

AGENDA

Meeting: Western Area Planning Committee
Place: Civic Centre, St Stephens Place, Trowbridge, BA14 8AH
Date: Wednesday 24 October 2012
Time: 6.00 pm

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@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**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting (Pages 1 - 6)**

To approve the minutes of the last meeting held on **03 October 2012**.

3 **Chairman's Announcements**

To receive any announcements through the Chair.

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 17**

October 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 7 - 8)**

To consider and determine the following planning applications:

- 6a **W/11/03231/FUL: 78A Whaddon, Hilperton (Pages 9 - 20)**
- 6b **W/12/01169/FUL: Land Opposite Paxcroft Farm, Paxcroft, Hilperton (Pages 21 - 36)**
- 6c **W/12/01675/FUL: Land at Smallbrook House, Smallbrook Gardens, Staverton (Pages 37 - 50)**
- 6d **W/12/01544/FUL: 14 Newtown, Trowbridge (Pages 51 - 56)**
- 6e **W/12/01327/FUL: 5 Worsteds Close, Trowbridge (Pages 57 - 64)**

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

This page is intentionally left blank

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 3 OCTOBER 2012 IN THE COUNCIL CHAMBER - CIVIC CENTRE, SAINT STEPHEN'S PLACE, TROWBRIDGE, WILTSHIRE.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis (Substitute), Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Francis Morland

78 Apologies for Absence

Apologies for absence were received from Councillors Jonathan Seed and Rod Eaton.

Councillor Andrew Davis replaced Councillor Jonathan Seed for this meeting only.

79 Minutes of the Previous Meeting

The minutes of the meeting held on 22 August 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 22 August 2012, subject to the deletion of a comma between the name Gary and Llewellyn on page 2 minute 76.

80 Chairman's Announcements

There were no Chairman's Announcements.

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

81 Declarations of Interest

W/11/03231/FUL – 78A Whaddon, Hilperton

Cllr John Knight declared that, as a Member of Trowbridge Town Council he had previously considered the application, but gave his assurance that he would consider the application with an open mind and in his capacity as a Wiltshire Councillor.

Cllr Peter Fuller declared that, as a Member of Trowbridge Town Council he had previously considered the application, but gave his assurance that he would consider the application with an open mind and in his capacity as a Wiltshire Councillor.

Cllr Ernie Clark explained that he had been advised outside of this meeting, by the Wiltshire Council Head of Governance that neither legislation nor the Wiltshire Council Code of Conduct required him to declare any interests other than those which were a disclosable pecuniary interest.

82 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.

83 Planning Applications

The Committee considered the following applications:

84 W/11/03231/FUL - 78A Whaddon, Hilperton, Wiltshire

Public Participation:

Sally Evans spoke in objection to the application
Tony Pieri spoke in objection to the application
Pam Fisher spoke in objection to the application
Liz Tucker, the applicant's daughter, spoke in support of the application
Ben Pearce, applicant agent, spoke in support of the application

The Area Team Leader presented a report which recommended planning permission be granted subject to planning conditions.

He explained that the application was a retrospective application seeking to regularise the existing change of use which has occurred to 2 former agricultural buildings. Building A was a former poultry house that had been subdivided into 11 units and was occupied by 7x domestic storage users, 3x commercial storage users and 1x B2 private auto servicing user. Building B was one unit being used for commercial storage by Northern Lights Fireworks Company.

The proposals have been submitted with a supporting statement and during the course of the application this had been supplemented by another supporting statement, a hard and soft landscaping plan, letters of support, an updated occupants list, and an additional highway improvement plan.

The Committee then had the opportunity to ask technical questions of officers. In response to queries it was confirmed that the unit used for private auto servicing was solely for the user of that unit and that there was no commercial work carried out; there was also some concern that conditions 2, 3 and 8 needed some further work.

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. He was concerned that not all members had had an opportunity to visit the site and suggested that this was necessary before a decision could be made.

Resolved:

That the application be deferred to allow for a site visit of the application site, which would take place prior to the next meeting on 24 October 2012.

Note:

1. Councillor Ernie Clark moved a site visit and Councillor Mark Griffiths seconded the move
2. The Committee voted 8 in favour of the decision made, 0 against the decision made and 2 abstentions.

85 W/12/01305/FUL - 8 Castle Place Shopping Centre Trowbridge Wiltshire

Public Participation:

Sarah Cardy – Representing Wiltshire Money, Spoke in objection to the application

Jason Wessell – Representing the applicant, spoke in support to the application

The Area Team Leader presented a report which recommended planning permission be granted subject to planning conditions.

He explained that this was an application seeking to change the use of No. 8 Castle Place Shopping Centre from an A1 shop into an A2 financial and professional services unit. The unit would be occupied by Cheque Centres Ltd, a 'pay day' lender.

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 John Knight, then spoke in objection to the application.

A discussion followed, where the makeup of the retail quarter in Trowbridge was discussed and in particular policy SP4 of the West Wiltshire District Plan which stated that "changes of use from A1 to A2 and A3 uses at ground floor level will only be permitted having regard to the existing mix of uses, where they do not prejudice the shopping function of the primary retail frontages or individually or cumulatively harm the vitality of the town centre." Members felt that on balance it was preferable to have a unit in use rather than vacant.

Resolved:

That Planning Permission be GRANTED for the following reason:

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

Subject to the following 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 changes shall be made to the existing shop front and a shop window display shall be maintained at all times.

REASON: To prevent the introduction of dead frontage that would harm the vitality and viability of the Town Centre.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy SP4.

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

Supporting Statement received on 11 July 2012
Site Location Plan received on 11 July 2012
Block Plan 1:500 received on 11 July 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.

Note:

1. Councillor Andrew Davis moved to grant the application and Councillor Trevor Carbin seconded the move
2. The Committee voted 7 in favour of the decision made, 1 against the decision made and 2 abstentions
3. Councillor John Knight asked for his vote against the decision to be recorded

86 **W/12/01329/FUL - 29 Upton Scudamore Upton Scudamore Warminster Wiltshire**

Public Participation:

Michael Turner, the applicant spoke in support of the application

The Area Team Leader presented a report which recommended planning permission be granted subject to planning conditions.

He explained that the application involved building a first floor extension over an existing extension. The first floor extension was proposed to have a hipped roof set down below the existing ridgeline by approximately 0.3m. The walls of the proposed extension would be rendered blockwork and the roof was proposed to be constructed of plain concrete tiles.

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.

Resolved:

That Planning Permission be GRANTED for the following reason:

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

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 (including the proposed render) 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. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

DRWG. 3 Rev.B received on 14.09.2012

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 applicant is advised to ensure that the development is carried out entirely within the site and does not encroach onto neighbouring land.

Note:

1. Councillor Mark Griffiths moved to grant the application and Councillor Trevor Carbin seconded the move
2. The Committee voted 9 in favour of the decision made, 0 against the decision made

87 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.50 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services, direct line 01225 718376, e-mail stuart.figini@wiltshire.gov.uk

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

Agenda Item 6

WESTERN AREA PLANNING COMMITTEE

INDEX OF APPLICATIONS ON 24/10/2012

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
6a	W/11/03231/FUL	78A Whaddon, Hilperton, Wiltshire	Change of use of former agricultural buildings to B8 and B2 uses.	Permission
6b	W/12/01169/FUL	Land Opposite Paxcroft Farm, Paxcroft, Hilperton, Wiltshire	Proposed rugby ground including clubhouse, store, sports pitches with floodlighting and associated landscape building, access and parking	Refusal
6c	W/12/01675/FUL	Land at Smallbrook House, Smallbrook Gardens, Staverton, Wiltshire	Erection of 3 houses and garages off Smallbrook Gardens; and erection of a terrace of 3 houses off Marsh Road after demolition of Brookfield House	Permission
6d	W/12/01544/FUL	14 Newtown, Trowbridge, Wiltshire, BA14 0BA	Additional first floor storage space	Refusal
6e	W/12/01327/FUL	5 Worsteds Close, Trowbridge, Wiltshire, BA14 7HP	Two storey side extension	Permission

This page is intentionally left blank

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	24.10.2012		
Application Number	W/11/03231/FUL		
Site Address	78A Whaddon, Hilperton, Wiltshire		
Proposal	Change of use of former agricultural buildings to B8 and B2 uses		
Applicant	Mr David Tucker		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	Ernie Clark
Grid Ref	388011 161336		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Scale of development
- * Relationship to adjoining properties
- * Environmental/highway impact
- * Other: "a) Inappropriate use of buildings in a rural area.
b) 'Industrialisation' of a rural area.
c) Sustainability concern re encouragement of vehicle journeys.
d) The B2 use is surely wholly unacceptable in this rural location and would set a dangerous precedent.
e) If you are minded to permit the B8 use, this should be conditioned for indoor storage only."

1. Purpose of Report

This application was deferred at 3rd October 2012 planning committee for site visit and to allow officers to look at conditions 2 and 3 again. The application is still recommended for planning permission subject to conditions; with conditions 2 and 3 amended.

Neighbourhood Responses:

The formal public consultation process resulted in 10 parties objecting to the proposals and 5 parties supporting the proposals.

Parish/Town Council Response:

Hilperton Parish Council objects to the proposals.

2. Report Summary

The main issues to consider are:

- * Whether the building is substantial, sound and of permanent construction;
- * Whether the proposals would safeguard and enhance the essential form, structure, character and features of the building and the countryside;

- * Whether it can be satisfactorily serviced and does not create highway safety problems;
- * Whether it would harm the natural environment including the water environment;
- * Impact on residential amenity; and
- * Relevant planning history.

3. Site Description

The application site is located in open countryside and accessed only by Whaddon Lane. It is occupied by 2 buildings, both lawfully agricultural buildings. Building A is a low profile, single storey, former poultry house and building B is a steel framed farm machinery storage building.

To the north are residential properties, with a natural hedge on the boundary. To the east and south is open countryside with a nearby public footpath running through it. To the west / front is Whaddon Lane and a farmhouse opposite.

4. Relevant Planning History

94/00013/FUL – Change of use from chicken house to stonemason’s workshop – Permission on 15 February 1995.

05/01085/FUL – Change of use of agricultural building to domestic storage (on Whaddon Lane) – Refused (Allowed at appeal on 19 December 2005)

06/00633/FUL – Change of use of agricultural building to domestic storage units (on Whaddon Lane) – Permission on 21 March 2007

5. Proposal

This is a retrospective application seeking to regularise the existing change of use which has occurred to 2 former agricultural buildings. Building A is a former poultry house that has been subdivided into 11 units and is occupied by 7x domestic storage users, 3x commercial storage users and 1x B2 private auto servicing user. Building B is one unit being used for commercial storage by Northern Lights Fireworks Company.

The proposals have been submitted with a supporting statement and during the course of the application this has been supplemented by another supporting statement, a hard and soft landscaping plan, letters of support, an updated occupants list, and an additional highway improvement plan.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C31a: Design

C38: Nuisance

E8: Rural conversions

National guidance

National Planning Policy Framework

Circular 11/95

7. Consultations

Hilperton Parish Council

Objection: “This application was discussed at the Parish Council meeting held on the 17th January. The Parish Council objects to this application. It is felt that the proposed change of use to B8 and B2 will be unsuitable for this rural area and will cause a problematical nuisance to neighbours, creating

an increase in traffic along a road which already has problems with its inadequate infrastructure. In addition, if – for any reason – the canal bridge needs to be closed, this will again create a potential nuisance. The proposed change of use will not be in character with the surroundings and more intensive use of the buildings will highlight the lack of utilities. If, for any reason, the planning authority is minded to grant permission, the Parish Council would wish to see a condition imposed stating that the hours of operation/access must be between 8am and 10pm. I have copied Councillor Ernie Clark in on this e-mail, with a request that, should you decide to grant permission, he calls in the application for determination by the full planning committee.”
Reiterated the objection in June 2012.

Highways

No objection subject to conditions.

Environmental Health

No objection to B8 use, but objection to B2 use: “Whilst I would have no objection to the application with regards to B8 use in view of the fact that there are neighbouring residential properties very close to the site I would object to B2 use. If B8 use is to be permitted then the hours of use should be restricted. Recommendation: I would recommend that the hours of use of the development be restricted from 0800 until 2000 and that only B8 use is permitted”.

Subsequently visited the site and confirmed that the B2 use occurring is low key and as long as a personal permission is granted to this user with a reversion to B8 thereafter then no objection is raised.

Police Crime Prevention Officer, Wiltshire Police

No objection: “I have been out to the site, looked at the crime stats and spoken at length with the local PC. As you know the area is rural and quite isolated, and I have noticed from the statistics an increase in crime over the last 12 months. I can understand the residents' concerns regarding commercial use of the buildings which may increase the amount of non-residents attending this otherwise quiet and undisturbed area. However, if the action you have outlined in relation to the granting of the B8 commercial storage and the B2 Auto repairs to the persons currently running the businesses, to cease when their tenancy ends, is taken, I can see no reason why this would increase the crime in the area. Indeed, I believe formalising the current arrangement, and giving the residents the confidence that no increase or changes will take place may well result in a reduction in the current levels of crime and ASB.”

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 3rd February 2012

10 parties object to the proposals raising the following issues in summary:

- * There has been a significant increase in traffic due to this development;
- * The uses have not all been occurring for the length of time and continuously as implied in the submission;
- * units are actually empty;
- * The car repairs are a very noisy and smelly activity;
- * Repairs to the building have occurred only in the past 18 months;
- * There are trees on the site and the application form is completed incorrectly in this regard;
- * Whaddon Lane is a single track road, very narrow with dangerous bends;
- * The bridge over the Kennet and Avon Canal has a weight limit;
- * The road surface is broken despite many repairs by the Council;
- * Junction with rest of road network is poor and hard for large vehicles to manoeuvre;
- * The applicant does not live as close to the activity as other residents of Whaddon Lane;
- * Long lorries are using the lane and there are inappropriate facilities for them;
- * Impact on residential amenity;
- * Crime is on the increase in the area;
- * Whaddon lane is an important recreation facility for walkers, cyclists and riders;

- * Disturbance from industrial activity is unacceptable;
- * A survey for bats should be done;
- * Badgers and deer are seen in the area;
- * A survey for asbestos should be done;
- * Amount of fireworks stored on site is dangerous;
- * Retrospective manner of proposals is reprehensible from a parish councillor;
- * Had this not of been retrospective the application would be turned down;
- * Increase in traffic and associated safety implications;
- * Commercial activity and associated traffic is not acceptable off of this road;
- * The local environment has been degraded by it with damaged verges and grassed areas;
- * Waste storage and collection needs careful attention;
- * Commercial waste disposal and storage must be provided for;
- * Parking arrangements are not acceptable;
- * There is no foul sewerage detailed;
- * Operational hours need to be considered and restricted;
- * Fire safety and spread is a concern especially with a motor repair unit – do the buildings meet necessary regulations;
- * Canal bridge is being affected and large cracks can be observed in the underside;
- * Want assurance that other poultry houses with domestic storage uses will not become commercial;
- * Anecdotal evidence and photos showing large lorries, damage to lane and verges etc;
- * If vehicles fall into ditches when vehicles try to pass this will result in a flooding problem;
- * A vague and ambiguous application;
- * The site needs to be properly enforced;
- * Retrospective application should not be allowed;
- * Domestic storage users will vary in frequency of visits and depending on time;
- * Limited passing spaces;
- * No speed limit for the lane;
- * Surface water drainage has not been adequate considered;
- * Outside storage is occurring including caravans;
- * This is not a farming activity and not connected to farming or diversification to support a farm;
- * The auto servicing uses was never mentioned in the recent certificate of lawfulness application, so it can have only recently started;
- * The development is causing a nuisance;
- * Traffic is already a significant problem in the area, this is making it worse;
- * The site is an eyesore with rubbish dumped and burned on it;
- * Loss of privacy as units look directly to private property;
- * Being used 24/7;
- * They have complained regarding local engineering uses and noise to no avail;
- * trees and hedging have been removed;
- * There is no sound proofing on the buildings;
- * noise and smell from vehicle repairs appears more than simply repairs for friends and family;
- * Noise complaints have been on-going for many years (solicitor's letter to this affect during the sale of one property);
- * Length, configuration, narrow width and lack of passing spaces make the use of the road harmful to residential enmity from noise, disturbance, vibration, exhaust fumes and loss of privacy;
- * Very untidy site;
- * Why does a hobby car repair use pay business rates;
- * Sheer Glass appears to be manufacturing on site;
- * There is a systematic widening of the lane occurring with new passing places being created by heavy commercial vehicles;
- * 1 official passing space would be inadequate;
- * Highway officer obviously visited on a different day to when all the activity occurs;
- * Location for waste dumping and toilets next to residential property is entirely inappropriate;
- * Compromising is not an option as the Council does not have the resources to effectively enforce conditions;
- * If permitted it will not be long before residents are living on an industrial estate;
- * Other units are not effectively managed in terms of vetting those that hire the units. Cannabis growing equipment and hard core pornographic materials have been found at the site;
- * Short term nature of rentals increases comings and goings from the site; and
- * Decent tenants will be put off by the chance of crime.

5 parties support the proposals raising the following issues in summary:

- * These units are invaluable to people needing temporary storage facilities at reasonable costs;
- * An intelligent and popular use of an otherwise redundant building;
- * Use the facilities and do not go there often;
- * There is usually no-one there when I visit;
- * Been brought into use with no environmental damage, no external visual damage and no new build;
- * These are not industrial units operating unseemly hours and causing out of hours problems;
- * Cannot understand concern about traffic – the lane is usually empty;
- * Rather see the sheds put to good use than fall into disrepair;
- * Farmers should be able to earn a living in austere times;
- * Increased traffic is due to invasion of townies to the countryside; and
- * Access can be obtained at any time.

9. Planning Considerations

* Introduction.

The principle policy of the local plan on which to assess applications such as this is Policy E8. This details that the conversion of rural buildings in the open countryside to business use will be permitted subject to detailed criteria. There are similar policies in both the Wiltshire Structure Plan 2016 and the national guidance.

The retrospective nature of the proposals and the Council's decision to refuse a certificate of lawfulness for the existing B8 storage use at the site are not significantly relevant to the determination of these proposals. Obviously the retrospective nature of the application and the fact that uses have been on-going unlawfully are deeply regrettable, but the application must simply be assessed on its own merits against the relevant policy of the development plan and any other material planning considerations.

* Whether the building is substantial, sound and of permanent construction.

The local plan policy E8 usually requires the submission of a structural survey on applications such as this. The fact that this is a retrospective application though is material as to whether such a request is reasonable. Given the length of time that the building has been in use unlawfully beyond agriculture, combined with the on-site inspections which indicates that building B is clearly in good repair and building A is in need of general maintenance but appears structurally sound; then a structural survey is not required in this instance.

On balance it can be concluded that the building satisfies criterion A of policy E8, in that the buildings are substantial, sound and of permanent construction.

* Whether the proposals would safeguard and enhance the essential form, structure, character and features of the building and the countryside.

There are no physical works being proposed as part of this retrospective application beyond general hard and soft landscaping, the erection of a portable toilet cabin and the siting of 3 storage containers and a waste skip. These details have emerged late in the application process and were submitted as the applicants response to the publically available consultation responses and after discussion with officers.

These landscaping works would cause no harm to the character of the buildings and would cause no harm to the character of the rural scene at this point. In fact the site has a rather unkempt appearance and so the general landscaping proposals would go some way to improving this situation. Furthermore there is outside storage occurring at the site as part of the wider unlawful activity. To regularise the principle use is an opportunity through planning conditions to specify what external storage in this rural location can on balance be accepted. The plans detail that 3 containers will be retained at the rear of the site and painted green. On balance this would be acceptable as they would be largely screened by the buildings on site. They would be visible from the public right of way, but this is itself not a significant harm. The same can be said for the proposed portable WC. The skip proposed for waste again is not ideal, but it is not considered to be of significant harm to the character of the area, certainly not over and above any lawful agricultural use which can be very unsightly.

The harm that has been occurring from large vehicles using Whaddon Road and damaging the verges is very regrettable, but if the use were limited to domestic storage this situation is less likely to occur. Smaller vehicles are likely with domestic storage. It is also considered that other existing and lawful commercial uses in the locality may be contributing to this problem, and that is beyond the scope of this matter.

It is not considered that the proposals cause any harm to the countryside more generally and both local and national policy is permissive of reusing rural buildings in isolated locations once their agricultural use has ceased. Arguably it is better that then the site falls into significant neglect and it makes a small contribution to the diversification of the rural economy.

* Whether it can be satisfactorily serviced and does not create highway safety problems. The proposals are located in a remote position but there is known to be electricity. Connection to sewerage is more problematic and the applicant suggests the erection of a portable toilet. This is not an ideal solution to the applicants desire to provide facilities. For a storage use it is not considered essential to provide toilet facilities as visitors would not necessarily be at site for significant periods; they would be visitors. However the existing B2 use on the site does require proper sewerage facilities in order to prevent pollution of the natural environment and or to protect public health.

A portable toilet would be an acceptable temporary solution whilst the existing B2 use remains. This could be achieved by condition. It is not considered necessary to have a toilet facility for B8 uses, so whilst a permanent and suitable option would not be objectionable, a temporary portable WC may not be justified purely for a storage facility. The portable toilet can be reasonably limited by condition to be a temporary feature whilst the personal B2 use remains.

Surface water drainage is not likely to be significantly affected by any change of use. However as any hard landscaping could affect this issue a condition is necessary to control this matter.

Highway considerations have been a significant issue during the consideration of this application and they have raised considerable public feeling on the suitability of Whaddon Lane to accommodate traffic from the development over and above the lawful agricultural site traffic. It has to be stressed that this is the fall back consideration, and the lawful agricultural use of poultry houses is likely to have attracted quite large vehicles to the site. This conclusion is reached in light of a planning inspector's findings in 2005 for a very similar case on Whaddon Lane.

The planning history in the area and the highway officer comments are relevant considerations in this matter too. In 2005 planning permission was granted at appeal for the use of former poultry houses to domestic storage purposes, and then subsequently in 2006 planning permission was granted at planning committee for conversion of other poultry houses to domestic storage purposes. All of this occurred in the vicinity of the site using Whaddon Lane for access. It was concluded that the use of domestic storage was likely to be a relatively low profile traffic generator and no worse than the lawful agricultural use. Much of this proposal is for a domestic storage use, with only 4 commercial storage uses being proposed and 1 industrial use.

The highway officer has raised no objection to the proposals on the basis that generally domestic storage would have a low traffic generation and those existing uses that are not domestic storage would too have a low traffic generation. These uses could in their view be controlled by condition. The approach they advocate would be pragmatic and reasonable; further the applicant has agreed to such an approach in discussion. The highway officers have suggested conditions to enhance the safety issues and also required a passing place to be provided. Further details and implementation of this can be achieved by condition.

On balance given the planning history in the area, the expert highway officer comments and the public objection to the scheme it is concluded that long term a domestic storage use should be achieved. It is noted that the commercial B8 uses and B2 use are relatively low profile, but other users under these use classes could be far more intensive and potentially harmful to planning interests. Personal permissions may be granted to those commercial B8 and private B2 users so that once their occupation ceases the use of the vacant unit reverts to a domestic B8 storage only. This is considered a pragmatic compromise.

* Whether it would harm the natural environment including the water environment. The development is not likely to cause any significant harm in this regard.

The felling of trees and premature landscaping works could likely have occurred beyond the scope of this application anyway. This work will be rectified through implementation of the approved landscaping plans which can be secured by condition.

The buildings have long been converted and this is a retrospective application. In light of that and since there are therefore no physical works proposed a bat and barn owl survey is not considered necessary, despite the public requests for this detail. Furthermore there are controls on this consideration under other legislation.

* Impact on residential amenity.

The proposals do include a B2 use, which is claimed to be a relatively low key affair to what could be carried out under a B2 use class. In this rural location a B2 operation does pose some significant planning concerns in regard to noise and the potential for pollution of the natural environment. In this case it is assessed that the proposals may also have a significant impact in terms of highways and also the local residential amenity. There are residential dwellings in close proximity to the application site and noisy vehicle repairs could cause harm. On balance and in light of on-site inspection by environmental health officers a personal permission to limit this activity would be acceptable. A condition would require the use to revert to B8 domestic storage once the current occupant leaves the unit.

* Relevant planning history.

In reaching many of the conclusions above, regard has been had with the previous planning decisions on similar matters in the locality. Whilst the maxim of each case being assessed on its merits has been applied there are striking similarities and so consistency has been considered to be important. The inspector in 2005 stated that "I conclude that its use for domestic storage purposes only, excluding other commercial and industrial uses, would constitute an appropriate alternative use for this redundant building, and an acceptable form of farm diversification, without resulting in unacceptable impact on highway safety."

In addition the history of the site is noted. The recent certificate of lawfulness is not substantially relevant. The partial change of use of the poultry house to a stone mason is of some interest though as this too could have had an amenity impact, however since nearly 20 years have passed and the use has now been abandoned it is not considered to have very great weight. It is noted though that a stone mason use is industrial in character and could have generated significant nuisance issues. It does therefore support the compromise proposed here to allow a personal permission for the existing B2 user which is relatively low key.

* Other matters

Finally the issue of crime has been raised and is a material consideration. To this end the planning liaison with Wiltshire Police has been contacted, and taken the time to visit the site and area, discuss the matter with the local officer and pass comment on the proposals. These are detailed above. They have advised that reported crime in the area generally has increased in recent years and they do have some concern with the proposals. However they do not have evidence to link any reported increase in crime with these retrospective proposals. In conclusion they do not feel able to substantiate any objection and have concluded that formalising the current arrangements would be beneficial in ensuring crime does not increase. Taking this in context with national and local planning policy which encourages the economic reuse of isolated redundant farm buildings; then this concern does not represent reasonable grounds for refusal. The proposals do not represent a significant crime risk.

* Summary

In summary and very much on balance a pragmatic approach is advocated on this site in order to regularise a long standing unauthorised use of these former agricultural buildings. The development can be adequately controlled by condition to allow the current uses to continue, and long term move

toward a blanket B8 domestic storage use on the site akin to other operations on Whaddon Lane. As such permission is recommended subject to conditions.

Recommendation: Permission

For the following reason(s):

The development is hereby approved as subject to appropriate mitigation, that can be secured through the imposition of appropriate planning conditions, the development accords with the development plan and would cause no significant demonstrable harm to any acknowledged planning interests.

Subject to the following condition(s):

- 1 The development shall be carried out in accordance with the hereby approved plans:
Drawing: LDC.1603.005 received on 22 May 2012;
Drawing: LDC.1603.004 B received on 22 May 2012;
Drawing: LDC.1603.003 received on 12 December 2011; and
Drawing: LDC.1603.002 received on 12 December 2011.

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

- 2 The occupation of Building A and Building B within the specified areas below as identified on drawing LDC.1603.002 shall be for those named below and their use . In the event that the below occupation(s) ceases the lawful use of those specific areas shall revert to B8 domestic storage only as detailed in condition 3:
Building A, Unit 1 – Sheer Glass – B8 Commercial Storage;
Building A, Unit 7 – Mr D.J. Mould – B8 Commercial Storage;
Building A, Unit 10 – Mr Wisniewski – B8 Commercial Storage;
Building A, Unit 11 – Mr Bryan Boughen – B2 Private Auto Servicing; and
Building B – Northern Lights Fireworks Company – B8 Commercial Storage.

REASON: In order to define the terms of this permission, allow the on-going occupation by present 'low-key' users which exceptionally do not cause significant harm, and long term to retain control over uses that are otherwise likely to cause harm to the amenities of the surrounding area and highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) policies C1, C38 and E8.

- 3 Subject to the details in condition 2, buildings A and B shall be used for the storage of domestic goods owned by the tenant(s) of the building and for no other purpose (including storage in connection with any commercial or industrial activity or any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: In order to protect the amenity of the area and highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) policies C1, C38 and E8.

- 4 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items other than specifically detailed on drawing LDC.1603.004B i.e. three storage containers, a portable WC and a waste storage skip. Furthermore within one month of this permission details of the green colour that the storage containers will be painted and a timetable for the works shall be submitted to and approved in writing by the local planning authority.

REASON: In order to protect the amenity of the area.

POLICY: West Wiltshire District Plan 1st Alteration (2004) policies C1 and E8.

- 5 All soft landscaping comprised in the approved details of landscaping, drawing LDC.1603.004B (or other details submitted to and approved in writing by the local planning authority) shall be carried out in the first planting and seeding season following the grant of this planning permission. 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 as detailed on drawing LDC.1603.004B (or other details submitted to and approved in writing by the local planning authority) in accordance with a timetable that must be submitted to and approved in writing by the local planning authority within one month of the date of this permission.

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – policies C1 and E8.

- 6 The B8 uses of the site and all deliveries to and collections from the site shall be limited to be between 08.00-20.00 Monday to Saturday and 09.00-18.00 on Sundays and bank holidays.

REASON: In the interest of residential amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) – policies C38 and E8.

- 7 The B2 use of the site (including any associated deliveries to and collections from the site) shall be limited to be between 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and not at all on Sundays and bank holidays.

REASON: In the interests of residential amenity.

POLICY: West Wiltshire District plan 1st Alteration (2004) – policies C38 and E8.

- 8 The portable WC on drawing LDC.1603.004B shall be brought to the site and made available for use within one month from the date of this permission and maintained in a condition suitable for use and in accordance with the manufacturer's specification thereafter. Within one month of the below occupation ceasing, the portable WC shall be removed from site and the land restored to its former condition:

Building A, Unit 11 – Mr Bryan Boughen – B2 Private Auto Servicing.

REASON: In order to prevent pollution.

POLICY: West Wiltshire District Plan 1st Alteration (2004) policies C1, C38 and E8.

- 9 Within one month of this planning permission, full engineering details for the carriageway widening (as generally shown on drawing number LDC.1603.005), shall be submitted to and approved in writing by the Local Planning Authority. The said details shall include a timetable for the works and the works shall be completed in accordance with the approved details and timetable.

REASON: In the interests of highway safety and amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C1, C38 and E8.

- 10 Within one month of this planning permission, a timetable for works to ensure the first five metres of the access, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel), shall be submitted to and approved in writing by the Local

Planning Authority. The works shall be carried out in accordance with the agreed timetable and maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.

- 11 Within one month of this planning permission, visibility splays shall be provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 35 metres to the north and south from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.9 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.

- 12 Within one month of this planning permission, details of a parking scheme to provide parking of six vehicles, together with a vehicular access thereto, shall be submitted to and approved in writing by the Local Planning Authority. The said details shall include a timetable for the works and the works shall be completed in accordance with the approved details and timetable. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

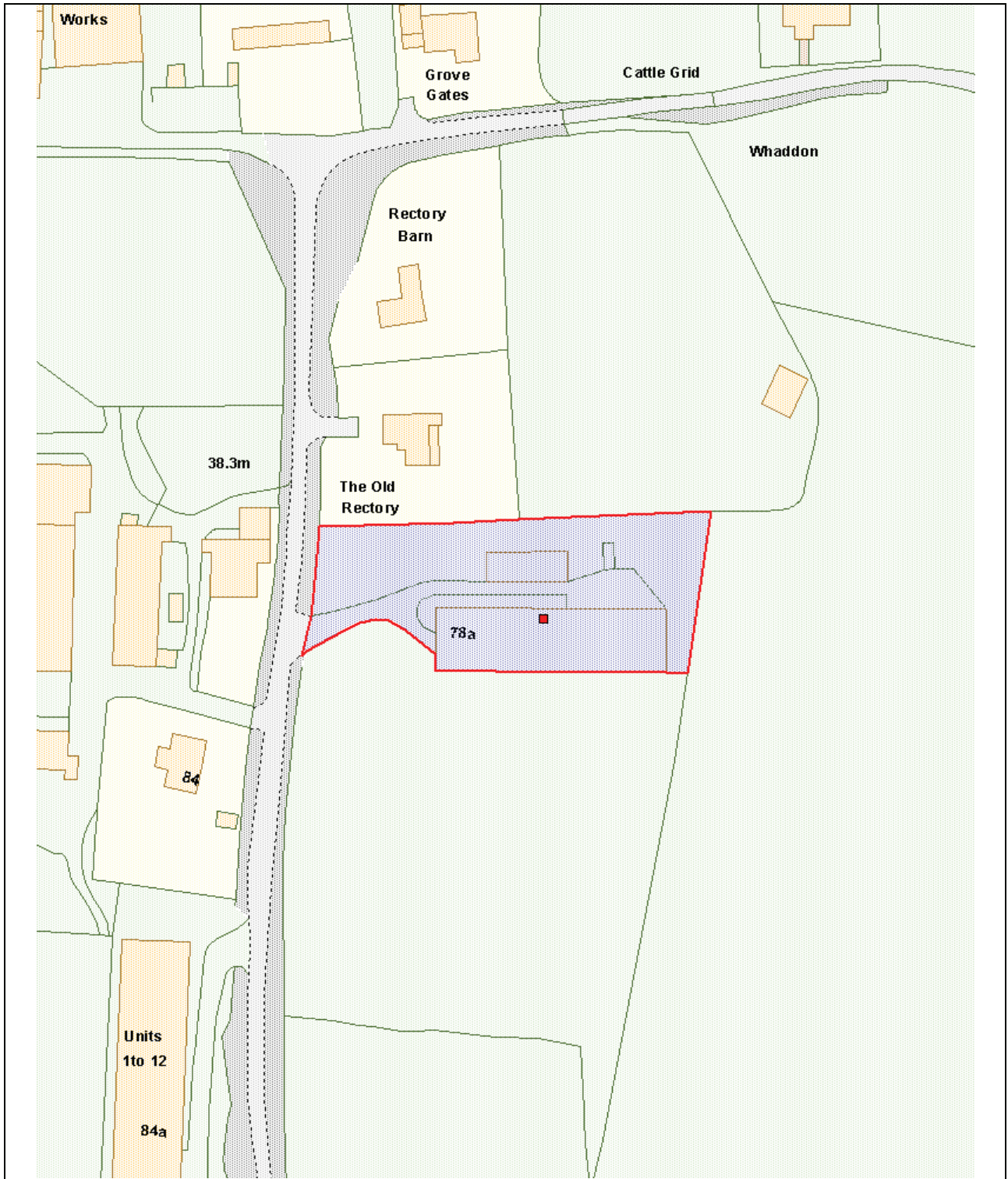
POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.

- 13 Within one month of this planning permission, details of surface water drainage works (to prevent its discharge onto the highway), shall be submitted to and approved in writing by the Local Planning Authority. The said details shall include a timetable for the works and the works shall be completed in accordance with the approved details and timetable, and maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.

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



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

This page is intentionally left blank

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	24.10.2012		
Application Number	W/12/01169/FUL		
Site Address	Land Opposite Paxcroft Farm Paxcroft Hilperton Wiltshire		
Proposal	Proposed rugby ground including clubhouse, store, sports pitches with floodlighting and associated landscape bunding, access and parking		
Applicant	Trowbridge Rugby Football Club		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member:	Ernie Clark
Grid Ref	388227 159528		
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 Clark has requested that this item be determined by Committee due to:

- * Environmental/highway impact

There has been one third party response to this application – this is reported in section 8 below.

Parish/Town Council Response:

This is reported in section 7 below

2. Report Summary

The main issues to consider are:

- The principle of the development including relevant planning history
- Highway and access considerations
- Design considerations including visual impact in the landscape
- Impact on ecology
- Impact on archaeology
- Drainage considerations
- Impact on amenity

3. Site Description

The application site lies approx 100 metres to the east of the roundabout at the junction of the Devizes Road with the Hilperton By Pass. It measures approx 8.5 hectares, is rectangular in shape, and is generally fairly level, falling approx 3 metres across its 250m width from west to east. An agricultural field, with its southern edge adjacent to the A361, the site is in a rural setting surrounded by arable fields with farm buildings opposite and stables beyond its north east corner. Its western boundary is marked by a bridleway and hedgerow; all other boundaries are marked by post and rail fencing.

4. Relevant Planning History

05/00822/FUL – Proposed rugby ground including clubhouse, groundsman's store, sports pitches with floodlighting and associated landscape bunding, access and parking – permission granted 28.07.2010 following completion of S106 relating to the securing of the land by the Trowbridge Rugby Club and the implementation of offsite highway works. These are relevant to the current proposal and will be amplified later in the report.

5. Proposal

This application is a revised version of the development permitted in 2010 and incorporates the following elements:

- A single storey clubhouse centrally positioned at the front of the site approx 50 back from the road frontage. The footprint of the rectangular building measures approx 40m x 21m, is low profiled (7m) and is of a double bay construction with 3 gable projections in the front elevation and a single projection to the rear. The largely symmetrical building would be of reconstructed stone under a deep roof (4.5m) clad in concrete tiles.
- The construction and layout of 5 new pitches, including one full sized rugby pitch to the rear of the clubhouse, 2 additional pitches and 2 floodlit training areas at the rear of the site
- A landscaped carpark for 76 vehicles, 12 coaches and 6 disabled spaces to the front and west of the clubhouse served by a new vehicular access left of centre along the Devizes Road frontage.
- A landscaped bund along the eastern and frontage boundaries to act as a mitigating visual and sound barrier.
- A 4m squared groundsman's hut located to the rear of the carpark and close to the western site boundary. The structure is proposed of reconstructed stone under a pyramid tiled roof.
- The erection of 12 no floodlights around the 2 no training pitches at the rear of the site.

The application is accompanied by a Planning, Design and Access Statement; Flood Risk Assessment, Transport Statement, Heritage Statement, Badger and Bat Survey, Construction Traffic Management Plan, and Lighting Report.

As background, the original permission 08/00822/FUL was one of two applications submitted for the relocation of the Trowbridge Rugby Club to this site in Hilperton and the redevelopment of its existing site in Green Lane, Trowbridge for housing (05/00821/FUL). The residential scheme has not yet been implemented but the land has recently been sold and the proceeds used to purchase the application site to accommodate the rugby club's new ground and associated facilities.

The original scheme was more ambitious in its scope partly in response to the former West Wilts District Council and Wiltshire County Council having ambitions for the site as a wider sporting complex, and partly in anticipation of higher capital receipts for the current site in Green Lane. In reality, Council funding for a larger scheme is no longer viable and proceeds from the sale of the current ground are lower, while the permitted scheme is too expensive to construct and does not align precisely with the needs of the club. This revised scheme is therefore more modest and differs in respect of the following - a smaller and re-sited clubhouse; the revised layout of the main and secondary playing pitches; reduced carparking provision and a revised and simpler access onto the Devizes Road.

6. Planning Policy

National Planning Policy Framework (NPPF)

- Promotes economic, social and environmental gains to deliver sustainable development which includes 'improving the conditions in which people take leisure (Paras 6-10);

- Supports a prosperous rural economy which includes sustainable leisure developments and sports venues that benefit communities and visitors (para 28)
- Requires that planning decisions should plan positively for the provision of community facilities (para 70)
- Notes the importance of access to sport and recreation facilities to the health and well being of communities (para 73)

Adopted Development Plan

i) Wiltshire Structure Plan 2016

RLT1 – Recreation Sport and Leisure
T8 – Transport Provision for New Developments

ii) West Wilts District Plan 1st Alteration 2004

C1 – Countryside Protection
C15 Archaeological Assessment
C31a Design
C32 Landscaping
C35 Light Pollution
C38 Nuisance
U1a Foul Water Disposal
U2 Surface Water Disposal

iii) West Wilts Leisure and Recreation DPD

LP5 New Sport and Recreation facilities
OS2 New grass pitch provision

Emerging Development Plan – Wiltshire Core Strategy

CP29 – Spatial Strategy: Trowbridge Community Area

7. Consultations

Hilperton Parish Council

Supports the application subject to the following conditions:

- No sound reproduction or amplification equipment audible at the site boundary to be installed without prior approval (condition 21 on previous permission)
- Details of all external lighting to be submitted and agreed before development (condition 22 on previous permission)
- Hours of operation of floodlighting limited to between 1500 and 2200 hours (condition 23 on previous permission)
- The land should remain for recreational use in perpetuity.

Also “supports the concept of a ‘no right turn notice’ from the Semington side so that traffic coming to the club from that end should carry on to the roundabout and come back to enter the club entrance to the left”.

Highways Officer

In view of the highway issues raised by this application, it is appropriate that these are reported in full as follows:

“Following early consultations between the consultants and the Highway Authority, it was made clear that road safety implications could not be overlooked and that, although the scale of the development was reduced from the original approval, a ghost island right turn lane would be a requisite for this development. The application was subsequently submitted without the addition of the right turn lane.

The development consists of a new clubhouse and approximately 90 parking spaces. Whilst it is accepted that the busiest times for the use of this site will be off peak, at evenings and week-ends, the A361 is part of the Primary Route Network and subject to a speed limit of 50mph along the development frontage. Users of the proposed site, including spectators, arriving by car will arrive at similar times and therefore the vehicular movements into and out of the site will be condensed into relatively short periods. Whilst it is accepted that the greater numbers of users will arrive from the Trowbridge direction, the need for vehicles to turn right into the site by slowing and then having to wait in the carriageway whilst waiting for a gap presents a serious road safety hazard on a 50mph "A" class road, especially when those movements are more frequent. The scale of the development continues to concern the Highway Authority that, without a ghost island right turn lane, accidents will occur. Therefore refusal must be recommended.

As the developer was aware of these concerns, a meeting took place at which an alternative scheme for the junction design was offered. This scheme involves a central island on the private club access which prevents vehicles from making a right turn into the site. However, the geometry is such that coaches must use the junction and therefore there remains space for a vehicle to make a manoeuvre which presents the same road safety concern as the normal simple junction which was initially submitted with the application. In fact a driver could misinterpret the junction or slow in confusion and again present further road safety concerns on this important primary route.

Refusal is therefore recommended on the following ground:

The development presents a significant level of traffic movements and the omission of a ghost island right turn lane will lead to the slowing and stopping of cars on the Trowbridge bound lane of a 50mph section of A361, which is part of the primary route network, to the serious detriment of road safety. A junction which prevents vehicles from turning right into the site must be clearly signed and have sufficient geometry to ensure the manoeuvre cannot take place. The proposed amended junction design does not include sufficient design features to ensure that vehicles do not make the manoeuvre and therefore continues to represent a road safety hazard."

Sport England

Notes that this application is a resubmission of an earlier scheme with a reduced size changing block, reduced carparking and changes to the access and has consulted with the RFU for its views on the proposal. These detail the ongoing discussions over the critical issue that the club has outgrown its current site and needs to hire and rent facilities across the Trowbridge area, and consultations over the design and funding of the new facilities. The RFU 'would be supportive of the club and will continue to support the club in providing the facilities that it needs.'

Sport England 'is satisfied that the new ground will be constructed to RFU specifications including the clubhouse and the pitches' and does not wish to raise an objection.

Environment Agency

Its earlier objection to the development based on the use of a non-mains foul drainage system in a publicly sewered area has since been withdrawn – 'if costs have been investigated and found extortionate then installing a system such as this is acceptable'. It is noted that an Environmental Permit will be required if discharge quantities are more than 2 cu ms per day.

Details of surface water drainage which include infiltration through the gravel carpark area, pipes to soakaways from tarmac spaces, pipes to the public sewer from the tarmac area adjacent to the highway and a rainwater harvesting system for roof water from the clubhouse are considered acceptable.

Appropriate informatives are recommended.

Wessex Water

Originally commented that there is a public foul sewer available for connection at the A361 roundabout and the proposed discharge to a septic tank is not acceptable; proposed surface water

drainage to the watercourse should be in accordance with the NPPF and approval by the LDA; in respect of water supply, water pressure within the area is not sufficient and on site boosted storage will be required.

Following submission of additional information, commented that 'we appreciate in this instance the proposal is just outside the distance stipulated whereby connection to the public sewer is not the first preference' and that on site arrangements will need to comply with the Building regulations with approval for discharge by the EA.

Archaeologist

Notes that the site was the subject of an archaeological field evaluation as part of the previous application which identified a number of archaeological features as incorporated within the submitted Heritage Statement. Agrees with the mitigation measures within that document that areas of significance will be preserved in situ beneath the pitches and other areas will be subject to monitoring. An appropriate condition is recommended.

Environmental Health Officer

No objection subject to conditions requiring details of a lighting scheme and noise limits for the operation of plant and machinery.

Ecologist

- Notes the submission of an updated Badger and Bat Survey which identifies badger setts in the north east corner and along the eastern boundary; recommends a condition relating to precautionary working measures.
- To minimise the impact of floodlighting on foraging/commuting bats, recommends the re-imposition of former conditions 16, 19 and 20 which relate to the retention, further planting and management of the hedgerow along the western boundary
- To minimise the reduction of general light pollution, recommends the re-imposition/re-wording of former conditions 22 and 23 relating to details of floodlighting.

Leisure Manager

Supports the application which is in line with the Council's vision for leisure but requires that the clubhouse, sports pitches and floodlights are designed and constructed in line with Sport England/RFU guidelines.

Rights of Way Warden

Advises that the Warden is contacted prior to the felling of any dead trees within the hedgerow along the site boundary to ensure that signage is adequate and a person is present on the byway to prevent danger to users.

8. Publicity

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

Expiry date: 03.08.2012

Summary of points raised:

- One letter has been received from a resident commenting that
- the carpark is small for a growing rugby club with a junior section of at least 150 members meeting on a Sunday morning together with visiting teams (200 children)
 - the floodlights should face away from Hilperton/Paxcroft and there should be a curfew on the hours of lighting

9. Planning Considerations

Principle of development

The principle of this development was fully addressed as part of the previous permission granted in July 2010 which determined that a rugby club and associated facilities was acceptable within the policy framework extant at that time. Since then, the policy framework has changed with the introduction of the NPPF, the cancellation of the former PPS7 (Sustainable Development in Rural Areas) and PPG17 (Planning for Open Space, Sport and Recreation), the adoption of the Leisure and Recreation DPD and the publication of the draft Wiltshire Core Strategy.

It is clear that both 'new' documents support the principle of accessible and sustainable recreation and leisure development which benefits local communities with the DPD actively highlighting the shortage of grass pitches within the District area. While the emerging Core Strategy can be given limited weight at this stage, it continues to save the relevant policies contained within the DPD and identifies as a key outcome of Strategic Objective 4 that 'significant progress will have been made towards addressing the identified shortfall in the range of sport, leisure and recreation facilities.'

Within this context, the general principle of the development remains acceptable

Highway and access considerations

In approving the previous scheme in 2010, the development was intended to be served by a new vehicular access together with a new ghost island right turn lane for vehicles approaching from the Devizes direction. This required arrangement was in recognition of the fact that the new access would be directly onto part of the National Primary Route network where there is a policy presumption against new access points unless there is an overriding need, together with estimates of proposed volumes of traffic in excess of 300 vehicles per day. This requirement, together with an extension to the footpath up to the roundabout and the relocation of an existing bus stop was subsequently incorporated into the S106 agreement which accompanied the permission.

The current application does not include provision for this right hand filter lane but proposes a simple priority junction onto the Devizes Road in a position similar to that previously permitted. The justification for the amendment includes:

- the change in the policy position with the introduction of the NPPF which makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'(para 32).
- as required by this paragraph, the proposed access arrangements will provide 'safe and suitable access to the site...for all users'
- estimated traffic volumes are considerably less than those assumed in the 2005 Transport Assessment and based on a more accurate methodology - approx 230 two-way movements on Sundays, 180 on Saturdays and a maximum of 140 during the week.
- vehicle movements to and from the site are unlikely in the traditional morning peak hour with estimates of only 45 in the afternoon peak.
- based on the home postcodes of the existing club membership, the majority of vehicle movements (87%) will be to and from the west (Trowbridge) with only 13% (15 vehicles per day) approaching from or leaving towards the Devizes direction.
- levels of traffic waiting to turn right into the site are predicted never to exceed one.
- there has been no change in overall traffic flows over the past 8 years despite significant new development at Paxcroft Mead and there is no evidence that levels will increase.
- six accidents within the past 5 years have occurred on the A361 between the Hilperton roundabout and the Semington turnpike, none of which are attributed to the standard of the road.
- an existing car boot sale operates further east on the Devizes Road with higher levels of right turning traffic than are likely to be associated with the Rugby Club and without the benefit of a ghost island filter lane.
- there is good bus service provision and it is proposed that the rugby Club will provide up-to-date bus timetable information within the clubhouse.
- extension of the footpath/cycleway to the west of the site will create a high standard pedestrian/cycle link to encourage non car travel.

It is the applicant's view that these factors combine to suggest that 'the ghost island right turn lane identified as part of the previous consent is no longer required'.

Revisions to the geometry of the proposed T-junction have now also been made which are intended to physically prevent vehicles approaching from the Semington direction from turning right into the site. This amended construction incorporates a larger and wedge shaped island at the access entrance requiring those vehicles to continue up to the Hilperton roundabout for approx 165m and then double back to make a left hand turn into the ground. This would be reinforced by a sign before the site entrance directing Rugby Club traffic around the roundabout.

Even later in the process, the applicant has submitted a report intended to show that this access arrangement is a 'direct comparison .. with the access geometry currently in place at Chippenham Golf Club' and is 'an almost identical configuration which has been approved for the Chippenham Golf Club and the Fairways Retirement Village, which shares the same access.' This approved access (10/02378/FUL) is served directly from the A350, approx 200m south of the transition from dual to a single carriageway, approx 155m north of the Malmsbury Road roundabout and is also in a 50 mph area. This access is via a simple priority junction but vehicles are prevented from turning right into the site by a 'No Right Turn' sign which requires them to continue up to the roundabout before doubling back to make a left hand turn into the site.

The report argues that:

- there is a near identical length diversion for vehicles wishing to turn right into both sites (165m v 155m)
- the speed limit of 50mph is the same in both locations
- the A350 passing the front of the Chippenham Golf Club is considerably busier than the A361 passing the application site
- the A350 roundabout is larger and signal controlled, therefore the time taken and level of difficulty to negotiate that roundabout is greater than the situation in Hilperton
- accident data from the Chippenham site records 4 personal injury accidents in 3 years, none of which are attributable to the form of the access; since the proposed arrangement at Hilperton would be no different, there is no reason to assume the accident record would be any different
- the pattern of vehicle movements which requires a large number arriving at the same time is similar for golf tournaments and rugby matches.
- the shift pattern for employees at the retirement village will also require a significant number of employees arriving/leaving within a short period of time.

As detailed in his consultation response in section 7 above, the Highway Officer is unable to support the proposal, even as amended, on grounds of highway safety. In the case of the simple T-junction as originally proposed, 'the need for vehicles to turn right into the site by slowing and then having to wait in the carriageway whilst waiting for a gap presents a serious road safety hazard ...'; in the case of the revised layout, 'the geometry is such that coaches must use the junction and therefore there remains space for a vehicle to make a manoeuvre which presents the same road safety concern as the normal simple junction which was initially submitted with the application. In fact a driver could misinterpret the junction or slow in confusion and again present further road safety concerns on this important primary route'.

Notwithstanding that either layout could/would be supported by directional or instructive signs close to the junction, the conclusion is that these could not physically prevent manoeuvres taking place which would represent a safety hazard.

The Highway Officer has also considered the apparently comparable arrangement at the Chippenham Golf Club, but concludes that the situation is not similar:

- the access to the golf club has been in existence for many years, as has the banned right turn, presumably because that manoeuvre was considered to be a hazard
- the Council would not have been able to build a right turn lane for a pre-existing private development which had been established when traffic levels were lower

- the section of single carriageway which directly serves the access is to be dualled as part of future development in the vicinity
- a S106 attached to the permission (which was a committee overturn of a recommendation to refuse, although not on highway grounds) required the specific dedication of land for this purpose.

Consequently, 'there were reasonable and practicable reasons to allow more development at a location where the right turn ban has operated for some time with success because we have no reports of accidents.'

Further comparisons/inconsistencies have also been drawn with a new access created further east along the Devizes Road which serves a caravan storage site (with larger, slower vehicles) but which is not supported by a right hand lane. However, this was simply to allow for the separation of the 2 existing land uses, with no increase or change in the traffic levels as a consequence.

Neither example would appear to compare with a new development generating high volumes of traffic and requiring a new access where there are no practical reasons for not delivering the appropriate standard right at the outset.

While Members may disagree with the Highway Officer's recommendation, the following points merit serious consideration:

- The objection is based solely on a consideration of highway safety and the potential hazard for road users on what is an important and busy primary route
- Adopted policy within the Structure Plan (T8) states that new developments should not be accessed directly from the National Primary Route network outside built up areas, 'unless an over-riding need can be demonstrated'. This development would be in line with the Council's vision for leisure and would clearly deliver a number of benefits but whether this constitutes an 'over-riding need' is a matter of judgement.
- While the previous scheme was approved taking access in a similar position, the Highway Authority was only prepared to support that access arrangement because of the other highway improvements which would mitigate any harm. There is little doubt that the original scheme would not have been approved without all of these being delivered and a view now needs to be taken as to whether the current proposal is sufficiently different to make these supporting works unnecessary. It is the Highway Officer's view that this reduced scheme (50% reduction in car park size and 80% reduction in clubhouse size) is still of a scale which requires all of the highway improvements to be incorporated.
- There is an accident record along this stretch of road (6 recorded in 5 years) which suggests that there may already be an issue of road safety which should not be further compromised. The accident record clearly shows that shunts are occurring at the lay-bys along this road when vehicles are making right hand turns (2) which would appear to support the case for a right hand lane.
- Pre-application discussions with the applicant made it clear that the currently proposed access arrangements would not be acceptable.
- The only impediment to delivering the right hand filter lane appears to be financial (a ball park figure of the additional cost is in the region of £155K and £175K plus VAT) although no viability analysis has been submitted to support this.

In assessing the scheme (both original and revised plans), there can be no question that highway safety considerations are fundamental. It is the consistent and long held view of the Council's highway expert that this will be compromised; it is the view of the rugby club's traffic consultant that it would not. While a planning recommendation can choose to ignore its own officer's advice, there would have to be some concern where this relates to the Primary Route Network which, by definition, has an important strategic role and which would also be contrary to adopted policy. Unfortunately the NPPF does not provide any clear guidance on transport matters, simply stating that development should only be refused on transport grounds where the cumulative impacts are 'severe'. In matters of highway safety, it could be considered that a single additional accident would be 'severe' and that

such a subjective assessment should not disregard the advice of the Highway Officer which identifies the proposal as a clear road safety hazard.

Design considerations and visual impact

The major differences proposed by this application compared with the original can be summarised as:

- a revised layout and design of clubhouse – the proposed rectangular footprint is approx 80% smaller, providing the same number of overall changing rooms, but omitting a gym, reducing the proposed kitchen space and bar area and limiting the first floor accommodation to a simple function room which accesses a small balcony at the rear. This translates into a building which, from public views, has the visual appearance of a single storey building only rather than the one and a half storey building originally permitted. It would be located marginally closer to the site frontage and would have a consistent roof height of 7m compared with the previous which varied from 8.5m to 5m. Its now symmetrical design addresses the frontage and the former slate roof is to be replaced with concrete tiles.

- The re-positioning of the main playing pitch entirely behind the clubhouse and re-orientated through ninety degrees, necessitating an overall reduction from 6 to 5 playing areas; the floodlit training pitches at the rear of the site and position and number of floodlights will remain unaltered.

- A redesigned and repositioned groundsman's store

- A reduced and more compact carpark located entirely at the front of the site.

The details of each element are generally acceptable in themselves and Sport England confirms that the new clubhouse and pitches will be constructed to RFU specifications; this also meets the requirement of the Council's Leisure Manager.

With regard to the impact of the revised design in the landscape, although no formal appraisal has been submitted, it is clear that this reduced proposal would have no greater impact than the permitted scheme.

Impact on ecology

In permitting the original development, the impact on ecology was a material consideration in respect of the badger sett in the north east corner, the mature hedgerow along the western boundary and the location of the site as a destination for commuting bats from Green Lane and Biss Woods. The revised scheme does not alter these considerations in any way and the Ecologist has no objection subject to the re-imposition of the relevant conditions previously attached to permission 05/00822/FUL.

Impact on archaeology

In permitting the original development, the impact on archaeology was also a material consideration in respect of archaeological remains identified in the south east corner of the site. The mitigation proposed at that time was for preservation of key areas of significance in situ under the pitches, with other areas of development, including the bunding and clubhouse, subject to an archaeological watching brief. The revised scheme does not alter these considerations in any way and the Archaeologist recommends the imposition of a relevant condition accordingly.

Members should be aware that in order for the development to be completed in time for the 2013/2014 season, initial groundworks and the seeding of the pitches is already being carried out with the Council's consent and under the Archaeologist's supervision.

Drainage considerations

Initial concerns were raised by the drainage authorities with regard to foul drainage from the scheme discharging into a new septic tank instead of connecting to a public sewer under the Devizes Road. These objections have since been withdrawn following additional information which confirms such connection as being financially unviable and an appropriate alternative system.

Impact on amenity

In recommending the permitted scheme, the Planning Officer's report concluded that 'it is inevitable that a development of this size and type will have some effect on existing properties, predominantly in terms of increased traffic levels and the potential for noise nuisance.' However, the Highway Authority was satisfied at that time that the road network could safely accommodate an increase in traffic, while the Environmental Health Officer considered that noise nuisance could be limited by preventing noise being audible at the site boundary.

Aside from the highway safety issues raised above, the revised and reduced scheme would not appear to raise any further amenity concerns not previously considered.

Conclusion

It is clear from the above that the only concern raised by this application is the matter of highway safety. Considerable discussion around the issue has not altered the overall highway view and proposed changes to the design of the access have not overcome those concerns to the extent that the highway objection can be withdrawn.

As referred to above, your Planning Officer would have reservations over dismissing the recommendation for refusal where it affects highway safety on a major route even if there are other benefits in delivering this development. The Highway Officer has maintained a consistent view throughout the pre-application process and the application was submitted in the full knowledge of the highway requirement. While it is acknowledged that the current proposal is for a less ambitious project initially attracting fewer vehicles, it is not inconceivable that the scale of the development might subsequently increase to levels previously anticipated. While a future extension to the carpark or building would require formal permission, it would clearly be more difficult at that stage to insist on significant highway works to support a modest extension to the clubhouse but which cumulatively, might result in a level of use equivalent to that permitted by the original scheme.

In the light of the above, your officer would wish to support the highway recommendation but in the event that Members consider that the 'need' for the development outweighs the highway objection, would propose that the following conditions are attached. Where relevant, they have been modified and updated since the original permission in 2010 but still relate to those original issues.

Specifically with regard to the highway conditions (nos 13 - 15), there have been 2 layouts proposed, one for a simple T-junction and one which incorporates an island within the bell mouth of the junction. It is currently uncertain which would be 'preferred' on highway safety grounds, but the wording of condition 13 would enable details of either to be agreed by the Highway Officer through the discharge of conditions process.

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31A.

3. No development shall take place within the proposed development site until
a) a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the local planning authority; and

b) the approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest
National Planning Policy Framework

4. The development shall be carried out in accordance with the recommendations outlined in the Ecological Appraisal dated 19 August 2005 and updated "Badger and Bat Survey" dated 13 April 2012 submitted as part of this application.

REASON: To protect and conserve the natural environment.
National Planning Policy Framework

5. 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:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) 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;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

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

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

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

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

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

7. Notwithstanding the requirements of Condition 5, no development shall take place until a scheme of planting to provide a screen for the site along its boundaries has been submitted to, and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented within 6 months of the commencement of development. All planting shall be properly maintained for a period of 5 years. Any plants, which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation. The screen shall be retained thereafter.

REASON: In the interests of the amenities of neighbouring properties and the appearance of the locality.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32 & C38

8. Notwithstanding the requirements of condition 5, the existing natural hedgerow along the west boundary of the site shall be retained and reinforced where necessary in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority before any work starts on site. Any such reinforcement shall be carried out during the planting season October-March inclusive, following the first occupation of the adjacent building/s and properly maintained for a period of five years including replacement of any plants which die, are removed or become damaged or diseased within this period with plants of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation, and the approved scheme thereafter retained. The Local Planning Authority shall be advised in writing when the planting has been undertaken so that initial compliance with the condition can be checked.

REASON: In the interests of the amenities of neighbouring properties, the protection of native habitats and to maintain and enhance the appearance of the site.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32 & C38.

National Planning Policy Framework

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas.

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

10. No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.

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

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

11. Notwithstanding the submitted details of floodlighting and prior to the installation of any lighting equipment, details of all external lighting within the site, including playing pitches, road areas etc and details of the lighting columns, external cowls, louvres, or other shields to be fitted to reduce light pollution shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved plans.

REASON: In the interests of nature conservation and visual and residential amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C1, C35 & C38

National Planning Policy Framework

12. The floodlighting hereby permitted shall only be used between the hours of 15.00 and 22.00.

REASON: In order to minimise nuisance and protect rural amenities and protected species.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C1, C35 & C38

13. The proposed access road, footways, footpaths, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, and car parking shall be constructed and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the Local Planning Authority.

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

14. No development shall commence until a signing scheme which prevents vehicles from making a turn into the site from the Semington direction has been submitted to and approved in writing by the Local Planning Authority. The signing scheme shall be fully installed in accordance with the approved scheme before the first use of the development and thereafter subsequently retained.

REASON: In the interests of highway safety

15. The development shall not commence until a Travel Plan which meets the current required standard and is in accordance with the Department for Transport publication 'Making residential travel plans work: good practice guidelines' and Supplementary Planning Guidance 'Development Related Travel Plans in Wiltshire', has been submitted to and approved in writing by The Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

REASON: In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.

16. Details of storage areas for wheeled refuse bins, designed so as to minimise their impact on the appearance of the street scene shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the appearance of the street scene.

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

17. Notwithstanding the provisions of Part 4, Class B of The Town & Country Planning (General Permitted Development) Order 1995, as maybe subsequently amended, no car boot sales or other markets shall be permitted within the application site.

REASON: In the interests of highway safety and to protect residential amenity.

18. The development hereby permitted shall be limited to D2 (Assembly and Leisure) and ancillary D1 (Non-Residential Institutions) uses of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification.

REASON: Because the use hereby permitted is acceptable whereas other uses including the same use class may not be.

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

Dwg 1031/001 rev C received on 20.06.2012

Dwg 1031/002 rev A received on 20.06.2012

Dwg 1031/003 rev A received on 20.06.2012

Dwg 1031/004 rev A received on 20.06.2012

Dwg 1031/006 rev E received on 20.08.2012

Dwg 1031/008 rev G received on 20.08.2012

Dwg 1031/009 rev B received on 20.08.2012

Dwg 1031/010 rev D received on 20.08.2012

Dwg 1031/011 rev B received on 20.06.2012

Dwg 1031/013 rev A received on 20.06.2012

Dwg 1031/014 rev A received on 20.06.2012

Dwg 1031/015 rev F received on 20.08.2012

Dwg 1031/016 rev A received on 20.08.2012

Dwg GA01 rev B received on 20.06.2012 or Dwg GA03 received on 20.08.2012

Dwg SPA03 received on 20.08.2012

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

INFORMATIVES

1. The applicant is advised to contact both Natural England and the District Ecologist with regard to protected species before and during construction.
2. The applicant is advised to contact the County Archaeologist with regard to the archaeological interest of the site and the requirements in respect of condition 3.
3. With regard to drainage, the applicant is advised that
(a) on site arrangements for foul drainage will need to comply with the Building Regulations,
(b) an Environmental Permit may be required from the Environment Agency depending on discharge volumes,
4. The applicant is advised that appropriate pollution measures should be used during the construction and operation of the site. The applicant should refer to the pollution prevention guidance on the following website for future information:
www.environment-agency.gov.uk/business/topics/potential39083.aspx
4. Further to the requirements of condition 14, the signing scheme shall consist of a banned turn sign which is enforced via a traffic regulation order and an additional sign indicating that drivers shall use the roundabout to 'U' turn in order to enter the site when approaching from the Semington direction. Both signs and the order making process shall be provided at the full expense of the developer.
5. The applicant is advised to contact the Council's Rights of Way Warden (Paul Millard) when/if any dead trees are to be felled in the hedge line along the western boundary to ensure that signage is adequate and a person is present on the byway during felling to prevent danger to users.
6. Further to the requirements of condition 11, the proposed lighting scheme should comply with guidance issued by the Institution of Lighting Engineers.

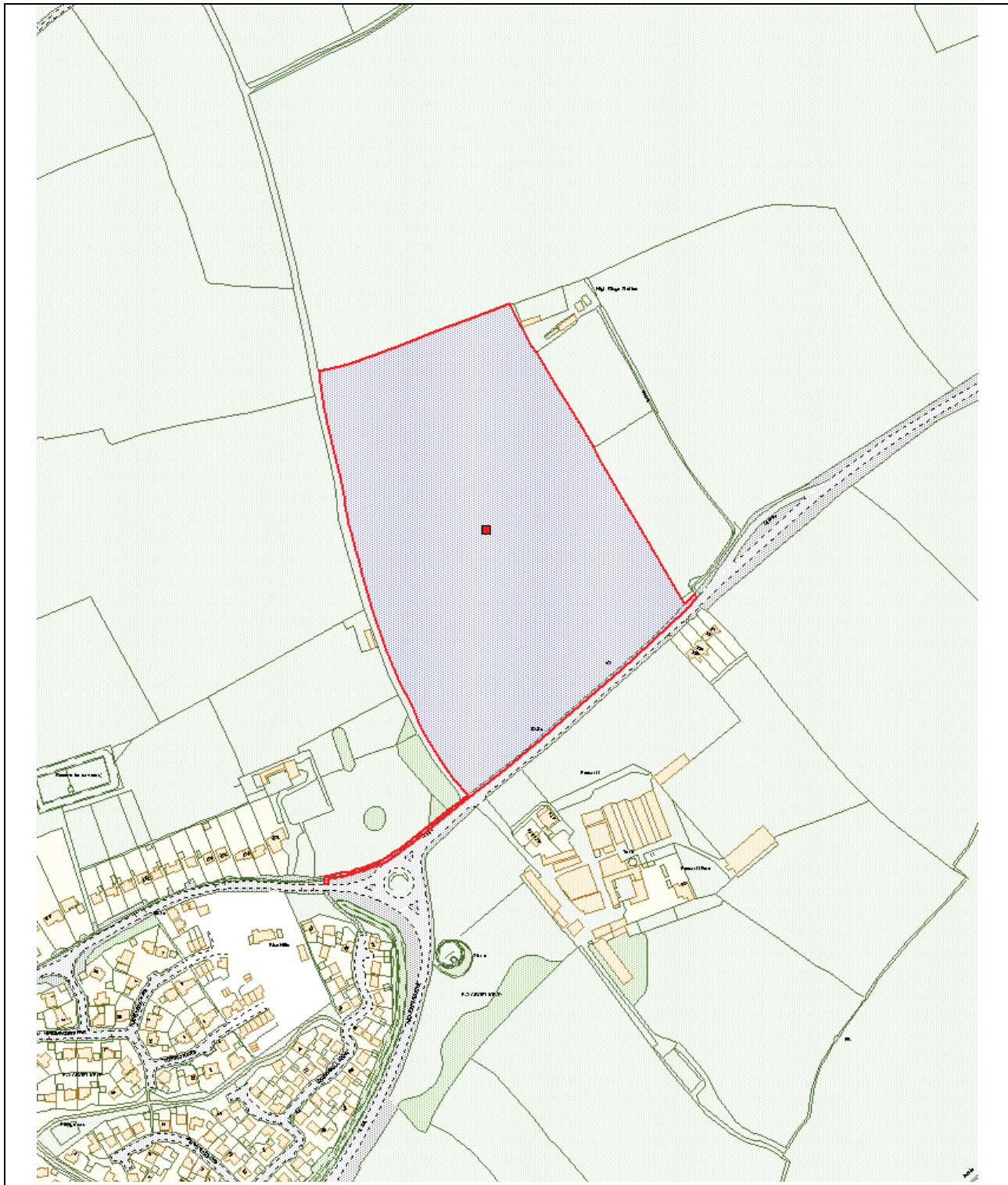
Notwithstanding the above proposed conditions and informatives, the formal recommendation is for refusal for the reason given by the Highway Officer in section 7 above.

Recommendation: Refusal

For the following reason(s):

- 1 The development presents a significant level of traffic movements and the omission of a ghost island right turn lane will lead to the slowing and stopping of cars in the Trowbridge bound lane of a 50 mph section of the A361, which is part of the primary route network, to the serious detriment of road safety. A junction which prevents vehicles from turning right into the site must be clearly signed and have sufficient geometry to ensure the manoeuvre cannot take place. The proposed amended junction design does not include sufficient design features to ensure that vehicles do not make the manoeuvre and therefore continues to represent a road safety hazard.

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



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office ©
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel:
01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD
www.wiltshire.gov.uk

MSA: 100022961

This page is intentionally left blank

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	24.10.2012		
Application Number	W/12/01675/FUL		
Site Address	Land At Smallbrook House, Smallbrook Gardens, Staverton, Wiltshire		
Proposal	Erection of 3 houses and garages off Smallbrook Gardens; and erection of a terrace of 3 houses off Marsh Road after demolition of Brookfield House		
Applicant	Mr Andrew Huxham		
Town/Parish Council	Staverton		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	385896 160304		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

Scale of development
 Relationship to adjoining properties
 Design - bulk, height, general appearance
 Environmental/highway impact

1. Purpose of Report

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

Neighbourhood Responses - Letters of objection received from 4 parties/neighbouring properties.

Parish/Town Council Response - Object for the reasons summarised in section 7 below

2. Report Summary

The main issues to consider are:

Principle of Development / Design and Detailing / Site Servicing / Impact on neighbours and immediate surroundings / Impact on Trees/Landscape (including TPO) / Impact on Archaeological and Ecological Interests and Financial Contributions.

3. Site Description

The application site is located on the northern periphery, but within the defined Town Policy Limits of Trowbridge and to the southern side of the public highway (New Terrace/Marsh Road). The identified site is an irregular shaped parcel of land located within a predominantly residential area of Staverton.

There are two properties on the site which measures just under 0.4 ha. Smallbrook House is a large, unlisted two-storey 8-bedroomed traditionally built Victorian house which is set back from the public

highway. The property has been licensed by Wiltshire Council for up to 20 people, occupying it as a large HMO (House in Multiple Occupation).

Following the Committee's approval of application W/11/00726/FUL, a material start has been made in terms of converting Smallbrook House into 3 flatted residential units. There is a planning condition which prevents the three flats from being used as an HMO (without requiring the express permission from the planning authority).

The frontage of the site (facing New Terrace) has several well established trees, which are subject to a TPO. The Smallbrook property currently has three separate access points (one off Marsh Road and two off Smallbrook Gardens).

Brookfield House (No. 50a New Terrace) is a 1970s chalet bungalow and is located to the west of Smallbrook House. It is similarly set back from the public highway with a treed boundary. Brookfield House has a parallel access with Smallbrook House off Marsh Road.

Towards the south-west part of the site, there are two substantial outbuildings comprising a large former commercial greenhouse and an ornate double height conservatory.

The site backs onto residential properties located along Smallbrook Gardens to the east, Warren Road to the south and the Old Vicarage Care Home to the west.

During the course of visiting the site over the past few years, there have always been numerous vehicles recorded (comprising cars, vans and even a mini bus) parked both within the site at the front and rear and even along Smallbrook Gardens itself. However, during the course of visiting the site in connection with this application, it is to be stressed that the case officer did not encounter any parking along Smallbrook Gardens.

4. Relevant Planning History

96/01452/FUL - Erection of glasshouse - Permitted 27.02.97 97/01479/FUL - Erection of conservatory - Permitted 29.01.98 03/00069/FUL - Erection of 1 four-bedroomed house with parking area - Refused 14.03.2003 03/00766/FUL - Erection of 1 four-bedroomed coach house with parking - Approved - 13.02.2004 04/00436/FUL - Three bedroomed house and two parking spaces - Permitted 05.05.2004 10/03883/FUL - Conversion of Smallbrook House into 3 flatted dwellings, demolition of Brookfield House, a large greenhouse and conservatory and erection of 2 detached dwellings, 4 terraced dwellings, garages and car ports - Withdrawn 28.01.2011. W/11/000726/FUL - Conversion of Smallbrook House into 3 dwellings; demolition of Brookfield House; large greenhouse and conservatory and erection of 2 detached dwellings, 2 semi-detached dwellings, garages and access - Permitted at Committee on 22.06.2011. W/12/00938/FUL - Erection of a terrace of four dwellings off Smallbrook Gardens and a terrace of three dwellings off Marsh Road/New Terrace after demolition of Brookfield House - Withdrawn 20.07.2012.

5. Proposal

Under this application, permission is sought for the erection of 6 new residential units - which equates to two more residential units compared to that which was approved in June 2011 under application W/11/00726/FUL. The 2011 permission is now extant following the commencement of building works on site to bring about the conversion of Smallbrook House. For the avoidance of any doubt therefore, the site identified in red on the submitted location plan is no longer time barred in terms of building / providing 7 new residential units.

The new residential development would be in the form of a terrace of three (to replace Brookfield House) and three detached dwellings within the rear grounds of Smallbrook House. Privacy distances have been observed throughout the scheme with appropriate separations between new and existing dwellings. The separation between the unit on plot 9 and the existing houses along Warren Road maintain what was previously approved under W/11/00726/FUL; and similarly, the separation between plots 7, 8 and 9 and No's 8 and 9 Smallbrook Gardens (two existing neighbouring properties) exceeds 20 metres and is appropriate. Plot 9's end gable would have no wall openings and as such there would be no detriment caused to the occupiers of the neighbouring Warren Road properties.

Also, the separation between plots 7-9 and the Care Home is considered acceptable. Adequate private garden areas have also been carefully planned, as each dwelling hereby proposed has both a single garage and one space on individual drives. The recent change to Wiltshire Council's car parking requirements means that three parking spaces are necessary for 4-bed units. As a consequence, nineteen spaces shall be provided overall (with 6 spaces provided within two garages having extant permission - serving the Smallbrook House conversion).

Since granting permission for application W/11/00726/FUL, the applicant has undertaken further market research which has indicated that the previously approved larger new build element is not viable at this location. The applicant therefore has revised the plans, reducing the size of the housing and proposed two extra units - with one served off Smallbrook Gardens and the other served directly off Marsh Road/New Terrace.

Note: The numbering of the plots follows on from the extant conversion of Smallbrook House which when complete shall provide three flatted units (i.e. plots 1 - 3).

6. Planning Policy

West Wiltshire District Plan - 1st Alteration - C31a - Design; C32 - Landscaping; C35 - Light Pollution; C38 - Nuisance; C40 - Tree Planting; H1 - Further Housing Development Within Towns; H2 - Affordable Housing Within Towns and Villages; H24 - New Housing Design; U1a - Foul Water Disposal; U2 - Surface Water Disposal; T10 - Car Parking; and I1- Implementation.

Supplementary Planning Guidance - Residential Design Guide (adopted November 2005)

Government Guidance - The National Planning Policy Framework (NPPF)

The Emerging Wiltshire Core Strategy - Strategic Objectives: Delivering a thriving economy; addressing climate change, providing everyone with access to a decent, affordable home, helping to build resilient communities, protecting and enhancing the natural, historic and built environment, and, ensuring that adequate infrastructure is in place to support our communities.

Core Policies: Policy 41 - Sustainable Construction and Low-Carbon Energy; Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 52 - Green Infrastructure; Core Policy 57 - Ensuring High Quality Design and Place Shaping; Core Policy 60 - Sustainable Transport; Core Policy 61 - Transport and Development.

7. Consultations

Staverton Parish Council - The Council has no objection in respect to the proposed terrace of three houses replacing Brookfield House, accessed off Marsh Road. However, the proposed three new houses to be built off Smallbrook Gardens to the rear of Smallbrook House (to replace the previously approved two units) constitutes overdevelopment of the site and would put an unnecessary and additional traffic burden on the small close of houses accessing the already busy Marsh Road.

On the basis of the above objection, Cllr Trevor Carbin has been asked to call-in this application.

Highways - The history of the site is acknowledged along with recognising that permission was granted under planning application W/11/00726/FUL for the conversion of Smallbrook House into 3 units and the erection of 4 additional dwellings.

Following on from negotiations with the applicants agent and the submission of revised plans, no objections are raised. The proposed / revised parking and turning arrangements for this development are satisfactory, subject to the turning area note being added. The size of the proposed garages are acceptable and address previous concerns. No Highway objection is therefore raised, subject to conditions being attached to any permission granted.

Wessex Water - New water supply and waste water connections will be required from Wessex Water to serve this proposed development. New regulations will require all sewer connections serving more

than a single dwelling to be subject to a signed adoption agreement with Wessex Water before the connection can be made. These new regulations will be confirmed by DEFRA later this year.

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Wessex Water.

Natural England - No objection. This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species. It is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that bats, a European protected species may be affected by this application.

Our Standing Advice Species Sheet: Bats provides advice to planners on deciding if there is a 'reasonable likelihood' of bats being present. It also provides advice on survey and mitigation requirements. Following a review of the impacts, it is reported that permission can be granted in this particular case. The Council should consider requesting biodiversity enhancements.

The standing advice has been designed to enable the Council to assess protected species surveys and mitigation strategies without needing to consult us on each individual application. As far as badgers, barn owls and breeding birds, water voles, widespread reptiles or white-clawed crayfish are concerned, these are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

Council's Archaeologist - An archaeological evaluation had been undertaken with regard to an earlier application on this site (W/10/03883/FUL refers), as there are a number of HER entries in the area. Following on from that evaluation, my colleague did not recommend any further archaeological work. The previous evaluation is sufficient to indicate the potential for this development to affect significant archaeological features. No further archaeological works are necessary with regard to this application.

Council's Housing Team - This proposed development generates no affordable housing contribution.

Council's Tree and Landscape Officer - No objection. All protection fencing should be erected prior to undertaking any work on site and a robust landscape scheme is required, which can be addressed via condition.

Council's Ecologist - No additional ecology comments to make following on from the assessment and approval of application w/11/00726/FUL and it is therefore recommended that the same ecological condition is issued with any new permission.

The Wiltshire Fire & Rescue Service - It is submitted that this proposed development would impose an additional burden on the Service's infrastructure, critical to the delivery of an effective response. It is recommended that the developer/applicant should burden the cost of £228.39 (two hundred and twenty eight pounds and thirty nine pence).

It is further recommended that consideration should be given to ensure that the property can be accessed by the Fire & Rescue Service in case of an emergency. Domestic sprinkler systems are encouraged, and the applicant/developer is further encouraged to contact the Fire Authority to ensure that the site has access to adequate water supplies for the use of the fire service, should the need ever arise.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 3 October 2012

Summary of points raised:

4 letters of objection received raising the following representations:

- The 3 storey houses are not in keeping with Smallbrook Gardens or Smallbrook House as they are all 2 storey properties. The upper floor windows of these new houses will look directly into neighbouring bedrooms and reduce privacy.
- The 20-60cm gap between the proposed garage building serving plots 8 & 9 from the southern boundary fence is not enough space to maintain it or to carry out repairs and general maintenance. By being so close to the boundary fence, the foundations of the garage will have an impact on its stability when the garage is being constructed.
- We see from the plans that a new hedge will be planted along the boundary of 8 Smallbrook Gardens and wonder why this hasn't been extended along the southern boundary?
- The proximity of mature trees at the adjoining Old Vicarage Care Home should be taken into consideration. A 'no dig' construction in the tree root protection areas should again be imposed on any permission granted.
- Consideration should be given to the privacy of the elderly dementia patients in the garden to the rear of Staverton House (Plot 9 only) bearing in mind that Plot 9 is a 3-storey property.

A Suggested Revision

Could the roof style on the garage that sits directly against our rear garden fence be changed from a "trussed" roof to a "hipped" roof in order for it to be more pleasant visually from the rear of our property?

Some Positive Local Comments

- The 3 houses at the rear of our property are much better in this new proposal than the last one; and this will, hopefully, reduce the volume of traffic into Smallbrook Gardens.
- The proposed plans also seem to be more considerate with regard to the parking issues which we, as residents, very much need to be right before this Planning Application gets any sort of approval. If we all (residents and planners) ignore the problems that have been previously raised about parking in Smallbrook Gardens i.e. causing congestion when large vehicles try to gain access, we could all live to regret it.

9. Planning Considerations

Principle of Development

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

Policy H24 leads on to state that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics.

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

The Brookfield House property has limited architectural quality and the proposed demolition raises no 'in principle' policy objection. In approving application W/11/00726/FUL, the Council accepted the proposed demolition of Brookfield House and to be replaced by two semi-detached dwellings. The proposed increase to three units accommodated within a terrace of three, utilising a similar footprint to that which was previously approved, is considered accepted.

The Council's tree and landscape officer, archaeologist and ecologist have all carefully considered the potential impacts of the proposal; and as reported above, no objections are raised, subject to conditions.

Following on from the withdrawal of application W/12/00938/FUL, the applicant's agent has made revisions to the scheme, reducing the number of residential units as well as the scale and massing of the new buildings. Through further negotiations and meetings with Highway officials, the on-site parking provision has been amended to satisfy the Council's adopted standards and the garage serving plots 8 & 9 has been set back 1 metre from the boundary fence separating the site and Nos 17 & 19 Warren Road.

Although no longer a national requirement, the proposed development would constitute a site density of 17 units per hectare. This level of housing density was encouraged at the pre-application stage which dates back to 2010. Officers submit that this density would respect the local urban character, the modest increase in traffic generation would be of an acceptable level; and, the new housing would not compromise the well established and protected trees on site.

The site is considered to be an appropriate 'windfall' site suitable for limited infill residential development. The principle of erecting the six new houses, after demolishing Brookfield House is considered acceptable.

Design and Detailing

The design of the proposed new houses is contemporary and reflective of the local built vernacular. The scale and massing of the 2.5 storey terraced block (accommodating units 4, 5 and 6) has been the subject of negotiations following the withdrawal of application reference W/12/00938/FUL. It is noted that the Parish Council offer no objection to this proposed element. The building (which would replace Brookfield House) would respect and reflect the immediate architectural vernacular of Smallbrook House and would be sympathetic to the extensive buildings forming the old vicarage care home facility, located to the immediate west of the site. The building would be respectful of the informal building line and would not harm the appearance of the street scene. Each of the three units would benefit from a rear garden and sufficient on-site parking provision to the front of the property (as is the case at present).

Although the three unit terrace would be a completely separate entity to Smallbrook House, the applicant's agent has deliberately kept the eaves and ridge lower than it and has broken up the roof mass with appropriately scaled gables. The proposed fenestration detailing, the use of stone quoins and window surrounds reflect and respect the architectural integrity of the immediate neighbouring properties, including the old vicarage.

The three detached dwellings to be sited to the rear of Smallbrook House would be consistent with the surrounding residential character and built form. Each unit would have adequate external amenity ground and their own dedicated parking provision. The new housing would not cause significant loss of light or overshadowing. The new houses on plots 7, 8 and 9 would be visible from the existing properties along Warren Road, but by virtue of their revised scale, siting and orientation, they would not result in demonstrable harm.

The garaging is acceptable in design terms, subject to the submission of exact building materials. If granted, the garages should be subject to a condition restricting their use and to prevent them being converted to domestic accommodation.

The detailing and use of materials throughout the proposed development is considered acceptable and reflective of the local surroundings.

The dwellings have been designed to satisfy Code 3 Energy Efficiency and include solar eaves tiles which would provide hot water. Grey water and rainwater harvesting is intended throughout to accord with the aim of producing robust low emission, adaptable dwellings.

Site Servicing

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

An informative is required to cover Wessex Water guidance. Notwithstanding the previously raised local concern about the capacity of the public sewer, Wessex Water maintain that subject to agreeing the connection points, the proposed new housing can connect to the sewage infrastructure.

The site is not recorded to be at risk of flooding. During heavy rainfall, excess surface water may have created standing water in the past on the area of hard standing. Appropriate surface water drainage treatment (subject to a planning condition) and provision of permeable paviers to the access drives and domestic forecourts should address this matter.

Impact on neighbours and immediate surroundings

It is duly noted that the applicants agent has made every effort, where possible, to address local concern and objection.

Notwithstanding the above, through discussions and negotiation, the proposed new houses (units 4-9) have been sited in such a manner to ensure that they create no demonstrable detriment to neighbouring amenity. No windows are proposed in those gables which would face neighbouring properties. The new buildings are sited to ensure that habitable rooms face and overlook their own grounds, and where habitable room windows face existing properties, there would be adequate and appropriate separation to prevent loss of privacy. To ensure that the privacies of existing and future residential occupiers are protected, a planning condition removing PD rights is considered necessary in terms of further extensions and/or new wall openings.

It is duly noted that during the processing of previous applications at this site, several local residents raised concern about the existing HMO use and sporadic parking issues. The granted conversion of Smallbrook House and the new build development within its grounds was/is subject to a planning condition requiring the cessation of the HMO use and it is further recommended that if this revised application is to be supported, a planning condition is again necessary to restrict the proposed 6 new units to be solely for Use Class C3 - single residential households.

In addition, and for the avoidance of any doubt, a previous allegation made in respect to their being a covenant in place affecting this site, the applicants solicitor (Goughs Solicitors, Trowbridge) researched the claim; and, confirmed that:

"the title to the property is not burdened by any covenants relating to windows or overview of adjoining land".

Impact on Trees/landscape (including TPO)

The Council's Tree and Landscape officer raises no objection to this much revised and re-worked scheme. With appropriate planning conditions, the existing trees identified for retention on site can be adequately protected during both the construction stage and thereafter with the requisite maintenance and on-site management.

Archaeological and Ecological interests

The Council's Archaeologist accepts the recommendations made within the respective archaeology survey submitted with the previous application. The Council's Ecologist fully supports the recommendations cited within CTM Wildlife's bat search and assessment survey in terms of maximising the ecological and biodiversity interests at this site. The survey recommends within paragraph 5.2 (page 8) that "opportunities to enhance the site for bats will need to be maximised" and that "the hanging of bat boxes on [retained] trees to the front/north of the [Smallbrook] house would enhance the site for crevice roosting bats". Suitable long-lasting types would be Schwegler boxes facing south west - south east with an unobscured flight line to/from them and not be lit at night. With an appropriately worded planning condition, the ecological interests should not be compromised by this development.

Financial Contributions

The Wiltshire Fire & Rescue Service have requested that the application be subject to a s106 legal agreement to require the developer/applicant to provide a financial contribution to the sum of £228.39 (two hundred and twenty eight pounds and thirty nine pence). This request is not considered reasonable for the following reasons:

The request fails to appreciate that the site benefits from extant planning permission (reference w/11/00726/FUL which was approved at Committee on 22 June 2011) and works have commenced on site. This permission allows for the conversion of Smallbrook House to form three flats and following the demolition of Brookfield House, two semi-detached houses can be built as well as two detached dwellings within the rear grounds (amounting to seven units in total). It should be noted that no such request for financial contributions was submitted previously by the Fire & Rescue Service for this approved, extant development.

Notwithstanding the above, it is accepted that under this application, the applicant seeks to erect two additional units within the site beyond that which was approved in 2011. The adopted policy covering and seeking financial contributions (Policy I1) is very clear in stating that provision/requests should be "commensurate with the scale and nature of the individual development". In this particular case, the sum of monies being sought is considered to be insufficient to warrant a s106. Whilst it is reported that the above request does not meet the tests of reasonableness, in the future, the Fire & Rescue Service's needs should be fully accounted for and factored into the Council's move towards adopting their CIL (Community Infrastructure Levy).

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 all 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.

Policy: West Wiltshire District Plan - 1st Alteration policies H1 and C31a.

- 3 The development hereby permitted shall not be occupied until the first five metres of the accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). All three accesses adjoining the public highway shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 4 The dwellings hereby approved shall only be occupied as single private residential units and shall not be occupied as an HMO (House in Multiple Occupation). Before any of the dwellings hereby approved are first occupied, the use of Smallbrook house as and HMO shall permanently cease.

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

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

Reason: In order to define the terms of this permission and to ensure that the Local Planning Authority has control over future extensions on this site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no windows or door openings, other than those hereby approved, shall be added to any of the gables forming plots 4, 6, 7, 8 and 9 without the express planning permission of the Local Planning Authority.

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

- 7 The development hereby permitted shall not be brought into use until the recommendations cited within paragraph 5.2 of the submitted bat search and assessment survey (produced by CTM Wildlife dated February 2011) have been implemented on site and that the bat enhancement measures are maintained on site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maximising ecological and biodiversity interests.

Policy: PPS9: Biodiversity and Geological Conservation.

- 8 The garages hereby approved shall be used solely for the purpose of housing private motor vehicles or other uses incidental to the enjoyment of the dwellings/flatted units and that the garages shall not be converted to habitable accommodation and that no trade or business shall be carried out in or from the garage buildings.

Reason: In order to define the terms of the permission and in the interests of highway safety and local amenity.

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

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

Reason: In the interests of preventing light pollution and nuisance

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

10 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 parking 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.

11 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.

12 The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Phil Goldsmith and shall be supervised by an arboricultural consultant.

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

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

Reason: In the interests of highway safety

14 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access), 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.

Policy: West Wiltshire District Plan - 1st Alteration policy U2.

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

REASON: In the interests of visual amenity.

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

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

LOCATION PLAN - drawing no. 2451-08 received 03.09.2012

SITE PLAN - drawing no. 2451-01 Rev L received 02.10.2012

PLOTS 4, 5 AND 6 ELEVATIONS AND FLOOR PLANS - drawing no. 2451-20 received 03.09.2012

PLOTS 7, 8 AND 9 ELEVATIONS AND FLOOR PLANS - drawing no. 2451-21B received 03.09.2012

GARAGING PLANS FOR PLOTS 8 & 9 - drawing no. 2451-22 received on 12.09.2012

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):

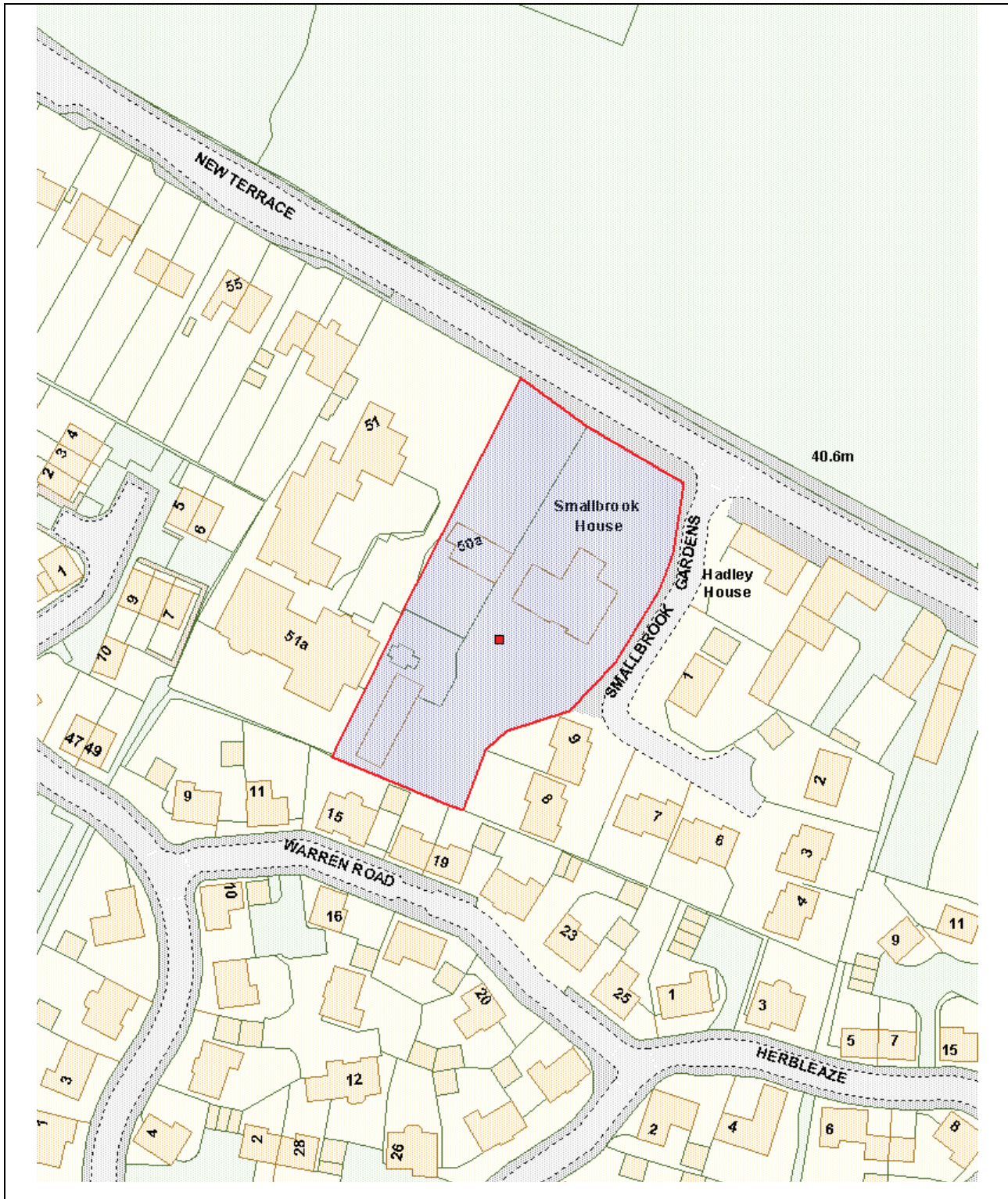
- 1 The attention of the applicant is drawn to the contents of the attached letter from Wessex Water.
- 2 The developer/applicant is encouraged to use / make provision for residential sprinkler systems within the new build development hereby granted permission. The Wiltshire Fire and Rescue Service actively supports and encourages their installation. They are inexpensive to install (particularly in new buildings), they cannot be accidentally activated, and in new builds such as this, they can be designed to sit flush with ceiling (behind a cover) so as not to be unsightly. When required, they also cause less water damage than standard fire fighting methods. Should further information be required on this particular aspect, you are advised to make contact with the Wiltshire Fire _ Rescue Service on tel. no. 01225 756 500 or via email at planning@wiltsfire.gov.uk.

It should be stressed that the above guidance / recommendation should be read in conjunction with Building Regulation requirements.

The applicant/developer is further encouraged to make contact with the Fire Authority to ensure that the site is able to provide adequate water supplies for the use of the fire service in case of any emergency. Such arrangements may include a water supply infrastructure, suitable siting of hydrants and/or access to appropriate open water. Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and specific advice of the Fire Authority on the location of fire hydrants.

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

This page is intentionally left blank



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

This page is intentionally left blank

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	24.10.2012		
Application Number	W/12/01544/FUL		
Site Address	14 Newtown, Trowbridge, Wiltshire, BA14 0BA		
Proposal	Additional first floor storage facility		
Applicant	Mr Paul Ranger		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Central	Unitary Member:	John Knight
Grid Ref	385192 157593		
Type of application	Full Plan		
Case Officer	Mr Steve Vellance	01225 770344 Ext 01225 770255 steven.vellance@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance

1. Purpose of Report

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

Neighbourhood Responses:

None.

Trowbridge Town Council Response:

No objections.

2. Report Summary

The main issues to consider are:

- * Impact on neighbouring amenity
- * Whether the current application has overcome the previous reason for refusal within 11/02174

3. Site Description

The building which is the subject of this application is a detached linear single storey red brick structure, with a flat roof and is sited directly opposite to the rear of 14 Newtown, Trowbridge. The building is used for the storage of white goods, whereby sales takes place from number 14. The immediate vicinity consists of mixed use, but is primarily residential.

4. Relevant Planning History

11/02174 Additional first floor storage facility Refused 10.01.2012

5. Proposal

The proposal is for the construction of a first floor extension over the existing building on a steel portal frame, with matching materials. The proposed increase in accommodation would be used for the storage of white goods. The original length and width of the building would remain unchanged; the proposed dimensions are:

24.5 metres (length) by 5.2 metres (width) by 6.4 metres (height)

The existing roof height is 2.8 metres, the proposal therefore represents an increase of 3.6 metres in height.

The first floor north west elevation would be set back by 0.3 metres as shown on plan reference 1108-11.

6. Planning Policy

C17 Conservation Area
C19 Changes within the Conservation Area
C31a Design
C38 Nuisance

7. Consultations

Trowbridge Town Council

No objections.

Conservation Officer

No objections.

Highways Officer

No objections.

8. Publicity

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

Expiry date: 21.09.2012

Summary of points raised:

No responses received

9. Planning Considerations

The previous planning application 11/02174 was refused for the following reason:

"The proposed two storey extension by reason of its length, size, height and location in close proximity to the boundary of number 4A Newtown, would result in a loss of light and appear overly dominant impacting adversely on the amenities enjoyed by the occupiers of 4A Newtown, contrary to policies C31A and C38 of the West Wiltshire District Plan 1st Alteration 2004".

The current scheme is very similar to that previously submitted with the differences being the ridge height of the building has been reduced by 0.6 metres and that the height of the side walls to eaves height have similarly been reduced by approximately 0.4 metres. The proposal would have a pitched roof height of 6.4 metres.

The issue of amenity in this instance is paramount and Policy C38 of the Council's adopted local development plan states that proposals will not be permitted which would detract from the amenities enjoyed by or cause nuisance to neighbouring properties and uses.

In this instance the neighbouring property at number 4A is separated by a distance of 0.6 metres at the boundary from the proposal, 4A is also the nearest and most likely to be affected by the proposed two storey extension, due to the increase in height of the building by 3.6 metres. Number 4A has a high level side bedroom window that would be blocked out by the proposal.

The proposed increase in height is significant because of the overbearing impact the extension would have on 4A. Furthermore, the north east orientation of the application site, in relation to number 4A is a further material consideration because of the subsequent level of over shadowing and loss of natural daylight that would affect 4A. These factors are considered to be significant so as to negatively impact on the amenity of this dwelling.

This level of harm can be visually highlighted by applying the rule of thumb guideline of applying 45 degree projection lines. In this instance this would relate to the first floor windows of the front and rear elevations of 4A, closest to the proposal. The amount of development forward of the projection lines, indicates the amount of development which would cause a nuisance.

For the reasons as discussed throughout, the current scheme has not overcome the previous reason for refusal, does not accord with policy and consequently is recommended for refusal.

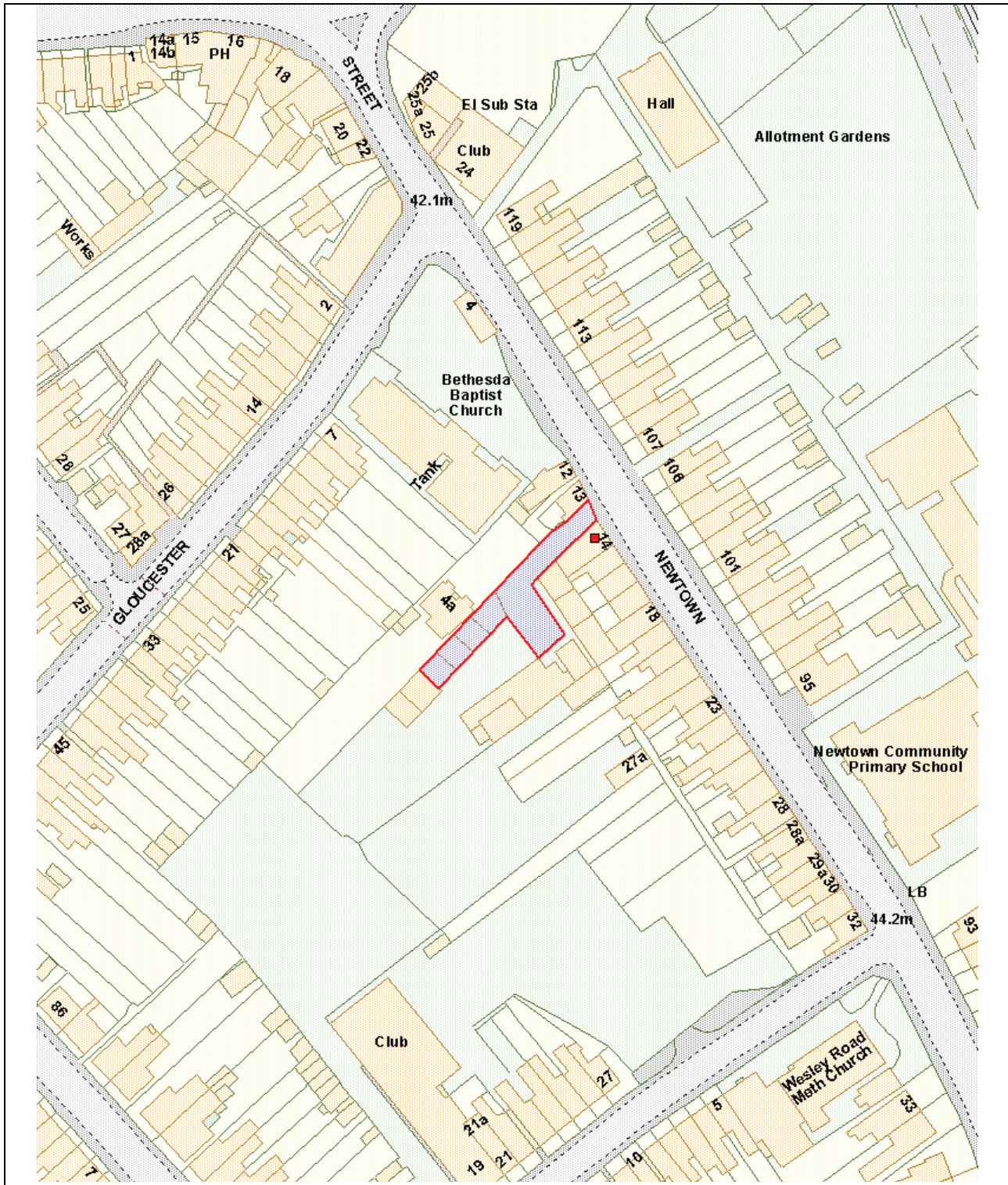
Recommendation: Refusal

For the following reason(s):

- 1 The proposed two storey extension by reason of its length, size, height and location in close proximity to the boundary of number 4A Newtown, would result in a loss of light and appear overly dominant. It would have an adverse impact on the amenities enjoyed by the occupiers of 4A Newtown, contrary to policies C31A and C38 of the West Wiltshire District Plan 1st Alteration 2004.

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

This page is intentionally left blank



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

This page is intentionally left blank

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	24.10.2012		
Application Number	W/12/01327/FUL		
Site Address	5 Worsted Close, Trowbridge, Wiltshire, BA14 7HP		
Proposal	Two storey side extension		
Applicant	Mr Neil James		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Park	Unitary Member:	Peter Fuller
Grid Ref	386131 157232		
Type of application	Full Plan		
Case Officer	Mr Philip Baker	01225 770344 Ext 01225 770286 philip.baker@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- Scale of development
- Visual impact upon surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance

Other – Adverse impact on the amenity of the adjacent property to the East by reason of its scale and massing producing an overbearing impact of the height and mass of the proposed gable wall. This would conflict with policy C38 of the West Wiltshire District Plan 1st alteration 2004.

1. Purpose of Report

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

Neighbourhood Responses

1 letter of representation was received.

Parish Council Response

Objection.

2. Report Summary

The main issues to consider are:

- Visual impact
- Impact on neighbours and immediate surroundings
- Highways

3. Site Description

The application site is 5, Worsted Close, Trowbridge, which is located to the south of the town centre in contemporary 90's development. The property is a semi-detached brick built dwelling house with concrete double roman tiles and a tarmac driveway.

To the north of the site lies the adjoining neighbour no. 4 Worsted Close and beyond that to the 1930s Longfield Estate.

To the east of the site is the front garden and hammerhead of Worsted Close and beyond that the River Biss and the West Ashton Road.

To the south of the site lies the adjoining neighbour no. 6 Worsted Close.

To the west of the site lies the rear garden and beyond that Holbrook.

4. Relevant Planning History

03/00568/FUL – 20/5/2003 – Permission - Conservatory

5. Proposal

The proposed development comprises of a block paved driveway of 6.3 metres by 2.3 metres and a two storey side extension. The two storey side extension is set back from the front building line by 0.5 metres and has a width of 2.1 metres and a length of 7.6 metres to the rear building line. The roof is lower than the main dwelling house roof and the materials used will consist of matching brick, double roman concrete tiles and white UPVC.

6. Planning Policy

Government Guidance

National Planning Policy Framework

West Wiltshire District Plan - 1st Alteration 2004

C31a - Design

C38 - Nuisance

SPG Design Guidance House Alterations and Extensions 2004

The Emerging Wiltshire Core Strategy

CP57 – Ensuring high quality design and place shaping

7. Consultations

Melksham Town Council

Objection received 2/8/2012

The proposed development results in the overdevelopment of the plot, including the removal of any suitable access to the rear garden, significant loss of neighbour amenity and windows overlooking neighbouring properties. The conversion of the front garden into parking would result in an out of character development, which is detrimental to the street scene.

Highways

Comments received 1/10/2012

The revised site plan illustrates car parking provision for two vehicles within the curtilage of the site, therefore, I would raise no objection to the proposed planning application, subject to a condition being attached to the planning permission.

Building Regulations

Comments received 21/8/2012

There are no minimum requirements for the width of the side passage.

8. Publicity

The application was advertised by site notices / neighbour notification.

Expiry date: 7th September 2012

Summary of points raised:

1 letter of representation was received raising the following points:

- Serious adverse impact on the adjacent property resulting in a severe blight being put on this property. (6 Worsted Close)
- Total over development of the site
- Totally out of character with the area
- This application is contrary to "C38" of the West Wilts Structure Plan (Written in error). Further comments received on 23/8/2012 state that the new gable end will be overbearing and produce an almost claustrophobic effect on my rear garden.
- Use of the front garden for parking is out of keeping with the Close
- Site plan shows property no. 4-3 with two buildings which could be interpreted as garages (This plan has now been superseded and replaced with 12.27.1 Rev A)

9. Planning Considerations

Visual Impact

The proposal is a sympathetic, modest and subservient extension, which would be of a scale and design appropriate to the host building. The extension is set back from the front building line and the roof of the extension is lower than the main dwelling house roof.

The character of the area can be described as a mix of semi-detached and detached properties of varying designs. The materials proposed will match the existing and respect the architecture of the immediate area thereby in accordance with policy C31a design.

Impact on neighbours and immediate surroundings

The window proposed at first floor level off the southern elevation of no.5 would be non-opening, obscure glazed and would light the landing area of the first floor, which is not a habitable room. The proximity of it to the ensuite window off the northern elevation of no.6, is less important in terms of loss of privacy, as they are both obscured glazed and in planning terms are not considered to be habitable rooms.

By virtue of the location, the extension would not cause detrimental overshadowing to no.6 Worsted Close and any loss of light from the first floor extension would be minimal and insufficient to justify a refusal on these grounds.

A distance of approximately 690mm will exist between the proposed extension and the boundary however; there is no legal requirement for an access to be provided alongside the building. Officers consider that the extension would not be sufficiently detrimental to warrant a refusal of this proposal to the residential amenity of no.6.

Highways

The application has been revised in light of the comments from the Highways Officer to ensure that car parking for two cars is possible on site. The existing driveway is tarmac and the parking space will be increased in size by using brick paviours.

Other issues

The site is not recorded to be at risk of flooding, and falls within flood zone 1.

Conclusion

The proposal is in accordance with both policies C31A and C38 and there are no grounds to justify refusal of the application.

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

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A

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

Reason : In the interests of Highway safety

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

- 4 Notwithstanding the details submitted with the application, the windows on the south elevation extension hereby approved shall be fitted with obscure glazing. The obscure glazing shall be maintained for the lifetime of the development hereby approved.

REASON : To prevent overlooking of a neighbouring property.

POLICY : West Wiltshire District Plan 1st Alteration 2004 – Policy C38

- 5 The works on the two storey side extension shall not commence until the parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added to the south elevation facing no. 6 Worsted Close.

REASON: In the interests of amenity and privacy.

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

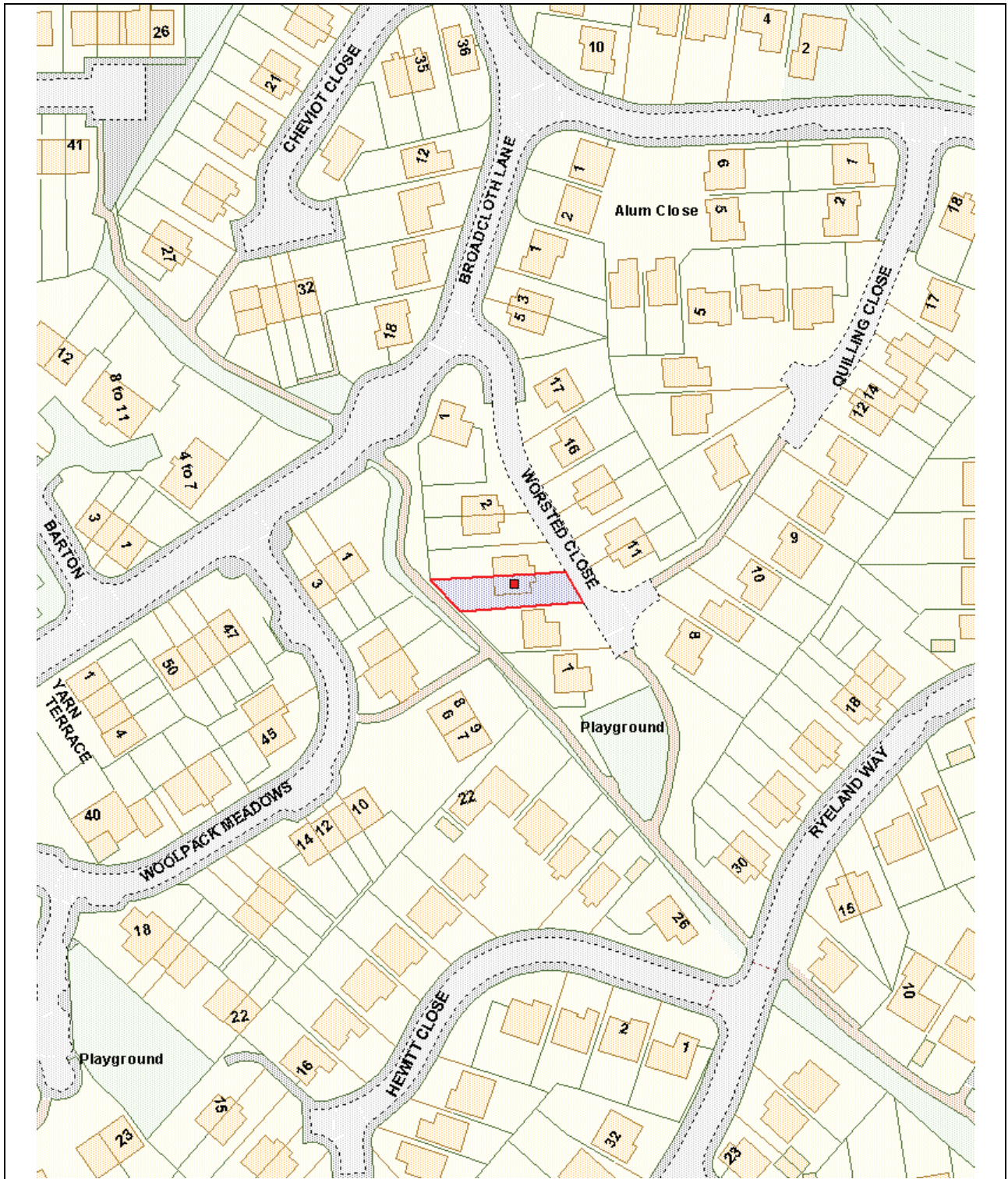
- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

- 12.27.1 Rev B received on 16th August 2012
- 12.27.2 received on 13th July 2012
- 12.27.3 Rev B received on 8th October 2012
- 12.27.4 received on 13th July 2012
- 12/01372/1 received on 28th September 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

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

This page is intentionally left blank



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

This page is intentionally left blank