living units are in a smaller block at the front of the site, and then a far larger block in the middle in terms of footprint. This progression in scale is logical. The care home has been sited to the rear of the site for a number of reasons, including the need for occupiers to have safe and secure outdoor space, tree constraints, parking requirements, to allow for a graduation of scale from the entrance, and because assisted living occupiers generally prefer not to have to go past the more intensive level of care that they may have to move into. It is considered to be a reasonable and logical approach.

The assisted living units would have rendered walls, stone details and natural slate to the roofs. They are well proportioned buildings, which are considered to be reasonable in the context, given the proximity of the conservation area and its period dwellings, but on the other hand the proximity of 1970s suburban homes made with reconstructed stone faced block over 2-storeys. The buildings have a simple design but sufficient details such as roof terraces to add the variety and interest required of good design standards.

The care home proposals are a graduation from this, both in terms of scale, massing, design details and materials.

There are some apparent functional requirements to a care home building which the extant permission did not acknowledge and for this reason would never realistically have been built. In the current market the developers are insistent that a 63 bed scheme is a minimum development level to be financially viable. For the sake of efficiency and therefore also to be financially viable again this needs to be provided within one building, and due to site constraints the northern portion of the site is

the only place where this could be reasonably sited. This has been clearly set out in the supporting information. In the interests of efficient nursing and patient care it is also highly desirable to have all floors of virtually identical layout. This necessarily impacts on the external elevations because the building must be 3-storeys without the variation in heights that the extant approval had. The extant 42-bed approval was a speculative application which did not have an end user's input, and therefore concessions were made in its design in order arguably to gain planning permission without knowledge as to its viability.

The architects have been open to suggestions on how to provide variety and interest in the building despite these functional demands. The proposals have added variations in depth and materials in order to add interest, create a separate building, but also supply some context and acknowledgement to the quality of the adjoining Grade II listed building. The plans have been varied through the application process in order to address, in part local residents concerns, but also to satisfy your officers that all reasonable efforts have been made to create a building that will not compete with its neighbour and will be of an acceptable and good design within the setting of a Grade II listed building. Within the constraints of planning, and wider considerations the proposals are considered to be an acceptable compromise. Moreover the design, scale and materials are in accordance with planning policy making use of a varied materials palette and using quality design approaches to generate a varied and interesting building.

On the most important two elevations (south and east) extra stone has been added to the elevations to help break up the render. A necessary concession to achieve this was the use of less stone on the west elevation, which was not considered to be a prominent elevation within a historic context.

* Other material considerations.

The proposals have been subject to discussions on the lawful use of the assisted living unit again. The application has been submitted with a counsel opinion to clearly identify them as a C2 use class as per the 2008 permission. There is no reason to reach a different conclusion here than in 2008. To do otherwise would be inconsistent.

In the former West Wiltshire District Council area there is no policy requirement for any social contributions over and above the extant scheme. The comments of community services in regards to the application are noted. They support the scheme but would have liked to see a 30% contribution of the assisted living units to be affordable. However in this area there is no planning policy to support this and so the request cannot be reasonably followed through. In short no commuted sums are necessary from this development.

Issues of ecology have been given detailed consideration and there would be no harm. In order to enhance wildlife opportunities as required by PPS9 a condition in regards to provision of bat boxes has been included. This accords with the ecologist advise.

The necessary relocation of an electricity substation has proven to be a matter of contention through the application process. It has to be relocated as the care home would block the existing access. Access must be maintained for servicing so it needs to be relocated. This was initially located to a point most remote from residential properties (it is currently abutting a home on Bath Road), however due to the impact on the setting of Berryfield House it has been resited to within the care home car park area. This final location poses no significant concerns and would not affect any amenity interests. It has been stated that cabling will run up the driveway of the site and therefore not affect protected trees and their roots.

The public consultation process has raised concern over the level of consultation that has been carried out. There are two stages to the consultation process. Firstly the developer independently carried out consultations, the extent of this was limited though and below that suggested by Council officers. It is regrettable, and in discussion with the developers they have accepted the criticism; however it does not represent any reasonable grounds for refusal or delay of the application.

The second stage is carried out statutorily by the Council once the application has been accepted as valid and is the start of the formal application process. In this case the proposals were advertised in the Wiltshire Times, 2 site notices were erected and 66 local residents were sent letters. It is acknowledged that erroneously some letters were not sent out. This error was pointed out by the

public and swiftly addressed, with those affected allowed a full 21 days to comment. A further criticism has been that one of the two site notices was erected opposite the entrance rather than at the entrance to the site and that it is the same size as any other planning site notice whether it is for a conservatory, works to a tree or some sort of major development. This is not considered to have prejudiced anyone and the sign was at a location and of a size which was perfectly acceptable. Overall the public consultation process for the formal application has been greater than statutorily required and moreover it has been proportionate and reasonable relative to the scale of development. There have been mistakes in the process, however these have been amended swiftly when realised and no human rights have been affected.

The application has been subject to some minor non-material revisions during the application process. These revisions are deemed to be very minor and given that, that they would address some of the objection and in the interests of having an expedient decision no further public consultation has been conducted.

* Summary and conclusions

Ultimately the determination of this application is a balancing exercise. It is clear that the principle of the development is not at issue, rather it is the detail that needs to be assessed and these details are largely subjective assessments. The main areas of concern have been related to the setting of a Grade II listed building and the numerous protected trees. In regards these two matters the Council's experts have raised no objections to the final proposals. These final proposals have been reached after further negotiations with the developers who have made very modest concessions within their functional and financial limitations.

The scheme has been given very careful consideration and on balance your officers recommend that the application be granted permission subject to conditions. This is because the scheme would not cause any significant, demonstrable harm to acknowledged planning interests. This decision has been reached within the context of the extant approval, which albeit had a smaller care home facility in terms of scale would also of produced a substantial building. Further the extant scheme would have provided larger and more assisted living units than is now being proposed.

Beyond the scope of this application there are the wider circumstances that form the background of the application. However it is stressed that your officers are of the view that the proposals, notwithstanding this concern, are acceptable in planning terms. On that basis alone planning 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 The development shall be carried out strictly in accordance with the hereby approved plans:

Drawing: AL(52)001 Rev B – Location Plan - received on 26 August 2011;
Drawing: AL(52)002 Rev C – Proposed Site Plan - received on 14 November 2011;
Drawing: AL(11)010 Rev D – Assisted Living Block X Proposed Floor Plans - received on 14 November 2011

Drawing: AL(13)010 Rev D – Assisted Living Block X Elevations Part 1 - received on 14 November 2011
 Drawing: AL(13)011 Rev D – Assisted Living Block X Elevations Part 2 - received on 14 November 2011
 Drawing: AL(11)011 Rev B – Assisted Living Block Y Proposed Floor Plans - received on 26 August 2011
 Drawing: AL(13)012 Rev C – Assisted Living Block Y Elevations - received on 14 November 2011
 Drawing: AL(12)001 Rev C – Proposed Site Sections - received on 14 November 2011
 Drawing: AL(11)001 Rev C – Care Home Ground Floor Plan - received on 14 November 2011
 Drawing: AL(11)002 Rev B – Care Home First Floor Plan - received on 26 August 2011
 Drawing: AL(11)003 Rev B – Care Home Second Floor Plan - received on 26 August 2011
 Drawing: AL(11)004 Rev B – Care Home Third Floor Plan - received on 26 August 2011
 Drawing: AL(11)005 Rev B – Care Home Roof Plan - received on 26 August 2011
 Drawing: AL(13)001 Rev C – Care Home Proposed Elevations Part 1 - received on 14 November 2011
 Drawing: AL(13)002 Rev C – Care Home Proposed Elevations Part 2 - received on 14 November 2011
 Drawing: AL(52)049 Rev A – Relationship to Berryfield House - received on 14 November 2011
 Drawing: AL(11)020 Rev C – Proposed Substation and Bin Stores - received on 14 November 2011
 Drawing: 920 Rev C – Landscape Proposals Sheet 1 of 2 - received on 14 November 2011
 Drawing: 920 Rev B – Landscape Proposals Sheet 2 of 2 - received on 14 November 2011

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

- 3 The occupation of the development shall be limited to Class C2 Residential Institutions.

REASON: In the interest of proper planning of the area and to ensure that the units remain in perpetuity for those in need of care.

- 4 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.

- 5 No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied

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

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

- 6 No works shall commence on site until details of all windows, rooflights and doors 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 good design.

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

- 7 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C35 and C38

- 8 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 9 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 10 No development shall be commenced until a scheme for the provision of foul and surface water disposal/drainage has been submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable for implementation. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the local planning authority as part of any submitted scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

REASON: To ensure that the development is properly serviced.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies U1a and U2.

- 11 Finished floor levels at buildings X and Y must be set at 300mm above immediately surrounding ground levels.

REASON: To protect against existing surface water flooding.

POLICY: Planning Policy Statement 25: Development and Flood Risk.

- 12 Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: To enable discharges from individual premises or buildings to be inspected and sampled.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies U1a and U2.

- 13 No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38
Planning Policy Guidance 24: Planning and Noise

- 14 The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) dated August 2011, and shall be supervised by an arboricultural consultant.

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

- 15 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

- 16 Notwithstanding the submission of the landscape proposals, 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;
- A detailed planting specification indicating all species, supply and planting sizes and planting densities, ground preparation, 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.

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

- 17 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 buildings 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.

- 18 No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 19 The development shall not be occupied until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the provision of bat boxes.

REASON: In order to enhance wildlife opportunity at the site.

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 20 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the west and 29 metres to the east 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 0.6 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 21 No development shall commence until full details of any improvements to the site access and pedestrian facilities have been submitted to and approved in writing by the Local Planning Authority. Subsequently and prior to the first occupation of the development, the improvements to the access and provision of pedestrian facilities, parking and turning areas shall be completed in accordance with the approved details.

REASON: In the interests of highway safety.

- 22 During the construction phase of this redevelopment, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside of the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays.

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

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C36 and C38.

- 23 Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage)(England) Regulations 2001").

Informative(s):

- 1 The surface water drainage scheme shall include:
 - * Management of all events up to and including the 1 in 100 year plus climate change storm;
 - * Detail, sizing and location of soakaways;
 - * Details, sizing and location of any other drainage features (following the SuDS hierarchy);
 - * Detail of flow routes
 - * Details of how the scheme shall be maintained and managed after completion;
 - * Details of how the development will be protected from any existing flood risk from surface water flooding;
 - * Evidence to show no increase in offsite surface water flooding.

The scheme shall be based on sustainable drainage principles.

For further information you are advised to contact the Environment Agency.

- 2 During the construction phase precautions should be taken to reduce the risk of pollution to the water environment. This should include measures to address contaminated run-off, the storage of oil chemicals and hazardous substances, managing construction waste and the routing of heavy vehicles. Further guidance and advice is available on the Environment Agency's website in the Pollution Prevention Guidelines section – <http://www.environment-agency.gov.uk/netregs/links/63875.aspx>

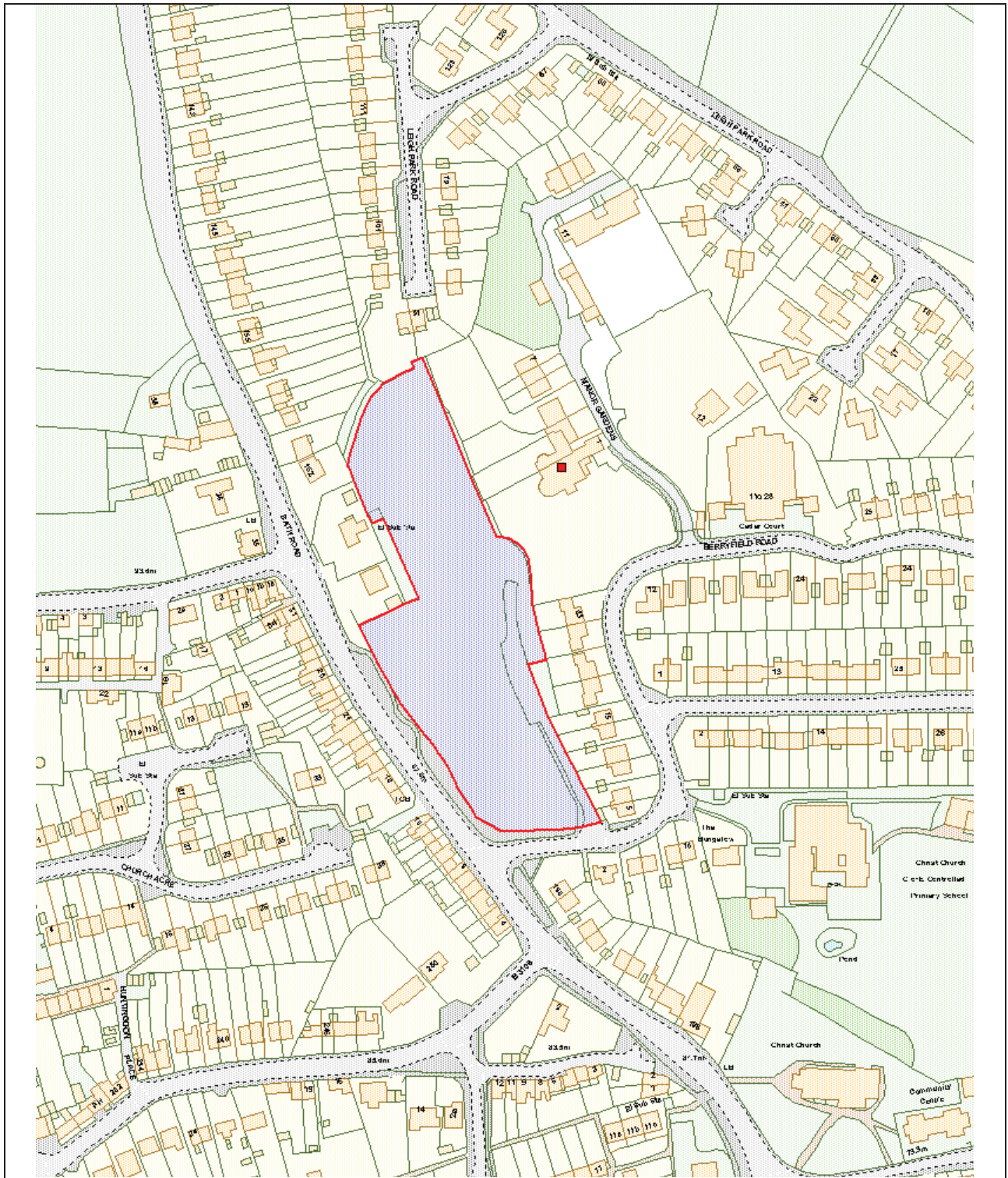
- 3 Wessex Water has advised that:

DEFRA on behalf of the Government, are implementing changes whereby, it will be mandatory that all new foul sewers and lateral drains (where outside the serviced property boundary) will have to be designed and constructed in accordance with a new Mandatory Build Standard (MSB, for which the guidance document "Sewers for Adoption" 7th Edition (SFA 7th) is being prepared.

Any new connection to the public sewerage system under Section 106 of the Water Industry Act 1991, cannot then be made until the applicant has entered into a signed Section 104 Adoption Agreement with the Water Company. Application forms, guidance notes and processes will be suitably amended and available when required.

Buildings higher than two storeys should have pumped storage.

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



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www.wiltshire.gov.uk

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|--|---|-------------|
| Date of Meeting | 30.11.2011 | | |
| Application Number | W/11/01373/FUL | | |
| Site Address | Church Farm Church Street Hilperton Wiltshire BA14 7RG | | |
| Proposal | Residential development of 20 units including conversion of existing buildings, new build and associated works | | |
| Applicant | Mr R Pike | | |
| Town/Parish Council | Hilperton | | |
| Electoral Division | Hilperton | Unitary Member: | Ernie Clark |
| Grid Ref | 387240 159231 | | |
| 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 Clark has requested that this item be determined by Committee due to:

- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Environmental/highway impact
- * Car parking

Councillor Clark also made it known that he is concerned at the lack of affordable housing planned for this site (none of which are indicated on the plans).

1. Purpose of Report

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

Neighbourhood Responses

9 letters of objection received.

1 letter of no objection received.

1 further letter received from Hilperton Village Hall committee requesting a s.106 contribution.

Parish/Town Council Response

Objects (please refer to section 7 of this report).

After receipt of revised plans covering on-site parking provision, the Parish Council maintained its objection.

2. Report Summary

The main issues to consider are:

Principle of Development - New Housing in Village Policy Limits
Loss of Employment Land Use
Impact on Conservation Area and Setting of Listed Building
Provision of Affordable Housing
Public Open Space Provision
On-site Servicing
Impact on neighbouring amenities/privacies
On-site Contamination
Impact on Trees/Landscape interests
Developer Contributions

3. Site Description

The site at Church Farm was historically run as a dairy farming enterprise until the 1980s. In more recent years, following the cessation of all farming operations, the site has been used as a car breakers and reclamation yard. At present, this business employs one full time and one part-time employee. The business is not open to members of the public. It instead operates as a trade/mail order business.

The site is located more or less in the old centre of the village, which centred around the Knap, Hilperton House, the church, the old school and schoolhouse. It is located within Hilperton's defined Village Policy Limits and its Conservation Area, as defined by the West Wiltshire District Plan; and, at the northernmost point of the site sits an historic village lock-up or blind house. This building is a Grade II Listed Building.

In total, the site measures about 0.8 hectares (1.9 acres) which consists of a number of barns and utilitarian sheds and outbuildings built at different periods and in different materials and roof coverings.

The site has a single vehicular access off Church Street which serves both the car breakers yard and the farmhouse (which is not part of the application development site). In addition to the above, the property at No.228 Church Street may well also have use of the access to drive to the rear of its property through the site (whether this access is a right or an allowance under a grace and favour arrangement - is unknown).

The site backs onto open farmland to the east which is under the ownership of the applicant. To the north and south, residential properties and their gardens share common boundaries with the site. To the west, the site fronts onto Church Street with an existing 2 metre high stone wall defining the site boundary.

The site is almost entirely covered in hard standing with two exceptions: the orchard which runs parallel with Church Street and the garden area associated with the farmhouse. There are a number of trees within the existing orchard. There are also trees on adjoining properties which overhang the site. It is also understood that there is an old spring water supply set within one of the walls located within part of the existing orchard.

4. Relevant Planning History

04/00082/EUD - Application for established use certificate for the specialist dismantling of used motor car spare parts - Withdrawn 03.02.2004.

04/00160/CON - Demolition of wall - Refused 19.03.2004

WCC/04/0082/EUD - Application for established use certificate for the specialist dismantling of used motor car spare parts - Accepted as lawful on 29.03.2006

08/00012/FUL - Residential development of 29 units including conversion of existing buildings, new build and associated works - Refused 23.07.2008.

08/00013/CON - Residential development of 29 units including conversion of existing buildings, new build and associated works - Refused 23.07.2008

5. Proposal

Under this application, the applicant seeks to obtain planning permission for the provision of 20 dwellinghouses comprising 6no. 2-bed units; 7no. 3-bed units and 7no. 4-bed units. Two of the existing outbuildings forming part of the former farm (identified on the Proposed Site Plan as Building (H) - an existing stone barn and Building (K) - a brick and timber barn are both structurally sound and of "architectural merit" to merit retention. alteration and conversion. In addition, the existing northern wing attached to Building K would be retained as a communal bike store and recycling centre. The timber boarded and clay tiled storage building located nearby would also be retained as a garden store associated to Building L.

Buildings B, C, D, E, F, G and L are all proposed new buildings.

[Please note that all Building references are cited from the submitted Proposed Site Layout Plan - Plan Drawing No. PKE2241.07M].

Following negotiations with Highway officials, 36 car parking spaces would be provided on-site and a sustainable urban drainage system (SUDS) form part of the proposals.

This application follows the former West Wiltshire District Council's decision to refuse planning application 08/00012/FUL in July 2008 for 29 units. For clarity sake, the 2008 application was refused for the following reasons:

1 The proposal by reason of its design, scale, height, roof massing, detailing and siting would be detrimental to the character and appearance of the conservation area, with Buildings F and G being particularly incongruous and visually obtrusive in a manner that would be harmful to the character of the area, the street scene and neighbouring properties, contrary to West Wiltshire District Plan - 1st Alteration policies C17, C18, C19, C20, C22, H17 and H24 as well as being contrary to PPS3 - Housing.

2 The proposal fails to provide a satisfactory level of public open space on the site, contrary to West Wiltshire District Plan - 1st Alteration Policy R4 and PPG17 - Planning for Open Space, Sport and Recreation.

3 The proposal fails to provide a satisfactory level of tree planting and landscaping throughout the site, contrary to West Wiltshire District Plan - 1st Alteration Policies C18, C32 and C40.

4 The proposal fails to meet the requirements of West Wiltshire District Plan - 1st Alteration Policy H2 in that no definitive contribution towards the provision of affordable housing has been incorporated into the scheme, nor has an open book exercise been undertaken which might justify a reduction of policy requirements. The proposal also fails to identify where the affordable housing properties would be provided in the scheme.

Following the above refusal decision, over the course of the past two years, Council officials have met with the applicant's agents on several occasions which have ultimately led to this re-submission.

In summary, the total number of residential units on the site has been reduced from 29 to 20. Through negotiations with planning and conservation officials, the design, scale and height of the proposed new development has been revised. The applicant accepts the need and benefit of having on site Public Open Space (POS) provided where the existing orchard exists, located between the

farmhouse and No. 228 Church Road. A tree and landscaping plan is also proposed. Through negotiations, buildings which merit retention shall be converted rather than be lost, contamination and updated ecology survey work has been undertaken. The applicant also accepts that if granted, this application would be subject to the following S106 Heads of Terms:

An on-site affordable housing provision (which follows on from a viability assessment and extensive discussions with the Council's New Housing Team);
A financial contribution towards highways and Public Transport Improvements;
An agreed on-site Public Open Space provision and financial contribution for improvements to off-site POS facilities;
A financial contribution towards village hall improvements;
A financial contribution towards improvements to Bridleway HILP33 which links directly from the village to Middle Lane in Trowbridge; and
A financial contribution towards providing for new primary infrastructure.

In support of the application, the applicant submitted the following:

An Archaeological Report
A Bat Absence / Presence Survey (dated June 2011)
An Extended Phase 1 Habitat Survey
A Ground Conditions/Contamination Report
A Planning Supporting Statement
A Transport Statement
A Tree Survey Report
A Design and Access / Heritage Statement
A Sustainability Checklist
A S106 Contributions Checklist

In addition to the above, the applicant commissioned the services of King Sturge to undertake and publish a viability assessment of the proposed development scheme with particular regard placed on providing affordable housing using the Housing and Communities Agency (HCA) Economic Appraisal Tool. In accordance with the adopted Council SPG and established protocols, this viability assessment is confidential in its nature (which explains why the appraisal is not available to view on the Council's public access system].

Members are however advised to note that the viability assessment has been endorsed by Council officials. To any doubt about its validity, the assessment was carried out in accordance with the provisions of the Valuation Standards published by the Royal Institution of Chartered Surveyors (known as "The Standards") by utilising the HCA economic appraisal tool kit as requested by the Council. In providing the appraisal, King Sturge confirmed that "they have carried out the necessary checks and do not have any conflicts of interest in providing the advice [required]".

For the avoidance of any doubt, if granted and implemented, the existing "un-neighbourly" car breakers yard land use would cease entirely. The applicant advises that the business has been making losses for a number of years, which has been compounded by the economic downturn.

6. Planning Policy

National Planning Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS5 - Planning for the Historic Environment
PPS7 - Sustainable Development in Rural Areas
PPS10 - Planning for Sustainable Waste Management
PPG13 - Transport
PPG17 - Planning for Open Space, Sport and Recreation
PPS23 - Planning and Pollution Control
PPG24 - Planning and Noise

PPS25 - Development and Flood Risk

Wiltshire and Swindon Structure Plan 2016 (adopted 2006)

Policies DP1, DP3, DP8, DP9 & HE7

West Wiltshire District Plan First Alteration (adopted 2004)

Policies C6a, C7, C17, C18, C19, C20, C22, C23, C31a, C32, C37, C40, E5, H2, H17, H21, H24, I3, S1, T3, T9, T10, T12, U1, U1a, U2, U3.

Leisure and Recreation Development Plan Document (DPD) (adopted 2009)

Adopted Council Supplementary Planning Guidance (SPG's)

Affordable Housing SPG (adopted 2005)

Residential Design Guide (adopted 2005)

Open Space Provision in New Housing Development: A Guide (adopted 2004)

Design Guide - Principles (adopted 2004)

Hilperton Village Design Statement (adopted 2005)

7. Consultations

Hilperton Parish Council - Despite the changes that have been made to this application, it is felt that the development is premature, due to the fact that the Hilperton relief road has not yet been built and the traffic through the village is becoming an increasing problem.

Whilst accepting that the provision of three affordable houses is appropriate within policy H2b, the proposal fails to identify where these affordable houses will be situated within the scheme. Any proposed affordable housing should be 'pepper-potted' around the site and not amassed into one particular area.

Given the proposed level of parking allocation on the site, residents and visitors will need to look elsewhere to park their vehicles, either on the roadside or in other parts of the village, which will create a nuisance and a hazard. There is, therefore, inadequate on-site parking provision for a village centre development.

Access to the site will be dangerous, given the proximity of the junction on the opposite side of the road and the blind bend on the right on leaving the site. Even with the provision of enhanced splays, this will still create a hazard.

Given the fact that the Hilperton relief road has not yet been built, the bus services will be inadequate, especially for people living on the proposed development and wishing to use public transport to and from their places of employment.

Flooding in and around the proposed site is still a very considerable problem and this will need to be carefully addressed.

If the planning authority is minded to permit this development, the Parish Council would wish to see a detailed proposal for the actual re-use/reclamation of existing materials from the site, as far as reasonably possible. The Parish Council would wish to see a Section 106 contribution for the improvement of the Village Hall facilities, an amount in the region of £1,000 per house being suggested.

Following the submission of revised on-site parking provision, the Parish Council advised as follows:

Whilst the Parish Council welcomes the increase in parking spaces, we were led to believe that 41 spaces could be achieved (i.e. 2 per property) with additional visitor spaces, so we still object to the inadequacy of the parking provision.

All the Parish Council's existing objections remain the same.

Council's Highways - Following lengthy negotiations and revisions, no objections are raised.

The principle of accessing the site in the form shown is largely acceptable although it will be necessary for the junction to have minimum 6m radii, whilst the gradient of the access road shall be no greater than 6.7% for the initial 6m and no greater than 8% thereafter.

Following the submission of the Parish Council comments, the highways officer provided the following responses:

Whilst highways officers duly note the position of the Parish Council and local residents, whom raise traffic issues, there is no known embargo on development within Hilperton until the Relief Road is completed. It is also worth noting that no highway objection was raised to the 2008 application for 29 dwellings on the site. The Transport Statement submitted with the planning application concludes that, on average, there will be between two and four additional vehicle movements in the peak hours arising from the change of use to residential on the site. On this basis, it would be inappropriate to reject the proposal until the Relief Road is complete, possibly in just over four years time.

36 car parking spaces is adequate within generously laid out parking areas where up to 11 further cars could be accommodated. The site is centrally located in the village which has good public transport services and convenient walking and cycling linkage to Trowbridge, thus reducing reliance on the car".

The improved access to the site will adequately and safely accommodate the traffic to be generated. The site access junction is located some 42m from the junction of St Michael's Close which is considered to be adequate to ensure the two junctions can operate entirely independently. The improved visibility splays of 2.4m by 63m to the north (towards the bend) and 2.4m by 49m to the south are considered to be adequate given the speeds of approaching vehicles. The guidance document, 'Manual for Streets', indicates that for speeds of 30mph, visibility splays of 2.4m by 43m are the minima. The issue of forward visibility at the 'blind' bend is not relevant to the site access as there will be adequate visibility of vehicles emerging from the site access. In effect, the presence of the bend, some 65m from the site access, assists in reducing the speeds of approaching vehicles.

Bus services available within the village are good, with essentially four buses per hour to Trowbridge and lesser frequencies to Melksham, Chippenham and Frome. These are available as commuter services. There is no evidence to suggest that these services will change when the Relief Road is completed.

Council's Archaeologist - A pre-determination archaeological evaluation by trial-trenching was undertaken by Avon Archaeological Unit as part of previous redevelopment proposals in August 2006. This located few archaeological features and deposits, albeit a probable Roman ditch was identified in the southeast of the site which produced a few pottery shards of this date and a possible residual shard of prehistoric pottery alongside a probable contemporary posthole. Elsewhere the remainder of the trenches recorded features of post medieval and modern origin that were accompanied by very low numbers of stratified and unstratified finds.

On the basis that the trenching failed to locate any significant buried archaeology, no further detailed work is necessary on the site in advance of future development. Therefore no archaeological recommendations are raised.

Council's Education - It is noted that a preliminary enquiry regarding this site was made in December 2009 which was responded to in January 2010. The proposed housing number/mix has changed since then, and having now completed an assessment of the impact on education infrastructure, the situation has not surprisingly, changed too.

17 units of open market and 3 units of affordable housing are now proposed, all exceeding one bed in size. Based on 19 qualifying properties (which reflects our 30% affordable housing discount of 1 unit), a need for an additional 6 primary and 4 secondary school places is generated. The designated area schools are Hilperton CE Primary and The Clarendon College, Trowbridge. Hilperton Primary has a capacity of 148 places. There are currently 143 pupils on roll and the school is forecast to be full by 2013/14. It cannot therefore, accommodate the additional pupils within current capacity and forecasts, whilst Clarendon College does have sufficient space for the extra children.

There is a requirement therefore for a primary infrastructure contribution of 6 primary places at the 2011/12 cost multiplier of £12598 each, (valid on S106s signed by 31/3/12). There is no case for a secondary contribution. The assessments use the pupil forecast, capacity and other known housing details current at the date the assessment is made, in order to accurately reflect the impact on education infrastructure of a development proposal.

Environment Agency - No objection subject to conditions covering land contamination, potential contamination mitigation, surface water drainage and pollution prevention.

Wessex Water - The water supply and foul drainage systems can both serve this development. No objection subject to informatives being attached to permission.

English Heritage - No comments offered apart from recommending that the application be determined in accordance with national and local policy guidance.

Council's Spatial Planning - There are a number of technical matters which require to be fully assessed, concerning the impact of the residential development on the local highway network, specific design matters relating to the Conservation Area and developer contributions. Subject to these matters being satisfactorily addressed, there are no policy based objections.

Council's Conservation Officer - No objections.

The proposed buildings identified for demolition are the non-historic buildings on the site. The removal of these buildings would not result in harm to the Conservation Area. The realignment of the existing front wall for highways purposes is acceptable as the wall would be rebuilt using existing materials and the proposed wall position would still perform the same visual function in the Conservation Area.

The proposed new buildings have been the subject of extensive pre-application discussions, following the refusal of the 2008 scheme. The advice given in the pre-application with regard to limiting the impact on the Conservation Area has been followed in the current scheme.

The proposed Buildings B and C would reflect the single storey nature of the existing simple single storey yard buildings, having a stable-like design. The amenity areas for these two dwellings would retain a hard landscaped appearance in keeping with the character of this part of the site. Building D would continue this single storey form to the back of the site. These buildings would not result in harm to the Conservation Area due to their scale and design.

The proposed Buildings E, F, G and L are now at an acceptable scale for this site and would be arranged around courtyards, again speaking to the historic farm yard nature of the site. The design of these buildings has taken account of local traditions and would use good quality natural materials such as coursed rubble stone with ashlar quoins and window surrounds. This is essential for the special character and appearance of the Conservation Area to be conserved.

Buildings H and K are conversions of existing historic buildings. The conversion schemes are shown to be sympathetic to the historic character of those buildings and would not result in any adverse impact to the Conservation Area. These are the most important building on the site, from a conservation perspective, as they are not only historic but will be the principal buildings in the views into the site from the street. This would result in a traditional appearance of the site from the main public viewpoint.

Council's Environmental Health - No objection subject to conditions

In considering this application I have referred to the following information sources :-

- Landmark historic land use information.
- Landfill data provided by the Minerals and Waste Team.
- Tank energy oil and radioactivity data.
- 1:2500 Scale Historic Maps circa 1870 – 1994.
- 1:1250 Scale Historic Maps circa 1952 – 1992.
- 1:10000 Scale Historic Maps circa 1968 – 1995.
- 1:10560 Scale Maps circa 1872 – 1980.
- Ariel Photographs Circa 2007
- Planning History for site.
- Hyder Geo Environmental Assessment number G001-WX23071-WXR-01

The above information revealed that the site has a mixed commercial/ residential/ agricultural use. The existing on-site business relates to the dismantling and recycling of used motor car spare parts. Above and below ground fuel storage tanks were also identified on the site.

The Hyder report was carried out in 2007 and is therefore recent enough to use current methodology and principles. The report did not identify any contaminants of concern but it is noted that only six locations were sampled.

The report recommends that the onsite tanks be removed and the waste management licence surrendered. It also recommends that any stained soils identified during redevelopment be removed and that a remedial action plan be prepared for the site.

Given the intention to reuse this site as residential, it appropriate to refer to PPS23 and to take a precautionary approach. Should permission be granted, a condition should require that further contamination assessments be undertaken.

The existing desk study and phase 1 investigation essentially cover the majority of the first and second part of the recommended condition, but the applicant must demonstrate that the limited sampling points are genuinely adequate to categorise the whole site and submit an appropriate remedial action plan and validation proposals.

As far as noise pollution is concerned, no objections are raised.

Council's Drainage Engineer - No site flooding records exist. There is an historic problem of highway flooding at the corner of Knapp and Church Street. Flooding here has not been resolved and will continue to be a problem at times of prolonged rainfall.

Council's Tree and Landscape Officer - Details submitted are acceptable in tree and landscape terms. No objection to this application, subject to conditions.

Council's New Housing Team - On schemes within village policy limits where there is demonstrable need, as there is in Hilperton, the Council seeks to achieve up to 50% affordable housing at nil subsidy in perpetuity and managed by a Registered Provider, nominated and agreed by the Council. This would normally be broken down as 83% affordable housing general needs rented provided on site, in small clusters, with the remaining 17% provided as a commuted sum in lieu of on-site provision of shared ownership/LCHO units. The on-site units would need to meet HCA Scheme Design Standards. Based on a scheme of 20 units this would equate to 8 units on site and a commuted sum for 2 units.

However, the policy also states the Council needs to take into account site conditions and the economics of provision, and that Developers will be encouraged to submit a financial appraisal/residual valuation of the proposed scheme to assist with negotiations. In accordance with policy and procedures outlined in Affordable Housing Supplementary Planning Guidance, an 'open book' test has been conducted and verified, which concludes that to provide 50% affordable housing

would make this scheme unviable. The scheme would, however, be able to provide a reduced affordable housing contribution of a maximum of 3 units on site and a reduced commuted sum for affordable housing.

The location of the affordable housing on site is limited due to the size of the units required to meet HCA Scheme Design Standards.

If the Committee is minded to grant planning permission, a claw-back provision would be need to be included in the SI06 Agreement, to allow for the 'open book' test to be revisited before any units are sold, to ensure any subsequent improvement in viability is reflected in the commuted sum payment.

Council's Ecologist - The site has been subject to a number of bat surveys between 2006 and 2011. A number of buildings hold high/medium roosting potential and evidence of bat roosts has been identified in the past (in 2006 and 2009). The most recent surveys (June 2011) found no evidence of roosting activity in any of the buildings proposed for demolition/refurbishment. However, given the past usage of the site and potential of the buildings, any development should proceed on a precautionary basis with an ecology based condition attached to any grant of permission.

The Phase 1 Habitat Survey states that a dedicated reptile survey will be needed, however I don't consider this to be necessary, given the small areas of suitable habitat within the site (reptile surveys are not requested for areas of suitable habitat <0.1ha). Measures to protect reptiles during construction work should be included as an Informative.

The demolition/refurbishment of the built structures will result in the loss of potential (and previously used) bat roosting opportunities. Bat boxes, access tiles or bricks (i.e. 2F Schwegler Bat Box; N27 Schwegler Bat Box Brick; 1FR Schwegler Bat Tube) should be incorporated into the scheme in order to replace the lost roosting opportunities, and in order for the application to meet the requirements of PPS9.

Council's POS officer - The Local Plan Policy R4 states that Residential development proposals of ten or more dwellings will not be permitted unless appropriate provision for public open space is made in accordance with the standard of 2.43 hectares (6 acres) per 1,000 population.

In developments, where the achievement of the standard may be unrealistic or inappropriate, suitable arrangements will be considered such as contribution towards or the provision or improvement of facilities nearby.

Clause 2.5.8 states that Open Space Provision will be provided in accordance with supplementary planning guidance

Clause 2.5.9 states that in smaller housing developments and sheltered housing schemes where these standards cannot realistically be met or are inappropriate, other arrangements may be considered, such as are stated in Policy R4

Conclusion: This site would either have to provide onsite amenity land or a contribution to improve local existing amenity land and or play.

West Wilts Supplementary Planning Guidance – Open Space Provision in New Housing Developments: A Guide gives the method for calculating Open Space provision. This is based on the average cost per square metre of provision taken from SPON's Landscape and External Works Price Book.

The proposed development has an open space requirement of 1142m². The developer has expressed a wish to satisfy the play requirement in the form of an offsite contribution at Hilperton Recreation Ground. The Council is satisfied with this approach.

The play requirement for this development is 138m² (20 dwellings × 2.3 people per dwelling × 3m² per person). Appendix 5 of the SPG gives the figures for calculating offsite contributions. Using only the play equipment costs these equate to a rate of £77 per m². Therefore, 138m² × £77 per m² equates to a contribution requirement of £10,600.

Circular 05/2005 allows for the pooling of contributions for 'specific future provision' which in this case will be the enhancement of facilities at Hilperton Recreation Ground, Hilperton

This development generates a need for £10,600 in offsite Open Space Contribution to be used to upgrade facilities at Hilperton Recreation Ground

Future maintenance arrangements

The developer must inform the Council of its proposed future maintenance arrangements for the Open Space. There should be at least 1 bin and bench in each area (both inside the wall and out). The access gap into the walled area must be wide enough for cutting machinery to gain access.

The onsite provision is acceptable. However, should the on-site POS be adopted by the Council, a cost for the wall must be included. Using SPONS, it has been calculated that the construction cost for the wall and its replacement in years to come should be factored into the equation. Therefore the total commuted sum would be $£16,332.12 + £11,583 = £27,915$

The offsite provision will be £10,600 to be spent at Hilperton Recreation Ground. The £10,600 figure is the contribution for Play, which applies regardless of the future management of the site.

The £11,583 is the commuted sum for maintenance (without the cost of the wall), which would only apply if the land was adopted by the Council, and not if it was privately managed. If the applicant wishes to employ a management company the Council would need to approve a management plan.

8. Publicity

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

Expiry date: 10 June 2011

Summary of points raised:

9 letters of representation has been received raising the following points and concerns:

- Insufficient on-site parking spaces for 20 units and their visitors. Present residents and their visitors who live in Church Street have difficulty parking. There are a maximum of 11 parking places available, and are limited to a one hour restriction Monday to Saturday 0800-1800 hrs Residents and visitors have to park in The Knap, Devizes Road and Ashton Road. At evenings and weekends there are never any spare parking places.
- When the local Methodist church service over-ran, it created traffic congestion. This development would add to such existing problems.
- Insufficient affordable housing provision on-site. Should be 25% (i.e. 5 units)
- No need for more housing
- No development should commence until Hilperton Relief Road is completed
- More housing means more traffic non already congested roads and more pollution
- Church Farm access is a hazard with poor visibility. The sharp corner at The Knap cannot be removed and any traffic approaching The Knap from Hill Street / Whaddon Lane cannot be seen from the farm entrance (even with the slight adjustment to the walls). The pavements are very narrow in Church Street and the only section to gain width will be at the entrance to the development i.e. where vehicles are entering and exiting.
- Any development should be limited to conversions and minimal infill
- Insufficient time afforded to provide comments
- Lorries drive along pavements on Church Street due to its narrow width. If granted, construction vehicles will make matters worse
- Increased noise and nuisance from future occupants
- The current use of the site as a car breakers yard only produces noise during working hours

- The on-site public open space could become a haven for unsocial behaviour. It would not be fit for purpose. It would be too close to the road. It would be noisy and dirty from constant day time traffic
- The on-site public open space is insufficient for the needs of 20 houses. Where will children play?
- The green space at the site frontage is unsuitable in a conservation area
- There is an old well served by a spring on the site
- Building G should be re-sited 2-3 metres away from the boundary. The window on its 2nd floor level would cause overlooking
- The design and choice of materials (timber cladding) would be out of keeping
- The new boundary walls would be too low. The proposed 2 metre high walls should be revised to be 2.5 - 3 metres at least
- Concerns raised about whether the drainage infrastructure would be able to cope
- The village and conservation area character would be detrimentally affected
- Detrimental to the countryside
- The development would not accord with the limitations and guidelines contained within the adopted Hilperton Village Design Guide (HVDS)
- The proposal would result in the loss of structures present on site for many decades
- Do not accept the findings of the Transport Document.
- At the eastern end of the site there is a large area of land that has no boundary wall; will this area be used for future development?
- Planning permission has recently been granted to build 38 new houses at Bluehills, Devizes Road and 30 new houses south of the Grange. If this application was to be approved and built out, the village would increase by 88 new houses. There is also a development taking place at Hilperton Marsh. All the people who will live in these new houses will have to travel to work and shop by car and public transport. There is very little employment in Hilperton which has no shops or post office. It will also mean more children for Hilperton Primary School and Trowbridge. At the Hilperton Parish Council meeting on 31 May 2011 a Hilperton Primary School governor stated that both Hilperton and The Mead Primary Schools are full for 2011 and 2012 and that the only way additional children could be accommodated would be by extra classrooms being built and at present, there is no capital available for any expansion at either school.
- Surface water drainage concerns raised, especially during heavy rainfall. It has been reported that during heavy rain flooding has taken place in the fields at the top of Cherry Gardens and Church Farm.
- The site can be seen from Church Street and a public footpath that runs from the village playing field to Devizes Road in a field at the back of the farm.
- Wessex Water have tested local residents' water pressure as there seems to be a problem with the cold water supply.

1 local resident advises that this application addresses concerns previously raised in terms of the refused application 08/00012/FUL. Another immediate neighbour asks for the existing coursed rubble stone wall which acts as the western boundary of the site adjoining Cherry Gardens, should be retained and not be rebuilt.

Hilperton Village Hall Committee submitted the following representation:

Two recent local permissions have incorporated Section 106 agreements to help part-fund improvements to either the hall, or the playing field/open space. The reason for this is due to the increased pressure that extra residents bring to bear on our facilities.

The village hall committee resolved that it should request a S106 contribution from the applicant for W/11/01373. The suggested sum is £1000 per property, and the reason is to fund improvements to the facilities necessitated by the increase in local population.

9. Planning Considerations

Principle of Development - New Housing in Village Policy Limits

Government advice contained within PPS 3 (as revised in June 2010) states, inter alia, that the planning system and decisions should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice.

Although the revised PPS3 removed the necessity for housing developments to accord with a nationally prescribed minimum density, making efficient use of land is still an over-arching planning requirement. It is nevertheless acknowledged that a more intensive development might not always be appropriate. Recognising the form and density of a site's surroundings is essential to any assessment.

Policy H17, the Council outlines clear design, layout and siting requirements to ensure that new proposals are in keeping with the character, appearance and distinctive spatial form of the surroundings. District Plan Policy H24 advises that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics.

West Wiltshire District Plan Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected.

The submitted scheme has been the subject of lengthy negotiations both prior to its submission and during the course of the determination. The Church Farm site is considered to be an appropriate 'windfall' site suitable for this proposed level of residential development.

Loss of Employment Land Use

The existing car breakers and reclamation on-site operations are lawful in planning terms (following the issuing of a EUD in 2006 under application wcc.04.0082). This certificate expressly stated that six of the existing buildings on the site, including the building sited on the southern boundary (positioned closest to No. 220 Church Street) are lawfully authorised for the use of breaking up motor vehicles and storing vehicles and vehicle parts. It is however noted that the certificate expressly states that there should be no storage or dismantling of vehicles in the open yard outside of the buildings. During the course of assessing this application there was a need to make a visit on four separate occasions. On each occasion, there were vehicles/parts stored within the yard areas in breach of the 2006 issued certificate.

From the details submitted, it is noted that the car breakers enterprise employs 1 full-time and 1 part-time employees, which on a site measuring 0.8 hectares could be classed as being an inefficient use of land. The car breakers business is also considered to be a "bad neighbour" development, potentially noisy and not sympathetic to a residential area.

It should be noted that there are no planning controls in place restricting the types of work undertaken on site, the hours of business and/or noise levels on site.

District Plan Policy E5 stresses that proposals which involve the loss of employment floor space, should satisfy the following requirements:

- There should be an equivalent and adequate supply of land and premises elsewhere in the locality;
- New uses should be compatible with the existing neighbouring land uses; and,
- New uses should not give rise to traffic or environmental problems.

It is submitted that designated and available industrial estates would be more appropriate locations for a car breakers yard, should the business seek new premises. That said, it is duly noted that the business is a loss maker and has been for several years, which could well mean that the business ceases its operations entirely.

The mix of conversion and new build development to create 20 houses would be an appropriate re-use of this site. On-site servicing and environmental considerations are considered in detail below.

The loss of the car breakers yard does not raise significant policy concerns.

Impact on Conservation Area and Setting of Listed Building

Planning Policy Statement 5 - Planning for the Historic Environment and Section 66 & 72 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the setting of a building or buildings of special architectural or historic importance and character or appearance of the Conservation Area.

As reported above the Council's Conservation officer supports this application. The redevelopment of the site has been sensitively planned having respect to the Conservation Area. The proposals have evolved through negotiations held over the past two years. Through these discussions with the applicants agent and architect, the heights, scale, density and design of the development has been revised to a state which officers can now support.

The loss of those existing buildings identified for demolition would not be detrimental to the special character of the area. Along with the sensitive conversion proposals, the new buildings and regeneration of this site would bring about an enhancement to the visual character of the immediate surroundings and also to the wider Conservation Area. The repositioning of the wall using existing stone material is supported, and shall be subject to a condition. The choice of materials is considered acceptable, but should nevertheless be subject to a condition requiring the submission of samples.

The design, scale and detailing of the new housing, including the conversion proposals, follows officer led pre-application advice and guidance, and is supported. The submitted site section plan drawings illustrate how the proposed development would respect the existing built form and integrate sympathetically with its surroundings.

The form and siting of the development proposals respect and reflect the existing semi-rural character of this former agricultural setting. The traditionally constructed buildings with sufficient architectural merit shall be retained and with the retention of the orchard at the site frontage, the redevelopment of the site will enhance the character of the site and its immediate environs.

Provision of Affordable Housing

The Council's New Housing Team advises that the village of Hilperton has a demonstrable need for affordable housing. Affordable housing is defined as housing comprising low cost market housing and subsidised housing, provided for people who are unable to resolve their housing needs in the local private sector market because of the relationship between housing costs and incomes. Affordability is assessed at the time of negotiations, with respect paid to local market conditions and the financial indicators of those in housing need. Adopted Local Plan Policy H2 states that "where there is a demonstrable lack of affordable housing to meet local needs, the intention will be to negotiate for the provision of an appropriate element of affordable housing". Within villages, this could be as much as 50%. However, the precise provision should, and in practice is, negotiated on a site by site basis, taking on board local need as identified in the Housing Needs Survey, site conditions and the economics of the provision.

Taking a pure policy approach, a scheme of 20 units would require 50% affordable housing at nil subsidy in perpetuity and managed by a Registered Provider, nominated and agreed by the Council - with an on-site provision of 8 units and a commuted sum for 2 units (as explained within the Housing Team's consultation response above). However, King Sturge's viability assessment concludes that such a requirement would lead to a negative residual valuation. If the Council was to enforce a full 50% provision (as well as require a host of other financial contributions which are covered elsewhere within this report), it is submitted that the scheme as proposed, would be economically unviable.

The viability appraisal submits that the scheme could provide a reduced affordable housing contribution of a maximum of 3 units on site and a reduced commuted sum for affordable housing.

If the Committee is minded to grant planning permission, a claw-back provision would need to be included in the S106 Agreement, to allow for the 'open book' test to be revisited before any units are sold to ensure any subsequent improvement in viability is reflected in the commuted sum payment. The 3 recommended affordable housing units to be provided on the site must remain affordable in perpetuity or whilst there is a need. Planning conditions and the use of S106 agreements should guarantee that all initial and subsequent occupiers benefit from the affordable status of the units.

The location of the affordable housing on site is limited due to the size of the units required to meet HCA Scheme Design Standards. During the course of the application, it was advised that the AH units would be accommodated through offering the 2 x 2 bed units in Building B (the only two in this Building) and one of the mid terrace 3 bed units in Building G - which reflects the viability work. It was also confirmed during the latter part of the planning process that Selwood have confirmed that the 3 AH units would be appropriate providing the architect was able to confirm that the homes will meet DQS and CSH3 (code for sustainable homes level 3). This confirmation was provided by the applicant's agent.

Public Open Space Provision

The on-site public open space provision has been negotiated by officers and is supported. The retention of the existing orchard at the front of the site is considered to be an ideal location for informal communal amenity space for the future occupiers of the 20 units. Its retention would preserve and enhance the character and vitality of the Conservation Area.

The applicant has also agreed to provide a financial contribution amounting to £10,600 to enhance facilities at the Hilperton Recreation Ground in line with SPG requirements. The applicant is further aware that should the on-site public open space be transferred to the Council for its future maintenance (including the future maintenance of the boundary wall), a commuted sum of £27,915 would be levied. The applicant's agent confirmed that both contributions would not be challenged.

On Site Servicing

The Council's Highways Authority is satisfied that they proposed development would not cause detriment to highway safety interests. Through negotiations and the submission of revisions, the principle of accessing the site in the form shown is acceptable, subject to conditions. The development necessitates financial contributions which should be included within a S106 Agreement.

Utilities will be laid in the footway, and the applicant is happy to accept easement through the public open space subject to the utility providers' specific requirements. It is envisaged that they can be laid to avoid a 'dog leg' return in footway between Church Street and the site access.

Wessex Water and the Environment Agency confirmed having no objections subject to conditions and the use of informatives.

The site and the proposed development can be appropriately serviced in line with the above-mentioned policy requirements.

Impact on Neighbouring Amenities/Privacies

It is duly noted that 9 local residents have voiced concerns and objections against the proposed redevelopment of the site. Whilst concerns have been raised about noise and nuisance, it cannot be ignored that at present, the car breakers yard has the potential for causing significantly more harm to neighbouring amenities through noise pollution than residential properties. Concerns about noisy neighbours can be controlled through the Council's public protection team, should their involvement be required in the future. It is also recognised that the Council's public protection team raised no objection in terms of noise related nuisance.

The identified public open space would have good level of on-site surveillance and through good management (whether it is adopted by the Council or via a private management company), the site should visually enhance the street scene and add some vitality to the centre of the village.

Where applicable, obscure glazing would be installed in elevations to preserve existing and neighbouring privacies and amenities. A planning condition is recommended to ensure that habitable windows with the potential of causing harm, are suitable obscured.

The proposed new 1.8 metre high northern boundary wall separating the site with No. 2 Cherry Gardens would be sufficiently high enough to protect neighbouring amenities (it should be noted that Building D is single storey and that there would not be significant overlooking or overbearing to justify further revisions (such as making the wall even higher) or refusal. The 2.5 metre stone wall along the site's southern boundary which separates the site and No. 220 Church Street should ensure that amenities are not significantly compromised. First floor windows formed within the rear elevation of Building G would potentially overlook third party land, but it should be noted that the building would be sited between 8 -11 metres from the aforementioned boundary wall, and due to the orientation of the proposed new housing, there would be no habitable window-window conflict, although as mentioned above, where appropriate, some obscure glazing should be conditioned.

In addition, to ensure that the privacies of existing and future residential occupiers are protected, a planning condition removing PD rights is considered necessary in terms of restricting uncontrolled extensions and/or new wall openings.

The siting, scale and heights of the new buildings to be constructed on site have been carefully planned with the impacts on neighbours factored in to the revisions which have been made, since the previous application was refused.

On-Site Contamination

It is acknowledged that given the site's former and existing uses, there are some localised pockets of contamination on the site. A full ground conditions survey has been undertaken and the Council's Environmental Protection Team report that it is appropriate to refer to PPS23 and to take a precautionary approach and if granted for permission, to attach conditions requiring a further, more detailed survey to fully investigate the historic land uses and current land conditions to determine the likelihood of the existence of contamination arising from previous uses.

Impact on Trees/Landscape interests

Along with the case officer and the Conservation officer, the Council's Tree and Landscape officer has been party to lengthy discussions with the applicant's agent. As reported above no objections are raised in tree and landscape terms. The development is considered acceptable, subject to conditions.

Developer Contributions

As agreed with the Council's Affordable Housing officer, this development shall provide 3 on-site AH units and a commuted sum.

The development generates a need for an additional 6 primary and 4 secondary school places. As reported above, the Council's education service requires a primary infrastructure contribution of 6 primary places at the 2011/12 cost multiplier of £12598 each, (totalling £75, 588 valid on any S106 signed by 31.03.12). There is no case for a secondary contribution.

Through discussions and negotiations with the applicant's agent, this development requires contributions towards traffic calming, enhanced bus service infrastructure and a contribution of £2000 towards improvements to Bridleway HILP33 which links directly from the village to Middle Lane in Trowbridge.

In addition to the above, the applicant's agent has also agreed to provide a financial contribution of £20,000 towards improvements to the village hall facilities.

The development also triggers a need for a financial contribution of £10,600 to be made in respect to enhancing off-site public open space provision, which shall ring fenced for improving the existing facilities at Hilperton Recreation Ground. Should the applicant wish to transfer the maintenance of the on-site public open space to the Council, there would be an additional financial contribution levied amounting to £27,915.

Recommendation:

To delegate authority to the Director of Development to grant planning permission subject to a legal agreement to secure the following:

i) a financial contribution towards the provision of 6 primary school places. Calculated at the 2011/12 cost multiplier of £12598 each, (totalling £75, 588 which would be valid on any S106 signed by 31.03.12);

ii) a financial contribution towards the provision of traffic calming, enhanced bus service infrastructure and a contribution of £2000 towards improvements to Bridleway HILP33 which links directly from the village to Middle Lane in Trowbridge;

iii) a financial contribution of £20,000 towards improvements to the village hall facilities.

iv) a financial contribution of £10,600 to be made in respect to enhancing off-site public open space provision, which shall ring fenced for improving the existing facilities at Hilperton Recreation Ground. [NB. Should the applicant wish to transfer the maintenance of the on-site public open space to the Council, there would be an additional financial contribution levied amounting to £27,915].

v) the provision of 3 affordable housing units on site (offered as the 2 x 2 bed units within Building B and 1 of the mid terrace 3-bed units within Building G) for rented accommodation as well as providing a commuted sum for off-site provision which shall be subject to a claw-back clause to allow for the 'open book' test to be revisited before any units are sold to ensure any subsequent improvement in viability is reflected in the commuted sum payment.

For the following reason(s):

The proposed development conforms to the Development Plan and the legal agreements and the conditions attached to it overcome any objections 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 all the tin clad existing buildings (which are not identified for retention) have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policies C18 and C22.

- 3 For the avoidance of any doubt, the red brick and pantile roofing material used in building 2 (B _ C) and the natural stone built boundary wall fronting Church Street shall be carefully dismantled and stored in a dry and secure place for re-use. The materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

REASON: In the interests of preserving the character and appearance of the Conservation Area.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policies C18 and C22.

- 4 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials used in constructing the development;
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) wheel washing facilities;
- (f) measures to control the emission of dust and dirt during construction;
- (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- (h) measures for the protection of the natural environment.
- (i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan 1st Alteration 2004 policy C38

[NB. In addition to the requirements listed above, reader's attention is also drawn to the terms of condition 15 below - which specifically covers ecological interests]

- 5 No development shall commence on site until details and samples of the materials to be used for the external walls (including all the new means of site/plot enclosures) and roof materials 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.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policies C18 and C31a.

- 6 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policies C18, C31a and C38

- 7 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preventing light pollution and nuisance

POLICY: West Wiltshire District Plan - 1st Alteration policies C35 and C38.

- 8 No development shall commence on site until details of the finish to external timber, including any paint or stain have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 policy C18 and C31a.

- 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 The public open space on-site provision shall be made available simultaneously with the development being brought into use.

REASON: To ensure a satisfactory provision of public open space throughout the development in the interests of the amenity of future residents.

POLICY: Leisure and Recreation DPD January 2009 policy LP4

- 11 No development hereby approved shall commence until proposals for the future maintenance of the on-site public open space have been submitted to and approved in writing by the local planning authority. Thereafter, the said areas of open space shall be maintained in complete accordance with the terms of such a scheme as may be so approved unless the planning authority gives written approval to any variation.

REASON: To ensure that the on-site public open space provision satisfies the interests and amenities of future residents.

POLICY: Leisure and Recreation DPD January 2009 policy LP4

- 12 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 13 The development hereby permitted shall not be occupied until provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of such provision shall have first been submitted to and approved by the Local planning Authority.

REASON: In the interests of Highway safety.

- 14 The junction onto the public highway shall have minimum 6m radii, whilst the gradient of the access road shall be no greater than 6.7% for the initial 6m and no greater than 8% thereafter.

REASON: In the interests of Highway safety.

- 15 No demolition work shall commence on the site until a Construction Method Statement for bats has been submitted to and approved in writing by the local planning authority. The Construction Method Statement should provide details of how works to the buildings with medium/high bat potential shall be undertaken (following the Bat Absence/Presence Survey report by Marishal Thompson Group, dated June 2011). Details shall be submitted for the Council's written approval indicating the use of the locations of bat boxes, access tiles or bricks into the scheme. The development must be carried out in full accordance with the approved Construction Method Statement.

REASON: In order to replace lost bat roosting opportunities and to maximise ecological conservation.

POLICY: PPS9 - Biodiversity and Geological Conservation.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In order to protect the amenity interests of neighbours and to safeguard the character of the Conservation Area and to enable the local planning authority to consider individually whether future additions and alterations should be granted.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan - 1st Alteration policies C18, C31a and C38.

- 17 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 northern rear elevation of buildings B _ C; or the northern and southern gable elevations of Building G; or the

eastern and western gable elevations of Building H; or the eastern and western gable elevations of Building E, hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

- 18 No development shall commence on site until details of the obscure glazing to be used throughout the scheme for all wc and bathroom windows have been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the development hereby approved and thereafter shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

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

- 19 Prior to the commencement of any development on site a scheme to deal with the risks associated with contamination of the site shall be submitted to and be approved in writing by the local planning authority. That scheme shall include all of the following elements unless specifically excluded by the Local Planning Authority.

1. A desk study identifying:

- all previous uses of the site for at least 100 years and a description of the current condition of the site with regard to any activities that may cause contamination;
- a list of potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and,
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken. The risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11".

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

REASON: To ensure that land contamination can be dealt with adequately and to prevent pollution of the water environment prior to the site being brought into residential use.

- 20 If, during the course of implementing the hereby approved development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To prevent pollution of the water environment.

- 21 No dwellinghouse shall be occupied until the realignment of the boundary wall fronting Church Street has been completed in accordance with the approved plans.

REASON: In the interests of highway safety and to define the terms of this permission.

- 22 That for the avoidance of any doubt, the car breakers/reclamation business operations shall cease entirely prior to the commencement of any development hereby approved.

REASON: In order to define the terms of this permission and in the interests of residential amenity.

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan - 1st Alteration policy C38.

- 23 No demolition shall be undertaken on site until such time as a detailed schedule of the demolition works has first been submitted to and approved in writing by the Local planning Authority; such details to include:

Details of timing of demolition works;

Details of proposed demolition works, including hand demolition of the stone boundary wall fronting Church Street and B & C (identified as existing Building 2);

Details of proposed storage of (and retained) demolished walling and roofing materials;

and such works shall be implemented fully in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

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

POLICY: PPS5 – Planning for the Historic Environment and West Wiltshire District Plan 1st Alteration 2004 – Policies C17 and C22.

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

LOCATION PLAN – received on 27.04.2011

EXISTING SITE PLAN – drawing no. PKE2241.01 received on 27.04.2011

EXISTING PLANS, SECTIONS, ELEVATIONS BUILDING 2 – drawing no. PKE2241.03 received on 27.04.2011

EXISTING ELEVATIONS BUILDING K – drawing no. PKE2241.04 received on 27.04.2011

EXISTING PLANS, ELEVATIONS BUILDING H – drawing no. PKE2241.05 received on 27.04.2011

EXISTING TREE PLAN – drawing no. 5506/3 received on 27.04.2011

PROPOSED SITE LAYOUT PLAN – drawing no. PKE2241.07M received 29.06.2011

PROPOSED BUILDING B, C AND D PLANS – drawing no. PKE2241.09B received 27.04.2011

PROPOSED BUILDING E DETAILS – drawing no. PKE2241.10C received on 27.04.2011

PROPOSED BUILDING F DETAILS – drawing no. PKE2241.11F received on 27.04.2011

PROPOSED BUILDING G DETAILS – drawing no. PKE2241.12D received on 27.04.2011

PROPOSED BUILDING H DETAILS – drawing no. PKE2241.13B received on 27.04.2011

PROPOSED BUILDING K PLANS, SECTIONS ELEVATIONS – drawing no. PKE2241.15A received on 27.04.2011

PROPOSED BUILDING L DETAILS – drawing no. PKE2241.16B received on 27.04.2011

PROPOSED SITE SECTIONS – drawing no. PKE2241.20 received on 27.04.2011

PROPOSED SITE SECTIONS – drawing no. PKE2241.21 received on 27.04.2011

LANDSCAPE DETAILS – drawing no. 5506/1B received on 27.04.2011

TREE DETAIL PLAN – drawing no. 5506/2A received on 27.04.2011

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/developer is advised of the need to submit plans, sections and specifications of the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. For information, this relates to retaining walls which are wholly or

partly within 3.65m of a street and which are at any point of a greater height than 1.35m above the level of the ground at the boundary of the street nearest that point.

- 2 Reptiles are protected from injury/ killing under the Wildlife & Countryside Act (1981, as amended) therefore prior to the commencement of construction work, the site must be cleared with due care and attention for reptiles: any significant debris (logs, large stones, piles of garden waste) should be checked by hand for the presence of reptiles sheltering beneath; vegetation should be cut down to 10cm, and left as such for several days before cutting further and removing the topsoil. All cuttings should be removed from the site. Vegetation clearance should take place outside the breeding bird season (March – August inclusive) unless checked beforehand by a suitably qualified ecologist for the presence of nesting birds.

- 3 It is recommended that the developer investigates the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:
 - a) Interception and reuse
 - b) Porous paving/surfaces
 - c) Infiltration techniques
 - d) Detention/attenuation
 - e) Wetlands

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.

Pollution Prevention

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes.

It is recommended that the applicant refers to the EA Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

- 4 The applicant/developer is advised to take note of the guidance provided by Wessex Water dated 9 May 2011.

- 5 Whilst the Geo Environmental Report (dated Nov 2007) prepared by Hyder Consulting has been fully assessed, the impacts of removing the underground storage tanks (USTs) requires further analysis. Once completed, a verification report is required to demonstrate the success of the work, as specified in item 4 of the above condition. Details of the proposed remediation should be prepared to address item 3 of the condition].

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

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

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|----------------------------|---|---|---------------------|
| Date of Meeting | 30.11.2011 | | |
| Application Number | W/11/01248/FUL | | |
| Site Address | The Forge Park Street Heytesbury Wiltshire | | |
| Proposal | Two storey extension and internal alterations | | |
| Applicant | Mrs R Royce | | |
| Town/Parish Council | Heytesbury Imber And Knook | | |
| Electoral Division | Warminster Copheap And Wylve | Unitary Member: | Christopher Newbury |
| Grid Ref | 393117 142534 | | |
| Type of application | Full Plan | | |
| Case Officer | Mr Steve Vellance | 01225 770344 Ext 01225 770255 steven.vellance@wiltshire.gov.uk | |

Reason for the application being considered by Committee

Councillor Christopher Newbury has requested that this item be determined by Committee due to: -
Relationship to adjoining properties

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

Impact of the proposal on the host curtilage listed building.

Impact of the proposal on neighbouring properties/amenity.

3. Site Description

The site is a detached building known as The Old Forge at 113 Park Street, Heytesbury, it is constructed from red brick and local stone, with a clay tiled roof. The building is sited opposite a building numbered 113 Park Street, Heytesbury - known as The Old Forge House. The two properties share a communal entrance and driveway. The latter is a grade II listed building, with The Old Forge being a curtilage listed building.

4. Relevant Planning History

92/00328 Conversion of Old Forge to dwelling Permission 28.04.1992.

5. Proposal

The proposal is for a two storey side extension and internal alterations.

The two storey extension would be sited on the southern rear elevation of the Old Forge and would approximately measure: 5.6m (length) by 5.8m (wide) by 5.5m (high).

Internal alterations would consist of repositioning the existing staircase within the living room and the first floor would provide a bathroom and a bedroom. The roof trusses within the first floor would be slightly altered to allow access to these rooms.

The initial proposal also included an enlarged opening within the road facing garden and a car port area. This aspect has been withdrawn.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C3 Special Landscape Area.

C28 Alterations and Extensions to Listed Buildings

C31a Design

C38 Nuisance

Supplementary Planning Guidance – Design Guidance on House Alterations and Extensions.
Adopted July 2004.

National Guidance.

PPS5

Planning for the Historic Environment.

7. Consultations

Heytesbury Parish council

Following the final and most recent set of revised plans, which removed the proposed car port and enlarged entrance within the boundary wall, have raised no objections to the application.

Conservation Officer

No objections and makes the following comments:

- Undertook a pre-application meeting with the agent and is satisfied with the approach to extend the curtilage listed building, which would continue the traditional form of the building.
- Materials must match the host building.
- Structural interventions at first floor level are acceptable and relatively minor.
- The enlargement of the existing opening in the front wall of the garden would be acceptable, as the current single opening is poorly detailed. The proposed access would formalise and tidy up the entranceway.
- The loss of historic fabric would be minor.
- The height of the car port has been reduced to keep it hidden behind the boundary wall.

Revised comments on the 22 August 2011:

- Car port and enlarged entrance have been withdrawn, (to which the Officer raised no objections) would result in a more traditional scheme, due to the fact that the site would remain closer to its existing state.

- Proposed extension would continue the building lines of the existing building and appear as a traditional extension.
- The new extension would be distinguished from the old by the brick quoins remaining on the old historic part.
- The new extension would not be jointed into the historic fabric; thereby the existing brick quoins would remain as a straight joint and would be a visual marker to separate the old from the new.

Recommendation: No objections.

Revised comments on the 24 October 2011:

The ridge of the proposed extension has been slightly lowered, which would detract from the rhythm of the building, but understands that this has been undertaken for practical purposes i.e. to physically allow the extension to be constructed.

Principle of the extension remains sound and the lowered ridge would not significantly detract from the special interest of the building.

Recommendation: No objections.

8. Publicity

The application was advertised by site notice, local press notice and neighbour notification. Consultations undertaken on the 12.04.2011, 16.08.2011 and 06.10.2011

Summary of points raised:

Seven letters and emails of objection were received, of which five were sent from the owner of the neighbouring Old Forge House and his agent. The following points were raised:

- Plans inadequate and don't show the western elevation.
- Plotted history to the site as a whole provided - The Old Forge served the community to 1946 including details of previous owners provided.
- Various photographs and computer generated images provided.
- The Old Forge would have appearance of a modern dwelling if permission were granted.
- Has its own unique appearance.
- Existing roof trusses are awkward and prevent use of top room, proposal would destroy this aspect.
- Previous owner enquired about altering roof trusses and told no.
- Question about dwelling status of The Old Forge.
- Boundary wall unique and has its own significance, proposed car port is ugly.
- Historically The Old Forge and The Old Forge House were within the same title, now legally separated and have their own titles.
- Two properties possess a close relationship with a shared driveway access, which is narrow - could be problematic if two households were to utilise it.
- Proposed new access would cause highway problems.
- The Old Forge and The Old Forge House to have the same planning protection.
- Proposed extension of The Old Forge would fill gap between this property and the garage of The Old Forge House.
- Garage of The Old Forge House is on boundary, therefore building the extension would be difficult and would alter the character of The Old Forge.
- Site not been surveyed to see if the garage would fit - application be refused.
- Extension would lead to high - density development and would not be appropriate.
- Roof of the extension would be incongruous.
- Essential form of The Old Forge would be affected.
- Conservation Officer's pre-application comments sought to be viewed under Freedom of Information Act.
- Allegation that previous owner advised to withdraw planning application.
- Council not consistent in the advice it gives.

- Owner of The Old Forge House sought pre-application advice about extending The Old Forge – was told no - advice is consistent with previous advice given.
- Council's Conservation Officer is wrong in his advice and opinions.
- The Old Forge should be considered to be a heritage asset as there is a clear relationship between this building and The Old Forge House.
- Original Heritage Design and Access Statement does not address heritage asset related policies of PPS5.
- Little justification within original statement with regard to impact on The Old Forge House.
- Proposal does not comply with saved policies C18 and C28 of the local development plan and HE7 of the Structure Plan.
- Proposal is large and would result in loss of character of The Old Forge.
- Proposal would result within a dominant and overpowering addition.
- Affect amenity of The Old Forge House and its garden.
- Heritage asset would be damaged.
- Criticism of the Council with regard to the application not being withdrawn and resubmitted.

9. Planning Considerations

Planning Officers Comments.

This application is to extend the existing building known as The Old Forge and would consist of a two storey side extension. The initial scheme included a car port and enlarged vehicular opening within the front boundary stone wall, however following revised plans, this element of the scheme has now been withdrawn. This being the case the Parish Council is in full support of the scheme and has raised no objections. Access to the site would consist of using the exiting shared access and utilising existing car parking spaces.

The two storey side extension would be sited on the southern end elevation of the host building and would occupy a small part of garden land, immediately adjacent to the garage of The Old Forge House. Due to this close relationship with the neighbouring garage, the rear elevation of the proposal has been stepped back slightly, to allow clearance of this building. This in turn has meant that the ridge height of the garage roof has been lowered to a lesser degree, to maintain the existing roof pitch. Whilst this is unavoidable the Conservation Officer has raised no objections to the scheme as a whole, commenting that the principle of the proposal remains sound and that the lowered ridge height would not significantly detract from the special interest of the building.

There would be no adverse impact on the amenity of The Old Forge House because there would be no directly overlooking fenestration from the proposed extension. There would be one angled roof light within the roof plane of the western elevation, which would serve the proposed en-suite. It would not directly overlook The Old Forge House. Likewise, the first floor southern end elevation window would not directly overlook The Old Forge House, because of its orientation and instead it would look onto an established mature boundary.

The applicant has submitted a revised Heritage Statement, which serves to provide the requested information in relation to the third party cited policies within PPS5, relating to the issue of Heritage Assets.

It is not agreed that The Old Forge would have the appearance of a modern dwelling because matching materials would be utilised throughout and the proposal would follow the form of the host building. In this instance it is considered appropriate to extend the dwelling in like form, scale and materials because such measures would not have an adverse impact on the host building, nor The Old Forge House. The new extension would be distinguishable from the existing by virtue of the design of the proposal and because the extension would abut the existing brick quoins of the principal building, as opposed to being "keyed in".

The proposed extension would not have any adverse impact upon the setting of the listed building and the street scene of Park Street, because the dominant feature would be the walled garden enclosure to Park Street. Similarly, the gable end elevation of The Old Forge would not be affected as neither would the scale of the proposal in the way it would address Park Street. Thus there would

be no adverse affect upon the heritage asset design, whereby the original form and character of the dwelling would be retained and extended.

Through these measures, the essential form and character of The Old Forge as a subservient structure, attached to the significant garden wall, serves to preserve the unique character of this building, as well as its relationship to other nearby buildings. Thus, the increase in length and form of The Old Forge would not materially affect its character nor impact on any other asset.

The proposed scheme is fully compliant with Policy C28 of the local development plan because the essential form of The Old Forge would not be adversely affected, its features of architectural interest would be retained and any loss or damage to the historic fabric of the building would be minimised. Likewise the new extension's details have been designed to be in keeping with the character of the existing building whereby matching materials would be utilised throughout.

It is also considered that Policy C31a of the local development plan has not been breached, because the proposal would respect the existing pattern and architectural character of nearby Park Street. Similarly, because the extension would be alike to the host dwelling, in its form, proportion, massing and scale and the use of matching materials, would not adversely affect the street scene or the character of the listed building. The proposed internal alterations would have minimal impact as there is minimal historic fabric to the dwelling. The slight alteration to the roof truss would allow access through the roof space. The Conservation Officer has raised no objections to this.

The planning history to The Old Forge is important, especially in relation to the 1992 planning permission which gave permission for the conversion of The Old Forge to that of a dwelling. It is clear from the information contained within the planning history, that this permission has been implemented and the applicant has provided information to show that the building has been utilised as a dwelling from 1992 to the present day; it is therefore clear that the residential use has not been abandoned.

A neighbour objector has raised the issue of pre-application advice which the Council's Officers have given/offered in the past and the alleged inconsistency, which is claimed to have occurred, when offering such advice. It is not possible to comment on such allegations, except to state that any such informal opinion is the professional opinion of that officer, which is based upon the facts as presented to him or her at that particular time. It is also important to realise that any such informal advice or opinion given may change or alter when a planning application has been submitted, this being due to the fact that other additional matters/issues may come to light which may be pertinent to the determination of the application.

The same neighbour objector criticises the council for allowing the application to run for a long length of time, whereby two additional sets of revised plans were submitted. With complex planning applications it is not unusual for them to run for long periods of time whereby revised plans are submitted to address issues as they arise. Within this instance the applicant responded to points raised by the consultation process by altering the design of the scheme and submitting a revised Heritage Statement. This was done by the applicant independently choosing to employ an additional firm of architects to act on her behalf. Whilst it is acknowledged that the application has run for several months, it is clear that the applicant's agent and architect did not advise their client to withdraw and re-submit the application, such matters being solely for the applicant to decide and not the Council.

Recommendation: Planning permission be granted with conditions as attached.

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 take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

REASON: To ensure that the character and fabric of the listed building is protected.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C28.

- 3 Details of all new external windows and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C28.

- 4 Details of all new external doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the local planning authority, prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C28.

- 5 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out in strict accordance with the approved details.

REASON: To ensure that the character and fabric of the listed building is protected.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C28.

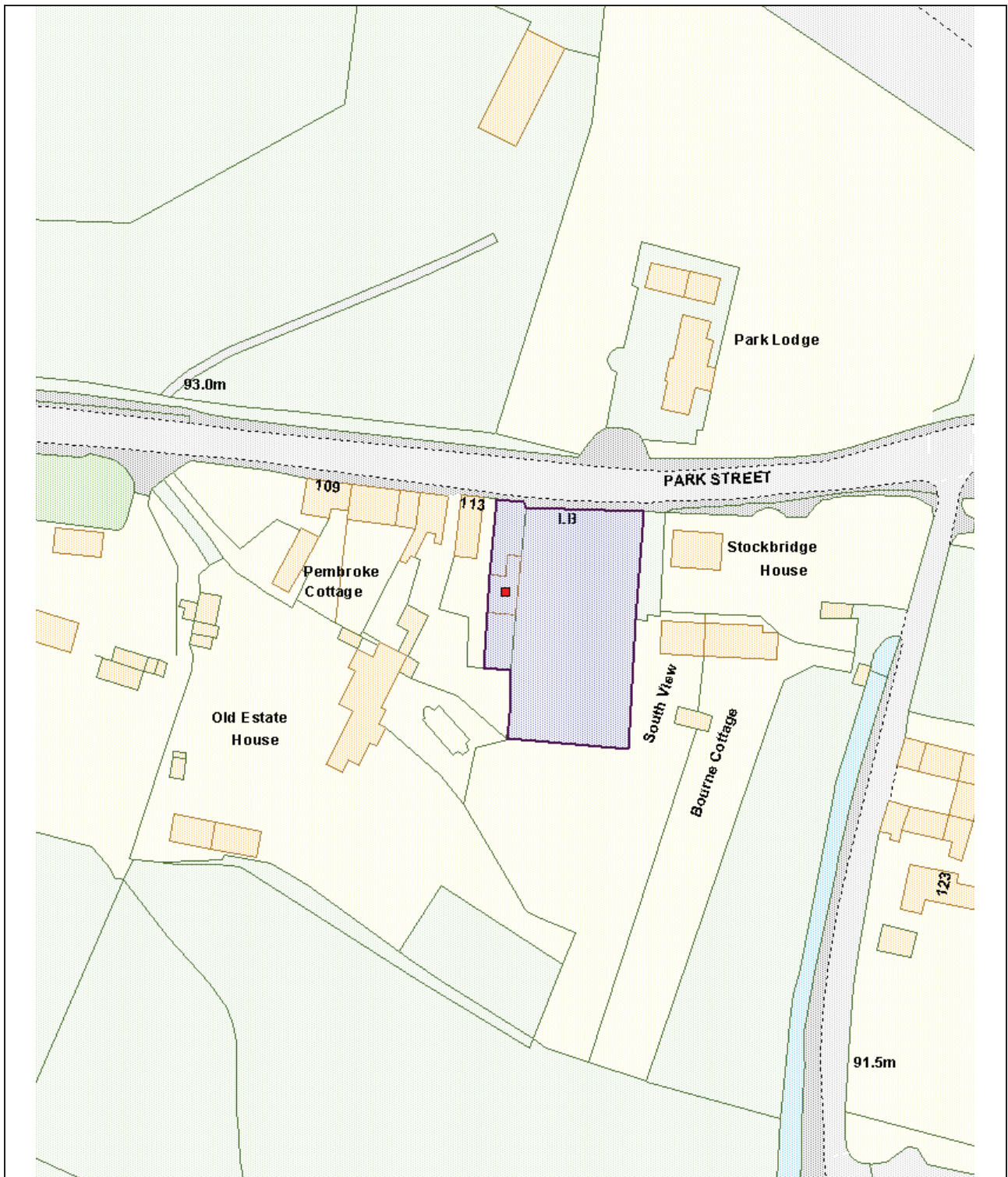
- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan/s:

Elevations as existing received on 07 April 2011
Elevations as proposed received on 05 October 2011
Structural alteration to truss received on 11 May 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.

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



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

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|----------------------------|--|--|-------------|
| Date of Meeting | 30.11.2011 | | |
| Application Number | W/11/02648/FUL | | |
| Site Address | Land Adjoining 16 Wiltshire Crescent Melksham Wiltshire | | |
| Proposal | Proposed conversion of existing garage into new dwelling | | |
| Applicant | Mr Geoff Long | | |
| Town/Parish Council | Melksham (Town) | | |
| Electoral Division | Melksham South | Unitary Member: | Jon Hubbard |
| Grid Ref | 391191 163198 | | |
| Type of application | Full Plan | | |
| Case Officer | Mr Philip Baker | 01225 770344 Ext 01225 770286 philip.baker@wiltshire.gov.uk | |

Reason for the application being considered by Committee

With officers minded to accept this application, Councillor Hubbard has requested that this item be determined by Committee due to:

- Relationship to adjoining properties
- Environmental or highway impact
- Car parking

1. Purpose of Report

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

Neighbourhood Responses

4 letters of representation were received.

Parish Council Response

Objection.

2. Report Summary

The main issues to consider are:

Additional residential development within town policy limits
 Design and detailing
 Site servicing
 Impact on neighbours and immediate surroundings

3. Site Description

The application site forms part of an L shaped curtilage of 16, Wiltshire Crescent, Melksham which is located within town policy limits. The garage lies to the south east of the main dwelling house.

To the north of the garage lies a row of four terraced properties set perpendicular to 16, Wiltshire Crescent. To the east lies a row of garages that are accessed by resident by a service road to the north of the four terraced properties. Directly adjacent to the south of the garage is a private road/ right of way- check whether this is definitely Longleaze lane. To the north-west is the main dwelling house of 16 Wiltshire Crescent and directly west are the back gardens of 10 – 14 Wiltshire Crescent.

The garage has a width of 7.8 metres x 7.9 metres length and has a height to the apex of 5.4 metres. The building is constructed from red brick, with concrete profiled tiles. There are two separate garage doors facing the east direction under the gable of a double pitched roof, which face the entrance of the car park and associated garages. On the existing (south) side elevation there are two boarded up windows facing Longleaze lane. The existing rear (west) elevation has two windows and a door and this faces the garden of no. 16, Wiltshire Crescent. The existing (north) side elevation is a blank wall with no rooflights in the roof and faces the side of no 18, Wiltshire Crescent.

The garage can only be accessed from the service road to the north of the site. Selwood Housing are responsible for the maintenance and servicing of the garages and service road from Wiltshire Crescent.

The public right of way Melk 13 runs along the entrance to Longleaze Lane from Spa Road past the garages.

4. Relevant Planning History

87/01227/OUT – Withdrawn – 27/11/1987 – One dwelling

87/01851/OUT – Refusal – 16/2/1988 – Single dwelling and parking space

89/00252/FUL – Permission – 27/6/1989 – Erection of a double garage

97/00382/FUL – Refusal – 18/9/1997 – Conversion of double garage to dwelling as annexe.

11/01412/FUL – Withdrawn – 16/9/2011 – Proposed conversion of existing garage into new dwelling

5. Proposal

The proposal is to convert the existing detached garage from a ground floor garage into a chalet bungalow. The two garage doors on the east elevation, would be replaced by a front door and two ground floor windows. The south elevation would have two dormers inserted on the roof and two windows on the ground floor. The west elevation would retain an existing window and have one window and door replaced by a patio door. On the north elevation, three rooflights would be inserted on the roof. The materials would match and the windows and doors would be UPVC.

Access to the site is on land, which is not owned by the applicant and certificate D of the application form has been duly completed with press advertisement notices in the Melksham Times duly issued. There is already a right of way across the highway verge, owned by Selwood housing, to the track south of 16, Wiltshire Crescent that was part of the sale under the right to buy scheme.

6. Planning Policy

National Guidance

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 3 - Housing

Planning Policy Statement 9 - Biodiversity and Geological Conservation

Planning Policy Guidance 13 - Transport

Planning Policy Guidance 24 - Planning & Noise

Wiltshire Structure Plan 2016

DP1 – Priorities for sustainable development
DP9 – Re use of land and buildings
C1 – Nature conservation
C3 – Nature conservation
HE7 – Conservation Areas and Listed Buildings

West Wiltshire District Plan - First Alteration 2004

C31a – Design
C32 – Landscaping
C35 – Light pollution
C38 – Nuisance
H1 – Further housing development within towns
H24 - New Housing Design
T10 – Car parking
U1a – Foul water disposal
U2 – Surface water disposal

7. Consultations

Melksham Town Council

Objection received 6/9/2011

Councillor Hubbard explained various residents in his constituency had raised concerns regarding this application i.e access to the site is off Longleaze Lane, a private road, which has not been adopted by the local Highway Authority and is maintained by residents of the lane. There is an issue with rights of access to this site, which is currently being investigated by local residents.

Car park opposite the proposed access to this site, which may cause difficulties,

It is understood refuse lorries often have difficulty getting down this lane, due to parking problems, which will be exacerbated by this application.

RESOLVED : The Town Council objected to this application on the following grounds:

- * Will set a precedent for similar applications
- * Exacerbate existing parking problems

Highways Authority

Comments received 26/10/2011

I do not wish to raise any objection subject to conditions. It is understood that there may be third party ownership claims on Longleaze Lane, that could jeopardise the ability of the applicant to confer access rights on any subsequent owner of the application site and make the proposal unviable in access terms. This is, however, a civil matter and does not alter my above recommendation. Clearly, if the applicant was unable to provide the on-site parking proposed and vehicular access from it to the public highway, I would recommend refusal of the application on highway grounds.

Environment Agency

Comments received 13/10/2011

We have no comments on the above planning application. The proposal is outside those topics requiring consultation with the Environment Agency, as set out in Article 16 and 17 and schedule 5 of the DMPO.

Wessex Water

Comments received 19/10/2011

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Applications forms and guidance information is available from the Developer Services web pages at our website www.wessexwater.co.uk/developerservices

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

Trees and landscaping

Comments received 11/11/2011

There are no landscape or tree related objections to this application. Due to limited space, there is no requirement to place any landscape related conditions to this application if it is to be approved.

Public Rights of Way

No objection - Comments received 11/11/2011

8. Publicity

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

Expiry date: 11th November 2011

Summary of points raised:

4 letters of representation was received raising the following points:

- Extra traffic out in and out of Longleaze Lane onto the Spa Road will cause extra problems
- Potentially extra noise at night if drivers from Wiltshire Crescent were to start taking short cuts along the lane
- No. 16 already has access on to Wiltshire Crescent and there is no need to have vehicular access onto Longleaze Lane.
- Problems of refuse lorries having access to the entrance at the Spa Road with cars parked at the end of Longleaze Lane
- Risk to school children crossing the junction twice a day
- The applicant was only ever given verbal neighbourly permission to access his garden with his caravan or twice a year in order to take his asthmatic son to the seaside
- Applicant does not have a right of way onto Longleaze Lane from the existing building and has never been given formal or legal permission to access the lane.
- Longleaze lane is private lane, so the Council does not own the lane it cannot give permission for access on to the lane.
- Longleaze Lane is a single lane track and there is only one possible passing place located outside 375 Longleaze Lane. The other passing places between the proposed development and the road are usually obstructed by parked vehicles. The passing place outside 375 was created when 375 was built, prior to this, in order for two vehicles to pass one had to mount the grass verge. The other 7 residents of the lane live beyond the proposed development and so there is a likelihood that we will meet oncoming traffic from the proposed development's access on to longleaze Lane and as the access from this proposed development is in the narrow part of the lane we would therefore be faced with the prospect of having to either mount the verge or reverse in order to pass.

- Currently vehicles leaving the lane have to swing out into the oncoming traffic in Spa Road in order to clear the pavement.
- Concerns regarding pedestrian safety and that is that pedestrians approaching the lane from Snowberry Lane end are hidden until they are at the mouth of the lane.
- Concern that it is not possible for new occupants of the dwelling to see any vehicle entering the Longleaze Lane, as it passes the last passing point between the entrance to Longleaze Lane and the application site.
- Concerns that if this proposal was approved that cars from the development would not be parked on Longleaze Lane adding further to the headache of access to the existing residents and service vehicles.
- The lane was unadopted and the 7 residents have paid thousands to maintain a first class footpath from Spa Road to Snowberry Lane.

9. Planning Considerations

Additional residential development within town policy limits

Government advice contained within PPS 3 (as revised in June 2010) states, amongst other things, that the outcomes which the planning system and decisions should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice.

It is duly acknowledged that PPS3 (as revised) removed the prescriptive minimum housing density requirement and also de-classified residential garden land as "brownfield" or previously developed land.

Whilst having due regard of the above, the site is located entirely within the defined town policy limits of Trowbridge and under Policy H1 of the West Wiltshire District Plan, proposals for new housing development in this area may be permitted provided, amongst other things, that the siting, layout and design considerations are satisfactory, and that they are in keeping with the character of the surrounding area and that providing such development does not give rise to highway problems or create inappropriate backland or tandem development.

This proposal would be acceptable in terms of PPS 3 and in terms of site size the plot would measure approx. 18 metres x 10 metres, which would only be marginally smaller than the plots in the surrounding area. It would not constitute backland or tandem development and would be broadly in accordance with policy H1.

Design and Detailing

Policy H24 states that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics. The frontage would face a public place, albeit a sole dwelling house frontage in that location and whilst a street facing frontage would be more desirable it would not be sufficiently detrimental to warrant a refusal under Policy H24.

West Wiltshire District Plan Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. The surrounding area to the south comprises of an estate of a mixture of semi and detached red brick properties accessed from Snowberry Lane. To the east along Longleaze Lane there are primarily period properties, with a contemporary detached chalet bungalow no. 376a backland development accessed from the lane. To the north and west there are terraces of ex Local Authority properties of brick and render construction. The alterations to create a red brick and concrete tile dwelling house, would not result in a dwelling that is uncharacteristic of the local area. This would be broadly in accordance with policy.

Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected. The rooflights across the north elevation would be an internal height of approx 1.5 metres and it would be possible to look out from this windows to the neighbouring dwelling house 18, Wiltshire Crescent's garden which is only 0.2 metres away. Although the property is approx. 11 metres away with no first floor windows it would be necessary to condition these rooflights to be obscure glazing to prevent overlooking. The dormers on the front (south) elevation face the mature vegetative screening for the rear gardens of Lavender Close and are approx 9 metres away. The dormers would be approx 23 metres from the rear of 22, Lavender Close and it would be considered a sufficient first floor window to first floor window to avoid detrimental overlooking.

The existing footprint and height of the building would not be altered to increase the overshadowing effect on the surrounding properties.

To ensure that the privacies of existing and future residential occupiers are protected, a planning condition removing PD rights is considered necessary in terms of further extensions and/or new wall openings.

Site Servicing

The Council's Highways Authority has no objections, subject to planning conditions.

The comments of Wessex Water are duly noted and should be attached as informatives to any grant of planning permission. Notwithstanding the local concern raised about the capacity of the public sewer, Wessex Water maintain that subject to agreeing the connection points, the proposed new housing can connect to the sewage infrastructure.

The site is not recorded to be at risk of flooding, and the site is located within flood zone 1. The proposal will be require appropriate surface water drainage treatment and this will be conditioned.

Impact on neighbours and immediate surroundings

It is duly noted that the neighbours have concerns regarding the ownership of Longlease Lane. The Highways department has been aware that there are third party ownership claims which could jeopardize the ability of the applicant to confer access rights on any subsequent owner of the application site and make the proposal unviable in access terms. This is a civil matter and falls outside the remit of the Planning System.

Conclusion

The proposal does comply with policy and planning permission should be granted.

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 take place until samples of the materials to be used in the construction of the external surfaces of the development 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 there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

- 4 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to 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.

- 5 The development hereby permitted shall not be occupied until provision shall have been made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of this provision shall have first been submitted to and approved by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy U1A

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no vehicular access shall be made between Longleaze Lane and the adjacent garage court.

REASON: In the interests of highway safety

- 7 The development hereby permitted shall not be occupied until the access and parking spaces have been surfaced and completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 8 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres to the west and east from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1;, Classes A,B,C,D,E,F & G, of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable

- 10 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 3/10/2011
AH2010/30/1 Rev A received on 19/10/2011
AH2010/30/2 Rev A received on 19/10/2011

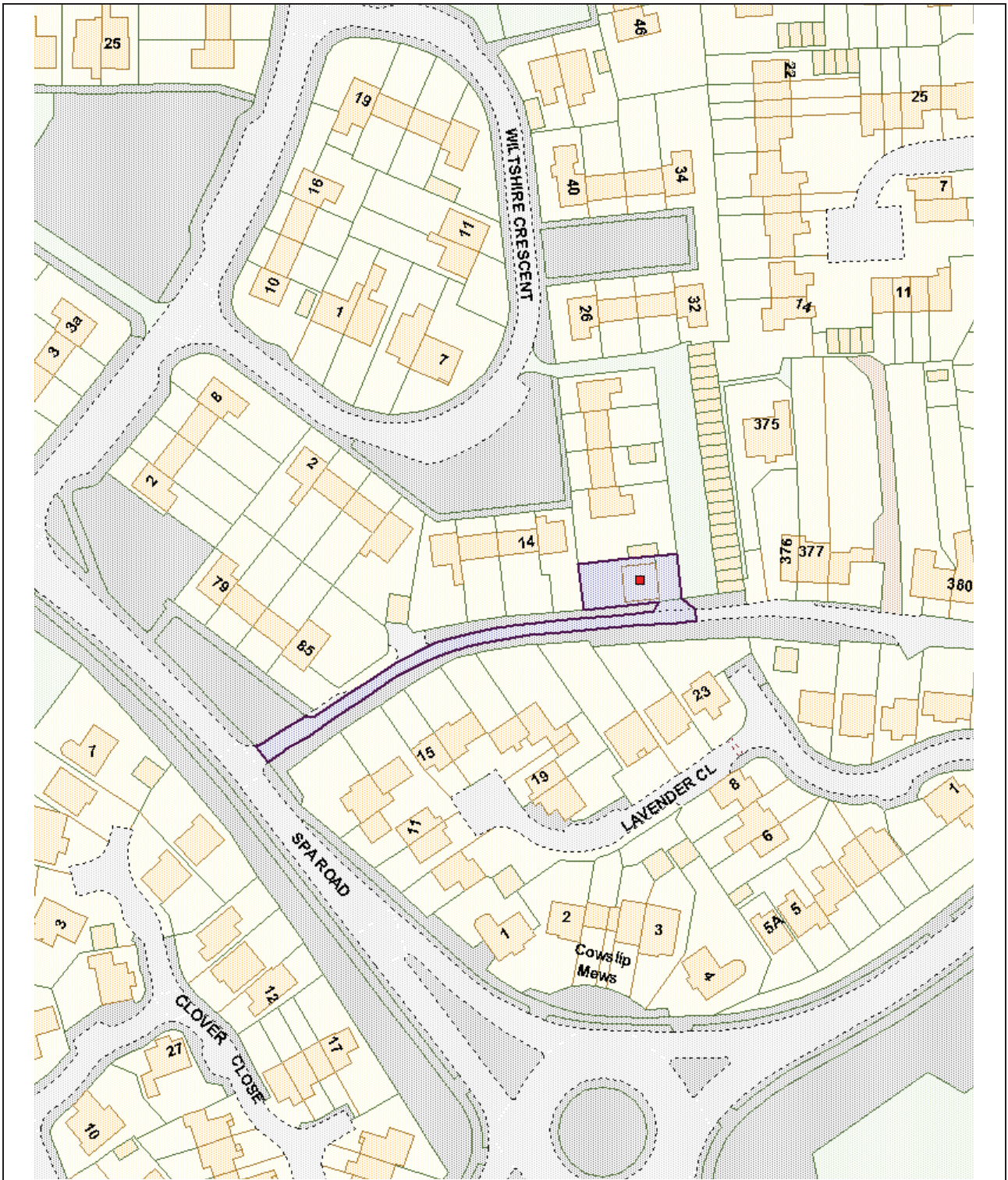
REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority

Informative(s):

- 1 It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex Systems.

The developer 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 very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

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



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www.wiltshire.gov.uk

MSA: 100022961

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|--|--|-----------------|
| Date of Meeting | 30.11.2011 | | |
| Application Number | W/10/03480/REM | | |
| Site Address | Land Adjoining 21 Wynsome Street Southwick Wiltshire | | |
| Proposal | Proposed new dwelling | | |
| Applicant | Mr Tony Rideout | | |
| Town/Parish Council | Southwick | | |
| Electoral Division | Southwick | Unitary Member: | Francis Morland |
| Grid Ref | 384143 155081 | | |
| Type of application | Reserved Matters | | |
| Case Officer | Mr James Taylor | 01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk | |

Reason for the application being considered by Committee

Councillor Francis Morland 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
- * Car parking
- * Other:

Access - proposed vehicular access solely via a new entrance onto and over the public bridleway

Appearance - appropriateness of for this location and site

Landscaping - design and sufficiency of, both hard and soft

Layout - where and how will adequate on-site parking be provided for this large new dwelling

Scale - is the site suitable for a detached three-storey four bedroom town house?

Public reaction - have the concerns of Southwick Parish Council and neighbours been sufficiently addressed?

1. Purpose of Report

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

Neighbourhood Responses

5 parties have registered an interest in the proposals.

Parish Council Response

"No comment" on the current proposals.

2. Main Issues

The main issues to consider are:

- * Planning history
- * Means of access
- * Landscaping
- * Siting
- * Design
- * External appearance

3. Site Description

In the associated outline proposal the site was described as follows, and this has not materially altered:

“The application site is the side and part of the front and rear gardens of 21 Wynsome Street. It is relatively flat and enclosed by natural landscaping to the front, rear and side boundaries. Wynsome Street is a 'C' classified road. To the rear is a rough track, which is a designated bridleway. Numerous vehicular accesses are in existence off of this rear track.

The street scene is characterised by ribbon development leading out of the village. Mostly detached, generally 2-storey and constructed from red brick and rough render. The area is spacious and low density. To the north west the neighbouring property is a detached 2-storey dwelling and to the south east the neighbour is a semi-detached dwelling with a single storey flat roof extension projecting up to the boundary. Finally it is noted that to the south of the application site, on the opposite side of the street is a Grade II listed chapel.”

4. Relevant Planning History

07/00768/OUT – One dwelling – Permission on 01.11.2007

5. Proposal

This is a reserved matters application for a dwelling pursuant to the grant of outline planning permission on 1 November 2007, subject to conditions. All detailed matters were reserved.

The detailed proposals are for the erection of a detached dwelling and have been subject to negotiations through the course of the application. The final plans indicate that this would be a 2-storey structure with a pitched roof form approximately 4.9 metres to the eaves and 7.6 metres high to the ridge. The dwelling would be approximately 7 metres in width, and 10.5 metres in length. It would have a front porch, projecting 700mm.

At the rear it is proposed to have a gravel turning and parking area, access and an enclosed private rear garden. The initial garaging proposed has been withdrawn.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)
C27 Listed Buildings
C31a Design
C38 Nuisance
H2 Affordable Housing Within Towns and Villages
H17 Village Policy Limits
T10 Car Parking
T12 Footpaths and Bridleways

SPG Supplementary Planning Guidance on House Alterations and Extensions
SPG Affordable Housing
SPD Residential Design Guide

National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

7. Consultations

Southwick Parish Council

19 November 2010

Objection. It is noted that outline planning permission has already been granted for this site. A letter had been received concerning the vehicular access via the bridleway for this proposed development. The Parish Council object to the proposal being incongruous due to being out of keeping with the site and that vehicular access through a bridleway which is not a road. The vehicle access should be to the front of the property and not the rear.

Revised plans – 20 April 2011

“No comment.”

Highways

15 November 2010

No objection to a condition on surface waters.

Following discussions with the case officer revised comments were submitted on 25 November 2010: No objection in principle however issue over the access/parking/manoeuvring area – revisions required.

Following revised plans being submitted further revised comments were received on 5 April 2011

No objection subject to a condition on surface waters.

Public Rights of Way

25 July 2011

No objection raised. Private vehicular use appears to have been acquired over the bridleway. Would expect signage regarding construction traffic to notify users of the bridleway and it should not be blocked with materials etc. Would request that 5 metres either side of the access is resurfaced with tarmac and maintained by the developer.

Housing

Wish to make no comment.

Wessex Water

Wish to make no comment.

8. Publicity

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

Expiry date: 13 April 2011

5 parties have shown an interest in this application.. 1 party has written in to support the scheme.

Summary of points raised in support prior to revised plans:

* The house will look fantastic and fit in with surroundings.

Summary of points raised in objection prior to revised plans:

- * Not in keeping with area
- * 3-storey development
- * Impact on neighbouring amenity
- * Impact on bridleway and not safe
- * Deliveries may block the bridleway
- * Applicant does not have consent for rear access
- * Ownership concerns
- * Plot is too small
- * Impact on boundary hedge from garage
- * Sewers have blocked in the past
- * The conservatory would be overlooked

Summary of points raised in objection post submission of revised plans:

- * The existing rear access is not long established.
- * Can comments received post consultation deadline still be considered?

9. Planning Considerations

*** Planning history**

Outline planning permission was granted for the erection of a single dwelling on this plot in 2007 with all matters reserved. This has established, along with the site's location within village policy limits, the principle of development. It is acceptable and as such it is only necessary to address the outstanding reserved matters of detail in turn.

This application was submitted within the acceptable timescales set out by the outline planning permission. However the matter has been delayed due to a need for negotiation to reach a scheme that is acceptable to your officers, and then latterly due to other workload priorities.

*** Means of access**

The means of access was illustrated to be at the rear of the site on the outline planning application. This would naturally make use of the rear lane, as a number of residential properties so; it is noted that this is a bridleway. In addition it is noted that a condition was imposed on the outline planning application to stipulate that vehicular access to the development must not be from the frontage. This was on highway officer advice and based on highway safety concerns.

In light of this the only option for the means of access can be via the rear bridleway. This has arguably proven to be the most controversial matter in the application.

The Council's highway officers and public rights of way officers have been consulted on this application and raise no objection to the final submission. The highway officers consider that the means of access is acceptable from a safety perspective and the public rights of way officer has confirmed their view that the applicants have "acquired a private vehicle use" over the bridleway and they raise no objections. Their request for resurfacing is not considered to be reasonable as other local residents are not bound to this requirement through the planning system and it is outside of the applicant's control.

The creation of an additional dwelling and the associated increase in vehicular activity is considered to be acceptable in planning terms and would not have a detrimental impact on highway safety or the user's of the bridleway. The matter has been considered with the input of the Area Development Manager and in short it is only necessary to consider this application on the basis of planning interests and these are all acceptable. The public consultation on this point raises matters beyond planning.

*** Landscaping**

The site is currently a garden plot and has a low level of residential style landscaping. The boundary hedges are shown as being retained. Any further landscaping would on this scale of development be reasonably up to the desires of future occupiers. Furthermore there is a condition to control this matter on the outline approval. As such no concern over landscaping exists.

* Siting

The siting of the building is broadly in accordance with that detailed on the illustrative outline plans. This is the only logical position for a dwelling in order to maintain the ribbon pattern of development and have a building that properly addresses the street scene.

There is a stagger in the siting of the built form, with the neighbour to the east set back by several metres. In order to reflect this stagger the proposals have been set back from 21 Wynsome Street.

The siting of the development is acceptable in design terms and also has avoiding any impact on neighbouring amenity by reason of the slight stagger, the degree of separation and the relative orientation of the properties. The siting has facilitated space to the rear for parking, access and turning as well as a private and enclosed rear garden.

* Design

The design of the scheme is considered to be acceptable. The building has been sited in the only logical position which is the most sympathetic to the site. It would have an overall height comparable to the adjacent buildings. It would facilitate a large 3-bedroom house on the site without creating any level of overlooking to harm neighbouring amenity.

The form of the building has been revised to be to officer's satisfaction. The original mansard roof approach has been replaced with a simple dual pitched roof form that has hipped ends. The hipped ends help to mitigate the overall massing of the building within the street scene. The revised scheme has less bedrooms than the original proposal due to the reduced internal floor plate.

The width of the building has been reduced in order to create a building with proportions that would be sympathetic to the local vernacular. Further the porch has been retained to add interest to the frontage of the building, but reduced so as not to have a dominant impact and be very subservient to the overall building.

Although the building would be very long this would not be harmful, the rear conservatory has been omitted though in acknowledgement that the built form proposed is long and extends beyond the rear elevation of 21 Wynsome Street.

To the rear access would be provided and the scheme has been redesigned to omit any garaging. The site is simply too tight to adequately provide access, garaging, parking and turning. However the revised approach is acceptable in planning terms. It addresses neighbour concerns about overdevelopment and also about impact on boundary hedges.

Finally the proposals are considered to be sympathetic to the street scene and the wider context. They as such do not have any harmful impact on the setting of the Grade II listed chapel opposite.

* External appearance

The proposals would be constructed from red brick to the walls and concrete interlocking tiles to the roof. This is typical of the street scene. The proportions of the building, and its massing and scale are typical of the area and pose no concerns. Whilst the drawings are quite simple and basic, they are sufficient to consider the merits of the case and the revised plans show an acceptable external appearance.

* Summary and conclusion

The proposals are acceptable and would cause no harm to any acknowledged planning interests. They accord with the general principles of development established with the granting of outline planning permission, and they accord with local planning policy; as such consent may be granted for these reserved matters.

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

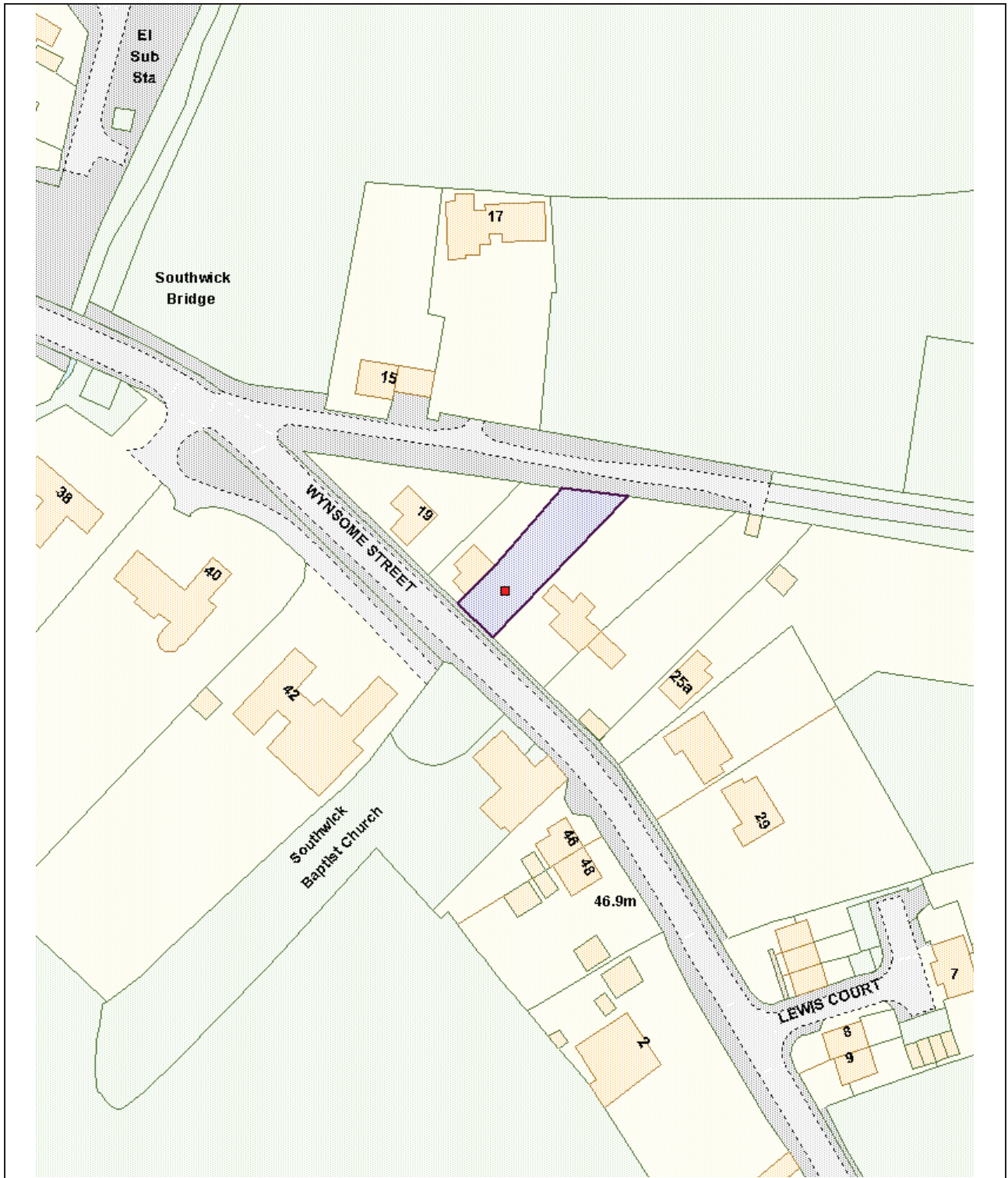
Drawing: 1. Elevations received on 28 March 2011;
Drawing: 2. Floor Plans received on 28 March 2011;
Drawing: 3. Cross-section received on 28 March 2011;
Drawing: 4. Site Layout Plan received on 28 March 2011; and
Drawing: DWG004 Location Plan received on 28 October 2011.

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 developer is advised that construction traffic and construction materials should not at any point block the bridleway to the rear of the site. For further information on the bridleway you can contact the Council's public rights of way team.

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



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|--|--|-------------|
| Date of Meeting | 30.11.2011 | | |
| Application Number | W/11/02194/FUL | | |
| Site Address | Land Rear Of 12 Lavender Close Melksham Wiltshire | | |
| Proposal | Change of use of land from grass verge to hardstanding for use as access | | |
| Applicant | Mr Colin Ward | | |
| Town/Parish Council | Melksham (Town) | | |
| Electoral Division | Melksham South | Unitary Member: | Jon Hubbard |
| Grid Ref | 391122 163167 | | |
| Type of application | Full Plan | | |
| Case Officer | Mr Philip Baker | 01225 770344 Ext 01225 770286 philip.baker@wiltshire.gov.uk | |

Reason for the application being considered by Committee

With officers minded to accept this application, Councillor Hubbard has requested that this item be determined by Committee due to:

- Relationship to adjoining properties
- Environmental or highway impact
- Car parking

1. Purpose of Report

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

Neighbourhood Responses

3 letters of representation were received.

Parish Council Response

Object

2. Report Summary

The main issues to consider are:

Site servicing
Impact on neighbours and immediate surroundings

3. Site Description

The application site is a section of Longleaze Lane, which is adjacent to the rear gardens of 12 and 14 Lavender Close on their north-west elevation.

To the north of the site lies Longleaze Lane and beyond that the entrance to no. 85 Spa Road, Melksham.

To the north-east lies the entrance to the garage of no.8, Wiltshire Crescent, Melksham.

To the east of the site is the garden for no. 14, Lavender Close, Melksham.

To the south of the site lies the garden of no. 12 and 14 Lavender Close.

To the west of the site lies the entrance to Spa Road, Melksham.

Access to the site is on land, which is not owned by the applicant and certificate D of the application form has been duly completed with press advertisement notices in the Melksham Times duly issued.

4. Relevant Planning History

None

5. Proposal

The proposed entrance is to be 2.8 metres wide, with splays extending to 9 metres wide and a depth of 3.1 metres. There is an aco drain, that will be installed on border with Longleaze Lane to ensure no water goes onto the highway.

Access to the site is on land which is not owned by the applicant and certificate D of the application form has been duly completed with press advertisement notices in the Melksham Times duly issued.

6. Planning Policy

Government Guidance

PPG13 - Transport

West Wiltshire District Plan - 1st Alteration 2004

C31a - Design

C38 - Nuisance

U2 - Surface Water Disposal

T10 - Car Parking

7. Consultations

Melksham Town Council

Objection received 6/9/2011

concerns regarding this application i.e access to the site is off Longleaze Lane, a private road, which has not been adopted by the local Highway Authority and is maintained by residents of the lane. There is an issue with rights of access to this site, which is currently being investigated by local residents.

Car park opposite the proposed access to this site, which may cause difficulties,

It is understood refuse lorries often have difficulty getting down this lane, due to parking problems, which will be exacerbated by this application.

The Town Council objected to this application on the following grounds:

- * Will set a precedent for similar applications
- * Exacerbate existing parking problems

Highways Authority

No objection subject to appropriate conditions

The proposed vehicular access is off a private lane, therefore the applicant would need permission from the land owner for vehicular rights of access.

Refuse vehicles will not enter new private drives, but do historically drive down/collect from private drives. In the past, when there were not the same rules on the size of private drives, the collection situation was probably more flexible.

There are no parking restrictions on Long Leaze and as there are no known owners, parking is informal. There will only be a parking demand if the properties backing onto the Lane have pedestrian access to it. Not many of the properties do have such an access.

Long Leaze is not subject to a Section 38 Adoption Agreement.

8. Publicity

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

Expiry date: 23rd September 2011

Summary of points raised:

3 letters of representation was received raising the following points:

- Concerns regarding congestion caused by parked cars at the entrance to the lane
- Concerns regarding the entrance of refuse and recycling lorries to the lane
- This is a private road with no legal right for vehicular access to any other property than those already granted
- Disruption to existing road from additional traffic and construction

9. Planning Considerations

In July this year a proposal was submitted for a new vehicle access and parking space off of Longleaze Lane to 12 Lavendar Close . The formation of the access to the lane which was unclassified and the creation of hardstanding within the residential curtilage were permitted development, however, the gate which measured over a metre in height associated with the access required permission. The application was subsequently permitted.

This application requires the area of land (splay) on longleaze Lane from the access of 12 Lavendar Close to be changed to hardstanding to allow a vehicle to enter and leave the site. The Council's Highways Authority has no objections as the lane is deemed to be of a sufficient width to allow two cars to pass each other and no highway safety issue would be raised. Longleaze Lane currently serves the additional properties of no. 85 Spa Road and no. 8 Wiltshire Crescent.

The materials for the application site will be tarmac and the area will be drained by an aco drain. Visually, it would not be uncharacteristic of the surrounding area and further down the lane there are a mixture of entrances to properties.

This is a private lane and as such there are no parking restrictions. The Council are unable to restrict useage of the lane as it is private.

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

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 The development hereby permitted shall not be bought into use until the vsibility splay as shown on the approved plan has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

- 3 The development hereby permitted shall not be first brought into use; until splays have been provided on both sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The access shall be kept free of obstruction above a height of 600 mm; at all times.

REASON: In the interests of highway safety.

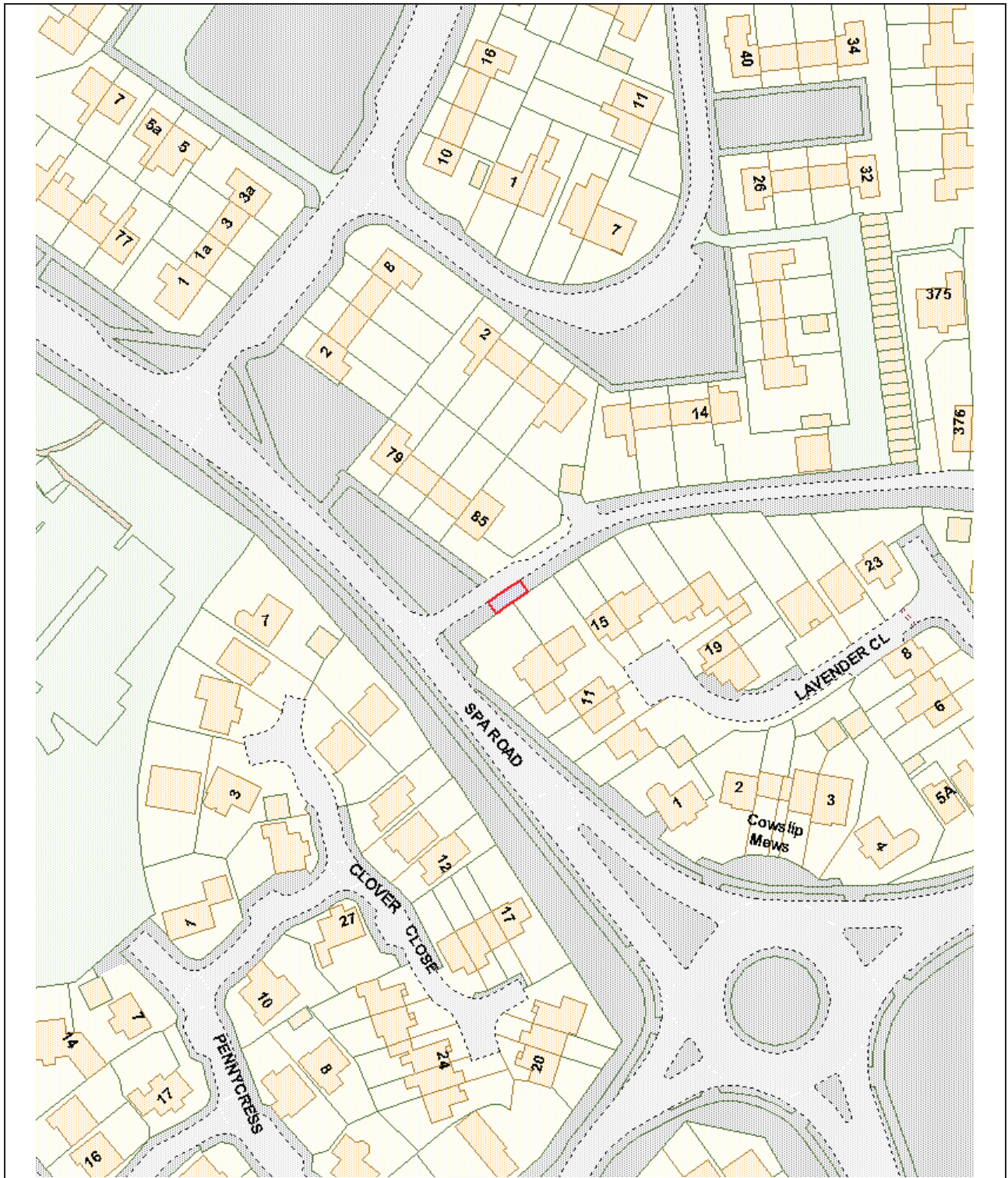
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 4 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 3/8/2011
AH2011/CoU13 received on 3/8/2011

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

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



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