

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 AUGUST 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis (Substitute), Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Fleur de Rhe-Philippe (Substitute) and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Rosemary Brown and Cllr Francis Morland

71 **Apologies for Absence**

Apologies for absence were received from Cllrs Pip Ridout and Jonathan Seed.

Cllr Ridout was substituted by Cllr Fleur de Rhé-Philippe.

Cllr Seed was substituted by Cllr Andrew Davis.

72 **Minutes of the Previous Meeting**

The minutes of the meeting held on **01 August 2012** were presented. It was,

Resolved:

To approve as a correct record and sign the minutes.

73 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

The Chairman further announced that the meeting would be the last time the Planning Committee would be held at the Bradley Road Council Offices.

74 **Declarations of Interest**

Cllr Christopher Newbury declared a non-pecuniary interest in Minute No. 76c - W/12/01107/FUL: *Jasmin House, 115a Hilperon Road, Trowbridge* - as he was

acquainted with the applicant. Once he became aware of the connection, during the meeting, he declared he would contribute no further to the debate and would not vote on the application.

75 **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.

76 **Planning Applications**

76.a W/11/03178/FUL - Land Rear Of 69 Woolley Street, Bradford On Avon, Wiltshire

Public Participation

Mr Kevin Burnside spoke in objection to the application.

Mrs Rachel Croft spoke in objection to the application.

Mr Gordon Duncan spoke in objection to the application.

Mr Gary, Llewellyn, agent, spoke in support of the application.

The Area Development Manager presented a report which recommended that authority be delegate to the Service Director (Development Services) to grant the planning permission subject to a legal agreement as detailed in the report.

It was noted that the application had been deferred from the last meeting in order to organise a site visit for Members, which had now occurred, and to clarify whether the site was a County Wildlife site. It was confirmed that the listing of the site as a County Wildlife site in the Wiltshire Core Strategy had been an error. It was also noted that the Woolley Plan for the area was not a policy consideration, but was a material consideration due to being a demonstration of local opinion on this and other developments in the area.

The Area Development manager also gave details of further representations received since the previous committee meeting, and reiterated that as before the main issues included the principle of the development and whether it preserved or enhanced the character of the Conservation area, which did not include the bungalow proposed for demolition.

The Committee then had the opportunity to ask technical questions of officers. In response to queries it was confirmed that further public consultation was not necessary regarding the incorrect listing of the site as a County Wildlife site in the Core Strategy, as it was an error, not an amendment to policy. Details on the definition of town policy limits were also sought, with the implications for the application site.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Rosemary Brown, then spoke in objection to the application.

A discussion followed, where the lack of objection from Highways and Landscape officers, and the objections of the Wiltshire Wildlife Trust, were noted, and the principle of the development was questioned. The impact of the application on the wider area was debated in addition to the nature of the impact on neighbouring properties, and the planning history of the site as detailed in the report was also raised, along with the suitability of the access to the site.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be REFUSED for the following reasons:

- 1) T
he proposal by reason of its overall design, density and layout would neither preserve nor enhance the character or appearance of the conservation area contrary to Policies C17 & C18 of the West Wiltshire District Plan - 1st Alteration 2004, and would, furthermore, disrupt the character of Coronation Avenue and the surrounding area contrary to Policies H1(d) and H24 of the West Wiltshire District Plan - 1st Alteration 2004.

- 2) T
he proposal by reason of the restricted access and lack of visibility onto Coronation Avenue, together with the poor visibility at the intersection of the new access with the existing public footpath, would be prejudicial to highway safety and result in conflict between vehicular traffic entering the site and pedestrians using the public footpath contrary to Policy H1 of the West Wiltshire District Plan - 1st Alteration 2004.

- 3) **The proposal would have an unacceptable adverse impact on the amenity of the residents of 69, Woolley Street, by reason of overbearing impact created by the close proximity of the gable wall of the proposed dwelling on plot 4, accentuated by the change in levels between the application site and the lower level that 69, Woolley Street is located at. This would conflict with policy C38 of the West Wiltshire District Plan – 1st Alteration 2004.**

76.b W/12/01303/FUL - Church Farm, Winsley Bypass, Winsley, Wiltshire, BA15 2JH

Public Participation

Mrs Fleur Shanalan, on behalf of Winsley Parish Council, spoke in objection to the application.

The Area Development Manager presented a report which recommended planning permission be granted. It was noted that the application was retrospective, and that no public objections had been received. It was also confirmed that the solar panels already in operation were much shorter than most such applications.

The Committee then had the opportunity to ask technical questions of officers, where the impact on the Green Belt land was raised.

Members of the public then had the opportunity to address the Committee with the views, as detailed above.

A debate followed, where the impact of the specific design of the solar panels on the land was raised, and the Parish Council's desire for more time to consider the issue was discussed. In response to queries, it was confirmed the application had undergone the normal consultation period, and it was stated that the proposed conditions contained in the report specified the site would be returned to grass agricultural land within six months of the solar panels ceasing to be in operation in the future.

After discussion, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

The proposal would make a contribution towards Wiltshire's renewable energy targets, and the modest scale and low height of the renewable energy installation and the consequent limited impact on the appearance of the landscape mean that the proposal is acceptable.

Subject to the following conditions:

- 1) Within six months of the solar pv ground mounted system ceasing to be used for the generation of renewable energy, the solar panels and its associated infrastructure, including the scalping and the membrane shall be removed from the site and the land restored to seeded grass agricultural land, in accordance with paragraph 3.20 of the accompanying Design and Access and Planning Supporting Statement.**

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

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).

- 2) 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 11.07.2012
SURVEY SITE PLAN received on 11.07.2012
PROPOSED PHOTOVOLTAIC ARRAY PLAN received on 11.07.2012

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.

76.c W/12/01107/FUL - Jasmin House, 115A Hilperton Road, Trowbridge, Wiltshire, BA14 7JJ

Public Participation

Mr Peter Grist, agent, spoke in support of the application.

The Area Development Manager introduced a report which recommended planning permission be granted. It was stressed that the proposed development did not extend into the paddock land referred to within the report on which previous applications had been refused, and that there were no objections from Highways officers. The main issues for consideration therefore included the principle of development and the impact on the surrounding area, which officers deemed acceptable.

The Committee then had the opportunity to ask technical questions of officers.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Ernie Clark, then spoke in objection to the application, and had prepared some additional information for the Committee, which are attached to these minutes.

A debate followed, where the previous history of the site and nearby sites was raised, and the extent of the acceptable building line as a result discussed. The acceptability of a residential building on the site in place of an ancillary building as a result of previous inspectorate decisions was also raised, and the ensuing impact upon the nearby Conservation area.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be GRANTED for the following reason:

This proposed application would be an appropriate form of development within the defined Town Policy Limits without causing harm to the

surroundings, neighbouring interests, trees or conflict with highway safety.

Subject to the following conditions:

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

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

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

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

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

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

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted, without a separate application being submitted and obtaining the formal approval of the local planning authority.

REASON: In the interests of residential amenity and privacy.

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

- 5 No development shall commence on site until details of the design, external appearance and decorative finish of the fenced enclosure along the north-western and southern site boundary have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

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

- 6** No development shall commence on site until details have been submitted for the written approval of the Council showing the means by which the tree on the site which is protected by a Tree Preservation Order shall be enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before any fence is erected, the exact specifications and position must be approved the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: To enable the Local Planning Authority to ensure the protection of the Copper Beech tree on the site in the interests of visual amenity.

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

- 7** No development shall commence until a full No-Dig specification for works within the root protection area/canopies of the protected and retained Copper Beech tree has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: In order to protect the TPO'd Copper Beech tree on the site with surfacing placed near to or over the trees root system.

- 8** No part of the development hereby permitted shall be brought into use until the turning area and parking spaces as shown on the submitted floor plan layout plan have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - **POLICY:** C31a and T10.

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

EXISTING PLAN AND SOUTH EAST ELEVATION received on 07.06.2012
PROPOSED PLAN AND SOUTH EAST ELEVATION received on 07.06.2012
PROPOSED ELEVATIONS AND SITE PLAN received on 07.06.2012

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 developer/applicant is advised to make contact with Wessex Water to agree connections to the public water supply and waste water system.**

(Cllr Ernie Clark requested that his vote in favour of a motion to refuse the application be recorded)

77 Urgent Items

There were no urgent items.

(Duration of meeting: 6.00 - 8.15 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718376504, e-mail stuart.figini@wiltshire.gov.uk

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



Appeal Decision

Hearing held on 8 June 2011

Site visit made on 8 June 2011

by Roger Pritchard MA PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 June 2011

Appeal Ref: APP/Y3940/A/11/2148637

Land west of Jasmin House, Hilperton Road, Trowbridge, BA14 7JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Doric Developments (Bath) Ltd against the decision of Wiltshire Council.
 - The application Ref W/10/03198/FUL, dated 8 October 2010, was refused by notice dated 7 December 2010.
 - The development proposed is the erection of a single dwelling, garaging and associated land modelling works.
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Decision

1. I dismiss the appeal.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the character and appearance of the area, including whether it preserves or enhances the setting of the Hilperton Road conservation area.

Reasons

3. The appeal site is on the south side of the A361, Hilperton Road close to the north-east edge of Trowbridge but within the town's development limits as defined by the adopted West Wiltshire Local Plan. The site is a grassed paddock, currently let for grazing. The access road to Jasmin House runs along the north east boundary of the site and would also serve the proposed development. To the south is late 20th and early 21st century housing. On the opposite side of Hilperton Road, a conservation area extends to the north east and includes two Grade II* listed buildings separated from the road by a listed boundary wall.
4. The site has a history of refused planning applications and dismissed appeals going back to the 1990s. The most recent application, for a single detached dwelling, went to appeal but was dismissed in 2008. The proposal before me represents a response to that dismissal. It takes the form of a single dwelling of contemporary design, partly sunk below existing ground level. Both the proposed dwelling and an associated detached garage would be set well to the back of the site. The spoil excavated for the construction of the dwelling would be used to construct a bund along the Hilperton Road frontage, screening the new buildings and providing a baffle from traffic noise.

5. The 2008 proposal was for a substantial dwelling in bulk and height, with a design that sought to reflect, to some degree, the listed buildings on the opposite side of the road. By contrast, the current proposal seeks to overcome previous objections by its siting as far from the road as possible and the significant reduction in height that would result from its form. Even in winter, with less screening vegetation, I consider that the reduced scale and lower height of the proposed development would have now a minimal impact on the setting of the conservation area.
6. The proposed bund is designed to lessen further any such impact. However, I have concerns that it may produce a greater and more harmful effect on the setting of the conservation area than the new dwelling it is intended to screen. It would represent a substantial feature opposite the listed boundary wall. It would be atypical of front boundary treatments in the vicinity and could be a dominating feature in the street scene. The appellants put forward before the Hearing proposals for a lower bund that they contend could represent a better compromise between dominance and screening. I consider that it should be possible to provide an acceptable boundary along the Hilperton Road frontage that reinforces the screening of the proposed development without visually harming the adjacent conservation area and I conclude that the details of the roadside boundary treatment of the site could be satisfactorily resolved by a condition should the appeal be allowed.
7. I therefore conclude that the proposed development would not be contrary to Policy C17 of the adopted Local Plan in failing to preserve or enhance the setting of the adjacent Hilperton Road Conservation Area.
8. Whilst I give only limited weight to the appellants' claim that the proposed development could provide an exemplar for 21st century design elsewhere in Trowbridge, I agree with both them and the Council that a contemporary design should not be unacceptable in principle. Nor, given my conclusions as to the overall impact of the proposed development on the setting of the conservation area, do I consider that its contemporary form and design would amend that view.
9. However, in the context of the site itself, the form and design of the proposed dwelling does seem to me to be incongruous, especially when seen against the backdrop of development to the south through the frame of the existing access to Hilperton Road. The low, flat profile, combined with the general absence of windows on the north west elevation runs the risk of appearing not as a residential dwelling but as ancillary buildings, for example garages sitting behind the houses in Halfway Close. In seeking to hide the dwelling, the outcome almost seems to be an anonymous structure, denying its own purpose. I therefore conclude that the contemporary form and design of the proposed development would be contrary to the design criteria set out in Policy C31a of the adopted Local Plan, and adds nothing to the arguments in favour of allowing the appeal.
10. Moreover, I recognise that the Council's concerns about the proposed development on this site are more fundamental. The evidence at the Hearing suggested that these concerns extend to the point where it is improbable that the Council would give permission for any development here. Nevertheless, there is no policy in the Local Plan specifically protecting this site from development. On the contrary, Policy H1 establishes a general presumption

that housing development within the town development boundary will be permitted.

11. However, this general presumption is subject to certain criteria, the first of which is that siting, layout and design are satisfactory and in keeping with the character of the surrounding area. In the context of the appeal site, the Council's long-standing objective has been to retain it as part of an informal 'green wedge' extending along the south east side of Hilperton Road and thereby providing an open and visually attractive gateway to the town. This is key to the site's planning history and not only has it been the basis of the Council's refusal of past applications but has been supported on appeal.
12. Critical to the Council's stance has been the prevention of any breach in what my colleague described in 2008 as the '*loosely established*...' building line to the south east of Hilperton Road that stretches south west through the north west elevation of Jasmin House and the rear of the dwellings in Halfway Close. That building line remains broadly intact, with only ancillary buildings breaching it, and has been reinforced by the permission for new dwellings on the adjacent Durlston site. Granted shortly after the previous appeal decision, the Council here imposed a condition preventing the erection of any dwelling closer than 70 metres from the Hilperton Road frontage, so preventing any rupture of the building line.
13. The proposed development, however limited may be its visual impact, would breach that building line and would be clearly perceived as doing so from a number of viewpoints, including that through the existing access from Hilperton Road. In this context, I agree with my colleague's 2008 assessment that '*any building*...' on the appeal site would be seen largely in the context of the undeveloped land adjacent to it. Moreover, the proposed development would, even on its revised siting, result in a perceptible projection forward of built development. This would represent a significant change to the character of the surrounding area and would prejudice the conservation of the green wedge.
14. The north east sector of Trowbridge has changed substantially over the past twenty years and I recognise that there may be future proposals that could increase development in this area. However, the construction of the A361 'Hilperton Relief Road' running south east from the roundabout north of the appeal site and the large scale residential development west of that road seems to me to increase rather than diminish the benefits of an attractive gateway to Trowbridge along Hilperton Road.
15. I appreciate the appellants' argument that they propose a modern dwelling which would have a low impact both environmentally and visually. I also acknowledge that its impact would be significantly less than the proposal rejected by my colleague in 2008. However, these benefits do not to my mind outweigh the material harm that would occur to the character and appearance of the surrounding area. I therefore conclude that the proposed development would be contrary to the first criterion of Policy H1 of the adopted Local Plan and that remains sufficient reason to dismiss the appeal.

Conclusion

16. For the reasons given above and taking account of the views of all other interested parties, I conclude that the appeal should be dismissed.

Roger Pritchard

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stuart Morgan	Appellant, Ashford Homes (South Western) Ltd
Chris Beaver	Agent, GL Hearn (Bath)
Dan Washington	Agent, GL Hearn (Bath)

FOR THE LOCAL PLANNING AUTHORITY:

James Taylor	Senior Planning Officer, Wiltshire Council
Russell Brown	Conservation Officer, Wiltshire Council

INTERESTED PERSONS:

Michael Jacobs	Local resident
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DOCUMENTS

1. Second notification letter of 4 April 2011 giving time and place of Hearing
2. Case Officer's report and accompanying submitted plans for Planning Permission, 08/01089/OUT, 12 May 2008, Durlston, Hilperton Road, Trowbridge

PLANS

1. Extract from Proposals Map, West Wiltshire District Plan, First Alteration, Inset No.3, Trowbridge



The Planning Inspectorate

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NR CHIPPENHAM
Wiltshire SN15 411

VAV 98 069 and 043

I APP E3925 A 98/298109/P7 and
I APP E3925 A 98/298110/P7

12 OCT 1998

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY ASHFORD HOMES (SOUTH WESTERN) LTD
APPLICATION NOS W97/1536 AND W98/0254

1 The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeals. These are against the decisions of West Wiltshire District Council to refuse planning permission for the erection of a dwelling (Appeal A) and for the erection of a bungalow (Appeal B) at St Helier, Hilperton Road, Trowbridge. I have considered all the written representations together with all other material submitted to me. I inspected the site on 29 September 1998.

2 From my inspection of the site and its surroundings, and from my examination of the written representations, I consider that the main issue in both these cases is the effect on the character and appearance of the area.

3 I am required to decide these appeals having regard to the development plan and to make my determinations in accordance with the plan unless material considerations indicate otherwise. In this respect, the development plan includes the Western Wiltshire Structure Plan and the West Wiltshire District Plan. In my opinion, the most relevant policies are H1 and C12 of the District Local Plan. Under Policy H1, proposals for housing development within the built-up areas of settlements which include Trowbridge will be permitted provided that, amongst other things, siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area, also that they do not result in the loss of an open area or visual gap important for recreation or amenity reasons. Policy C12 indicates that the District Council will preserve and enhance the special character or appearance of conservation areas and their settings.

4 My attention has also been drawn to the Wiltshire County Structure Plan 2011 Deposit Draft and the West Wiltshire District Plan First Alteration Deposit Draft. In particular, Draft Local Plan Policy RB2 states that the District Council has identified Local Road Buffers, as defined on the Proposals Map and will seek to ensure their retention for open space uses. The buffers include the open land between Hilperton and Trowbridge, both sides of the proposed distributor road, within which the site of the appeals is located. I shall give these emerging



development plans the weight accorded by Paragraph 48 of the Department of the Environment's Planning Policy Guidance Note No 1 (Revised), "General Policy and Principles"

5 I saw that the site of the appeals falls within a corridor of landscaped open space. To the southwest there is a broad margin of land with trees, grass and hedgerows to the rear of 1 to 13 (odd) Halfway Close. To the northeast, the undeveloped land in front of St Helier and the front garden of Durlston are part of this corridor which continues as a wide swathe of open space southwest of the new link road. Opposite the site of the appeals, and within the Conservation Area, the landscaped corridor is complemented by the mature trees lining Hilperton Road and within the grounds of the Fieldways Hotel. I perceived this corridor to be an attractive and undeveloped feature of the approach to Trowbridge, worthy of retention.

6 Your client's proposals, whether in the form of a two-storey detached dwelling or a bungalow, would introduce built development into the landscaped corridor. Such development would be sited well in advance of any of the existing houses or ancillary buildings along this part of Hilperton Road. I consider that the open aspect of the site would not be retained. Either proposal would be visually intrusive and would be out of keeping with the undeveloped and landscaped character and appearance of the area. Further, the introduction of housing close to Hilperton Road would, in my opinion, bring incongruous built development to the periphery of the Conservation Area, marring its landscaped setting.

7 I appreciate that Trowbridge is a location where windfall developments could be acceptable under the settlement policies of the County and District Councils. However, in my opinion, both of your client's proposals would be significantly harmful to the character and appearance of the area, contrary to development plan objectives in this regard.

8 I have taken into account all of the other matters raised in the representations including your extensive reference to Ministerial circulars and policy advice, also the Section 106 agreement and landscape planning condition affecting the site of the appeals. However, I have found no evidence that would outweigh the considerations which have led me to my decisions.

9 For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

Yours faithfully



ANDREW S FREEMAN BSc(Hons) DipTP DipEM FRTPI MIMgt FIHT MIEnvSc
Inspector

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