

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge, BA14 0RD
Date: Wednesday 11 July 2012
Time: 6.00 pm

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

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

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

Membership:

| | |
|------------------------------|--------------------------------|
| Cllr Trevor Carbin | Cllr Christopher Newbury |
| Cllr Ernie Clark | Cllr Stephen Petty |
| Cllr Rod Eaton | Cllr Pip Ridout |
| Cllr Peter Fuller (Chairman) | Cllr Jonathon Seed |
| Cllr Mark Griffiths | Cllr Roy While (Vice Chairman) |
| Cllr John Knight | |

Substitutes:

| | |
|----------------------|----------------------------|
| Cllr Rosemary Brown | Cllr Tom James MBE |
| Cllr Andrew Davis | Cllr Francis Morland |
| Cllr Russell Hawker | Cllr 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 20 June 2012 (copy attached.)

3 **Chairman's Announcements**

4 **Declarations of Interest**

To receive any declarations of non pecuniary or pecuniary interests or dispensations granted by the Standards Committee.

5 **Public Participation and Councillors' Questions**

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 4 July 2012. 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** (*Pages 11 - 12*)

To consider and determine the following planning applications:

- 6a **W/12/00284/FUL - Land North Of The Bungalow, Hoopers Pool, Southwick, Wiltshire** (*Pages 13 - 26*)
- 6b **W/12/00511/FUL - Land North Of 592 Semington Road, Melksham, Wiltshire** (*Pages 27 - 36*)
- 6c **W/12/00105/FUL - Land Rear Of 16 Holbrook Lane, Trowbridge, Wiltshire** (*Pages 37 - 52*)
- 6d **W/12/00353/FUL - Sports Ground, Woodmarsh, North Bradley, Wiltshire** (*Pages 53 - 60*)
- 6e **W/12/00581/FUL - Depot 107, Middle Lane, Whitley , Melksham, Wiltshire** (*Pages 61 - 66*)

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.

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WESTERN AREA PLANNING COMMITTEE

**DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING
HELD ON 20 JUNE 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES,
BRADLEY ROAD, TROWBRIDGE, BA14 0RD.**

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 Andrew Davis, Cllr Francis Morland, Cllr Graham Payne and Cllr Fleur de Rhe-Philippe

49 Apologies for Absence

There were no apologies for absence.

50 Minutes of the Previous Meeting

The minutes of the meeting held on 30 May 2012 were presented.

Resolved:

**To approve as a correct record and sign the minutes of the meeting held
on 30 May 2012.**

51 Chairman's Announcements

There were no Chairman's Announcements.

52 Declarations of Interest

**W/12/00467/FUL - Land North Of Craysmarsh Farm, Bowerhill Lane,
Bowerhill, Wiltshire**

W/12/00511/FUL - Land North Of 592 Semington Road, Melksham, Wiltshire

Cllr Steve Petty declared a personal interest as a member of the Melksham
Without Parish Council. Cllr Petty was not a member of the Melksham Without

Parish Planning Committee and gave his assurance that he would consider the application with an open mind.

W/11/02689/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire

Cllr John Knight declared a personal interest as a member of Trowbridge Town Council and its Development Control Committee, as well as Mayor of Trowbridge. Cllr Knight gave his assurance that he would consider the application with an open mind and would listen to the public participation and debate before reaching a decision.

Councillor Peter Fuller declared a personal interest as a member of Trowbridge Town Council and its Development Control Committee and gave his assurance that he would consider the application with an open mind.

W/12/00724/FUL - Eastleigh Court, Bishopstrow, Warminster, Wiltshire

Cllr Jonathon Seed declared a personal interest as he had had dealings with the National Trust and gave his assurance that he would consider the application with an open mind.

53 Public Participation and Councillors' Questions

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

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting. He also took the opportunity to remind everyone to be mindful of allowing speakers to be heard during the public participation or Councillors' debate.

54 Planning Applications

The Committee considered the following applications:

54.a W/11/02689/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire

Public Participation:

- Mr Jonathon Knees spoke in objection to the application.
- Mr Shaun Clarke, representing the town traders, spoke in objection to the application.
- Mr Chris Tookey, representing ASDA, spoke in objection to the application.
- Ms Rebecca Millard spoke in support of the application.
- Mr Angus Horner, Managing Director for Prorsus, spoke in support of the application.

- Mr Peter Keenan, planning consultant, spoke in support of the application.

The Area Development Manager introduced the report which recommended refusal of the application. He clarified that notwithstanding the Committee's decision on this application at its last meeting, the application remained undetermined. The Committee was asked to consider the application in the context of relevant policies, the National Planning Policy Framework, the emerging Wiltshire Core Strategy, other material considerations and taking into account representations received.

The Area Development Manager confirmed that no agreement had been secured with Network Rail over closing off the station access as had been claimed by the applicant. He explained that highway objections had not been overcome, concerns over the adverse impact the proposal would have on the town centre. For these reasons in particular, he recommended that planning permission be refused.

Cllr de Rhe Philipe, Cabinet member for Economic Development and Strategic Planning commented on the application. She referred to the planning permission recently granted to develop the St Stephen's Place site to provide cinema facilities. She explained that whilst she understood the desire for regeneration, the former Bowyers site offered a real opportunity to bring forward a town centre use that complements, not undermines other developments in the town. Cllr de Rhe Philipe assured the Committee that should the application be refused, she would instruct officers to work with the applicant with a view to achieving this.

Members of the public then had the opportunity to speak as detailed above.

A thorough debate ensued, during which it was moved and seconded that planning permission be refused as recommended for the reasons detailed in the report presented. For the avoidance of doubt, immediately before the vote was taken, the Chairman read out the motion in full and it was

Resolved:

That planning permission be REFUSED

For the following reasons:

- 1 The proposed development would be likely to have a significant adverse impact on the holistic planning of the Central Area of Trowbridge and undermine the sustainable development of the town contrary to policies LE1, SP3 and E5 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 28, 29, 38, 61 and 62 of the emerging Wiltshire Core Strategy and policies and objectives within the National Planning Policy Framework.

- 2 The proposal would result in a severe adverse impact on the local highway network, and for which no measures have been put forward by way of mitigation. As such the proposal is contrary to policies E4, E5 and LE1 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 61 and 62 in the emerging Wiltshire Core Strategy and policies and objectives within the National Planning Policy Framework.
- 3 The proposal fails to take advantage of the key relationship with the adjoining railway station, contrary to policy E4 of the West Wiltshire District Plan 1st Alteration 2004, Core Policies 28, 61 and 62 of the emerging Wiltshire Core Strategy and the policies and objectives within the National Planning Policy Framework.

The above decision was the subject of a recorded vote and recorded as follows:

For the motion (7):

Cllrs Trevor Carbin, Ernie Clark, Mark Griffiths, Christopher Newbury, Pip Ridout, Jonathon Seed and Roy While.

Against the motion (3):

Cllrs Rod Eaton, John Knight and Steve Petty.

Abstention:

Cllr Peter Fuller.

54.b W/12/00467/FUL- Land North Of Craysmarsh Farm, Bowerhill Lane, Bowerhill, Wiltshire

Public Participation:

- Mr Tony Hill spoke in objection to the application.
- Ms Aimee Cannon, (statement read out by the Chairman on Ms Cannon's behalf) in support of the application.
- Mr Tony Murch, representing Seend Parish Council, spoke in objection to the application.

The Area Development Manager introduced the report which recommended approval for the application.

Members of the public then had the opportunity to speak as detailed above.

A debate ensued during which it was moved and seconded that planning permission be granted as recommended and it was

Resolved:

That Planning permission be GRANTED.

For the following reasons:

This proposal would make a significant and highly valued contribution towards Wiltshire's renewable energy targets, and whilst local concerns exist over the industrialisation of the countryside, it has to be acknowledged that to provide the scale of renewable energy necessary to meet climate change targets, this type of development needs to be located in rural and semi-rural areas. The application has been subject to a rigorous assessment and it is concluded by officers that this is a well chosen site and through negotiations and revisions made to the scheme, the visual and landscape impacts would be low.

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 In the event of the PV modules hereby permitted ceasing to be used for the generation of renewable energy, they shall be removed from the site, together with any supporting infrastructure, including the inverter/transformer cabin and switch room, and the land restored to agricultural use, within six months of their cessation of use.

REASON: In the interests of amenity and the circumstances of the use.

POLICY: Wiltshire Structure Plan 2016 Policies C12 and RE1 and West Wiltshire District Plan 1st Alteration (2004) Policies C1 and C34; and the National Planning Policy Framework (NPPF).

- 3 The development shall be carried out and managed throughout the operational life of the development strictly in accordance with the hereby approved ecology priority matrix as detailed within table 5.11 of the Ecological Appraisal (published by Avian Ecology) dated 29 February 2012.

REASON: In the interests of safeguarding ecological and biodiversity interests.

POLICY: Wiltshire _ Swindon Structure Plan (2016) Policy C1 and The National Planning Policy Framework (NPPF).

- 4 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 5 No development shall commence on site until the applicant/developer has submitted details of the exact colour of the deer fence for the written approval of the Council and following its construction, it shall be retained and maintained for the lifetime of the development.

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

POLICY: Wiltshire Structure Plan 2016 Policies C12 and RE1 and West Wiltshire District Plan 1st Alteration (2004) Policies C1, C31a and C34; and the National Planning Policy Framework (NPPF).

Note: The Council would expect a recessive green colour to be submitted for formal approval.

- 6 No development shall commence on site until the applicant/developer has submitted details of the exact colour of the sub-station and inverter buildings for the written approval of the Council and following its construction, it shall be retained and maintained for the lifetime of the development.

REASON: In the interests of visual amenity and the character and appearance in the open countryside.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C1, C31a and the National Planning Policy Framework (NPPF).

Note: The Council would expect a recessive green colour to be submitted for formal approval.

- 7 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) published by PFA Consulting dated March 2012 and approved plan drawing no. SKD19 Rev G and the following mitigation measures detailed within the FRA:

Photovoltaic modules will be set no lower than 46m AOD

There will be no ground raising in the floodplain.

There will be no compounds or access roads in the floodplain.

REASON: To reduce the risk and impact of flooding to the proposed development and future occupants.

- 8 The development hereby approved shall fully accord with the details contained within the Construction Traffic Management (CTM) Plan.

REASON: In the interests of road safety and preventing nuisance to local amenities.

POLICY: West Wiltshire District Plan - 1st Alteration Policy C38.

- 9 The defined bridleway (PROW ref MELK25) and footpath (PROW ref MELK29) shall both be kept free from obstruction during and after the construction period.

REASON: In order to protect and safeguard the public's right to use the public right of ways (PROW ref(s) MELK 25 and MELK29)

POLICY: West Wiltshire District Plan - 1st Alteration Policy T12.

- 10 The development hereby approved shall fully accord with the details contained within the Construction Method Statement dated 9 March 2012, including the restriction that the development hereby approved shall be constructed between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays only.

REASON: In order to safeguard the amenity of the area and prevent nuisance to local amenities.

POLICY: West Wiltshire District Plan - 1st Alteration Policy C38.

- 11 No permission is hereby given for any external lighting/illumination at or on the site.

REASON: To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies C1 and C38 and the National Planning Policy Framework (NPPF).

- 12 The landscaping proposals hereby approved and as indicated on plan drawing no. L.0196_01-B shall be carried out in the first planting and seeding season following the completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within the period of twenty 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 or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.
POLICY: West Wiltshire District Plan – 1st Alteration Policy C32.

- 13 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 02.05.2012

TOPOGRAPHICAL SURVEY – plan drawing no. 11349-500-001 received 20.03.2012

SITE LAYOUT PLAN – plan drawing SKD19 Rev G received on 08.05.2012

PROPOSED PLANTING PLAN – plan drawing no. L.0196_01-B received on 03.05.2012

FRAME SYSTEM DETAILS – plan drawing no. DET19 received on 02.05.2012

HV TRANSFORMER ELEVATION – plan drawing no. 202 Issue 6 received on 20.03.2012

DEER FENCE DETAILS – plan drawing no. DEF received on 10.05.2012

FENCE SPECIFICATION DETAILS – plan drawing no. FLEX 13/190/15 received on 10.05.2012

INVERTER HOUSING DETAILS- plan drawing (66) 603 Rev C3 received on 25.04.2012

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.

54.c W/12/00724/FUL- Eastleigh Court, Bishopstrow, Warminster, Wiltshire

Public Participation:

- Richard Bagnall spoke in objection to the application.
- Ms Karen Taylor, Head of Planning for the National Trust, spoke in support of the application.

Cllr Andrew Davis, Unitary Councillor for Warminster East, addressed the committee.

The Area Development Manager introduced the report which recommended approval for the application. He explained that there was a balance to be struck between the impact on a heritage asset and relevant policies. He did not consider that harm would be caused as a result of granting planning permission.

Members of the public then had the opportunity to speak as detailed above.

In the debate which ensued, a motion for permission as recommended was moved and seconded and it was

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 be carried out in accordance with the details shown on the following plans:
Plan Ref: PE1 04 Existing & Proposed Front & Side Elevations, dated March 2011, received by this office 18th April 2012
Plan Ref: PE1 05 Existing & Proposed Side & Rear Elevations, dated March 2011, received by this office 18th April 2012
Plan Ref: PE1 01/1 Rev A Proposed Ground Floor Plan, dated March 2011, received by this office 29th May 2012
Plan Ref: PE1 02/1 Rev A Proposed First Floor Plan, dated March 2011, received by this office 29th May 2012
Plan Ref: PE1 03/1 Rev A Proposed Second Floor Plan, dated March 2011, received by this office 29th May 2012

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

54.d W/12/00511/FUL - Land North Of 592 Semington Road, Melksham, Wiltshire

Public Participation:

- Ms Sandra Yendry spoke in objection to the application.
- Mr Peter King spoke in objection to the application.
- Ms Carol May, applicant, spoke in support of the application.
- Mr Mark Percival spoke in support of the application.

The Area Development Manager introduced the report which recommended approval for the application.

Members of the public then had the opportunity to speak as detailed above.

In the debate which ensued, it was suggested that the Committee should defer for a site visit to gain a better perspective of the proximity of the proposed dwelling and other properties.

Resolved:

To defer the application until a site visit had been organised to enable the committee to view the site and its surroundings.

55 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 11.10 pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024, e-mail yamina.rhouati@wiltshire.gov.uk

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

WESTERN AREA PLANNING COMMITTEE

11 July 2012

Planning Applications for Determination

| Item No. | Application No. | Site address | Proposal | Unitary Councillor | Unitary Division | Parish | Recommendation |
|-----------------|------------------------|---|--|---------------------------|-------------------------|------------------|-----------------------|
| 6.a | W/12/00284/FUL | Land North Of The Bungalow Hoopers Pool Southwick Wiltshire | Change of use for full permission to site one mobile home, one utility dayroom and one touring caravan | Cllr Francis Morland | Southwick | Southwick | Approval |
| 6.b | W/12/00511/FUL | Land North Of 592 Semington Road Melksham Wiltshire | Erection of detached 4 bed dwelling | Cllr Roy While | Melksham Without South | Melksham Without | Approval |
| 6.c | W/12/00105/FUL | Land Rear Of 16 Holbrook Lane Trowbridge Wiltshire | Demolition of 16 Holbrook Lane and erection of 16 new dwellings with associated access and parking | Cllr Graham Payne | Trowbridge Drynham | Trowbridge | Approval |
| 6.d | W/12/00353/FUL | Sports Ground Woodmarsh North Bradley Wiltshire | Erect 6 no. 15m floodlights around football pitch | Cllr Francis Morland | Southwick | North Bradley | Approval |
| 6.e | W/12/00581/FUL | Depot 107 Middle Lane Whitley Melksham Wiltshire | Proposed warehouse | Cllr Mark Griffiths | Melksham Without North | Melksham Without | Approval |

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|--|---|-----------------|
| Date of Meeting | 11.07.2012 | | |
| Application Number | W/12/00284/FUL | | |
| Site Address | Land North Of The Bungalow Hoopers Pool Southwick Wiltshire | | |
| Proposal | Change of use for full permission to site one mobile home, one utility dayroom and one touring caravan | | |
| Applicant | Mr Jimmy Barney | | |
| Town/Parish Council | Southwick | | |
| Electoral Division | Southwick | Unitary Member: | Francis Morland |
| Grid Ref | 382876 154700 | | |
| Type of application | Full Plan | | |
| Case Officer | Mr Matthew Perks | 01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk | |

Reason for the application being considered by Committee

This application was originally brought to the Planning Committee on 30 May 2012 with a recommendation of permission with 9 Conditions.

At that meeting, the Committee resolved:

"1. To defer the application until further advice could be received at a meeting of the Western Area Planning Committee regarding the planning status of the applicant.

2. To have a site visit before the application is brought back to the meeting "

This report brings the item back to Committee in the light of the resolution.

Officers have approached the agent and Council's own Senior Traveller Liaison Officer to attempt to establish additional information. The applicant himself has contacted the case officer following the agent's request. The outcome is as follows:

1. The agent re-iterated her personal knowledge of the applicant as a Traveller as indicated in the supporting document to the application which states:

"GYPSY STATUS

The name Barney is a very old well known Romani Gypsy family name, who has resided within Wiltshire for many generations;

Mr Barney is a very nomadic Gypsy - he will travel to most parts of the country, seeking work and attending our traditional horse fairs while living in his touring caravan;

The Barney family are all in the habit of buying and selling horses and have been over the generations;

He will also travel out of his area to cut or lop dead trees on farm land, and if the owner is willing, will stay on the farm logging up the trees in to logs.

The fairs that he will attend are:

Stow -on the Wold May and September--dates can vary

Appleby June

Henley in Arden July

Kenilworth July

Priddy August

Bridgwater September

If he does not own a horse when a fair is due-this is no hardship - he will simply buy a horse or two at the fair and sell them on at a profit."

In view of the discussion at the Committee of 30 May, the agent was however requested to provide more specific information in respect of dates and localities. She in turn contacted the applicant who then telephoned the case officer. Mr Barney gave verbal confirmation that he is of nomadic habit, and gave examples of activities and travelling. He has confirmed that his movements include travel to Surrey, Hereford, Oxford, Gloucestershire, and Devon. Main activities include horsefairs, tree-logging and working for farmers.

2. Council's Senior Traveller Liaison Officer was contacted to ascertain if perhaps the applicant was known to have been resident on a local site. The Officer advised that, whilst Mr Barney is not known to him, he had spoken to another Mr Barney who (in the light of information known about the application) stated that he is a cousin of the applicant, and is a known traveller.

Officers have been unable to discover any evidence to conflict with the applicant's claim to gypsy and traveller status under the planning acts.

As an aide-mémoire to Member discussions, the definition of "gypsies and travellers" in the current national Policy (Planning Policy for Traveller Sites, 2012) is as follows:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

The Report and recommendation as discussed at the meeting of 30 May follows:

1. Purpose of Report

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

Neighbourhood Responses:

104 representations were received, (some respondents submitting more than one item).

Southwick Parish Council - Objects to the proposals for the reasons cited within section 7 below.

Note: There is a significant degree of overlap in content of this report and that for the Poplar Tree Lane site (12/00537/FUL) elsewhere in this agenda, since consultee as well as objector comments were either repeated or were similar due to the nature and proximity of both cases. Relevant policies are also common to both cases.

2. Main Issues

The main issues to consider are:

- The effect of the proposal on the rural character of the area and effect of the proposal on amenity, including that of neighbours;
- The effect of the proposal on highway safety
- Whether the proposal would represent a sustainable form of gypsy site, including the needs and safety of future occupants and their children; and
- Whether any harm arising from the proposal would be outweighed by other considerations.

3. Site Description

The application site is located in open countryside which is subject to no special landscape designations. It is a portion of land of, at maximum, approximately 98m in width along the Frome Road axis by 22m deep. It is situated to the south of Frome Road, opposite the Dunkirk Business Park, on the eastern side of the intersection with Hoopers Pool. The western extremity of Southwick Village Policy limits is some 600m (0.4 miles) to the north east. Access would be via an existing entrance, some 34m south of the intersection.

The site has natural hedges to its boundaries, barring the access. To the south east there is a field, and to the south west the first dwelling in the linear development to the east of Hoopers Pool. Open land lies to the west on the opposite side of the looped road serving Hoopers Pool.

A hard-surfaced walkway on the south of Frome Road provides a pedestrian link between the site and Southwick Village.

4. Relevant Planning History

None

5. Proposal

This is a planning application for a single private gypsy pitch to include the siting of a mobile home and touring caravan and the erection of a day room. The applicant is a Romani Gypsy whose activities include travelling for the purposes of horse trading and work in tree cutting.

The day room would have a footprint of 5 metres by 6 metres; a height to eaves of 2.35 metres and a height to the ridge of 4 metres. It would be located approximately 42m east of the site access, towards the southern boundary of the property. A 7m gap would be provided between the day room and the mobile home position to the east, which would occupy an area of 12.2m by 6.1m. The existing boundary gates would be re-located to provide for a hard-surfaced access of approximately 15m deep. The area between the gates and the mobile home would be surfaced in stone, with the remainder of the property under grass. There are no other structures on the site. Foul drainage is indicated as being via a sealed unit septic tank towards the northern boundary of the site.

The application includes a site survey and proposed layout plan and a Design and Access Statement prepared by the Liaison Officer for the Romani Gypsy Council.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

CF12 Gypsy Caravan Sites

Wiltshire Structure Plan 2016

DP15 Accommodation for Gypsies and Travellers

National guidance

National Planning Policy Framework, 2012

Planning Policy for Traveller Sites: Department for Communities and Local Government, March 2012

Wiltshire Core Strategy Pre-Submission Document: Core Policy C47: Meeting the needs of Gypsies and Travellers

7. Consultations

Southwick Parish Council

The Parish Council objects to the proposal, noting that the development would be in open countryside and away from existing settlements. However the Parish notes that there are also two residences "... very close (50m or so) to the proposed site and these would be dominated by this proposed development." The Parish is of the view that this would be contrary to the "...recently issued 'Planning policy for traveller sites' dated March 2012 at Para 6a (Page 2) which states that authorities should strictly limit new traveller site development in open countryside that is away from existing settlements and that LPAs should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community.

The Parish also observes that the Government Guidance states that local planning authorities should pay attention to early and effective community engagement with both settled and traveller communities. The Parish notes that "...there has been no such engagement with the settled community and this planning application has been very poorly advertised. Such advertisement has comprised a single A4 size notice located at the proposed site at a location remote from the settled community. The Parish considers that this lack of engagement is contrary to the Planning policy.

The Parish considers also that the proposal would be contrary to the "...West Wiltshire Development Plan, 1st Alteration ; Policy CF12 Gypsy Caravan Sites" since:

- "a. There are two residences very close to the proposed site and there is the potential for nuisance (noise, pollution etc) to be created.
- b. The proposed development represents an unsightly and alien encroachment into open countryside.
- c. The proposed site is adjacent to the A361, a highly trafficked road (no pavement) with a large proportion of HGVs and a national speed limit of 60 mph. There is an associated high level of noise and pollution. It is an unsafe and unhealthy environment for children.
- d. There are serious concerns regarding highway safety with the ingress and egress of vehicles from the proposed site onto the A361 road.
- e. There is little infrastructure at the proposed site - no mains drainage, no sewerage or on-site treatment or storage of effluent, no gas supply.
- f. There are very few local services available within reasonable proximity of the proposed site.
- g. The proposed site represents valuable and versatile agricultural land that should be protected."

The Parish Council requests that the LPA refuses the application for the reasons outlined above but, in the event of the objections above being overruled and the application permitted, requests that conditions are imposed to the effect that:

- No business operations are to take place on the site ; and
 - The site can only be occupied by an additional single caravan to permit visitors and to allow attendance at family or community events for a maximum of 14 days per year; and
 - There is to be no further development of the site beyond that permitted by this planning application.
- The Parish is of the view that these conditions can be reasonably imposed in terms of the current government policy on travellers.

In a second submission the Parish raised concerns with the accuracy of the site plans. This was discussed with the agents. A revised plan was submitted and a neighbour who raised similar concerns as it affected ownership boundaries was consulted. The revised plan is now correct as far as can be ascertained.

Highway Officers

The Highway officer notes that the existing site access will be improved, with a consolidated apron and set back gates. Further, although outside village limits, a number of existing properties are served from Hoopers Pool and there are also footway facilities from the site into Southwick. Taking this into account the officer raises no objection on transport sustainability grounds. Conditions are however recommended, in the event that permission is granted, with regard to the provision and surfacing of the access, and in relation to surface water disposal.

Spatial Plans

The Spatial Plans Officer advises that the policy context and the assessment of need outlined in the response to the planning application are the same for this proposal and the site at Poplar Tree Lane

(also reported on in this Agenda). There the Officer provided an update of the current policy environment (National and local Development Plan level), given the recent changes that have occurred. The Officer also provided comment on the emerging Wiltshire Core Strategy and noted that there is a recommendation in respect of pitch requirements included in Core Policy 47 of that document. There is a requirement in north and west Wiltshire of 9 pitches for the period December 2011 to December 2016 (and 20 pitches for the following 5 year period). Since the start date of the pitch requirement included in the draft policy, four Traveller pitches have been granted permanent permission. The residual need is at this point, therefore, 5 in the north and west Housing Market Assessment.

It is stressed that the Core Strategy Policy is still "emerging" but the Policy Officer, in noting responses to the consultation process which concluded in April, takes the view that "...the direction of the policy is not challenged, lower targets are not called for and one respondent considered the criteria to be in general conformity with the new Government advice. In these circumstances due weight should be given to the emerging policy."

The Officer notes that the Hoopers Pool site is not constrained by landscape or environmental designation and is not the best and most versatile agricultural land and suggests that it will be appropriate to reinforce the sites boundary to ensure the impact of the site on the surrounding landscape is minimised. Considerations include neighbouring amenity and environmental health. Likewise highways safety, safe access and transport considerations must be addressed. Adequate infrastructure should be available for the site to function for residential use. The Officer further notes that there is a reasonable proximity to services in Southwick. There is a basic range of services including a primary school, a journey to work bus and small shop in the village. (The issues in this paragraph are discussed below).

The Officer finally expresses the view that, provided the policy criteria can be met, the proposals would be consistent with planning policy and the provision of 1 pitch would help to meet the identified need in the north and west Housing Market Area (identified in core policy 47 of the Pre-Submission Core Strategy).

Wessex Water

No Objection, but notes that new connections will be required, and that any development within 3m of the water main would require consent.

Environmental Health

Issues considered: ground water contamination, noise, odour and dust. No objections.

8. Publicity

The application was advertised by site notice, newspaper advert and neighbour notification. Expiry date: 20.04.2012.

Summary of points raised:

- Encroachment onto open countryside;
- lack of access to facilities and services;
- unsafe situation in relation to highway and intersection, in particular with caravans manoeuvring;
- no pavements giving pedestrian access to shops, schools and other facilities;
- impact on Green Belt land;
- visual harm to access to Southwick;
- greater volumes of surface water and sewage harming local services;
- questions exist on how the application was handled procedurally. Council failed to advise residents properly, too little time to comment;
- seems decision has already been made;
- loss of prime agricultural land;
- outside of Southwick development boundary;
- a business will be run from the site;

- reduction in property values in the area, especially with other site in the vicinity;
- traveller site would compromise peaceful community with problems associated with such sites;
- No proper assessment of impact on the landscape and neighbours;
- extension to accommodate additional families a possibility and unacceptable;
- harm to trees and hedges on and around the site;
- applicant already resides in an unauthorised site;
- insufficient details on type of mobile home, should blend with the proposed dayroom;
- parking only for two vehicles, no indication of parking for commercial vehicles;
- village already under pressure from existing development;
- applicant's occupation of tree lopper and horse trader suggests nuisance to adjoining land owners;
- the nearest hospital, secondary schools, medical services etc.. are in Trowbridge;
- risk of flooding due to hard surfaces;
- permanent building should not be allowed under a "traveller" application;
- site very near to existing Camping and Caravan site;
- site is too small for the proposed use;
- need for constructive communication on travellers;
- there is a traveller site on the outskirts of Trowbridge that isn't full to capacity;
- traveller way of life is "different" and application should be for a site not surrounded by houses or affecting others;
- it seems that the applicants don't have to have a local connection as would be the case for someone applying for affordable housing;
- planning rules are inconsistent;
- if this goes ahead council tax contribution will be withheld;
- the site will become one for all travellers in the area with the LPA unable to resist;
- increase in crime and harm to local business; and
- Council has a conflict of interests in deciding for the application where it will receive a "bounty" of £6000 per consented dwelling unit;
- the ownership of all of the application site "red-line area" in the original plan is questioned.

9. Planning Considerations

9.1 Policy background

The Government's 2012 "National Planning Policy Framework" is a material consideration in planning decisions. In terms of Paragraph 214 in Annex A to the NPPF the saved policies of the West Wiltshire District Plan, 1st Alteration 2004, until March 2013, are to be given weight in decision-making. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The new national policy for travellers was introduced In March 2012, replacing the previous guidance (Circular 01/2006 - Planning for Gypsy and Traveller caravan sites and Circular 04/2007 Planning for Travelling Showpeople). The April 2012 NPPF replaces previous guidance in planning policy statements and planning policy guidance.

Current adopted policy and current guidance relating to Gypsy and Traveller Sites is, therefore, primarily provided by:

- * Planning policy for traveller sites, DCLG, March 2012
- * National Planning Policy Framework, DCLG March 2012
- * Policy DP15 (as saved) of the adopted Wiltshire and Swindon Structure Plan 2016;
- * Policy CF12 (as saved) of the adopted West Wiltshire Local Plan 2011;

Emerging guidance and policy is contained in:

- * the emerging Wiltshire Core strategy.
- * Draft South West Regional Spatial Strategy (SWRSS)
- * Issues and General Approach report published in April 2010 which was the initial stage of consultation for the Wiltshire Gypsy and Traveller Site Allocations DPD.

Government's stated aim in the 2012 "Planning Policy for Traveller Sites" is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. In terms of the development plan Policy DP15

of the Structure Plan acknowledges the need for additional caravan pitches for gypsies and CF12 of the District Plan says that proposals for such uses will be permitted in appropriate locations subject to a range of criteria being met.

9.2 Potential Impacts on the Rural character of the area and on neighbouring amenity

A common theme in a number of neighbour objections and the parish comment on this application is that the site is located outside of village policy limits of Southwick and is therefore by definition unacceptable in terms of Policy. Some objectors perceive this as an unfair situation. However, neither of the Local Plan policies stipulates that new sites for Gypsies and Travellers should be within existing developed boundaries, with policy Structure Plan Policy DP15 stating 'Suitable sites may be found both within and outside settlements' and WWDP policy CF12 only referring to 'appropriate locations'. Each site is considered on its merits. Both Policies have criteria requiring that sites in rural areas do not unacceptable harm the appearance of the countryside and do not "dominate" the nearest settled community. The document "Planning Policy for Traveller Sites: Department for Communities and Local Government", March 2012 also does not constrain new pitches to localities within established settlements. The Policy Officer comments on the other case in this agenda (12/00579/FUL) also clearly reflect that the proposal would meet a requirement that is identified under the emerging Core Strategy.

In this instance the proposal is limited to a single-family (parents and three children) pitch on a portion of land almost wholly surrounded by a screen of hedging, trees or shrubbery. The amount of development being proposed is quite typical of a single, private gypsy application including a mobile home, a touring caravan and a dayroom. The proposed dayroom and mobile home would be at least 70m from the nearest neighbouring dwelling, with hedges, open land and domestic outbuildings in the intervening space. The proposals would in no way be dominantly visual to the surrounding area, nor prominent to the screened road frontage on the approach to Southwick.

The Hoopers Pool road is characterised in the vicinity by linear development of detached dwellings that stretches some 250m to the south, beyond which there are interspersed farmyards. The existing residential development is situated to the south and on the opposite side of the Frome Road Dunkirk Business Park, creating a semi-urbanised area outside, but in fairly close proximity to, the edge of Southwick itself.

Given the scale of the proposals, the particular setting including natural screening and the distance from the nearest properties it is not considered that harm would arise to the appearance of the countryside from the surrounding public realm or that it would have a dominating effect on nearby properties. With regard to visual harm to the approach to Southwick this would be minimal, especially seen in the context of the existing palisade fencing, open frontage and large buildings on the business park. Objections include the potential impact of further development on the site, or its alternative use, but the proposals must be addressed on the basis of the plans as submitted.

Objectors also raise concerns with the potential loss of prime agricultural land. The site is only some 2200m² in extent and is uncultivated ground separated by well established hedges from the fields to the south east. There are no proposals for business development on the site by the applicant, or for the removal of boundary vegetation. Objectors also suggest that the site is Green Belt land, but this is not the case. Objections that relate to the personal circumstances of an applicant are not considered to be planning considerations. Similarly, speculation on potential nuisance resulting from uses that are not being applied for are not within the scope of this application.

With regard to a lack of detail on the design of the mobile home, recent case history on other sites has confirmed the view that the siting of caravans, by definition including mobile homes, is not operational development, and that, over time, caravans may be replaced without the need for submission of details. The mobile home would therefore not be treated as a permanent building that requires assessment of design. On the other hand it (and any replacement) would need to conform to the definition of a "caravan", i.e. inter alia being limited in size and remaining capable of being removed from site by being towed or transported on a motor vehicle or trailer.

The day room would have a footprint of 5m x 6 m with a maximum height of 4m. This would not be prominently visual to the surrounds not have any overbearing presence in the landscape. The touring

caravan would also be sited within the confines of the screened site. Standard building materials of brick under clay tile are annotated on the plans.

Seen in the above context the proposal is not considered to be harmful to the rural character of the area.

9.3 The effect of the proposal on highway safety

The site is within easily walkable distance of Southwick, along a paved walkway on the same side of Frome Road as the application site. This pathway also provides pedestrian access from the Village to Hoopers Pool and beyond to "Rode Common Farm" some 500m west of the site. The Highway Officer has noted the presence of the walkway and raises no objections.

The site gains access onto Hoopers Pool via an existing entrance that would be extended by moving the gates further onto the property and new surface treatment is proposed. The intersection between Hoopers Pool and Frome Road is well established and is utilised by other residential and rural land units served by Hoopers Pool and its extensions. The Highway Officer has noted the proposals for the improvement in depth and surfacing to the site access and has no objections subject to conditions. No sustainability issues in relation to transport and access to facilities are raised by the Highways Officer. (Village facilities are discussed further below).

It is considered that the application can be supported in terms of highway considerations subject to the conditions recommended by the Highways Officer.

9.4 Sustainable form of gypsy site, including the needs and safety of future occupants and their children

The NPPF and latest Government Guidance on Traveller sites as well as gypsy site policies in the Development Plan allow for sites outside of settlements. However, access to services and facilities remains a consideration in respect of sustainability. In particular Policy CF12 of the District Plan includes the proximity of local services as an assessment criterion. The application states that part of the requirement of the family will be to provide for the education of two school age children and pre-schooling for a third child. The proposal would establish a settled base would facilitate access to local services.

The proposals indicate the provision of sewerage treatment facilities on the site as a sealed septic tank. It is noted that Wessex water raises no objection to the proposals as submitted, advising only that new connections will be necessary. It is considered reasonable to require the submission of foul water drainage details by condition. In the unlikely event of any pollution occurring then this would be subject to other legislation to control. In terms of electricity for the site then it is noted that the site is close to other development that has electricity and therefore this factor poses no significant concern. Environmental Health has raised no objection to the proposals.

The site is less than a half-mile mile from Southwick Village policy limits and under a mile from its centre. The village is accessible via the paved footway on the south side of the road, albeit unlit outside of the village and the road being heavily trafficked. Central Trowbridge is less than 3 miles away. Southwick has local facilities and services including convenience goods, church, public houses and the primary school. Buses run past the site and onward from Southwick to Trowbridge, where there is the higher range of facilities and services. Transport Direct information indicates that there are bus-stops on either side of the road in the vicinity of the site and Dunkirk Business park. The site itself occupies a locality directly between an employment area and the rural residential properties that make up Hoopers Pool. Wessex Water has confirmed that there is water supply in close proximity. The site does not fall within any Environment Agency zone subject to flooding.

In this locality and given the relative accessibility of local services the site is considered to be a sustainable form of gypsy development.

9.5 Occupancy of the site

The site is located in the countryside where general residential development is subject to policy restrictions and a condition restricting occupancy to gypsies and travellers is therefore considered appropriate and reasonable in the event that permission is granted. Also reasonable would be a condition on the number and type of caravans, so as to constrain the use to a maximum of two units (the mobile home and the touring caravan) to ensure that the site is occupied in accordance with the proposals as submitted. It is considered reasonable to impose a condition as requested by the Parish Council not allowing any commercial development on the site, given that that has been made clear in the supporting documentation, and there would potentially be amenity and highway safety concerns over such a use.

9.6 Issues raised with regard to Advertising and Consultation, and other objections

Objectors and the parish raise the issue of consultation and advertising. Again, this is an individual application advertised in the normal manner as for any other planning proposal of a similar scale, i.e. with a site notice and consultation with immediately abutting neighbours. An advert was also placed in the press, given that there is a Public Right of Way traversing the land to the south of the site.

Objections are also raised with regard to the requirement under national guidance for Community involvement and consultation to reduce tensions between local and travelling communities. It is considered that this aspect of the guidance relates to the formulation by the Planning Authority of the wider strategy to meet gypsy and traveller accommodation requirements. At present this forms part of the preparation of the Core Strategy and the supporting documentation thereto. This individual case is considered on its own merits and in the light of the current Development Plan and consultation/advertising took place at a level normally associated with standard minor planning applications.

The applicant has provided a revised red-line plan showing the correct application area as it relates to land ownership.

9.7 Previous Appeal Decision

Members will recall that an application for a gypsy site for three pitches at Semington was refused by the committee last year. An appeal against this decision was allowed in February this year. That site was also outside of the limits of development for the village of Semington and three miles from Trowbridge. However, the Inspector found the site to be 'a sufficiently sustainable location'. He also found that there was a 'fairly substantial existing unmet need' in this part of Wiltshire, a matter to which he attached 'significant weight'. He found the proposed site, which like this one, was adjacent to the A361, to be an acceptable location for such a use.

As there is still an unmet need in this part of Wiltshire for such sites, and as previous experience confirms that sites of this nature, located outside of a village but close to it and well connected by a public footpath, are acceptable, the evidence suggests that any appeal on this site would have a high probability of success.

9.8 Conclusion

The proposals are considered to be in accordance with the criteria set out for such sites in the development plan policies for the area and in accordance with national guidance in the "Planning Policy for Traveller Sites" DCLG, March 2012. There is an acknowledged shortfall in traveller and gypsy provision as detailed in the emerging Core Strategy. Given that there is an acknowledged need for further sites, and that the Council has not made any allocations to date then individual applications must be given significant consideration in that context. The application is recommended for permission in light of the considerations above.

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 site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Department for Communities and Local Government document "Planning Policy for Traveller Sites" published in March 2012.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

- 3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan, shall be stationed on the site at any time.

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

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 4 No development shall commence on site until details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority. The site shall not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a

- 5 No commercial activities shall take place on the land, including the storage of materials.

REASON: In the interests of the amenity of the area and in the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 6 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 first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained and in the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 7 The development hereby permitted shall not be first occupied until the access up to the gates, 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 CF12.

- 8 A scheme of landscaping for the site, which shall include details of the proposed treatment of the boundaries of the site, including any proposed retention of existing boundary features, shall be submitted to and approved in writing by the local planning authority before the use is commenced. The approved scheme shall be implemented within 6 months of the commencement of the use and any trees in the scheme that die or are removed within five years of the commencement shall be replaced with others of a size and location to be agreed beforehand with the local planning authority.

REASON:
To protect the character and appearance of the area.

- 9 The development hereby permitted shall be carried out in accordance with the details shown on the following plans:
- Site Plan (Revised) : Received on 15 May 2012;
 - Drawing 2010/02 : Received on 15 February 2012; and
 - Drawing 2010/03 : Received on 15 February 2012

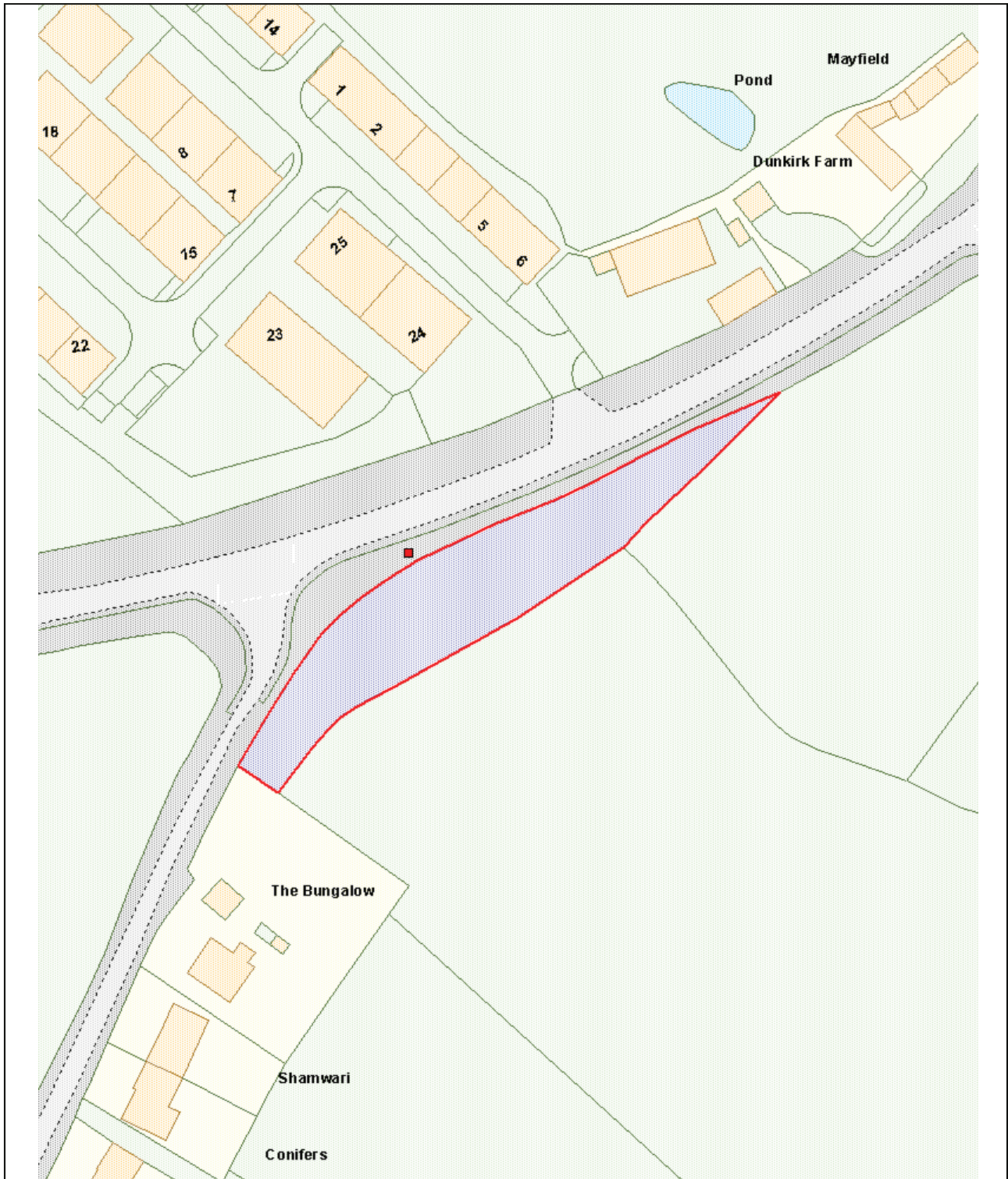
REASON : In order to define the terms of this permission.

Informative(s):

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to connection to, and protection of, water infrastructure.

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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 | 11.07.2012 | | |
| Application Number | W/12/00511/FUL | | |
| Site Address | Land North Of 592 Semington Road Melksham Wiltshire | | |
| Proposal | Erection of detached 4 bed dwelling | | |
| Applicant | Ms C May | | |
| Town/Parish Council | Melksham Without | | |
| Electoral Division | Melksham Without South | Unitary Member: | Roy While |
| Grid Ref | 390066 162157 | | |
| Type of application | Full Plan | | |
| Case Officer | Mr James Taylor | 01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk | |

Members will recall that consideration of this application was deferred at the previous meeting of the Western Area Planning Committee for a site visit. This will have taken place prior to this application being re-considered by the committee.

The report and recommendation discussed at the previous meeting is set out below.

Reason for the application being considered by Committee

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

- * The concerns of the owner of the neighbouring property;
- * the scale of the development;
- * out of keeping with the existing dwellings;
- * The Parish Council have made objections

1. Purpose of Report

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

Neighbourhood Responses: - Two parties have raised objections to the proposal.

Parish Council Response: - Melksham Without Parish Council object.

2. Report Summary

The main issues to consider are:

- * Principle of further housing development in Berryfield village;
- * Whether the development would be in keeping with the character of Berryfield;
- * Impact on the natural environment including water resources, flood risk and the built environment;
- * Whether it is inappropriate backland or tandem development;
- * Whether it would result in the loss of an important open space or visual gap;
- * Whether there are adequate services such as water and sewerage, and highway safety concerns; and
- * Any other material considerations, such as the impact on residential amenity

3. Site Description

The application site is part of the existing residential curtilage of 592 Semington Road in Berryfields. It forms part of the side garden of the house and has its own frontage to Semington Road, a C-class road.

To the north of the application site is a boundary fence and hedge approximately 1.8 metres high and beyond this the hard surfaced area to the neighbouring semi-detached dwelling which is used for access, parking, siting of domestic outbuilding and outdoor amenity space. To the rear there is a boundary wall and beyond this an abandoned garden nursery. To the south is the property to which the application site is connected.

Semington Road is characterised by a range of housing types, traditional and modern; terraced, semi-detached and detached. The defining characteristic at this point is that the built form has the character of ribbon development, generally all fronting onto this road. Either side of the application site are traditional buildings, to the south detached and stone built and to the north semi-detached painted brick.

The site is subject to no special planning designations, other than being located within the village policy limits of Berryfield, as defined in the West Wiltshire District Plan.

4. Relevant Planning History

W/11/03029/FUL - New two storey 5 bedroom dwelling – Withdrawn

5. Proposal

This is a proposal to erect a detached dwelling with associated works to access, parking and landscaping.

The dwelling would be a 4-bedroom two storey house, with the roof space utilised for accommodation, lit by rooflights. Materials proposed are stone to the front elevation, render to the other walls and double roman tiles to the roof. It would have a footprint of approximately 9 metres by 7.5 metres, a height to eaves of up to 4.9 metres and an overall height to the ridge of up to 7.9 metres.

To the south of the application site it is proposed to alter the existing access of 592 Semington Road to create a shared access with suitable visibility splays, and 5 car parking spaces (2 for the existing dwelling and 3 for the proposed dwelling).

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)
C31a Design; C38 Nuisance; H17 Village Policy Limits;
U1a Foul Water Disposal; U2 Surface Water Disposal

Wiltshire Structure Plan 2016
DP1 Priorities for Sustainable Development; DP3 Development Strategy

National guidance
National Planning Policy Framework 2012 (NPPF)

7. Consultations

Melksham Without Parish Council

Objection (22 May 2012): "The parish Council objects that the proposed plans for such a large dwelling comprise overdevelopment as the site is far too small. Apart from being much higher than the surrounding properties and overshadowing them it would take up most of the garden of 592; leaving insufficient room for on-site parking for either dwelling; more cars would inevitably have to park on the road. (The new National Planning Policy Framework (53) urges that inappropriate development of

residential gardens should be avoided.) The revised plans still do not accurately reflect the size and shape of the site since the boundary between 592 and 594 is at right angles to the main road. The proposal for a modern dwelling is out of keeping with both the style and height of 592 Semington Road which is a very attractive old cottage with lower than average doors, ceilings and roofline and historic markings (See earlier comments). It adds nothing to the character and quality of the existing street scene which has some attractive open frontages. The proposed new dwelling would also have a detrimental impact on 594 Semington Road because it would overshadow and dominate its house frontage and garden which faces on to the side wall of the new dwelling. The high roof would block out the sunlight amenity of both the garden and front of 594 Semington Road; putting them permanently in shade.“

The Parish initially raised no objection and this view subsequently changed to objection and revised plan submissions culminated in the above response.

Highways

No objection subject to conditions.

Environment Agency

No comments, the proposal is outside of topics which require their input.

Wessex Water

No objection.

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 29 May 2012.

Two parties sent in various communications. Summary of points raised:

- * Inaccurate plans;
- * Landownership dispute;
- * Huge dwelling will dwarf others and be out of keeping;
- * Impact on amenity – loss of light, outlook etc;
- * Loss of property value;
- * Loss of light to kitchen and bathroom;
- * Cramped;
- * Parking on busy and fast main road likely; and
- * Classic case of garden grabbing.

9. Planning Considerations

- * Principle of further housing development.

The application site is located within the village policy limits of Berryfield and therefore in principle further housing development is acceptable subject to the criteria set out in policy H17. Consideration of each of these detailed criteria and any other material consideration is set out below.

*(A) Whether the development would be in keeping with the character, appearance, and distinctive spatial form of Berryfield.

Berryfield has a very varied character, appearance and spatial form. It has no special designations and is not a conservation area. At this immediate point in the street scene and in very close proximity to the site there are traditional buildings and modern buildings; there are detached, semi-detached and terraced dwellings; there are stone brick and render finishes to walls and clay, concrete and felt roof coverings. Some dwellings are set close to the highway, some considerably set back. The unifying characteristics are that dwellings are generally in a ribbon form of development along the Semington Road and dwellings (although of slight variation in height) are 2 storeys (some with attic accommodation).

The proposal has been set to front the highway, at a slight angle to mirror the existing arrangement of number 592. It would be detached like the neighbour at 592. It would utilise tiles to the roof and natural stone to the front elevation matching 592. It would be nominally higher and have slightly varied proportions to 592 reflective of it being a modern construction with more contemporary floor to ceiling heights internally and accommodation in the roof. In short the dwelling would be a further variation to an area which already has a diverse built form.

As the proposal is for an infill development that fronts the main road and is of similar form and materials to neighbouring and nearby houses, it is considered that the proposal meets this criterion.

* (B) Impact on the natural environment including water resources, flood risk and the built environment.

The application site is located in an area with the lowest probability of flood risk – flood zone 1. The applicant has proposed to dispose of both foul and surface waters to the mains sewer, as 592 Semington Road does already. However Wessex Water has indicated that surface waters will not be allowed to go to the foul sewers. This is not an insurmountable issue though as other options such as soakaways are an alternative for surface water disposal. It is noted that permeable paving has been suggested to the driveway area therefore surface waters from the roof only need to be attenuated for.

The development will not have any adverse impacts on the natural environment

* (C) It would not create inappropriate backland or tandem development.

The development has its own frontage to Semington Road and is not to the rear of the existing property. It is therefore not a backland or tandem development.

* (D) Whether it would result in the loss of an important open space or visual gap.

The side garden to 592 Semington Road is not an important open space or visual gap that forms an integral part of the character of the settlement. The development will therefore not result in the loss of an important open space or visual gap.

* (E) Whether there are adequate services such as water and sewerage, and highway safety concerns.

There are main foul sewers on Semington Road which allow connection to mains sewerage disposal.

In highway terms, there are no objections to the current plans. The development has parking provision for 5 vehicles, 2 to the existing dwelling and 3 to the proposed dwelling. This accords with the minimum parking standards. The road, since the construction of the A350, has been downgraded and traffic volumes are relatively low. The proposals detail a revised landscaping across the frontage of the site to ensure adequate visibility splays of 2.4 metres by 65 metres at a height above 600mm are protected. This can be achieved and a condition to ensure it is provided is recommended.

In sum, the proposal meets the criteria of policy H17.

* Any other material considerations, such as the impact on residential amenity (existing and proposed).

Policy C38 aims to minimise the effects of development on neighbouring properties. In this instance, the proposed development has been sited in close proximity to the boundary with the neighbouring house to the north, approximately 1.8 metres from the boundary at eaves height (approximately 4.9 metres) and 2.1 metres from the boundary at ridge height (approximately 7.9 metres). The shared boundary at this point is a fence and hedge approximately 1.8 metres in height and then beyond this is the neighbour's outdoor amenity space. This neighbouring property has no rear garden, only a narrow strip to the front, and although it does have a separate roof terrace; the hard surfaced area to the south is the occupiers' garden. Currently this area has an outbuilding sited in it and the remainder is laid to hard standing and used for parking/sitting out. In addition it is also noted that the neighbouring property has windows on their side elevation at ground and first floor levels.

The new dwelling has been designed with recognition of the potential impact on the neighbouring dwelling to the north. No windows are proposed in the elevation facing it and it is set in from the boundary. Whilst the dwelling will result in some overshadowing of the hard surfaced area to the south of the neighbour's house, the spatial relationship between the two properties is no different from most houses in a pattern of ribbon development and it is not considered that the development will have an unreasonable impact that would justify refusal of the proposal on these grounds.

The issues over ownership have been addressed through negotiation. The applicant has checked their own records and confirms that the whole of the application site (as defined by the revised red line plans) is under their ownership.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

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

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

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

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

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

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

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

* minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

* proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

- 6 No part of the development hereby permitted shall be first occupied until the parking area has 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.

West Wiltshire District Plan 1st Alteration 2004 – POLICIES H17.

- 7 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 2.5 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 65 metres to the north and 65 metres to the south 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 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H17.

- 8 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, B, D or E 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 additions, extensions or enlargements.

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

- 9 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 first 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

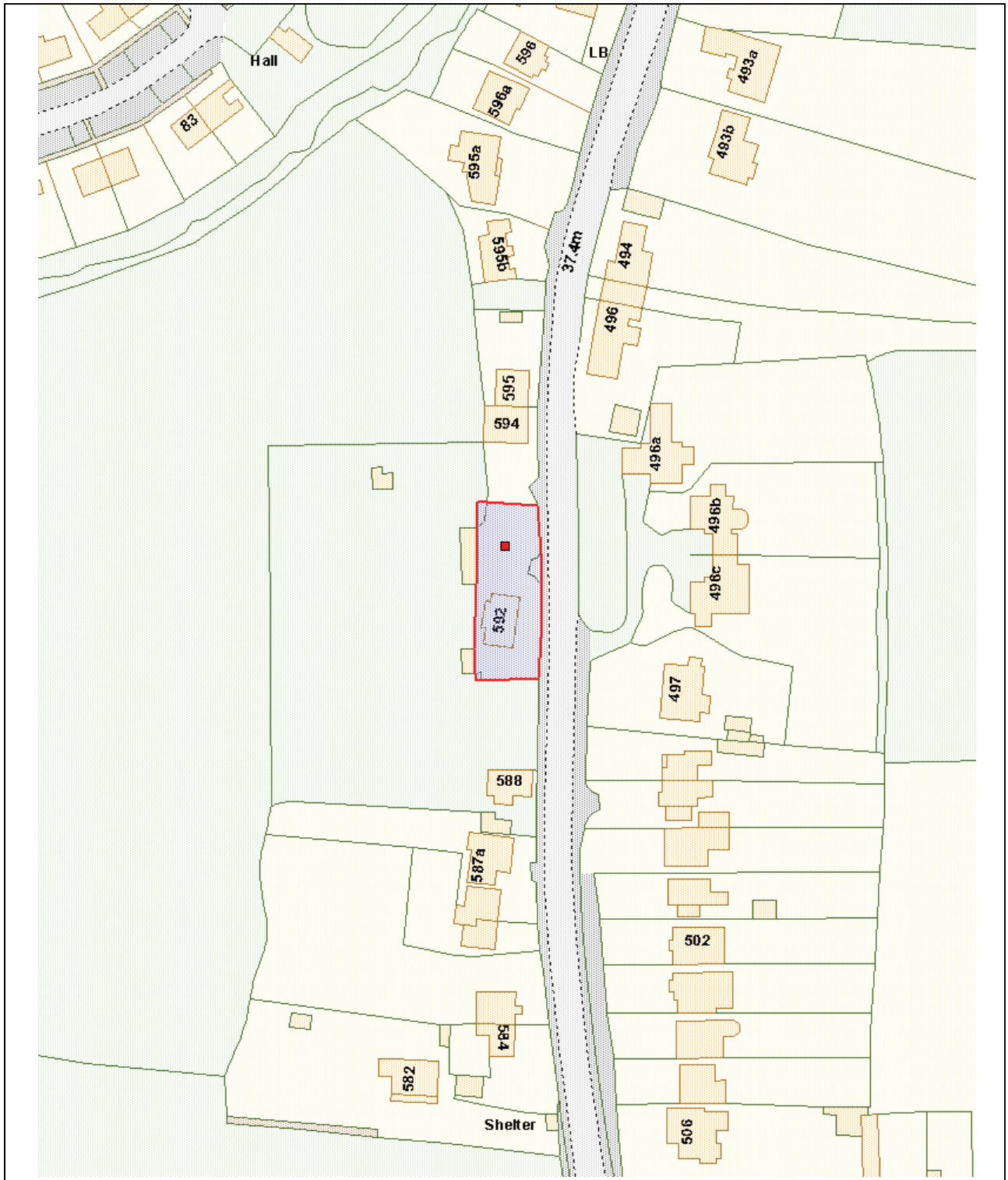
- 10 The development shall be carried out in accordance with the hereby approved plans:

Drawing: 281 250 P F - proposed site layout - received on 29 May 2012;
Drawing: 281 251 P F – proposed ground floor - received on 29 May 2012;
Drawing: 281 252 P F – proposed first floor - received on 29 May 2012;
Drawing: 281 253 P F – proposed second floor - received on 29 May 2012;
Drawing: 281 254 P F – proposed roof plan - received on 29 May 2012;
Drawing: 281 261 P F – proposed south elevation - received on 29 May 2012;
Drawing: 281 262 P F – proposed west elevation - received on 29 May 2012;
Drawing: 281 263 P F – proposed north elevation - received on 29 May 2012;
Drawing: 281 264 P F – proposed east elevation - received on 29 May 2012;
Drawing: 281 266 P F – proposed streetscape - received on 29 May 2012;
Drawing: 281 451 P F – proposed highways layout - received on 29 May 2012; and
Drawing: 281 452 P F – proposed entrance layout - received on 29 May 2012.

REASON: In order to define the terms of this permission and in the interests of proper planning.

| | |
|---|--|
| 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 | 11.07.2012 | | |
| Application Number | W/12/00105/FUL | | |
| Site Address | Land Rear Of 16 Holbrook Lane Trowbridge Wiltshire | | |
| Proposal | Demolition of 16 Holbrook Lane and erection of 16 new dwellings with associated access and parking | | |
| Applicant | Oak And Lime Limited | | |
| Town/Parish Council | Trowbridge | | |
| Electoral Division | Trowbridge Drynham | Unitary Member: | Graham Payne |
| Grid Ref | 385651 156620 | | |
| Type of application | Full Plan | | |
| Case Officer | Mrs Judith Dale | 01225 770344 Ext 01225 770245 judith.dale@wiltshire.gov.uk | |

Reason for the application being considered by Committee

Councillor Payne has requested that this item be determined by Committee due to the environmental/highway impact of the scheme

1. Purpose of Report

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

Neighbourhood Responses

18 letters of comment and/or objection have been received to this application. These are detailed in section 8 below.

Town Council Response

The Trowbridge Town Council generally supports this proposal subject to no significant impact on amenity, an historic record of the existing house and garden and the implementation of parking improvements in Holbrook Lane.

2. Report Summary

The main issues to consider are:

- The principle of the development
- Demolition of existing property
- Highway and access considerations
- Design considerations
- Impact on ecology
- Impact on residential amenity
- Contributions

3. Site Description

The application site is an L-shaped area of garden land comprising no 16 Holbrook Lane and its large 0.5 hectare garden together with an area of land to the rear of no 14. No 16 is a detached character 2 storey cottage and although dates back to the C18, is not a listed property.

The total site measures approx 0.6 hectare, is generally sloping towards the eastern boundary and is largely under grass and with hedged boundaries separating the site from adjoining suburban residential development and Holbrook Primary School. A public footpath linking Holbrook Lane with Burnett Road marks the northern boundary which is delineated with a chain link fence and mature vegetation.

The site occupies a pivotal location on the east side of Holbrook Lane, which is a bus route. It lies on the outside of a sharp bend in the road, is clearly open to views from this frontage and is also visible in approaching views from both directions, particularly from the south west.

In development plan terms, the site lies within the built up part of the town (H1), is allocated as a Brownfield Urban allocation (H3 - TR04) and is proposed as a site for a tree planting scheme (C40).

4. Relevant Planning History

The only relevant planning history is an application for the erection of a single dwelling to the rear of no 14 (84/01091/OUT) which was refused permission.

5. Proposal

This is a detailed application for the demolition of the existing property, the formation of a new access road onto Holbrook Lane and the construction of 16 dwellings and parking. The development is exclusively two storey comprising a mix of 2, 3 and 4 bed units, closely following the curved line of the centrally positioned cul de sac. Parking for 40 vehicles is proposed in a combination of garages and in-curtilage parking with a shared court of 4 at the frontage of the development to serve two frontage properties.

This application follows the submission of a pre-application in late 2010. It is accompanied by a full set of drawings, a Design and Access Statement, a materials schedule and an ecological study; revised plans have been submitted to address highway and general design concerns.

6. Planning Policy

(i) Development Plan

West Wiltshire District Plan 1st Alteration 2004

H1 Further Housing Development within towns

H3 Urban Brownfield Allocation

H24 New Housing Design

T10 Car Parking

T11 Cycleways

T12 Footpaths and Bridleways

C31a Design

C32 Landscaping

C38 Nuisance

C40 Tree Planting

U1a Foul Water Disposal

U2 Surface Water Disposal

I1 Implementation

Leisure & Recreation DPD

LP4 Providing recreation facilities in new developments

(ii) Emerging Development Plan

Wiltshire Core Strategy
CP1 Settlement Strategy
CP2 Delivery Strategy
CP29 Trowbridge Community Area
CP50 Biodiversity and geodiversity
CP57 Ensuring high quality design and place shaping
CP60 Sustainable Transport
CP61 Transport and development

(iii) National Guidance

National Planning Policy Framework

(iv) Supplementary guidance
SPG Design Guidance – Principles 2004
SPD Residential Design Guide 2006

7. Consultations

Trowbridge Town Council

Generally supports the proposal as referred to above

Wessex Water

Notes that there are no foul sewers in the vicinity of the site and it is uncertain how the existing property is served in relation to foul drainage; notes potential connection points which may involve third party land; storm sewers appear to discharge into ditch within site which will be limited in capacity.

Environment Agency

No comment to make

Highways Officer

No objection subject to conditions concerning the submission of highway details, the construction of roads, footpaths and parking spaces, the retention of garages for parking purposes in perpetuity and a scheme for the discharge of surface water.

Spatial Planning Officer

The development is acceptable in principle given its location, previous allocation and contribution to meeting the future housing need in Trowbridge. However, it must take into account and meet, where appropriate, the various policy criteria contained within the policies outlined above'

Ecologist

Notes the submission of an ecology report which recommends further survey work for the existence of reptiles at the site; confirms this work should be carried out prior to determination to agree potential mitigation strategy.

Notes the lack of evidence for the presence of bats in the existing building and recommends an informative advising on future responsibilities in the event they are discovered.

Notes the range of habitats within the current site which will be lost as a result of the development and the limited opportunities for biodiversity enhancements. Recommends that existing boundary hedges are retained and widened to preserve connectivity across the site and provide habitat opportunities for small mammals and birds.

Housing Officer

Confirms that the site falls below the trigger for affordable housing

Landscape Officer

No objection subject to conditions requiring submission and implementation of an Arboricultural Method Statement and hard and soft landscaping scheme

Education Officer

Confirms that the development generates a need for an additional 5 primary and 3 secondary places. The Clarendon School can accommodate the secondary places but a developer contribution towards the 5 primary places at a unit cost of £12,713 is required.

Amenities and Fleet Officer

The development generates a public open space requirement of £11,125 to be spent within the vicinity of the site

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 25 May 2012

Summary of points raised:

17 letters of objection (including more than one from several of the respondents) have been received from nearby residents on the following grounds:

- impact of development on nature conservation including slow worms, badgers, butterflies, birds, frogs and bats
- loss of mature trees
- loss of privacy
- loss of light to existing properties
- loss of views
- inadequate light to rear of proposed properties from existing trees
- proximity of development to existing properties
- dangerous position of access on bend in road
- dangerous position of access in relation to school entrance
- additional roadside parking in the vicinity of the site and within the new access road
- 'garden grabbing'
- visual impact of new frontage wall to replace hedgerow
- extent of development under buildings, patios, drives and parking spaces
- inclusion of terraced properties
- objection to any units being rented out as affordable housing
- commencement of site clearance works prior to submission of ecology report or permission being granted
- concerns over incorporation of land outside the applicant's ownership

In addition, 2 letters of qualified support have been received – one, subject to the boundary hedgerows and trees being retained and two, noting that the proposed access road is likely to be used in connection with parking at the adjoining school and that this should be prevented.

9. Planning Considerations

9.1 Principle of development

The application site largely correlates to an Urban Brownfield Housing Allocation (TR04) as identified in policy H3 within the current district plan; the proposal differs from this allocation only in that it now includes the existing property itself (no 16), which building is actually excluded from the allocated site. The development plan allocation identifies a projected development of 20 units on the site to be delivered within phase 1 of that plan (2001-2006).

This current designation confirms the principle of residential development on the site subject to appropriate scale, siting, design, highways, heritage, conservation, residential amenity and local environmental considerations.

This allocated site has clearly not been built out as anticipated but has been carried forward in the draft Wiltshire Core Strategy and saved as part of that document. Within this emerging plan, policy CP29 identifies a remainder of 170 dwellings to be provided within Trowbridge after the allocated strategic housing development of 2600 dwellings. On the basis of its location, its previous allocation as a housing site and its ability to contribute to the future housing need within the town, the proposed development of 16 units is acceptable in principle subject to meeting the criteria identified above. These are addressed in the following sections.

9.2 Highway and access considerations

The development is to be served by a single curved access road 5.5m wide with a 2m wide footway on the south side, a suitable turning head at the head of the cul de sac and appropriate visibility splays at its junction with Holbrook Lane. Off-street parking is provided for all dwellings on driveways and within garages with a minimum of 2 spaces per unit; visitor parking is not specifically allocated but would be readily available within the public highway.

The Highway Officer has requested a number of amendments to the original layout including gradient levels, the positioning and size of garages, and the extent of the footpath and turning areas; these have been accommodated within revised plans. In addition, to control casual parking associated with the adjoining primary school, the Highway Officer has also requested that a no-parking control is introduced on the initial section of the road (up to plot 11) with on street parking permissible within the remaining half of the road. This would be addressed through the road adoption procedure. An earlier request for a contribution to bus stop improvements has since been withdrawn since this was not a matter raised at the pre-application stage.

The Highway Officer has considered the concerns of residents and the local member surrounding the provision of an access road at this point, but does not wish to raise an objection to the proposal subject to a number of conditions relating to the construction of the road, the provision of parking spaces, the retention of garages for parking cars and the discharge of surface water. Members will be aware that one of the criteria for acceptable development in the built up area is that it should provide 'safe and convenient connection to pedestrian, cycle and public transport networks, the highway without creating transport problems.' The NPPF also makes it clear that development should only be refused on transport grounds 'where the residual cumulative impacts of development are severe.' (para 32). In circumstances where the Highway Officer does not consider the development would give rise to any transport related problems, there are no defensible highway reasons for resisting this development.

9.3 Demolition of existing property

There is some disappointment that no16 is to be demolished as part of the scheme as this is an interesting 18C cottage and would add a degree of maturity to the proposed development within its garden. However, this is not a listed building and an application to English Heritage to add it to the statutory list in November 2010 did not succeed as 'the criteria for listing are not fulfilled'.

The conclusion did note that that it is 'of local interest for its origins as an early vernacular house that was once typical of buildings in this area' but also states that it lacks overall architectural coherence, the mid 19C and 20C remodelling have significantly altered the principle façade and the legibility of the original plan form, and that these alterations are themselves of no special interest.

The NPPF states that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application, having regard to the scale of any loss or harm of that heritage asset. In this case, the building is not listed, was recently assessed as being unsuitable for listing and is not located within a conservation area. While it is not necessarily agreed that 'the position of the building severely limits the efficient redevelopment of this allocated site by restricting the alignment of the access road', it is a fact that the significance of the building partly lies within its spacious setting. Since this would be lost as part of the overall development in any event, its

retention would be of limited benefit. Under these circumstances, while the loss of the building is to be regretted, it is not considered to constitute a defensible reason for resisting the proposal.

9.4 Design considerations

The proposal is for the demolition of the existing property and the development of the site and the adjoining rear garden with 16 dwellings. This net gain equates to a density of 26 dwellings per hectare, less than anticipated by the original allocation of 20 units. However, minimum densities (30-50 dph) are not now either a national or local requirement with the appropriate density being set by the context of the site and character of the surrounding area. The proposed density, in this case, is considered to be in keeping with that character which includes detached, semi and terraced properties.

The layout of the development is largely constrained by the shape of the site, the requirement for an adoptable access road with turning, the requirement for the scheme to provide a variety of house types and sizes (H24), the need to deliver an efficient use of the site and the need to maintain reasonable distances to surrounding residential properties. The result is a development which

- is based on a centrally positioned cul de sac which allows for housing on both sides – this is both efficient and visually preferable, and creates continual focal points
- delivers a variety of family dwellings including 3 no 2 bed, 6 no 3 bed and 7 no 4 bed units, all with private gardens
- ensures that dwellings front onto the road, and take advantage of angled frontages to ‘turn corners’ and generally avoid side elevations onto the public realm. The exception is the side elevation to plot 1 at the entrance to the development, although chimney, plinth and window detailing add interest to this elevation
- maintains the existing building line along Holbrook Lane with plot 1 re-positioned to ensure that the development does not appear intrusive in approaching from the north or west
- although all the units are 2 storey to maximise floor area, ridge heights vary from 6.6m (plot 1) to 8.3m; the unit at the frontage of the site has been redesigned as a one and a half storey dwelling with a lower ridge height to acknowledge and reflect that the immediately adjoining property is a chalet bungalow style
- individual house types are varied but generally traditional to reflect the character of the surrounding area. Frontages vary from between 5m and 13.5m and depths between 5.5m and 9.6m; detailing is predominantly simple, of cottage style with arched headers, feature chimney stacks, small gabled dormers and canopy porches. Proposed materials are brickwork under concrete tiles.
- in-curtilage parking is maximised to reduce pressure on surrounding roads
- a mature hedge along the Holbrook Lane frontage is to be retained except where removed to construct the access road; within the development itself, low walling, hedging and planting is proposed along the front boundaries of most properties to maintain an appropriately landscaped context.
- although the dwellings are not designed with solar panels in situ, a number are orientated with south facing roof planes which provides an opportunity for future residents to install individual systems at a later date.

The overall result is a development which is in keeping within its context, would not be harmful or intrusive in the street scene and would provide an acceptable quality of development for future residents as advised by both local and national policy.

9.5 Impact on ecology

The application site is currently garden land attached to a vacant property and the submitted ecological report identified the following:

- the potential for reptiles at the site with a recommendation for further survey work to confirm their presence/absence. While the preference would be for this survey work and any necessary mitigation strategy to be carried out and agreed prior to determination, the Ecologist is satisfied for this to be the subject of a pre-commencement condition.
- the survey of the existing building found no evidence of roosting bats, although it is considered that it may hold potential for crevice dwelling species. Since, however, this information cannot be guaranteed by further survey work, an appropriate informative is recommended.

In addition to the above protected species, the site is an area of green space which contains a range of habitats (grassland, scrub, hedgerows and trees) likely to be locally important for wildlife. This point is confirmed by the majority of local objectors to the application who, in addition to reptiles, also refer to badgers, birds, butterflies, field mice, toads, hedgehogs and squirrels. These habitats will be lost while the proposed layout and density of development offers very little in the way of any obvious biodiversity enhancements as required by the NPPF. The Ecologist therefore recommends that the boundary hedgerows are retained and widened with additional native-species planting in order to preserve ecological connectivity across the site and provide continued habitat opportunities for small mammals and birds. This could be secured by appropriate condition.

While the proposed development will clearly have an impact on the current ecology of the site, this is inevitable due to this sizeable site being vacant with minimal disturbance to wildlife over a period of time. In recent weeks, however, there has been considerable concern expressed by neighbouring residents to 'pre-commencement works' taking place within the site which has included the removal of a number of trees and other vegetation with likely impact on wildlife species within the site. Since these works were also carried out prior to the completion of the ecology survey, there is clearly potential for the survey to only reflect the situation 'post-disturbance'. However, since site clearance does not require formal permission, this impact on wildlife falls outside the planning remit although controls under the Wildlife and Countryside Act remain in force and are the continued responsibility of the applicant/developer to comply with.

In addition, it is an important point that the allocation of this site for the future development of 20 units inevitably assumes a detrimental impact on current ecology levels and diversity compared with its use as a single house and residential garden. Within such constraints, there are obvious limitations to replacement mitigation which, as advised by the Ecologist, will be generally restricted to enhancement of the boundary hedgerows. This, together with additional planting of at least 10 medium to large species trees (recommended by the Landscape Officer) should ensure that an acceptable level of connectivity through the site is maintained together with pockets of habitat for smaller species.

9.6 Impact on residential amenity

In terms of any direct impact on existing residential amenity, letters of objection from surrounding residential properties which adjoin the site refer to loss of views, loss of privacy and overlooking, and loss of light.

In view of the fact that the site is currently a single property in large grounds with uninterrupted open space beyond rear boundaries and a sense of openness along the road frontage, it is not surprising that its development with 15 additional units is likely to be regarded as detrimental to existing amenity. However

- loss of a view is not a material planning concern
- infill development of an 'undeveloped' frontage in a built up area with an appropriate form of development would not have any material impact on properties on the opposite side of the road
- the siting and design of the frontage plot (plot 1) has been revised to reduce the visual and dominating impact on the adjoining property to the north

- minor revisions have been incorporated within the layout to reduce overlooking from first floor windows into rear gardens of existing properties; in back to back situations (east and south boundaries), minimum distances of 21m between rear elevations are achieved to meet with advised guidelines
- overlooking of existing rear gardens from first floor windows is inevitable from what is an enclosed site surrounded by residential properties; however, distances to affected boundaries from bedroom windows are a minimum of approx 11m and, where this is less, these are bathroom windows which can be obscurely glazed. It is also a point to note that the current situation already permits the same degree of reciprocal 'overlooking' of the garden of no 16 from surrounding properties while the natural boundary screening, which is to be retained and enhanced, adds to a degree of additional mitigation
- as part of the required landscaping scheme, additional planting of at least 10 medium and large species trees is required; while landscaping should not be used to screen development that is otherwise unacceptable, in a situation where compromise is inevitable, these could reasonably be positioned on those parts of the site where the impact is more acute
- concerns over loss of light are generally unfounded due to distances between buildings, existing boundary planting and screening and relative orientations.

This form of infill development inevitably generates a degree of local concern but within the constraints of the site, the location of surrounding properties, the identification of this site as suitable for residential development and the requirement to deliver an efficient use of the site, the impact on existing levels of amenity is not unacceptable

9.7 Contributions

The site does not meet the threshold for the provision of affordable housing but contributions towards education and public open space as identified by the relevant consultees in section 7 above, are required.

9.7 Conclusion

The residential development of this garden site is in accordance with national and local planning policy and is acceptable in both principle and general detail subject to a legal agreement to secure contributions to education and public open space and appropriate conditions to address the remaining outstanding issues. The application is therefore recommended for permission.

Recommendation:

The Area Development Manager be authorised to grant permission for the development on completion of a legal agreement which secures
(a) a contribution towards the provision of 5 primary school places at Holbrook School calculated at current cost multipliers of £12,713 per place
(b) a contribution of £11,125 towards the provision of public open space within the vicinity of the development site

For the following reason(s):

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

Subject to the following condition(s):

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

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

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

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

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

- 3 No development shall commence on site until 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.

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

- 4 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

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

- 5 No dwelling shall be occupied until the parking spaces together with the access thereto, have been provided in accordance with the approved plans.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

- 6 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), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

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

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

- 8 No development shall commence until a foul and surface water drainage strategy is submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be completed in accordance with the approved details and to the agreed timetable.

REASON: TO ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – U1a & U2

- 9 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992 Light for buildings Part 2. Code of practice for day lighting

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the 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 and section 197 of the Town & Country Planning Act 1990.

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

- 10 The development hereby permitted shall be carried out as specified in the approved Arboricultural Method Statement (AMS) and shall be supervised by an arboricultural consultant.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004

- 11 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 landscape scheme showing all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- * finished levels and contours;
- * means of enclosure;
- * car park layouts;
- * other vehicle and pedestrian access and circulation areas;
- * hard surfacing materials;
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- * proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- * at least 10 medium to large species trees must be planted throughout the development. All trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a, C32 & C40

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

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

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

- 13 Notwithstanding the requirements of condition 11, the existing hedge along the Holbrook Lane frontage of the site shall be retained at, or around a height of approximately 2 metres.

REASON: In the interests of visual amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a & C32

- 14 Prior to the commencement of any work on site, a Reptile Survey should be undertaken by a suitably experienced and qualified ecologist following published good practice guidelines (note that reptile surveys are seasonally constrained). A report of the survey work, including details of any required mitigation measures, should be submitted to the LPA for written approval. The development must be carried out in full accordance with the recommendations of the report.

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

POLICY: National Planning Policy Framework

- 15 There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity.

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

- 16 The screen walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the dwelling(s) hereby permitted and shall be retained and maintained as such at all times thereafter.

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

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

- 17 Before the development hereby permitted is first occupied the first floor window in the south facing elevation of plot 8 shall be glazed with obscure glass only and the window shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.

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

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

Topographic survey received on 19.01.2012
Dwg no 10268swg-01 received on 19.01.2012
Dwg 5340 00 received on 19.01.2012
Dwg 5340 30A received on 09.05.2012
Dwg 5340 31A received on 09.05.2012
Dwg 5340 32 received on 19.01.2012
Dwg 5340 33A received on 09.05.2012
Dwg 5340 34 received on 19.01.2012
Dwg 5340 35A received on 09.05.2012
Dwg 5340 36 received on 19.01.2012
Dwg 5340 37 received on 19.01.2012
Dwg 5340 38A received on 09.05.2012
Dwg 5340 39A received on 09.05.2012
Dwg 5340 40A received on 09.05.2012
Dwg 5340 41A received on 09.05.2012
Dwg 5340 42A received on 09.05.2012
Dwg 5340 43A received on 09.05.2012
Dwg 5340 44A received on 09.05.2012
Dwg 5340 45C received on 09.05.2012
Dwg 5340 46C received on 09.05.2012
Dwg 5340 47A received on 09.05.2012
Dwg 5340 48 received on 19.01.2012

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):

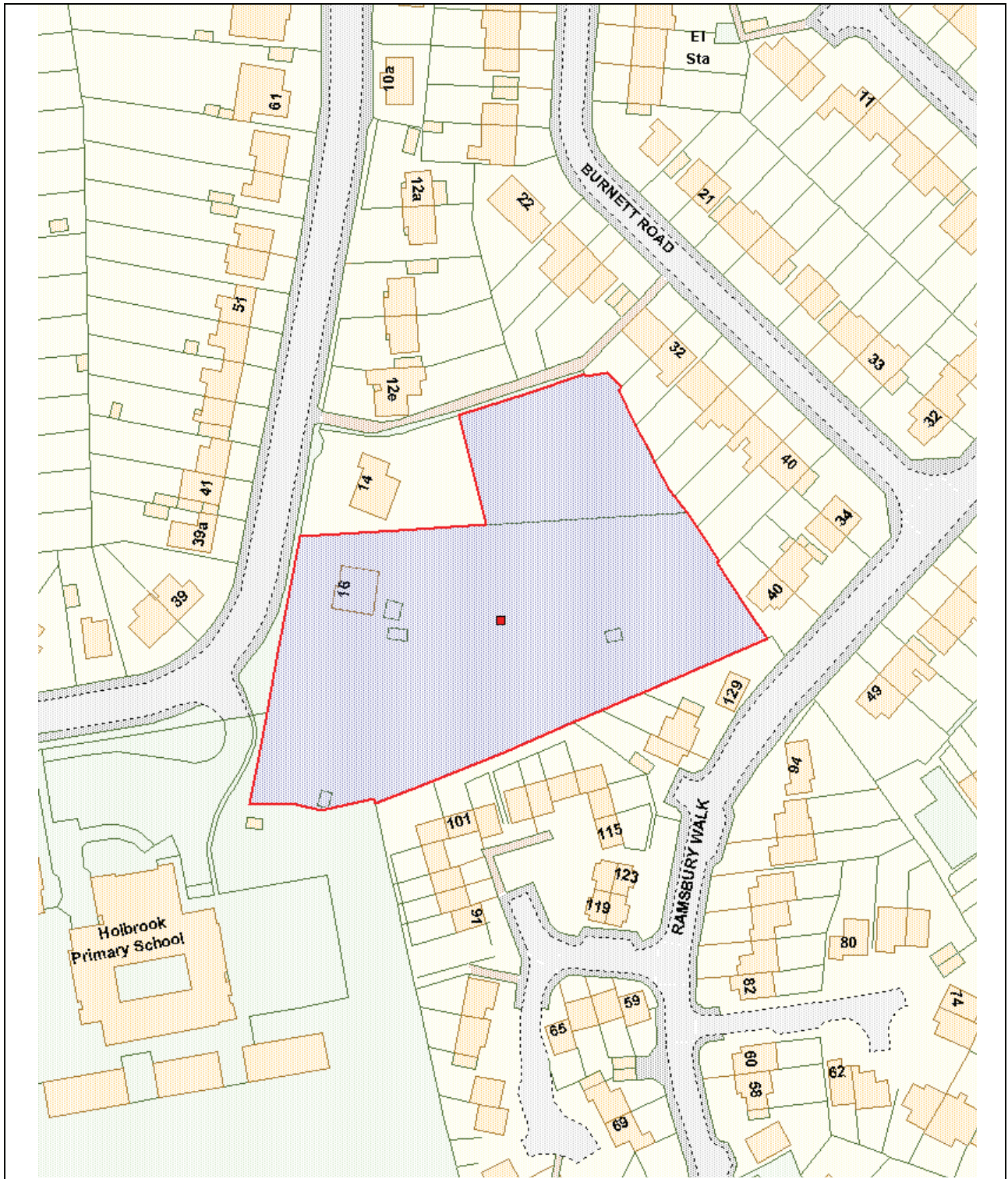
- 1 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway

Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

- 2 Further to the requirements of condition 11, the proposed landscaping scheme shall incorporate a detailed planting scheme to widen and enhance the existing boundary hedgerows, using native species only.
- 3 The applicant is advised that bats and their roosts are protected at all times by the Wildlife and Countryside Act (1981, as amended) and also by the Conservation of Habitats and Species Regulations 2010. Work to the building should be undertaken with due care and attention for bats and roof tiles should be removed by hand; if bats are found during the works, the applicant is advised to stop work immediately and follow advice from Natural England before proceeding further.
- 4 Further to the requirements of condition 8, the applicant is advised to consult with Wessex Water with regard to the foul and surface water drainage strategy.

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

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|----------------------------|---|---|-----------------|
| Date of Meeting | 11.07.2012 | | |
| Application Number | W/12/00353/FUL | | |
| Site Address | Sports Ground Woodmarsh North Bradley Wiltshire | | |
| Proposal | Erect 6 no. 15m floodlights around football pitch | | |
| Applicant | Trowbridge Town FC | | |
| Town/Parish Council | North Bradley | | |
| Electoral Division | Southwick | Unitary Member: | Francis Morland |
| Grid Ref | 385444 155813 | | |
| Type of application | Full Plan | | |
| Case Officer | Mr Matthew Perks | 01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk | |

Reason for the application being considered by Committee

Councillor 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; and
- * Car parking

1. Purpose of Report

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

Neighbourhood Responses

28 responses were received, 4 in objection and 24 in support.

Parish Council Response

The North Bradley Parish Council supports the proposal subject to conditions as outlined in the "Consultations" section below.

2. Report Summary

The main issues to consider are the potential impacts of the proposals on neighbouring amenity and on the adjacent highway.

3. Site Description

The Woodmarsh Playing Field is a designated "Recreation Space" in the West Wiltshire District Plan, currently in use by the Trowbridge Town Football Club.

4. Relevant Planning History

98/01794 FUL - Replacement changing facilities - Permission 08.04.1998
01/00827 FUL - Storage building - Permission 12.07.2001

04/00302/FUL - Two covered stands, hospitality unit and storage unit - Permission 14.05.2004
W/11/00164/FUL: Proposed replacement of existing temporary buildings with new temporary buildings for use as a refreshment and community room: Permission : 16.03.2011
W/12/00080/FUL : Replace existing gates with new and side fence : Permission : 27.02.2012

5. Proposal

The proposal is for the erection of six 15m floodlights around the existing football pitch. The supporting statement advises that the purpose is to enable the Club to:-

"- Deliver Youth Football through U17 and U18 Age Groups in the Wiltshire Youth Floodlit League. (Something that other local Clubs such as Westbury, Bradford and Melksham are able to do, and the lack of which seriously disadvantages the Clubs Youth player's progression from Youth to Adult football).

- Allow the Adult 1st team to offer the relevant League the facility to replay postponed Saturday afternoon games in the evening to prevent fixture backlogs.

- Enable the adult 1st team to enter the FA Vase Competition, this would boost Trowbridges Sporting profile.

- Enable the Club in future years to progress to a higher League standard of football, which is denied the Club presently through lack of facilities, but which other local Clubs enjoy.

The estimated usage of the lights given these aims is anticipated to be a maximum usage of 18 times per year and possibly less. Occasional additional usage (for example for events like the Annual Tournament), it is suggested could be subject to special request in terms of a condition that could be imposed on any approval.

Given normally scheduled kick-off times lights would be anticipated to be on between 18:30 and 21:30, including after-match clearing-up time under half-light conditions. The applicants would be satisfied with a condition along these lines.

Entrance to and egress from the site would remain as present, via Bradley Road into Axe and Cleaver Lane and vice versa.

6. Planning Policy

West Wiltshire District Plan, 1st Alteration 2004 :

Recreation Aims

Policy C35 - Light Pollution; Policy C38 - Nuisance.

West Wiltshire Leisure and Recreation Development Plan Document (Adopted 2009)

7. Consultations

Parish council

The North Bradley Parish Council support the proposal subject to conditions:-

- Floodlights not to be used after 9.00pm to give due consideration to neighbouring houses;

- Floodlights not to be used more than 18 times per year;

- That parking restrictions be put out into the road during floodlight use and the increase in traffic also be considered; and

- That noise pollution be considered for neighbouring residents i.e. children sleeping with cheering crowds.

Highways

The Highway Officer initially noted that the floodlights would be visible to westbound drivers approaching the adjacent Bradley Road/Woodmarsh roundabout. In order to ascertain whether or not there were issues with the potential for drivers to be dazzled the Officer requested further details.

More information was submitted by the applicant and highways consulted with the lighting specialist. The specialist concluded that the submitted design gave rise to the potential for glare affecting drivers on Woodmarsh, Bradley Road in a southerly direction and the A363 in westerly direction, especially near the roundabout area. It was also considered that there was the potential for obtrusive light to residential areas to the north and south. The specialist therefore recommended that an alternative type of unit with an Asymmetrical reflector is used within the design to enable low inclination angles required to minimise glare and light intrusion. The use of cowls and louvers is also recommended to minimise any light spill beyond the boundary of the pitch.

Environmental Health

Officers considered that the floodlights would allow increased use of the football pitch during weekday evenings and therefore recommended restricting times the floodlights are operated in order to protect the amenity of neighbouring residential properties. It was further recommended that a condition is imposed to the effect that a lighting scheme shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development and shall be so designed as to overcome glare, spillage and intrusion. All schemes should comply with guidance issued by the Institution of Lighting Engineers specifically category E2.

Ecologist

The Ecologist notes that the lights would be in close proximity to hedgerows along the northern and western boundaries of the site, which are potentially used by foraging/commuting bats. However, the floodlights will only be used when the pitch is in use, so any impact from the artificial lights will be restricted. A condition is recommended to ensure that measures are used to direct the lighting and minimise light spill, i.e. by fitting hoods.

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 6 April 2012

Four letters of objection on grounds of:

- nuisance from litter, bad language and noise;
- loss of comfort and privacy;
- the original consent of 01/00827/FUL specified no lighting and was temporary, not permanent;
- the facility is not needed and the ground should be located in a more suitable place, this was farmland until "relatively recently".
- impact on wildlife.

Twenty four letters of support for reasons in relation to:

- the provision of improved facilities, in particular for youth;
- Trowbridge should be supporting this type of facility;
- no adverse effects likely, as seen in other towns in the area where this type of provision has been made;
- would meet with Government promotion of outdoor activities for children and adults;
- vital to the further development of the Club;
- supports the volunteers involved in the Club;
- the land has within memory always been used for sports activities; and
- the use proposed is limited and will be unlikely to unacceptably affect neighbours.

9. Planning Considerations

Improvements to sporting and recreational facilities are supported by the recreational aims of the West Wiltshire District Plan and by the Leisure and Recreation Development Plan Document.

The site is fairly long-established as a sports field and the football ground is complimented by a number of existing temporary structures on site, including a refreshment and community room providing a basic meeting space, a basic tea and refreshment (pre-prepared) facility and a store room. Temporary structures/uses have been granted in various forms since the 1990's, the most

recent permission being for temporary accommodation for a refreshment and community room (11/00164/FUL). This temporary permission expires in 2016

The proposal would enable the club to hold evening matches and clearly represents a change in currently exclusively day-time activity on the site. Consideration therefore must be given to impacts on neighbouring amenity and, as noted by highway officers, the issue of light spillage affecting road safety.

The supporting documentation indicates that limited usage of the grounds is proposed under lights. The applicants themselves suggest that conditions in relation to the number of games as well as time limits on those occasions could be imposed.

Environmental Health Officers raise no objection but recommend that time limits are made applicable, and that a lighting scheme is submitted and approved prior to the lights being brought into use. This recommendation accords with that of the Parish Council on this aspect. A lighting scheme as submitted was found not to be satisfactory by the specialist consulted by highways, but it is clear from the comment received that a design solution using cowling, specific types of lighting and louvers could be achieved. Such a scheme would also address the recommendation of the ecologist.

Comments by the public are split, with a majority supporting the proposals in the interests of the football club. Some nearby neighbours object on grounds of potential nuisance, privacy, desirability of having the ground in this locality and the site history where lights have been excluded by condition on previous applications. The exclusion of lighting from previous proposals has related specifically to exterior lighting to the temporary buildings that have been permitted, rather than to the overall use of the site. It is considered that neighbour concerns would be addressed by appropriate conditions in relation to the design of the lights and time limits, whilst enabling the club to progress as outlined in the supporting documentation. The proposals would extend the time usage of the ground to a limited degree given the proposed conditions thus not increasing nuisance potential to an unacceptable degree (it being further noted that issues of statutory nuisance are matters considered by Environmental Health legislation).

The additional comments of the North Bradley Parish on parking restrictions and traffic are noted. Highways Officers have not raised any objections in this regard, nor recommended any conditions in relation to traffic surveys or parking. With regard to the recommendation by the Parish that lighting times are limited to 21:00, it is considered that the request by the applicants that this be extended to 21:30 hours in order to allow for packing-up is reasonable.

10. Recommendation

Permission is recommended, subject to conditions.

Recommendation: Permission

For the following reason(s):

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 condition(s):

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

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

- 2 No development shall commence on site until details of external cowls, louvers or other shields to be fitted to the floodlights to reduce light pollution, have been submitted to and approved in

writing by the Local Planning Authority. The lighting scheme shall comply with guidance issued by the Institution of Lighting Engineers specifically category E2. Approved measures shall be put in place before the floodlights are first brought into use and shall be maintained in accordance with the approved details.

REASON: To minimise light pollution and in the interests of the amenities of the area and of highway safety.

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

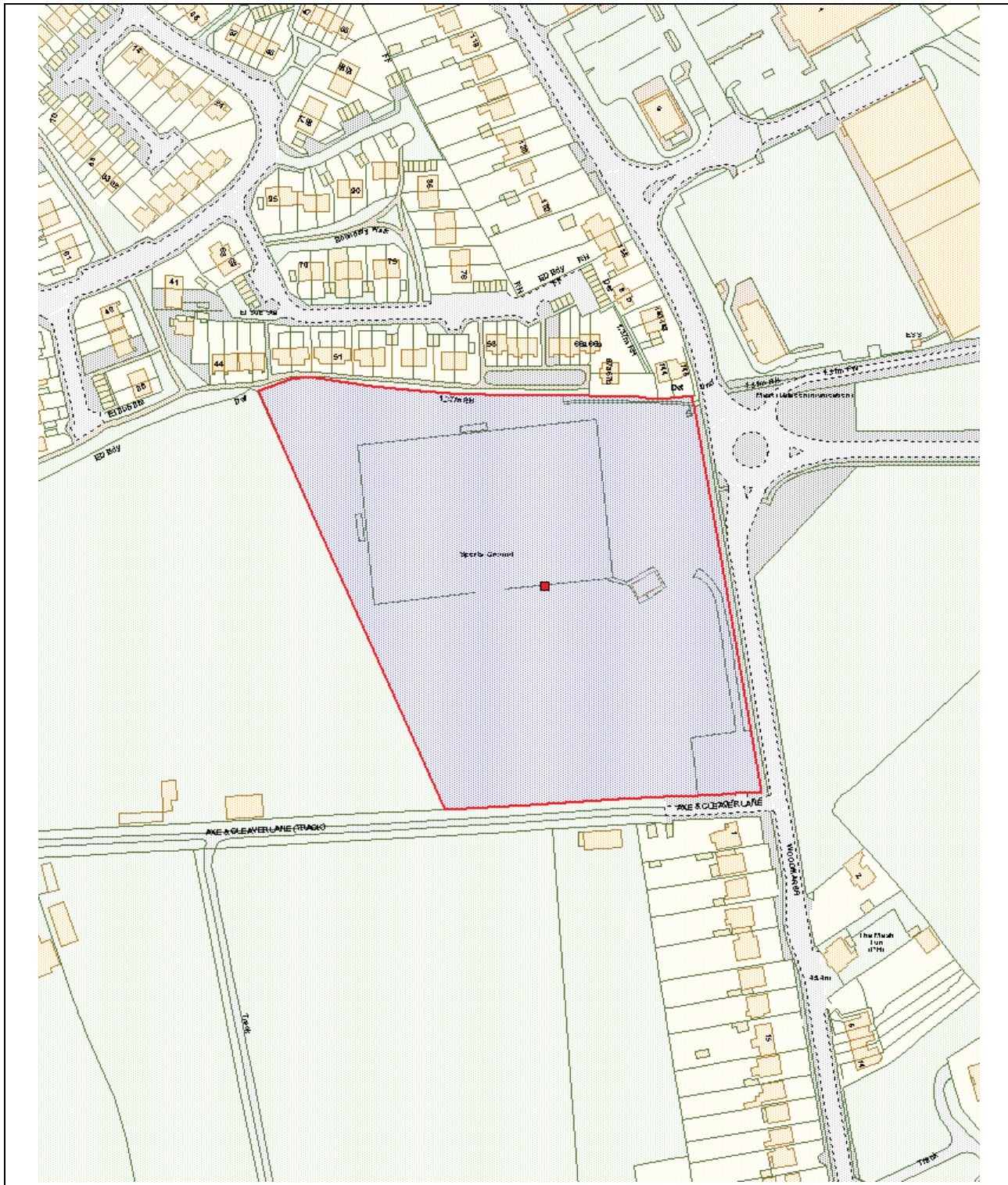
- 3 The lighting hereby permitted shall only be used between the hours of 12pm and 9:30pm. The lighting shall be utilised for no more than 20 occasions per annum.

REASON: In order to minimise nuisance to neighbours.

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

| | | | |
|----------------------------|---|---|-----------------------|
| Date of Meeting | 11.07.2012 | | |
| Application Number | W/12/00581/FUL | | |
| Site Address | Depot 107 Middle Lane Whitley Melksham Wiltshire | | |
| Proposal | Proposed warehouse | | |
| Applicant | Mr Barry Pocock | | |
| Town/Parish Council | Melksham Without | | |
| Electoral Division | Melksham Without North | Unitary Member: | Mark Griffiths |
| Grid Ref | 388705 166181 | | |
| Type of application | Full Plan | | |
| Case Officer | Miss Jennifer Fivash | 01225 770344 Ext 01225 770297 jennifer.fivash@wiltshire.gov.uk | |

Reason for the application being considered by Committee

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

- * Relationship to adjoining properties
- * Environmental/highway impact

1. Purpose of Report

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

Neighbourhood Responses

4 letters of objection received. 1 petition of 35 signatures received objecting to the proposal if the result of the expansion is an increase in large articulated vehicles entering and leaving the property.

Parish Council Response - No objection

2. Report Summary

The main issues to consider are:

- Impact on Street Scene
- Impact on Residential Amenity

3. Site Description

The application site is located within the village of Whitley located along Middle Lane which is narrow road serving a number of dwellings, the application site and a community building called the reading rooms. It has a long established use dating back over 30 years in the same family ownership. The site is currently used for processing poultry, bacon and meat, for which the company are wholesalers. It contains a number of buildings of various designs, all of industrial design except for the office building. The site is roughly rectangular in shape.

4. Relevant Planning History

92/00581/FUL – New block of four garages to replace freezer units and form screen to scrap yard – Permission 23.06.1992

91/00795/FUL – Erection of new freezer unit – Permission 24.09.1991

79/00414/HIS – Construction of covered parking area – Permission 05.06.1979

5. Proposal

The application seeks permission to replace two existing garages on site with a warehouse for storage and assembly of cardboard boxes used in the existing business. The warehouse would be located to the rear of the site and would be 5.46 metres in height and 1.6 metres square, with roll over doors in the west elevation. The building would have a shallow pitched roof.

6. Planning Policy

West Wiltshire District Plan First Alteration 2004

C31A Design

C38 Nuisance

NPPF - supports proposals for sustainable economic growth.

7. Consultations

Melksham Without Parish Council

No objection

Highways

No highway objection subject to a condition requiring a turning area within the site to be kept clear and maintained for the purposes of vehicle turning.

Environmental Health (PROTECTION)

No objection

The application was advertised by site notice/neighbour notification. Expiry date: 11 May 2012

Summary of points raised:

4 letters of objection received. 1 petition of 35 signatures received. Comments relate to:

- Adequate turning circle provided on site
- Doubling floor space for storage
- Increase in traffic
- Community facility next to site
- Safety of children
- Working outside opening hours
- Noise
- Smell

9. Planning Considerations

Street Scene & Design

The proposed warehouse sits between two existing buildings and would replace two garages. In this location, it would not harm the character or appearance of this industrial site or its surroundings. It is constructed of materials that match with the existing buildings - portal frame with steel cladding above a blockwork wall

Residential Amenity

The proposed warehouse would not harm the amenities of the surrounding neighbours. This is due to the proposal not causing any adverse overshadowing of the neighbouring amenities.

The main issue raised during consultation have been concerns from local residents about the operation of the current business, particularly noise disturbance and the difficulty the road has in accommodating the large articulated vehicles that use the site. These are understandable concerns. The company has responded by saying that it does try to minimise noise seek to minimise disturbance through instructions to drivers and changing its operating procedures. As the use is long established, the Council is not able to retrospectively impose additional conditions on hours of operation or timing of deliveries and the construction of the new building will have no impact on these matters. The concerns of local residents on these issues has been flagged up to the Council's Environmental Protection Team as it is considered that they may be better placed to deal with them.

Conclusion

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

Recommendation: Permission

For the following reason(s):

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

- 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 turning area shown hatched on the approved drawing no. 904-02 Rev A shall be kept clear and maintained for the purpose of turning vehicles at all times.

REASON: In the interests of highway safety.

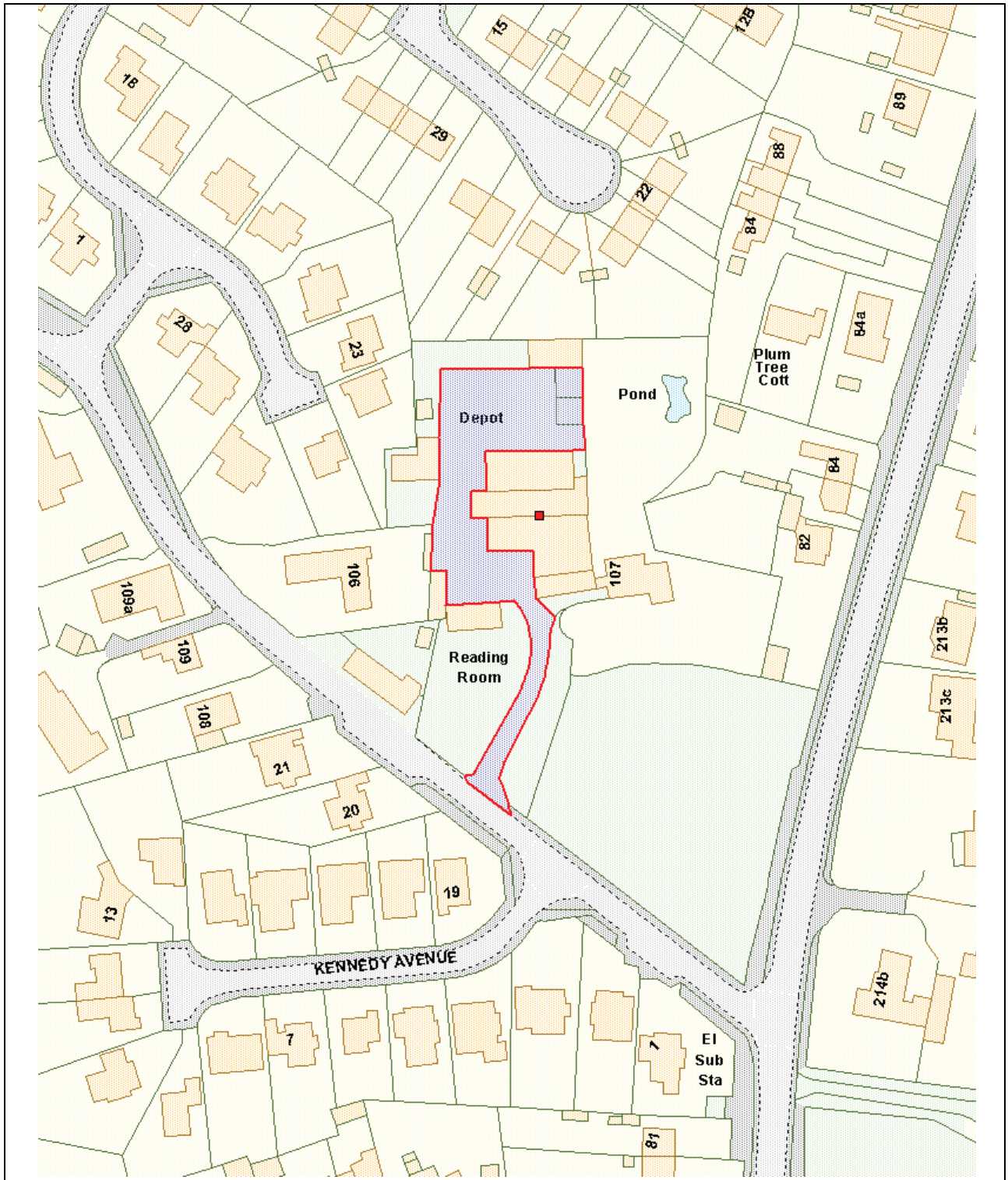
- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

904.0; 02; 03; 04 received on 26 March 2012; 904.02 A received on 1 June 2012

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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