

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 11 June 2014
Time: 3.00 pm

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email jessica.croman@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	(Chairman)
Cllr Andrew Davis	Cllr Horace Prickett
Cllr Dennis Drewett	Cllr Pip Ridout
Cllr John Knight (Vice Chairman)	Cllr Jonathon Seed
Cllr Magnus Macdonald	Cllr Roy While

Substitutes:

Cllr Nick Blakemore	Cllr Stephen Oldrieve
Cllr Rosemary Brown	Cllr Jeff Osborn
Cllr Terry Chivers	Cllr Graham Payne
Cllr Russell Hawker	Cllr Fleur de Rhé-Philippe
Cllr Keith Humphries	Cllr Jerry Wickham
Cllr Gordon King	

AGENDA

1 **Apologies for Absence**

2 **Minutes of the Previous Meeting** (*Pages 1 - 16*)

To approve the minutes of the last meeting held on 21 May 2014.

3 **Chairman's Announcements**

4 **Declarations of Interest**

To receive any declarations of disclosable 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 2.50pm 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 2pm on Wednesday 4 June 2014. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides

that the matter is urgent.

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

6 **Planning Applications**

To consider and determine the following planning applications:

- 6a **13/03987/FUL - 249/250 Winsley Road, Bradford on Avon** (*Pages 17 – 33*)
- 6b **14/02339/FUL - Plot adjacent to `Beechwood`, Bratton Road, West Ashton** (*Pages 35 – 43*)
- 6c **13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster** (*Pages 45 - 66*)
- 6d **13/06783/LBC - Boreham Road, Warminster, BA12 9HE** (*Pages 67 - 72*)
- 6e **14/04344/FUL - Land North West 6 Holmleaze Steeple Ashton** (*Pages 73 - 82*)
- 6f **14/03770/FUL - Sienna Valley Farm, Huntenhull Lane, Chapmanslade BA13 4AS** (*Pages 83 - 90*)
- 6g **14/03464/FUL - Garage Site ,Holbrook Vale, Berryfield, Melksham, Wilts SN12 6EJ** (*Pages 91 - 100*)
- 6h **13/06270/FUL - Land North of 46-47 High Street, Heytesbury, BA12 0EB** (*Pages 101 - 108*)
- 6i **14/03407/FUL - Mulberry Snakes, Hilperton Rd, Trowbridge,BA14 7JW** (*Pages 109 - 116*)

7 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 21 MAY 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Terry Chivers (Substitute), Cllr Andrew Davis, Cllr Russell Hawker, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout and Cllr Jonathon Seed

Also Present:

Cllr Rosemary Brown

47 Apologies for Absence

Apologies for absence were received from Councillor Clark.

48 Minutes of the Previous Meeting

The minutes of the meeting held on 30 April 2014 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 30 April 2014.

49 Chairman's Announcements

The Democratic Services Officer announced changes to the membership of the Western Area Planning Committee noting that Cllr Knight was the new Vice-Chairman and that Cllr Drewett was now a full member of the planning committee and Cllr Hawker would be a substitute.

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

50 Declarations of Interest

Cllr MacDonald declared that he had a pecuniary interest on application 14/02361/FUL Garage site at Leslie Rise Westwood BA15 2BN, as a result of being a director of Selwood housing. For that item Cllr MacDonald sat away from the committee and did not participate in the debate or vote.

51 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.

52 Planning Applications

The Committee considered the following applications:

53 13/06707/FUL - Land SE of Leechpool Farm, Norrington Lane, Broughton Gifford

Isobel Hollands (Agent) spoke in support of the application.

Roy Gurney (Broughton Gifford Parish Council) spoke in objection of the application.

The Area Development Manager outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given. The site would essentially consist of a solar photovoltaic park over approximately 30.5 hectares.

The Area Development Manager outlined the relevant planning policy drawing particular attention to: The West Wiltshire District Plan – 1st Alternation 2004 - C34: Renewable Energy, C1: Countryside Protection, C6a: Landscape Features.

Four letters of objection had been received and five letters in support which had been outlined in the report.

The Area Development manager drew attention to the relevant planning considerations and drew particular attention to the impact on the landscape of the open countryside.

Members were invited to ask technical questions about the site. The questions focused on the decommissioning of the site and the views of Melksham Without and Broughton Gifford Parish Councils..

Members of the public were invited to speak on the application as listed above.

Cllr Chivers as local member opened the debate noting the site visit had been a worthwhile exercise and that the conditions were important for the protection of the local community. A question was asked if a condition could be imposed to protect the hedges within the site. It was agreed that a suitably worded condition could be imposed.

A motion was proposed to approve the application, with the addition of an extra condition relating to management of the hedgerows and it was;

Resolved

That Planning Permission be APPROVED subject to the following conditions:

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.

The development hereby approved shall be discontinued and the land restored to its former condition on or before 01 June 2039 in accordance with a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning; unless before that date planning permission has been sought and granted for the retention of these structures for an extended period of time.

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

In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 2 then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance a Decommissioning Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning, and within six months of the cessation of the generation of energy from the site.

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

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

a) the parking of vehicles of site operatives and visitors;

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

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

REASON: In the interests of highway safety and amenity.

No ground-raising shall take place within areas defined as flood zones 2 and 3 on the Environment Agency's flood map.

REASON: To maintain the integrity and proper functioning of the flood plain, in order to prevent an increase in flood risk.

The boundary fences shall be erected in accordance with the approved plan H.0635-05-E and in advance of any other construction works commencing, and no construction or operational works shall extend into the wildlife buffer strips/ areas either directly or indirectly.

REASON: In the interests of the protection of wildlife.

Prior to the commencement of works a Supplementary Ecological Mitigation, Enhancement and Management Plan shall be submitted for planning authority approval. The Plan shall provide detailed drawings and proposals for the following:

- Restoration of "Pond 1" and enhancement of "Pond 2";
- Reinstatement of land beneath the solar panels;
- Sowing mixes for buffer strips / areas;
- Restoration and management for each section of hedgerow within the application boundary;
- Bat and bird boxes; and
- Great crested newt hibernacula.

The works shall be implemented in accordance with the approved Supplementary Ecological Mitigation, Enhancement and Management Plan within 1 year of permission being granted. Any trees, hedges or plants forming part of a planting scheme 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.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

Development shall not commence prior to the submission and approval in writing by the LPA of fence design details which, notwithstanding drawing H.0365_17-A, shall be of will be post-and-wire design to approximately 2.4m in height. The fencing shall be erected in terms of the approved details.

REASON: In the interest of amenity and the appearance of the site.

The scheme shall be delivered in accordance with the Confidential Badger Appendix (Avian Ecology, 2013), Ecological Mitigation Enhancement and Management Plan (Avian Ecology 05/03/14) and the Great Crested Newt Conservation Strategy (Avian Ecology 19/03/14) except where measures are revised by conditions 6 and 7 above. All mitigation and enhancement works will be completed within 1 year of permission being granted.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

Removal of hedgerows and ground preparation shall be undertaken only during the period 1st September to 28th February unless, if done outside this period, preceded by a survey by a professional ecologist and then only undertaken in accordance with the ecologist's written advice.

REASON: In the interests of nature conservation.

A survey of habitat condition measured against the Ecological Mitigation, Enhancement and Management Plan (Avian Ecology 05/03/14) and the Supplementary Ecological Mitigation, Enhancement and Management Plan shall be undertaken by a professional ecologist during the period May to August and submitted for Local Planning Authority Approval in the first, third and fifth years after the site first becomes operational. Where monitoring identifies non-compliance, remedial measures shall be identified, implemented and reported through a subsequently agreed monitoring survey.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

Any decommissioning plan submitted in accordance with Conditions 2 and 3 shall include an ecological assessment and mitigation report for approval by the planning authority. The site will only be decommissioned in accordance with the approved mitigation report.

REASON: In the interests of the protection of Protected Species and the promotion of biodiversity.

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details and removed in accordance with conditions 2 and 3 above.

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

No development shall take place within 8m of the top of bank of any river or ditch at any time during the development.

REASON: To ensure that flood risk is not increased and to protect the biodiversity value of the watercourses.

No development shall commence until a scheme to limit surface water flows from the development during the construction and operational phases has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented and maintained in accordance with the details of the approved scheme.

REASON: To ensure that flood risk is not increased.

The development hereby permitted shall not be first brought into use until the existing furniture serving footpaths BGIF33 and BGIF34 where they intersect site boundaries is upgraded to a minimum standard of kissing gate in accordance with details which shall be submitted to and approved in writing by the local Planning Authority.

REASON: In the interests of amenity and public safety.

The development hereby permitted shall be carried out in accordance with the details shown on the hereby approved plans:

H.0365_01-C received on 09 December 2013;
H.0365_05-E received on 10 April 2014;
H.0365_12-A received on 09 December 2013;
H.0365_13-A received on 09 December 2013;
H.0365_14-A (1 of 2) received on 09 December 2013;
H.0365_14-A (2 of 2) received on 09 December 2013;
H.0365_15-A received on 09 December 2013; and
H.0365_16-A received on 09 December 2013.

REASON: For the avoidance of doubt and in the interests of proper planning.

During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following hours; Mon-Fri 07:30 to 18:00, Saturday 08:00 to 13:00 nor anytime on Sundays or public holiday.

REASON: In order to protect local amenity.

Before development is commenced, a scheme for the management of the hedgerows within the site, including those on the site perimeters shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the hedgerows to grow to a minimum of 3 metres and to be thereafter retained at no less than this height for the duration of the operation of the solar farm.

REASON: To help screen the development from nearby vantage points and public rights of way, in the interests of ameliorating the visual impact of the development.

INFORMATIVES:

a. There are ordinary watercourses within or in close proximity to the site. If any obstruction to flow in the watercourse (permanently or temporarily, including culverting) is likely, prior Land Drainage Consent from Wiltshire Council (as the Lead Local Flood Authority) will be required.

b. Fencing used near watercourses could act as an obstruction to flow (thus increasing flood risk), therefore it is important to ensure that fencing design remains permeable to flood waters.

c. In seeking to discharge any surface water drainage condition, the following considerations should be borne in mind: - In the absence of any specific guidance on how to assess run-off from solar developments, a range of methods and scenarios to calculate run-off rates (and thus, attenuation volumes) should be investigated. The introduction of impermeable areas within the development should be minimized wherever possible –all access tracks should be permeable. - Attenuation volumes should be agreed based on the above investigation and taking into account site specific circumstances. - Any drainage scheme should be supported by percolation / soakaway tests on site. - Management of the land, including grass seeding and planting (in line with proposals set out in the FRA) should be considered and confirmed. - Measures to offer betterment on existing surface water rates and volumes to reduce flood risk elsewhere should be considered given the scale of the development.

d. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover: - the use of plant and machinery - oils/chemicals and materials - the use and routing of heavy plant and vehicles - the location and form of work and

storage areas and compounds - the control and removal of spoil and wastes All works must be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines which can be viewed at the following link: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>. In the event of a pollution incident, the site operator must contact the Environment Agency immediately by calling 0800 80 70 60.

e. Use of road planning's (tarmac scalplings) for track construction requires a Use of Waste in Construction exemption (U1) under the Environmental Permitting (England and Wales) Regulations 2010. It allows the use of suitable wastes for small scale construction but does not allow treatment of wastes to be carried out unless covered by a different exemption.

54 13/03987/FUL - 249/250 Winsley Road, Bradford on Avon

Andy Green spoke in objection of the application.

Simon Fisher spoke in objection of the application.

Vicky Landell-Mills spoke in objection of the application.

Councillor Gwen Allison spoke on behalf of Bradford-On-Avon Town Council in objection of the application.

The Case Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given. The development would involve demolishing the existing two houses and the erection of 10 houses with an associated access road.

The Case Officer outlined the relevant planning policy which included the West Wiltshire District Plan 1st Alteration (2004), National Planning Policy Framework (2012), Wiltshire Local Transport Plan 2011- 2026 and that some weight was also afforded to the Emerging Wiltshire Core Strategy, however as it was yet to be formally adopted by the Council, only limited weight could be given to the policy.

The Case Officer outlined the comments and objections received through consultation, as set out in the report, paying particular attention to the S106 contributions required to fund school places. It was reported that 116 letters of objection had been received, as outlined in the report.

The Case Officer drew attention to the relevant planning considerations set out in the report.

Members were invited to ask technical questions of the site. The questions focused on concerns with traffic and air quality.

Members of the public were invited to speak on the application as listed above.

Cllr Rosemary Brown as the local member spoke in objection to the application with the main points summarised as: inadequate access and pedestrian safety, site levels, flooding and light pollution, ecology, archaeology and the design of the proposed houses.

Members then entered debate which focused on: the site levels of the proposed housing, traffic and pedestrian safety and the impact on the character and appearance of the area of this number of houses. A motion to refuse the application was withdrawn and a new motion for a site visit was proposed.

At the end of the debate, the Committee;

Resolved:

To DEFER for a site visit on 11 June 2014 at 12:30 noon (the date and time was agreed at the end of the meeting)

A recess was taken from 16:15 until 16:25.

55 14/02339/FUL - Plot adjacent to `Beechwood`, Bratton Road, West Ashton

Public Participation

David Petrie spoke in objection of the application.

Paul Pursey spoke in objection of the application.

Howard Waters (Agent) spoke in support of the application.

Tim LeMare spoke on behalf of West Ashton Parish Council in objection of the application.

The Case Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given. The site would essentially consist of a single dwelling within the village policy limit.

The Case Officer outlined the relevant planning policy which included the National Planning Policy Framework 2012 and the West Wiltshire Local Plan

The Case Officer outlined the comments and objections received through consultation, as set out in the report. It was reported that 4 letters of objection had been received, as outlined in the report.

The Case Officer drew attention to the relevant planning considerations set out in the report.

Members were invited to ask technical questions of the site. The questions focused on the use of the land and whether a further permission was required for a change of use from agriculture. It was advised by the Officer that this was included within the principle of the proposal and no separate application was required.

Members of the public were invited to speak on the application as listed above.

Members debated the application. A motion was proposed to defer the application for a site visit.

At the end of the debate, the Committee;

Resolved:

To DEFER for a site visit on 11 June 2014 at 1:30pm (the date and time was agreed at the end of the meeting).

56 **14/02361/FUL - Garage site at Leslie Rise Westwood**

Julie Adcock spoke in objection of the application.

Paul Walsh (Agent) spoke in support of the application.

Jeannie Johnston spoke on behalf of Westwood Parish Council in objection of the application.

The Case Officer outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given. The development would involve demolishing the existing six garages and the erection of two houses with associated road and parking, within the Village Policy Limits and not obstructing the Public Rights of Way.

The Case Officer outlined the relevant planning policy which included the West Wiltshire District Plan 1st Alteration (2004), Leisure and Recreation DPD 2009, National Planning Policy Framework (2012), Neighbourhood Plan and that some weight was also afforded to the Emerging Wiltshire Core Strategy, however as it was yet to be formally adopted by the Council, only limited weight could be given to the policy.

The Case Officer outlined the comments and objections received through consultation, as set out in the report.

The Case Officer drew attention to the relevant planning considerations set out in the report.

Members were invited to ask technical questions of the site. The questions focused on if the garages would be relocated and where.

Members of the public were invited to speak on the application as listed above.

Members then entered debate which focused on: the Rights of Way, concerns about the social club in close proximity to the proposed dwellings and whether the pathway would become too enclosed. A motion to approve the application was proposed.

At the end of the debate, the Committee;

Resolved:

That Planning Permission be APPROVED subject to the following conditions:

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

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

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

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

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

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) other vehicle and pedestrian access and circulation areas;
- h) all hard and soft 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);

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

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

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

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

REASON: In the interests of highway safety.

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

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

- 7 No development shall commence on site until a noise assessment with regard to noise from the club, including any suitable noise mitigation measures has been submitted to and approved by the local planning authority. Any works which form part of the approved scheme shall be completed prior to the dwellings being first occupied and shall be maintained in accordance with the approved details at all times thereafter.

REASON: In the interests of residential amenity.

- 8 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

- 9 REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved.

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

3742/01 Rev E received 07/04/2014

REASON: For the avoidance of doubt and in the interests of proper planning.

Informative 1

There is a low risk that bats may roost at the development site, potentially in trees and hedgerows. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is

advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on **0845 1300 228**, email enquiries@bats.org.uk or visit the Bats Conservation Trust website www.bats.org.uk.

Informative 2

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

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Informative 3

A public water main is shown on record plans within the land identified for the proposed development. It appears that development proposals may affect existing water mains. It is recommended that the applicant contacts Wessex Water for further advice on this matter.

Building over or within 3 metres of an existing water mains sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Informative 4

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

57 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.30 pm)

The Officer who has produced these minutes is Jessica Croman, of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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

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REPORT TO THE AREA PLANNING COMMITTEE

Report No 1

Date of Meeting	11 June 2014
Application Number	13/03987/FUL
Site Address	249/250 Winsley Road, Bradford on Avon
Proposal	Demolition of existing two houses and erection of 10 houses with associated access road
Applicant	Colburn Homes Ltd
Town/Parish Council	BRADFORD ON AVON
Ward	BRADFORD-ON-AVON NORTH
Grid Ref	382563 161396
Type of application	Full Planning
Case Officer	Alison Hall

Reason for the application being considered by Committee

The application has been called in by Councillor Rosemary Brown on the following grounds: Access, pedestrian safety, site levels resulting in overbearing impact and loss of privacy to some neighbouring properties, loss of sunlight to houses on Bath Road, headlights of cars onto back of houses on Bath Road causing light pollution in bedrooms, no ecological survey and mitigation report, density - the number of houses is still excessive and out of keeping with this residential area and no details of street lighting have been submitted.

1. Purpose of Report

To consider the application and recommendation that planning permission is granted subject to planning conditions and a S106 agreement for contributions to Education and Open Space.

2. Report Summary

Key issues

- Principle
- Impact on highway and pedestrians
- Design
- Impact on residential amenity

- Impact on the setting and character of the Conservation Area
- Impact on Ecology
- Impact on surface water drainage and flooding
- Impact on Pollution – lighting and traffic

3. Site Description

No.249/250 Winsley Road are located to the north west of Bradford on Avon town centre. The existing properties are located to the north of Winsley Road. There are residential properties along Winsley Road to the west, Bath Road to the east, Church Acre to the north and Winsley Road/Priory Close to the south.

The existing two properties to be demolished are detached two storey dwellings located within large plots in an elevated position to the public highway. The properties were constructed in approximately the 1960's.

4. Planning History

No relevant planning history.

5. The Proposal

The scheme seeks to demolish the existing two dwellings and construct 10 dwellings with associated gardens and parking. The proposal would provide 8x 3 bedroom houses and 2x 4 bedroom houses. The properties would be constructed from stone with slate roofs.

The scheme has been amended by two revisions since the original submission.

The amendments have resulted in the reduction of the scheme from 11 to 10 dwellings. In addition the design of the properties has been amended in consultation with the Councils Design Officer to simplify the design so that it better reflects the character of the area in relation to design and materials.

Each 3 bedroom plot would be provided with 2 off street parking spaces each and the 4 bedroom properties would have 3 spaces each in line with LTP3 Wiltshire Local Transport Plan. The scheme would provide a total of 22 car parking spaces.

6. Planning Policy

National Planning Policy Framework (2012)

West Wiltshire District Plan 1st Alteration (2004)

- H1 – Town Policy Limits
- C17 - Conservation Areas
- C18 - New development in conservation areas

- C30 - Skylines
- C31a - Design
- C32 - Landscaping
- C38 - Nuisance

Wiltshire Local Transport Plan, 2011- 2026, Car Parking Strategy
Policy LTP3

Emerging Wiltshire Core Strategy

7. Consultations

Bradford on Avon Town Council – Object - Visibility and substandard access road, traffic on Winsley Road, design, over development, privacy, site levels, impact on residential amenity, drainage and lighting, pedestrian safety. Following amendments to the scheme the Town Council maintain their objections.

Wiltshire Council Affordable Housing Officer – The scheme does not meet the trigger for affordable housing contributions and therefore no affordable housing required.

Wiltshire Council Urban Design Officer – No objections

Wiltshire Council Conservation Officer – No objections proposal represents an improvement to the Conservation Area

Wiltshire Council Archaeology Officer– No objection subject to conditions.

Wiltshire Council Drainage Officer – No objection subject to conditions. No known land drainage issues.

Wiltshire Council Ecology Officer– No objection subject to condition

Wiltshire Council Highways Officer – No objection subject to conditions.

Wiltshire Council Public Protection Officer– No objection

Wiltshire Council Spatial Planning Officer – Principle of development supported

Wiltshire Education Officer – No objection subject to S106 contributions required to fund a need for 3 primary (at the current cost multiplier £12713 per place) and 2 secondary school places (at the cost multiplier £19155 per space) at the designated area schools which are Christ Church CE Primary and St Laurence School at secondary level. This would result in a total contribution of £76449.

Wiltshire Open Space Officer – No objections subject to S106 contributions of £11,175 for offsite Open Space and Play within Bradford on Avon being secured.

Bradford on Avon Preservation Trust – Object in relation to design, loss of privacy, scale of development, sufficient housing numbers already constructed to meet the

2026 target, impact on views into and out of the Conservation Area, insufficient parking, inadequate access.

Wessex Water – No objection subject to informatives.

8. Publicity

The application has been publicised by site notice and neighbour notification. Further site notices were displayed following the amended schemes being submitted.

A total of 116 letters of comment/objection have been received from individual properties. These raise the following concerns:

- Impact on the Conservation Area
- Lack of open space
- Impact on neighbouring amenity
- Impact on ecology (Birds, bees, slow worms, hedgehogs)
- Loss of open space
- Impact on the character of the area
- Impact on traffic on Winsley Road/Bath Road
- Impact on pedestrian safety
- Impact on Priory Close
- Impact on Archaeology
- Layout- over developed
- Height of properties
- Flooding and drainage
- Pollution – lighting and vehicular
- Design of development
- Already enough housing in Bradford on Avon
- Noise – construction and development
- Affordable housing
- Impact on parking outside of development (Winsley Road, Priory Close, Church Acre)

Non-material planning considerations that cannot be considered within the application

- Land ownership
- Impact on trees already felled and to remain on site
- Devalue property

9. Planning Considerations

POLICY CONTEXT

Principle of the development

The application site lies within the defined limits of Bradford on Avon as set out by Policy H1 of the adopted West Wiltshire District Plan, 1st Alteration (2004). Within those limits, new residential development may be permitted subject to meeting prescribed siting, layout and design criteria, being compatible with the character of

the surrounding area and not producing highway problems or inappropriate backland development.

The application must also be considered in the context of the Government's National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption, set out in its Paragraph 14, in favour of sustainable development. The site is located within the current development limits of Bradford on Avon and would be within in a well-established residential area with good access to a full range of services and facilities. An objective of the NPPF is to '*...boost significantly the supply of housing...*'.

It is acknowledged that gardens have been removed from the definition of previously developed land, however the site is located within the Town Policy Boundary area and therefore in principle is considered to be suitable for housing development. It is considered that the proposal would not create inappropriate backland or tandem development and would not result in the loss of an important space or visual gap. There is also adequate infrastructure. The remaining issues will be appraised further within the report.

The saved West Wiltshire District Local Plan (WWDLP) policies form the development plan for the area, together with the West Wiltshire Leisure and Recreation Development Plan Document.

The WWDLP's housing requirement is expressed for the period up to 2011, based on the now defunct Wiltshire and Swindon Joint Structure Plan and is therefore time-expired. The Wiltshire Core Strategy is to replace most of the WWDLP policies and form the development plan for Bradford on Avon together once adopted. The overall housing requirement for Wiltshire is expressed at 42,000 between 2006 and 2026. Over the plan period a total of 595 houses in Bradford on Avon Town will be required. According to the latest monitoring data held by the Council (Housing Land Supply Statement 2014), it has established that there is a deficit and therefore a need to build an additional 109 dwellings in addition to those already granted permission or identified as allocated sites at the town to meet the requirements expressed in Core Strategy Core Policy 7 for Bradford on Avon Town.

A number of comments were received during the consultation period relating to there already being sufficient housing approved or under construction to meet the needs for Bradford on Avon but as detailed above there is a deficit of 109 dwellings over the plan period.

IMPACT ON THE HIGHWAY AND PEDESTRIAN SAFETY

The application site is located to the north of Winsley Road. The proposed site access would be offset from the junction to the Priory Close to the south east. There is a public footpath on both the northern and southern sides of Winsley Road with a pedestrian Island Crossing located 17.5m to the east of the proposed site entrance.

Visibility Splays

Local residents have suggested that the visibility splays at the junction of the proposed site entrance would be inadequate. However, the Highway's Officer has

commented that using the speed survey data supplied, and in accordance with Manual for streets, the visibility splay shown to the west is acceptable. In addition it should be noted that the presence of parked cars/on-street parking within part of the splay is considered acceptable by Manual for Streets. To the east the splay should be 2.4m x 49m; whilst this length has not be shown on the layout plan, the Wiltshire Council Highways Officer is confident that this can be achieved and to ensure that it is provided a condition requiring the submission of visibility splays is to be submitted to the LPA prior to the commencement of development.

Impact on Traffic

In relation to the impact on the existing traffic of Winsley Road and Bath Road the traffic count data demonstrates that trip generation resulting from the proposed development would be less than 1% of that using Winsley Road. The Highways Officer comments that this is not considered significant with a result of 5% or more being significant.

Impact on Priory Close

In relation to the impact on the junction of Priory Close the proposal would result in a net increase of 8 dwellings. Any impact on Priory Close would be as a result of vehicles turning right into the development and therefore queuing across the junction. Using TRICS data (Trip Rate Information Computer System) , at the am peak hour there would be approximately 1 vehicle making this manoeuvre and in the evening peak hour approximately 7-8 (i.e. one every 7-9 minutes). This should not result in queuing across the Priory park junction and would therefore not result in an adverse impact to warrant refusal of the application.

Parking

Comments were raised during the consultation period in relation to the impact on parking outside of development (Winsley Road, Priory Close, Church Acre). It is acknowledged that due to the character of the layout of properties in the local area there is not provision for off street parking for a number of the existing properties resulting in occupiers of those properties parking in areas not controlled by permits or yellow lines.

The proposed scheme meets the current parking standards as set out in Policy LTP3 with a 10% reduction available to the site. Each property proposed would have the minimum parking spaces required i.e. two spaces per 2 bedroom dwelling and 3 spaces per 4 bedroom dwelling. It should also be noted that the NPPF does not refer to maximum or minimum car parking standards for new development and seeks to promote a flexible approach to car parking provision having given consideration to the accessibility of a development by non-car modes, local car ownership and the need to reduce the use of high emission vehicles. This method is inline with Policy LTP3 which allows for a percentage reduction on the basis of a number of sustainability criteria such as distance from the nearest bus stop, footpath accessibility etc. It is therefore considered that the proposed scheme provides sufficient off street parking that would meet the requirements of Policy LTP3 and the

principles of the NPPF and would not result in an increase in on street car parking in the local area.

Waste and emergency vehicle access

Refuse vehicles would be able to access and manoeuvre within the site as shown on by the tracking plan submitted with the application. Therefore there would also be no issue for emergency vehicles entering and manoeuvring within the site.

Pedestrians

In relation to pedestrian access the proposed access has been designed so that the footway continues across the site frontage therefore giving pedestrians priority over vehicles. Officers consider that the minimal rise in vehicle numbers at the site would not result in adverse impact on pedestrian or highway safety. In addition it should be noted that to the south the junction with Priory Close which serves approximately 82 properties is crossed by pedestrians and school children currently using the southern footpath of Winsley Road.

The highway's officer raises no objections to the proposal subject to conditions relating to the provision of the visibility splays and further details in relation to the specific construction of the estate roads, footpaths, gradients etc prior to the commencement of development. The proposal complies with Policies LTP3 and H1 and C31a of the West Wiltshire Local Plan.

DESIGN

The design of the properties have been amended since their original submission on the advice of the Council's Design Officer to simplify the housing design to better reflect the character of the area. The proposed properties would be constructed in natural and reconstituted stone with slate roofs to reflect the material of the more traditional properties in the local area.

Architectural Form

Policy C31a of the West Wiltshire Local Plan states that proposals for new development will be required to respect or enhance:

- A Townscape and landscape features and views;
- B Existing patterns of movement, activity and permeability;
- C The quality of architecture of surrounding buildings;
- D Historic layout and spatial characteristics.

The proposed scheme has been designed to reflect the local housing density on sites (further discussed within this report) with properties designed to reflect the characteristics of the character of the area in relation to design and materials proposed. The Conservation Officer comments that the demolition of the existing properties and their replacement with more traditionally designed buildings along the frontage would be a benefit to the setting of the Conservation Area.

Layout and Housing Density

The layout provides for each property to have both a front garden and rear garden providing amenity space for occupiers while maintaining an open appearance within the site.

The Council's Design Officer comments that the layout has been amended to reduce the visual dominance of roads and parking and terminate junctions with structures.

The existing planting along the eastern boundary between Plot 1 and the end terrace of the Winsley Road cottages would be removed however the existing Laurel bushes to the south eastern corner that are the most visible from the highway would be retained. All trees and hedging detailed on the Site Plan would be retained and a planning condition is recommended to secure their retention.

Scale

The Council's Design Officer raises no objections to the scale of the proposed dwellings commenting that the height of the buildings to the rear of the site have been reduced to minimise any visual impact on the wider locality. It is therefore considered that the properties would represent a development in keeping with the scale and character of the local area that would not result in such an adverse impact to warrant the refusal of the application.

Density

Comments have been raised that the proposal for 10 dwellings on the site represents over development. The site equates to 0.33ha resulting in a density of 30.3 dwellings per hectare.

To put this in context to the directly neighbouring developments, the cottages on Bath Road occupy a site area of 0.138ha and there are 12 cottages (No.4-15) this represents a density of 87 dwellings per hectare. To the rear of the site No.16 to 39 Church Acre occupy a site area of 0.378ha and there are 12 dwellings this represents a density of 31 dwellings per hectare. To the south at No.245 to 248 Winsley Road (tradition terraced cottages) occupy a site area of 0.073ha and there are 4 properties this represents a density of 54 dwellings per hectare. In addition taking into consideration properties No.234 to 244 Winsley Road to the west of the terraced cottages occupy a site area of 0.357ha site with 11 properties result in a density of 30.7 houses per hectare density.

It is acknowledged that there are other developments within the local area that represent lesser housing densities than the directly neighbouring development such as Priory Park (to the south of Priory Close) occupies a site area of 1.08ha and there are a total of 14 properties representing a density of 12 dwellings per hectares. However it should be noted that due to the land levels of this development the rear gardens are long and slope steeply to the south and are therefore unsuitable for development.

Based on the assessment of the neighbouring and local existing housing densities it is noted that the housing density in the local area is generally of high density specifically in the immediate neighbouring housing areas. Therefore on balance the

proposal would represent a housing density at the lower levels of density in relation to the existing neighbouring housing densities. The proposal is therefore in keeping with the character of the local area in relation to density and layout.

IMPACT ON RESIDENTIAL AMENITY

Garden spaces are wholly adequate in the neighbourhood context, being similar in size to the existing neighbouring properties and larger in many cases. It Officers consider that due to the scale, design and orientation of the proposed properties no unacceptable overshadowing or overlooking would arise. Officers consider that the scale of the proposed dwellings would not give rise to overbearing impacts or undue loss of light to neighbouring properties and that separation distances between the new properties and existing dwellings are acceptable. In conclusion officers consider that the proposed scheme would not result in an adverse impact on residential amenity in relation to overlooking, loss of privacy, overbearing impact or loss of light in accordance with the NPPF, Policy H1, C31a and C38.

IMPACT ON THE CHARACTER AND SETTING OF THE CONSERVATION AREA

The site is not located within the Bradford on Avon Conservation Area however it is adjacent to the Conservation Area to the east and south of the site.

The Councils Conservation Officer has been consulted and raises no objections to the proposals. The Conservation Area extends a short way along Winsley road from the A363. The existing buildings are of no historic interest and result in harm to the setting of the Conservation Area. The demolition of these buildings and their replacement with more traditionally designed buildings along the frontage would be a benefit to the setting of the Conservation Area. The materials should be made the subject of a condition, to ensure that a sufficient quality is achieved in this sensitive setting. Officers consider the proposal represents an enhancement to the setting of the Conservation Area and is therefore in accordance with Policies C17 and C18 of the West Wiltshire Local Plan and the NPPF.

ECOLOGY

The County Ecologist has been consulted on the proposals and states that the site covers an area of 0.33ha across two well maintained gardens which have abundant mature trees and shrubs. The scheme involves the demolition of two houses which are relatively modern, and within the urban limit of Bradford on Avon. The risk of the houses containing bat roosts is moderate to low and the species most likely to be present is Pipistrelle spp. Mitigation for these species does not normally affect the broad design of replacement buildings. The risk of significantly affecting species protected by the Bath and Bradford on Avon Bats SAC is very low since the properties are unlikely to provide roost sites suitable for the SAC features.

The Wiltshire Council Ecologist is raising no objections subject to a condition requiring the submission of an ecological site survey and details of any necessary mitigation measures to be submitted to the Local Planning Authority for approval.

DRAINAGE/FLOODING

A number of comments have been received regarding the impact on surface water drainage and flooding.

The Council's drainage engineer has commented on the proposal and stated that there are no known land drainage issues, and it would be expected that all surface water would connect into the existing Wessex Water system, subject to their approvals. The Geology in the area is mainly Forest Marble Formation - Limestone which may provide options for infiltration within the development.

Wessex Water have also been consulted on the proposal and comment that new water supply and waste water connections will be required from Wessex water to serve the proposed development and they raise no objections subject to planning informative relating to their separate agreements/applications required.

POLLUTION – Lighting and Traffic

A number of comments have been received from neighbouring residents regarding the potential for pollution from both lighting and the increase in vehicles.

The proposed scheme does not include street lighting however a condition has been recommended to require the submission of any lighting details to be approved by the Local Planning Authority should lighting be required.

Officers consider that given the distance from the five Air Quality Management Area's the proposals would not adversely impact the air quality to such a level to warrant refusal of the application.

10. Conclusion

Officers consider that the principle of housing on this site is accepted and supported by National and Local Planning Policy. The proposal would not result in an adverse impact on the highway or pedestrian safety. The scheme has been design to respect the character of the area and is considered to represent good design using high quality materials that are in keeping with the local character. The scheme would represent an enhancement to the character of the Conservation Area. The proposed scheme would not result in an adverse impact on the residential amenity of neighbouring residents. It is therefore considered that subject to planning conditions that the proposal is approved.

RECOMMENDATION

To delegate to the Area Development Manager to grant permission, subject to the prior completion of a Section 106 legal agreement in relation to the following matters:-

- Delivery of contributions towards education costs of a total of £76,449.
- Delivery of contributions towards the cost of off site play and open space provision at a total cost of £11,175

Subject to the Following Conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

7752-1D Site layout
7752-12A Street view
7752-3a House Type B
7752-4a - House Type C
7752-12 - House Type D
7752-6B - House Type E1
7752-7C - House type E2
7752-8A House type E3

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

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

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

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

- 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) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b) finished levels and contours;
- c) means of enclosure;
- d) car park layouts;
- e) other vehicle and pedestrian access and circulation areas;
- f) all hard and soft surfacing materials;

g) 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.

- 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.

- 7 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of

any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

(In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of this permission).

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

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

- 9 Notwithstanding the visibility splays indicated on the approved plan Ref 7752-1D – Site Layout), no development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m 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 41m metres to the west and 49m metres to the east from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 300mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

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

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

alterations.

- 11 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

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

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

- 13 No development shall commence within the area indicated [Site Location Plan: received 11 April 2014] 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 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.

- 14 Prior to the commencement of development a report including an ecological site survey and details of all necessary mitigation measures shall be submitted to the local planning authority for written approval. The works thereafter will be completed in accordance with the recommendations and timescales of the approved report.

Reason: In the interests of ecological protection.

INFORMATIVES

- 1 INFORMATIVE TO APPLICANT:
The applicant should note that under the terms of the Wildlife and

Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

2 INFORMATIVE TO APPLICANT

Water Supply and Waste Connections

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

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers). At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

3 INFORMATIVE:

This permission shall be read in conjunction with an agreement made under S106 of the Town and Country Planning Act, 1990.

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REPORT TO THE AREA PLANNING COMMITTEE

Report No 2

Date of Meeting	11 June 2014
Application Number	14/02339/FUL
Site Address	Plot adjacent to `Beechwood` Bratton Road West Ashton Trowbridge BA14 6AZ
Proposal	Proposed dwelling
Applicant	Mr Mr M.Brown, Mr R. Brown, and Mrs LH Bere Brown
Town/Parish Council	WEST ASHTON
Ward	SOUTHWICK
Grid Ref	387990 155560
Type of application	Full Planning
Case Officer	Jemma Boustead

Reason for the application being considered by Committee

Councillor Horace Prickett has called the application to committee if recommended for Approval for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Environmental or highway impact

1. Purpose of Report

To consider the above application and recommend approval.

- **2. Report Summary**
- The main issues to consider are:
- Principle

- Design issues and impact upon character and appearance of the area
- Impact upon neighbouring amenity
- Access and Highways
- Other

3. Site Description

The site is located within the village policy limit of West Ashton and is currently a grassed area. There are properties to the north and west that run in a linear development along Bratton Road. These dwellings differ in material, size and design.

4. Planning History

No relevant planning history

5. The Proposal

This is an application for the erection of a detached dwelling with associated new access, amenity and parking areas.

6. Planning Policy

West Wiltshire Local Plan

C31a Design

C32 Landscaping

C38 Nuisance

H17 Village Policy Limit

National Planning Policy Framework 2012

7. Consultations

West Ashton Parish Council: Object for the following reasons:

The site has an agricultural use and therefore a change of use should be sought for first

The plot is not large enough to accommodate a 3 bedroomed house and 2 parking spaces without imposing on 17 and 19 Bratton Road.

Can a first floor be implemented without raising the roof higher

The proposal does not comply with Policy H17 as it is not in keeping with the character, appearance and spatial form of the settlement. The dwelling would sit

uncomfortably in land which cannot accommodate it properly

The proposed property will dominate and overpower the adjacent bungalow, create shade and severely restrict light. The dwelling will have a particularly detrimental effect on 19 Bratton Road in the autumn and winter months when the sun is lower in the sky.

The front access means that the proposed dwelling does not front the road.

The French/patio windows at the front and rear of the property will also impact upon the amenity of neighbours in terms of privacy.

A number of residents in West Ashton have recently purchased parcels of the same field for the purpose of extending their gardens. Conditions apply to their acquisition forbidding any permanent development on it, without exception. The position here is no different and therefore policy should be applied in a consistent manner.

Wiltshire Council Highways: No Objection to amended plans

Wessex Water: No Objections

Wiltshire Fire & Rescue: Require a financial contribution of £76.13

Wiltshire & Swindon Biological Records: Many bat species recorded nearby

8. Publicity

4 letters of objection have been received from the public with the following comments:

Bratton Road is very busy. Cars park either side of the road making it extremely difficult to pull out of driveways. The increase of a further drive will cause further problems

The land has been used as an extension to Beechwood for several years

As the land is higher it will have a direct view to the property opposite and adjacent to it causing loss of privacy and substantial loss of light

The size of the property is far out of proportion of the plot itself and is therefore being over developed

Site is not suitable for a two storey dwelling

It will dominate the skyline due to the height

Overshadow and dwarf the two adjacent properties

Design is not in keeping as it is two storey and the remainder are bungalows

Unnecessary steep drive

Beechwood will have to face a 25ft high wall and roof within 4 ft of the boundary with the addition of a 6ft high close boarded fence

The sewage outlet from Beechwood runs under the foundations of the proposed dwelling and there are two manhole covers

9. Planning Considerations

9.1 Principle

The site lies within the Village Policy Limit where development is considered to be acceptable subject to the following criteria: (Policy H17):

The development would be in keeping with the character, appearance and distinctive spatial form of the settlement;

The development is in accordance with the District Plan 1st Alteration policies which seek to protect the natural environment, including water resources and flood risk and the built environment;

It would not create inappropriate backland or tandem development;

It would not result in the loss of an important open space or visual gap;

It can be satisfactorily serviced, there is adequate infrastructure, including water supplies and sewage treatment and it does not create highway problems.

It is not considered that the proposed site would create inappropriate backland or tandem development and would not result in the loss of an important open space or visual gap as the road is characterised by linear residential development. The other issues highlighted above will be looked at below.

Concerns have been raised by neighbours regarding the current use of the land which is considered to be agricultural. The applicant has confirmed that it has been used as garden land since 1992. Either way as the site is located within the Village Policy Limit, the principle of a change of use from agriculture to residential is considered to be appropriate and therefore is not considered to be a matter to refuse this application.

9.2 Design issues and impact upon character and appearance of the area

The site is characterised by dwellings of different sizes, materials and designs and are predominantly detached.

The proposal sees a detached dwelling which appears smaller than those around it due to its square nature. The design sees a large dormer. There are a few dormers within the existing street scene but these tend to be on larger roof slopes where the dormer does not appear to be so dominant and proud. The materials see orange/red brick under a brown/red clay tile roof. As stated previously, the materials of the dwellings within the existing street scene differ and therefore the proposed materials are considered to be appropriate. The site access is to be cut into the existing land and graded suitable not to warrant any retaining walls. This has been shown on the amended plans and is considered to be acceptable as it mirrors existing accesses along the road.

It is considered that the dormer window itself would not warrant a reason to refuse the application and therefore on balance due to the differing dwelling designs within the immediate area it is considered that the proposed dwelling would not have an adverse impact upon the character and appearance of the area and is considered to comply with Policy C31a.

Concerns have been raised regarding the size of the plot and whether it is large enough to enable a dwelling to be built. The plans show that a dwelling can be built on this site with areas for access, turning, parking and amenity space and is therefore considered to be appropriate. It is also worthy to note that existing dwellings known as 17b and 17c are on smaller plots than the one proposed.

The plans demonstrate the landscaping proposals which see large areas of grass, boundary fences, gravel and tarmac all of which are considered to comply with Policy C32.

9.3 Impact upon neighbouring amenity

C38 which relates to nuisance and states:

Proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to neighbouring properties and uses. Consideration will be given to such issues as any loss of privacy or overshadowing, levels or types of traffic generation, the storage of hazardous materials, the generation of unpleasant emissions such as odour, fumes, smoke, soot, ash, dust or grit, the extension of existing unneighbourly uses and the creation of an untidy site. Development will not be permitted if the amenities of its occupiers would be affected adversely by the operation of existing or proposed neighbouring uses.

The proposed dwelling lies just under 1 metre from the boundary with the adjacent dwelling known as 17 Bratton Road. It is located approximately 3.6 metres to the neighbour's garage and approximately 7.6 metres from the dwelling where an obscure glazed window is located. It is acknowledged that this is close but due to the proposed dwelling being single storey with the roof slanting away from the neighbouring dwelling, together with the fact that the proposed dwelling lies adjacent

to the neighbours drive and garage, the proposal is not considered to impact upon this neighbouring dwelling in terms of being overbearing. The proposed dwelling also lies north west of the existing property and therefore it is not considered that overshadowing would warrant a refusal reason.

The proposed dwelling is located approximately 12.6 metres south of number 19 Bratton Road and approximately 3 metres to the neighbouring boundary which is adjacent to access of number 19. It is therefore considered that the proposed dwelling would not be overbearing to number 19 Bratton Road. It is acknowledged that the proposed dwelling would cause some overshadowing to the garden of number 19 but it would not be sufficient to warrant a reason to refuse the application.

The proposed ground floor windows are considered not to overlook neighbouring properties by reason of them being at ground floor level. Fences measuring 1.8 metres high are proposed on the boundaries of number 17 and 19 Bratton Road and the proposed windows to the front elevation are over 30 metres from the properties on the opposite side of the road (32 and 34 Bratton Road). The proposed first floor rear rooflights serve stairs which are considered not to create overlooking issues to number 17 and 19 Bratton Road. The proposed rooflight on the north west elevation serves a bathroom and is to be located above 1.7 metres from the internal floor level and therefore does not need to be conditioned to be obscure glazed as it would not overlook number 19 Bratton Road. The rooflight on the south eastern elevation is located below 1.7 metres from the internal floor level and serves a bedroom and therefore would overlook the garage of number 17 Bratton Road. As this rooflight would be located on an angle due to the roof slope it would only overlook the neighbours garage and not their private amenity space and as such is considered to be appropriate. The proposal is therefore considered to comply with Policy C38.

9.4 Access and highways

The submitted plans demonstrate that sufficient parking, turning, access and visibility splays can be achieved from the proposed development which meet highway requirements and therefore it is considered that the proposal would not have a detrimental impact upon highway safety.

9.5 Other

The Fire and Rescue Service have requested a sum of money however there is not a policy within the local plan to request such monies and therefore it would be inappropriate of the Local Planning Authority to do so.

Some issues have been raised that are not considered to be materials planning considerations when making a recommendation on this application and these include location of man hole covers, where the front door is located. With regards to foul sewerage and utilities, Wessex Water have raised no objections to the proposed

development.

The Wiltshire & Swindon Biological Records have stated that there are many bat species recorded nearby but at these have not been located on the proposed site it would not be appropriate of the Local Planning Authority to impose any conditions.

10. Conclusion

It is considered that the proposal complies with the relevant policies of the Local Plan and is therefore recommended for Approval.

RECOMMENDATION: Approve subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1309.: 03, 04 and 13604-200-01T received on 1st March 2014 and drawing number 1309:05, 06 received on 25th April 2014 only.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The rooflights on the north western and north eastern elevation shall be located a minimum distance of 1.7 metres from internal floor level.

REASON: In the interest of neighbouring amenity

4. The soft landscaping shown on the approved drawings 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.

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

5. No part of the development hereby permitted shall be first occupied until the access, turning area, parking spaces and visibility splays have been completed in accordance with the details shown on drawing number 1309/06 received by the Local Planning Authority on 25th April 2014. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

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

8. The gradient of the access hereby approved shall not at any point be steeper than 1 metre for a distance of 15 metres from its junction with the public highway.

REASON: In the interest of highway safety

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the north east, north west or south east roofslopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 3

Date of Meeting	11 June 2014
Application Number	13/06782/OUT
Site Address	Land North West Of Boreham Mill, Bishopstrow Road, Warminster
Proposal	Outline application for the erection of up to 35 custom build residential dwellings including access details
Applicant	HPH Ltd & Hab Housing Limited
Town/Parish Council	WARMINSTER
Ward	WARMINSTER EAST
Grid Ref	389085 144135
Type of application	Outline Planning Application
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called in to committee at the request of the Division Member, Cllr. Andrew Davis to enable Members to consider the application in conjunction with the associated listed building consent proposal covered by application 13/06783/LBC.

1. Purpose of Report

To consider the recommendation that the application be approved, subject to a Section 106 legal agreement.

2. Report Summary

The main issue to consider is whether, notwithstanding the fact that the site lies outside the Warminster limits of development, the proposal represents a sustainable form of development for which planning permission ought to be granted. The other key determining issues relate to highway safety, flood risk, ecology and conservation, and neighbouring impacts.

Warminster Town Council – Supportive
 Bishopstrow Parish Council – Object
 Public Representations – 4 letters of support and 52 letters of objection.

3. Site Description

The application site is broadly circular in shape measuring approximately 1.22ha located on the southern side of Boreham Road, on the eastern edge of Warminster. The southern boundary is formed by the river Wylye. Boreham Mill (built 1886) lies to the south east. Beyond that lies Bishopstrow Conservation Area. The existing access into the site is in the north western corner of the northern boundary, which runs adjacent and parallel to Boreham Road.

Current planning constraint mapping indicates that the site lies in Flood Zone 1. The site was previously recorded as being functional floodplain. However in 2010, the Environment Agency amended their flood map in recognition that much of the site fell outside of the river's floodplain.

The site is partly within the River Avon Special Area of Conservation (SAC) which is a European designated site. The Avon is also notified at a national level as the River Avon System Site of Special Scientific Interest (SSSI).

4. Planning History

By way of some background, the site was in agricultural use up until the early 1960s. In 1963 (under planning reference 44-1962/63), planning permission was granted for permanent tipping of building material and excavated soil. This permission was enacted and tipping operations were carried out which has resulted in raising ground levels across the site by around 2m. The tipping operations have long since ceased and the land has been overgrown and unused for many years.

In 1974 a planning application for a motel/restaurant was submitted but was deemed premature pending the establishment of the Warminster bypass - which was eventually built in the 1990s.

A Neighbourhood Development Order (NDO) proposal for a self-build housing development was initiated in 2011 with the support of the Town Council at the time, but this was later dropped in June 2013 following the appointment of new town councillors.

The following two applications were subsequently withdrawn to allow the applicant and his appointed agent(s) time to revise the submission and to engage further with the local community.

13/02808/OUT Outline application for the erection of 35 dwellings and associated works including access and layout arrangements (including provision of 7 self build plots) – application withdrawn

13/04282/LBC Relocation of Grade II Listed Milestone to facilitate the construction of a junction serving the proposed adjacent residential development – application withdrawn

Application 13/06783/LBC is dealt with separately on this agenda and relates to the proposed relocation of a Grade II listed milestone to facilitate the construction of a junction serving this proposed residential development. (Resubmission of 13/04282/LBC)

5. The Proposal

This is an outline proposal for up to 35 custom build homes and associated access works. All matters except means of access are reserved for future consideration (i.e. to be dealt with by a separate / subsequent reserved matters submission) – should this outline application gain consent. An illustrative layout is however included with the application along with a "Design Principles" document. As part of the submission, it has been confirmed that 30% of the houses would be 'affordable'.

An ecological buffer zone of 0.53ha is proposed around the perimeter of the site along the river Wylde in accordance with a management plan. This would create an undeveloped natural ring around the new development, maintaining the green boundary to the site.

Whilst landscaping is a matter reserved for later approval, the indicative plans show the existing boundary vegetation to be retained, as well as providing new screen planting on the sensitive edges of the site.

Supporting the application, the following documents were provided, consulted upon and fully appraised:

Planning, Design and Access Statement; A Community Engagement Statement An Archaeological Assessment; A Flood Risk Assessment, A Transport Assessment with separate Drainage Reports, A Geo-Environmental Site Assessment and Remediation Strategy; A Landscape & Visual Impact Assessment; An Arboricultural Impact Assessment; A Habitat Regulation Assessment and Habitat Survey as well as a Biodiversity Value Assessment, Dormouse Survey and Ecological Management Plan.

6. Planning Policy

West Wiltshire District Local Plan 1st alteration (WWDP). Policy H1 allows for housing development within the built up area of Warminster, subject to certain criteria. However further development outside the urban area, as defined by the town policy limits, will not be permitted. (For the avoidance of any doubt, the site lies just outside the town policy limits). Policy H19 covers development in open countryside and Policy C1 covers countryside protection. Policy C4 relates to the landscape setting of the town. The WWDP also records that part of the site was identified as part of a much larger swathe of land to provide further recreation space under Policy R5. However this policy has been superseded by policy LP5 of the Leisure and Recreation DPD, which is now more of a general policy than site specific.

The WWDP will soon be replaced by the emerging Wiltshire Core Strategy (eWCS). Members will be aware that this has undergone a series of detailed public examinations through the summer of 2013 and is considered to be at an advanced stage, which deserves due weight in accordance with paragraph 215 of the National Planning Policy Framework (NPPF).

The most relevant policies of the eWCS are: CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP31 (Spatial Strategy: Warminster Community Area) and CP43 (Providing Affordable Homes). Policy CP2 states that development outside of limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document (DPD) which identifies specific sites for development. This development must be adjacent or well related to the limits of development.

The NPPF sets out national planning policy and at its heart, there is a presumption in favour of sustainable development, which is seen as a 'golden thread' running through both plan-making and decision taking (paragraph 14). The NPPF expects local planning authorities to plan for a mix of housing types, but it also makes specific reference to people wishing to build their own homes (under paragraph 50).

In the budget of 19 March 2014, the Chancellor announced Governmental support for custom build and set out measures designed to promote it.

7. Consultations

Warminster Town Council - Supports the application.

Bishopstrow Parish Council - Objects to the application on the following grounds:

- The site is outside of the defined settlement area for Warminster.
- The proposal is a speculative one, seeking to take advantage of the current uncertainties over the Core Strategy. If successful, the proposal will trigger more unplanned and unnecessary developments.
- The site is the only undeveloped area between Warminster and Bishopstrow. If it is built on, the two settlements will merge.
- In terms of localism, the proposal does not have community support.
- Brownfield sites should be developed ahead of greenfield ones such as this.
- The proposal makes no clear allowance for affordable homes.
- Whether or not the development is custom-build, a greenfield site would still be lost forever.
- Irrespective of screening the site will be visible, especially in winter.
- The development of the site would result in more water run off from the site reaching the river more rapidly, exacerbating flooding downstream.
- Fragile populations of otters and water voles will be threatened.
- A substantial part of the site is designated as a Special Landscape Area.

Natural England - No objection. The proposal has a lot of potential for enhancing biodiversity and improving the condition of the River Avon SAC and SSSI. Significant effects on the SAC are unlikely to occur – and there is unlikely to be any adverse effects on the SSSI. Natural England welcomes the proposals for improving the marginal habitat of the river and the use of fencing which should reduce the chance of bank erosion from uncontrolled access. Conditions should be attached to secure the implementation of the submitted Ecological Management Plan and to secure water quality monitoring in the ditches.

Environment Agency - No objection subject to conditions.

English Heritage - No objection. However would like to have assurances that the buffer area proposed to the south east of the site would be sufficient to alleviate any harm that might be caused to the setting of the conservation area.

Wiltshire Council Conservation Officer - No objection. The site is outside of Bishopstrow Conservation Area but within its setting. Provided that the landscape buffer around the edge of the site remains intact, then the proposed development would not have a significant impact on the Conservation Area or the nearby heritage assets.

Wiltshire Council Highways - No objection subject to a s106 agreement and various conditions. The S106 agreement should cover: (i) The bus stop on the north side of Boreham Road being upgraded with the installation of high access kerbs with localised resurfacing of the footway to suit the revised levels; and (ii) The construction of a pedestrian refuge with illuminated bollards on Boreham Road

Wessex Water - Recommends a planning condition requiring a foul and surface water drainage strategy to be submitted to and approved in writing by the local planning authority.

Wiltshire Council Spatial Planning - The application appears contrary to development plan policy, as housing development is proposed outside the town policy boundary. However the applicants set out a detailed case for making their proposals an exception to this framework. Planning legislation allows decision makers to set aside the provisions of the development plan when material circumstances indicate otherwise. The weight to be attached to the range

of matters argued by the applicants, (the nature of the scheme, the approach it pilots and the benefits claimed for it) and whether these amount to such circumstances is a matter for the decision maker.

In terms of planning policy, it is considered appropriate to firstly consider what likelihood there is that the site would become included when the town policy limit is reviewed, either by the Neighbourhood Plan or Housing Sites Allocation DPD.

At present no further significant land releases over and above those already identified west of the town seem necessary purely to meet the scale of housing required by the emerging development plan. The proposals therefore have merit mainly on the potential to offer a better choice of housing locally and the benefits of the particular custom build approach proposed by the developer. In terms of policy, the treatment of the application depends upon the degree to which there is local demonstrable support for the scheme. If the community favours the scheme's approach to meet local needs and would go on to choose to revise the town policy boundary to achieve it, there is a strong case for taking a pragmatic approach and allowing the application.

If the scheme approach is irrelevant, not amongst the community's preferred means of meeting local needs or there are other sites and other means that are potentially far better, then the site would therefore be unlikely to be brought forward within the settlement boundary through subsequent review and thus, there would be little logic in setting the policies aside.

The NPPF expects local planning authorities to plan for a mix of housing types and specifically refers to people wishing to build their own homes in paragraph 50. National housing strategy since 2011 has also been looking to promote ways to increase the amount of self build. A much smaller proportion of new homes in the UK are self built compared to many other countries such is the dominance of the volume house builders. The Government has stated its aim to make self building more mainstream. The latest announcement in the 2014 Budget centres on possible funding for self building schemes and a right to build as means to acquire public land for self or custom built housing.

The current application is distinctly different from the 2013 withdrawn applications. A proposed legal agreement governing the scheme would involve a cascade marketing approach to be agreed with the Council giving priority for new homes to people with a connection to Warminster-Bishopstrow, then the Warminster Community Area, and finally nationally. In addition, there is also a commitment to provide up to 30% of the homes as affordable housing. It is noted that the Town Council does not object to the proposals.

In short the scheme clearly resembles the form of scheme that was being considered through the abandoned NDO process previously facilitated by Wiltshire Council and it is seemingly just the sort of scheme the Government is attempting to promote.

Wiltshire Council Urban Designer - At a principle level, the concept is commendable. However the indicative layout presents a number of issues which should be noted by the applicant and addressed:

The scheme is completely inward looking with no houses fronting onto the main road.

The layout is dominated by roads, hard standing and parking.

7 of the 35 units would be 3 storeys - This is not considered to be appropriate for a rural area.

Many of the houses are pushed right up against existing vegetation. This is likely to limit light levels within the dwellings or result in future pressure to remove trees and hedges.

The smallest units have inadequately sized gardens.

The first 4 units on entering the site have no south facing windows.

Wiltshire Council New Housing team – Supportive, subject to a 30% affordable housing contribution. This would equate to 11 homes being broken down into 80% (9 units) being provided for affordable rent and 20% (2 units) to be for shared ownership. The rented units would need to be let and the shared ownership units will need to be sold by following the Council's nomination policy which is operated by Homes4Wiltshire.

The Council's Housing team supports the aim of engaging prospective occupiers with elements of a custom build process. This could see a range of levels of involvement for prospective tenants; from a direct engagement in the design process of their future home, to the carrying out of some of the construction work on the property. The Council would seek to identify suitable registered tenants for this project.

Wiltshire Council Archaeologist - Even though there is archaeological potential at the site, there is modern landfill across the site to depths of between 1.2m and 1.9m below existing ground level. Based on the construction method using piled foundations with suspended ground floor slabs, the impact on below ground archaeology would be minimal. Therefore no further archaeological investigations are required.

Wiltshire Council Environmental Health – No objections subject to a contaminated land condition.

Wiltshire Council Ecologist - The site adjoins the River Wylde, which is part of the River Avon SAC. The screening report however confirms that there would be no significant effects on the SAC, subject to conditions.

In relation to bats, there would be a consequential loss of foraging habitat in the short term due to tree felling. The long term effects would depend on how the site is managed. However it seems likely that the river corridor would remain suitable as a bat commuting corridor. In relation to birds, the new planting should maintain the abundance of nesting opportunities and it is possible that the development could lead to no net loss of biodiversity.

It is essential for the Ecological Management Committee and a revised Ecological Management Plan to be secured under a S106 agreement. This should explain how and when the Management Committee would be formed, how it would be administered, reporting systems and how the work programmes would be updated, delivered and monitored. The Management Plan should be agreed in writing by the Council before the first dwelling is sold. It should explain the Committee's responsibilities in perpetuity towards the River Avon SAC, protected species and biodiversity in general as well as any other duties in relation to drainage, landscape, health and safety.

Conditions should be attached requiring the submission and approval of a Construction Management Plan and also a scheme to maintain and enhance the River Avon SAC.

Wiltshire Wildlife Trust - Objects. The site is adjacent to the River Wylde which is included within the River Avon SAC. Many stretches of the SAC have high concentrations of phosphates. The site is also just downstream of the Smallbrook Meadows Nature Reserve, which is a County Wildlife Site. The site is part of the essential ecological connectivity for wildlife required within the River Wylde corridor and supports parcels of high quality habitat (marshy grassland) of great value to wildlife.

Wiltshire Council Landscape Officer - The existing riparian vegetation surrounding the site provides a substantial screening effect and creates a strong sense of enclosure. There is therefore limited concern that the landscape and visual effects of the proposed development

would have significant or far reaching effects. Indeed, the submitted Landscape & Visual Impact Assessment demonstrates that the visual effect would be limited and localised.

Wiltshire Council Public Open Space & Leisure Teams -The submitted documents do not show any functional provision of onsite open space or sports provision, therefore offsite contributions of £48,891.85 and £7,838.74 respectively would be required. These contributions would be used to upgrade facilities at Warminster Park. Contributions of £15,175 towards upgrading the sports hall at Warminster Sports Centre and £11,863 towards upgrading pool spectator seating at its swimming pool are required.

Wiltshire Council Land Drainage Engineer - The local geology could be effective for infiltration from SUDS, but infiltration rates would need to be confirmed by undertaking permeability testing on the site. The ground water level is high and the site is close to flood areas highlighted on the Environment Agency's flood maps, so the drainage strategy would need to be robust. To discharge into the existing ditch, a Land Drainage Consent application would need to be issued and include drainage calculations.

Wiltshire Council Education Team - The development generates a need for 10 primary and 7 secondary places. The designated schools would be St John's CE Primary and Kingsdown School. St John's has capacity, so there is no need for a developer contribution. However Kingsdown is full, so developer contributions would be required at £19,155 per place.

Wiltshire Fire & Rescue Service – A developer contribution of £2664.55 is required to mitigate against the risk posed by the development, including the costs incurred to provide additional / enhanced fire and rescue service infrastructure.

8. Publicity

4 Supportive letters received from the following:

- The National Self Build Association, who comment that custom building offers so many advantages over the normal speculative housing provision. There is an ever growing demand for this type of housing. It is far better to build a house for the end user: that way the property can be designed for them. It can also be more sustainable than anything built by speculative developers as they only build to the minimum specification under current legislation.
- A further letter of support has been received from the Chair of the Build a Dream Self Build Association whereby it is asserted that there is a national shortfall in custom build provision. Self build gives a community the best designed, best quality housing at the most reasonable cost, and which best fits their needs and lifestyles.
- Another letter of support has been received from Selwood Housing (the affordable housing provider that has been working with the applicant). They consider: (a) the proposal would deliver much needed affordable homes; (b) the custom build approach is extremely innovative, and; (c) the proposed development is of a high quality.
- The Chairman of Warminster and Villages Development Trust has also submitted a letter of support, within which it is argued that self-build is a tried and tested method that is very appropriate in today's economic circumstances. The site is clearly linked to Warminster rather than to Bishopstrow and there is a substantial divide between the 2 settlements.

52 Objection letters received from local residents and from teh East Boreham Residents Action Group (EBRAG) raising the following concerns:

- The site is outside the Warminster settlement boundary and so is contrary to Core Policy 2 and WWDP saved policy H1. This is a speculative proposal seeking to exploit the current Core Strategy vacuum. If approved, a precedent would be set for other speculative applications.
- Developing the site is unwarranted and other, more acceptable sites are already earmarked for development. The Warminster West Urban Extension would more than meet the need for extra housing required by the Core Strategy and would produce a surplus of 200 homes over housing need requirements. There is already a high density of new development in the locality e.g. Yeats Field View, St George's Close, Boreham Field and the Beeline Coach Depot.
- The application is one of several speculative applications currently submitted in Wiltshire and should be refused.
- It is premature to consider any development projects of this size until the Core Strategy is adopted.
- The proposal offers no guaranteed affordable housing.
- The proposal would lead to the coalescence of Warminster and Bishopstrow, to the detriment of Bishopstrow's identity and independence. The previous Local Plan Inspector concluded that the site should remain undeveloped in order to stop this coalescence. This remains relevant.
- The site is a key site on a main route into Warminster, providing part of the town's identity.
- An up to date EIA (Environmental Impact Assessment) screening opinion needs to be undertaken. The only lawful screening opinion must be that there is a need for an EIA.
- The site is greenfield (a water meadow), it is not brownfield, nor is it of 'no agricultural use'. It is merely not used for agriculture because the site owners have chosen to leave it unused in an attempt to get planning permission.
- Too many large houses are proposed. This is not what Warminster needs.
- Covering the site with properties would increase run off into the river, increasing the risk of flooding downstream.
- Drainage and flooding problems are acute and the site is in the floodplain. The site is susceptible to serious flooding and developing it would exacerbate this. With climate change, the recent floods cannot be discounted as a one-off event. The Environment Agency's maps may show the site to be out of the flood risk area, but local people know differently.
- The proposed flood mitigation measures are inadequate.
- Construction would add siltation downstream of the site, increasing the downstream flood risk.
- The site adjoins the River Wylfe which is a SSSI and is part of the River Avon SAC. The proposed development would increase pollution entering the river, both from excavating a site where there are suspected contaminants in the landfill, and from the houses themselves.
- Development of the site would cut off an important wildlife corridor along the valley.
- Development of the site would cause a great loss of wildlife habitat and would compromise fragile populations of otters and water voles. Increasing human access to the river would have a detrimental effect on species living there, which would not be attracted to man-made mitigation structures put there to accommodate them and drive them away. Furthermore the introduction of household pets would put local wildlife at risk.
- The proposed 8m buffer zone is insufficient for wildlife.
- The creation of the new access would involve the felling of mature lime trees. The developer has already cut down trees and thinned out the woodland on the west side of the site.

- The listed milepost should remain where it is, not be moved. Its current position affords protection from vandalism and vehicle impacts.
- Provision and use of the new access will diminish highway safety, resulting in an awkward T-junction close to a busy mini-roundabout. Vehicles approaching and indicating to enter the site from the town side could be mistaken for indicating to enter into Bishopstrow.
- The volume of traffic passing through the narrow road at Bishopstrow would increase significantly.
- The proposed development can only worsen the traffic congestion in East Street, which often tails back to the Esso garage.
- Individual house design would be to the individual householder's whim, which may result in a non-cohesive overall development.
- There would be an increase in light and noise pollution. There would also be disruption and noise when the site is developed.
- Kingsdown School is already operating at well above capacity. The development would put additional pressure upon the school and upon doctors' surgeries.
- The proposal adjoins Bishopstrow Conservation Area and would be detrimental to it.
- There is a danger of drowning at Boreham Mill weir.
- The proposed 3 storey houses would overlook the Mill House and the houses at Boreham crossroads. 3 storey houses would also harm the views from Battlesbury Hill.
- Irrespective of screening, the site will be visible, especially in winter.
- A substantial part of the site is designated as a Special Landscape Area.
- The landfill material below the surface, once disturbed, could release asbestos or other, once thought, harmless waste materials.

9. Planning Considerations

Principle of Development

9.1 The site lies beyond the Warminster limits of development, and in the absence of an agricultural/forestry based essential need, this residential development proposal is contrary to WWDP Policy H1, and therefore, the proposal has been assessed as a potential plan departure. It is also contrary to eWCS policy CP2 - which states that development outside the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document (DPD) which identifies specific sites for development.

9.2 Paragraph 12 of the NPPF states that proposed development that conflicts with up-to-date local plans should be refused unless other material considerations indicate otherwise. In this particular case, officers consider that there are a number of material considerations which indicate that this application ought to be approved.

9.3 Firstly, the Core Strategy Planning Inspector has remarked that the Council has not undertaken a recent review of settlement boundaries and that some of these were adopted some years ago (e.g. the WWDP was adopted 10 years ago). The Core Strategy Inspector has advised that "it cannot be argued with great strength that the settlement boundaries contained therein are up to date for the purposes of the Core Strategy plan period" and has advocated the review of settlement boundaries through a Sites Allocation DPD. This work is progressing and a draft DPD will be put to public consultation in the autumn of 2014. Although this application stands to be determined before this work is undertaken, it is noted that the application has the support of the Town Council and that the site, until very recently, appeared on course to be identified for development through an Neighbourhood Development Order (NDO).

9.4 Secondly, although located on the edge of the town, the site is considered to be a highly sustainable location in terms of travel patterns and proximity to the town centre and its facilities. It is accessible by public transport and there are two bus stops located adjacent to the site on Boreham Road.

9.5 Thirdly, the proposed development would make good use of a site which is not capable of viable agricultural use. Because of the presence of a 2m layer of imported material from the 1960s, the site is considered unsuitable to support any beneficial agricultural use. Furthermore the site is owned in isolation of any wider agricultural holding. Hence the proposed residential development would not deprive the site from being in active agricultural production.

9.6 Another factor in favour of the proposed development is the intended custom build approach. Paragraph 50 of the NPPF requires local planning authorities to “deliver a wide choice of high quality homes” and to plan for the “needs of people wishing to build their own homes”. Furthermore, in the Budget of 19 March 2014, the Chancellor announced Government support for custom build and set out measures designed to promote it, including a £150 million fund to provide loans to self builders. The Government has also brought in CIL exemption for self-build. Custom build is clearly an area currently favoured by the Government. In the UK, custom build makes up about 7% of new builds (in France the figure is 38%), such is the dominance of the volume house builders, but there is evidence to suggest there may be significant unmet demand for custom build.

9.7 There are not thought to be any other custom build proposals of this scale being promoted in Wiltshire. The proposed development is an opportunity to create a custom-build exemplar within Wiltshire, in line with the requirements of the NPPF to promote greater choice and to provide for those wanting to build their own homes. Historically, housing delivery in Wiltshire has been dominated by volume house builders, and this will continue to be the case with the proposed West Warminster Urban Extension (WWUE) in recognition of the land holding being taken up by three large-scale house builders. At present, no further significant land releases over and above those already identified west of the town seem necessary purely to meet the scale of housing required by the emerging development plan. However the proposed provision of 35 custom build units on the opposite side of the town would provide enhanced choice and diversity and officers duly note that the proposal has the support of the Town Council. The applicants are prepared to enter into a s106 agreement requiring the units to be provided as custom build and to be subject to a cascade marketing approach giving priority to people with a connection to Warminster-Bishopstrow, then the Warminster Community Area and finally nationally.

9.8 The applicants are also fully committed to providing on-site affordable housing. Currently, draft Core Policy 43 requires 40% affordable housing provision of sites of 5 or more dwellings, however, the Core Strategy Planning Inspector considered that the figure of 40% was not adequately justified or evidenced. Consequently, a 30% for certain parts of the county, including Warminster has been proposed. For the avoidance of any doubt, the applicant has confirmed their commitment to providing 30% on-site. This is considered to be acceptable and to be a benefit of the scheme. The applicant has already identified Selwood Housing to deliver the affordable housing and they are keen to innovate an affordable housing custom build model.

9.9 Although the application is in outline, with all matters reserved except the means of access, the applicant has submitted a ‘Design Principles’ document, which includes an indicative master plan. This document shows great promise, and the proposal has the potential to deliver a quality scheme. However, as recorded above within Section 7 (the

Consultation section), the Council's urban designer has highlighted some issues which will need addressing at the reserved matters stage.

Impact on Bishopstrow Identity/Heritage Assets

9.10 Officers recognise that some objectors have expressed concern that the proposal would lead to the coalescence of Warminster and Bishopstrow, to the detriment of Bishopstrow's identity and independence. The centre of Bishopstrow lies approximately 500m from the junction of Boreham Road and Bishopstrow Road. However the application site only extends for 50m from the junction down Bishopstrow Road and lies outside the Bishopstrow Conservation Area. It is therefore considered that the proposal would not lead to the erosion of Bishopstrow's separate identity. Furthermore, the application proposes to retain the existing tree cover around the boundaries and to provide for the establishment of a secondary line of hedgerow and trees in front of the buildings. There would also be a landscape and ecological buffer zone of around 10m width along the part of the site fronting Bishopstrow Road.

9.11 In addition, the existing riparian vegetation surrounding the site provides a substantial screening effect and creates a strong sense of enclosure. The landscape and visual effects of the proposed development would not be significant or far reaching. Indeed, the submitted Landscape & Visual Impact Assessment demonstrates that the visual effect would be limited and localised.

9.12 The site lies outside of the Bishopstrow Conservation Area but is considered to be within its setting. It is noted that neither English Heritage nor the Council's Conservation Officer object to the proposal, however English Heritage have sought assurances that the buffer area proposed to the south east of the site would be sufficient to alleviate any harm that might be caused to the setting of the Conservation Area.

9.13 Boreham Mill, which is an unlisted building dating from 1886, effectively shields the majority of the conservation area from the site, protecting its setting. Apart from a small section of field which faces the site across the river Wylye, the site is visually separated from the conservation area. But in any case, the proposed dwellings would be set back from the boundaries of the plot by a landscape and ecological buffer zone which would be around 10m wide at this point.

Highway Impacts

9.14 The highway authority raise no objection to the proposed development subject to a s106 legal agreement which would need to cover upgrading the nearby bus stop on the north of Boreham Road and the construction of a pedestrian refuge with illuminated bollards on Boreham Road in addition to planning conditions.

Flood Risk

9.15 The majority of the site lies within Flood Zone 1 and hence is not in the floodplain. It is this part of the site which would be developed. The ecology buffer zone partially lies within Flood Zones 2 and 3, however no built development or domestic gardens are proposed within zones 2 & 3. Members are advised that the Environment Agency raise no objection to the application subject to a condition requiring the any future construction to be in accordance with the submitted Flood Risk Assessment, which inter alia requires that surface water run-off levels should not exceed the existing run-off from the undeveloped site and that all ground levels within Flood Zones 2 and 3 should remain as existing. Furthermore, a condition is necessary to require all development to be located solely within Flood Zone 1, with no development taking place within 8m of the top of the bank of the river Wylye.

Ecology Impacts

9.16 Natural England has confirmed that the proposed development would have no likely significant effects on the River Avon SAC, provided conditions are attached. Natural England furthermore submits that the proposal has a lot of potential for enhancing biodiversity and improving the condition of the River Avon SAC and SSSI, whilst the Council's ecologist considers that it is possible that the development could lead to no 'net loss' of biodiversity.

9.17 Given the importance of the site for biodiversity, the Council's ecologist considers it essential that a Management Company and Management Plan are secured under a s106 legal agreement. This should explain how and when the Management Company would be formed, how it would be administered, detail the reporting systems and how the work programmes would be updated, delivered and monitored. The Management Plan would need to be agreed in writing by the Council before the first dwelling is sold. It should explain the Company's responsibilities in perpetuity towards the River Avon SAC, protected species and biodiversity in general as well as any other duties in relation to drainage and landscape matters and should be based on the applicant's submitted Ecological Management Plan.

9.18 Members are advised that the applicant has agreed that the requirement for the submission and approval of a "Communal Area Management Plan" is to be included within the s106 agreement. Furthermore, the applicant has also agreed that the requirements of the Plan would be carried out by ecological contractors appointed by the Management Company.

9.19 The Council's ecologist believes it is possible that the development would be able to retain the water vole population on the site and maintain its continued use by otters through the Communal Area Management Plan and this matter would be addressed through the s106 agreement. Water vole habitat would be increased by making the ditches more suitable for water voles. Habitat for both water voles and otters would be protected and enhanced along the river bank through tried and tested habitat enhancement works agreed with the Environment Agency and the Council's ecologist. While the water vole population could be threatened by the introduction of domestic cats and use of the river for exercising dogs, the Council would require the Management Plan to contain measures to avoid this. These should include physical measures to make the watercourse less available for these animals, and responsibilities placed on the Management Company to educate occupants about the potential ecological impacts of having domestic pets. Where declines in water voles are detected, the Management Plan should identify remedial measures that would need to be taken by the Management Company.

Neighbouring Impacts

9.20 Officers submit that the indicative layout and orientation of the housing would not pose substantive harm to neighbouring interests/amenities or privacies. The separation distances between existing properties and the proposed development site is such that there would not be demonstrable harm caused. The more finer/detailed design elements including window positions would be treated as part of a follow-up reserved matters application.

Developer Contributions

9.21 The indicative layout does not propose any functional provision of onsite open space or sports provision; therefore, offsite contributions of £48,891.85 and £7,838.74 are required, to be secured via a s106 agreement. Through consultation with the Council's public open space and leisure officers, these contributions would be used to upgrade facilities at Warminster Park.

9.22 The development generates a need for 10 primary and 7 secondary places. The designated schools would be St John's CE Primary and Kingsdown School. Whilst St John's

Primary School has capacity, Kingsdown School is full. So, developer contributions would be required at £19,155 per place and to be secured via a S106 agreement.

9.23 The applicant is prepared to enter into a S106 agreement and has suggested that this covers the following matters, the scope of which, officers find acceptable:

- (a) The housing units to be provided as custom build;
- (b) The housing units to be subject to a cascade marketing approach, giving priority to local people;
- (c) 30% affordable housing to be provided on-site;
- (d) Contributions for offsite open space and sports provision at Warminster Park;
- (e) Education contributions;
- (f) Leisure contributions towards the upgrade of facilities at Warminster Sports Centre;
- (g) Salisbury Plain Special Protection Area contribution to help fund a project to evaluate the impact of additional visitors to Salisbury Plain on bird species;
- (h) The constitution and terms of reference of a Communal Area Management Company;
- (i) A Communal Area Management Plan to be submitted and approved by the Council, with the requirements of the Plan to be carried out by ecological contractors appointed by the Management Company, and;
- (j) Highway infrastructure improvement works with the bus stop on the north side of Boreham Road to be upgraded and the construction of a pedestrian refuge on Boreham Road.

10. Conclusion

In planning policy terms, the site lies beyond the Warminster limits of development. However it is extremely well related to the town and represents a sustainable location for development. Furthermore it is visually well contained and its development would have no wider landscape impact. The site has previously been subjected to landfill and serves no beneficial agricultural use. The proposed development would provide 30% affordable housing and increase diversity in housing supply through provision of plots for custom built housing in a sustainable location. The proposed custom build approach is in line with up to date government thinking and would offer local house buyers much greater choice and diversity and would act as an alternative to housing development being delivered by volume house builders. Officers submit that developing the site would not harm the character and appearance of the wider countryside or harm the setting of Bishopstrow Conservation Area or nearby heritage assets. Neither would it lead to the coalescence of Warminster and Bishopstrow. There are no highway objections. The majority of the site is outside the floodplain and there would be no exacerbation of flood risk. Furthermore, there would be no likely significant effects on the SAC and the proposal has a lot of potential for enhancing biodiversity. The applicant is agreeable to a wide ranging s106 agreement incorporating all the Council's requirements.

On the basis of the above, officers consider that this proposal is an appropriate form of development. It is therefore recommended that planning permission be granted, subject to an appropriate s106 legal agreement and conditions.

RECOMMENDATION:

To delegate to the Area Development Manager to grant permission on the completion of a s.106 legal agreement to secure:-

- The housing units to be provided are restricted to be for custom build;
- The housing units to be subject to a cascade marketing approach, giving priority to local people;
- 30% affordable housing to be provided on-site;

- Financial contributions for offsite open space comprising £48,891.85 and £7,838.74 to upgrade facilities at Warminster Sports Centre;
- Financial contributions amounting to £134,085 for secondary education school spaces;
- A financial contribution associated to Salisbury Plain Special Protection Area to help fund a project to evaluate the impact of additional visitors to Salisbury Plain on bird species;
- Establishing the constitution and terms of reference of a Communal Area Management Company;
- A Communal Area Management Plan to be submitted and approved by the Council, with the requirements of the Plan to be carried out by ecological contractors appointed by the Management Company, and;
- Highway infrastructure improvement works with the bus stop on the north side of Boreham Road to be upgraded and the construction of a pedestrian refuge on Boreham Road.

Subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The reserved matters submission shall be designed in accordance with the general principles set out in the submitted "Design Principles Rev B" document.

REASON: To ensure that the design quality envisaged at outline stage is actually delivered in the final scheme.

5. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to:
 - a) human health,
 - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c) adjoining land,
 - d) groundwater and surface waters,
 - e) ecological systems,
 - f) archaeological sites and ancient monuments

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report should be submitted to the Local Planning Authority. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Prior to commencement of the development full structural details and calculations of the culvert beneath the access road shall be submitted to the Local Planning Authority for approval by the Structures team of the Council . The culvert shall be constructed in full accordance with the details approved.

REASON: In the interests of ensuring correct drainage of the frontage ditch and the structural integrity of the access road serving the site.

7. No part of the residential development shall be first occupied until the access has been completed in accordance with the details shown on plan number IMA/13/071/010/A.

REASON: In the interests of highway safety.

8. No part of the residential development shall be first occupied until the field gate access to the west of the proposed development has been closed, with the existing lowered kerbs being replaced by full- height kerbs. After the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on plan number IMA/13/071/010/A.

REASON: In the interests of highway safety.

9. No part of the residential development shall be first occupied until the footway has been reconstructed over part of the frontage of the site at a consistent 2 metres width (between a position 26 metres west of the centre-line of the site access and a position opposite the existing pedestrian refuge on the site frontage) with the exception that some variation to this width will be accepted at the location of the retained trees. Full details of these works shall be submitted to and approved in writing by the local planning authority prior to commencement of the works.

REASON: In the interests of highway safety.

10. No development shall commence on site until a foul and surface water drainage strategy has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

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

11. Prior to commencement of the development, a scheme to maintain and enhance the River Avon SAC as agreed with the Environment Agency and Natural England shall be submitted to and approved in writing by the local planning authority. The scheme will demonstrate the works to be undertaken within 8 metres of the river and ditches to enhance existing habitats and support the wider programme of river restoration works being promoted by the Environment Agency. It will also include details of a water quality monitoring programme that has been agreed with the Environment Agency. The works will be undertaken in accordance with the approved scheme.

REASON: In the interests of maintaining the ecological interest of the River Wylye corridor and River Avon system SSSI.

12. Following the approval of a future reserved matters application, the residential development shall be carried out in full accordance with the Flood Risk Assessment (published by Hydrock, Ref: R/C08249/001.03, dated December 2013) and the following mitigation measures detailed therein:-

- Limiting the surface water run-off generated by the 1 in 100 year critical storm, including a 30% allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site (paragraph 5.2).
- Ground levels within Flood Zones 3 & 2 shall not be raised - all ground levels shall remain as 'existing' within these Flood Zones (paragraph 3.1).
- Finished floor levels shall be set no lower than 104.65 metres above Ordnance Datum (paragraph 4.2.1).

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site as well as ensuring that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

13. Following the approval of a future reserved matters application, all new development shall lie solely within Flood Zone 1 (sequential approach). In addition, irrespective of the extent of the Flood Zones, there shall be no development within 8 metres of the top of the bank of 'main' river (River Wylfe) and no development within 4 metres of the top of bank of 'ordinary' watercourses. Provision shall be made for [controlled] vehicular access route(s) to these 'no development' areas / wider 'main' river and 'ordinary' watercourse corridors.

REASON: To provide riparian owner access to facilitate maintenance and possible future improvements.

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: Penetrative foundation methods can result in risks to potable water supplies. Thus it needs to be demonstrated that any proposed piling will not result in contamination of groundwater.

15. No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To protect controlled waters from pollution.

16. No development shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the local planning authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON To prevent pollution of the water environment and maintain the water quality of the River Avon SAC.

17. No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and prudent use of natural resources.

18. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 340/S/200

Proposed Ecology Zone 340/S/203
Proposed Site Access Junction & Visibility Splay IMA-13-071/010A
Schematic Ditch Culvert at Site Access IMA-13-071/003
Indicative Masterplan 2561-100

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES TO APPLICANT:

1. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

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

2. There are ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. Please contact the Drainage Team to discuss their requirements:-

<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the River Wylye, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

4. An appropriate submitted scheme to discharge the water efficiency condition would include a water usage calculator showing how the development will not exceed a usage level of 105 litres per person per day.

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13/06782/OUT - Land North West Of Boreham Mill Bishopstrow Road Warminster



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No.4

Date of Meeting	11 June 2014
Application Number	13/06783/LBC
Site Address	Boreham Road, Warminster, BA12 9HE
Proposal	Relocation of Grade II Listed Milestone to facilitate the construction of a junction serving the proposed adjacent residential development. (Resubmission of 13/04282/LBC)
Applicant	HPH Ltd & Hab Housing Limited
Town/Parish Council	WARMINSTER
Ward	WARMINSTER EAST
Grid Ref	389030 144268
Type of application	Listed Building Consent
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called in to committee at the request of the Division Member, Cllr. Andrew Davis to allow Members to consider the case in conjunction with application reference 13/06782/OUT (which is itemised separately on this committee agenda).

1. Purpose of Report

To consider the recommendation that listed building consent be granted.

2. Report Summary

The main issue to consider is the impact on the heritage asset – and to determine whether moving the listed milestone would be physically harmful to it, and whether moving it to a new location would undermine its historical integrity or setting.

3. Site Description

The application concerns a grade II listed milestone which is located on the southern side of Boreham Road, about 65m west of its junction with Bishopstrow Road. This location is on the eastern edge of Warminster. The milestone dates from around 1830 and is constructed of cast iron, containing the lettering SALISBURY 20 WARMINSTER 1. However the numeral 1 is currently obscured by turf and grass.

4. Planning History

An identical application was withdrawn in October 2013 (ref. 13/04282/LBC).

5. The Proposal

Listed building consent is sought for the relocation of the milestone to the opposite side of Boreham Road in order to facilitate the construction of a junction which would serve the proposed 35 houses covered by outline application reference 13/06782/OUT.

6. Planning Policy

The Emerging Wiltshire Core Strategy – Core Policy 58 Ensuring the Conservation of the Historic Environment.

National planning policy on conserving and enhancing the historic environment is set out in Section 12 of the National Planning Policy Framework (NPPF).

7. Consultations

Warminster Town Council - Supports the application.

English Heritage - No objection and welcomes the proposed works to refurbish the milestone marker. A Conservation Management Plan is recommended through a planning condition to ensure its future maintenance and repairs are properly managed. The application should be assessed against national and local plan policy and advice provided by the Council's Conservation officer.

Wiltshire Council Conservation Officer - No objection. The relocation of this milestone to the opposite side of the road accords with point 3 of the hierarchy for the siting of historic milestones produced by the Milestone Society. As this milestone would still make functional sense on the opposite side of the road, there would be no harm to its functional character.

Its historic character and fabric would be enhanced through the proposed sensitive refurbishment scheme. It is furthermore asserted that the location would be more visible to the public due to the difference in surrounding vegetation.

The following planning conditions are recommended:

- A schedule of repair works to the milestone be submitted and approved.
- A schedule to cover the careful transportation and secure storage of the milestone during the works.
- A timescale condition to ensure the milestone is brought back and installed at the proposed location as soon as it is repaired (e.g. within one month of the completion of the repairs, the milestone shall be installed at the approved location).

The reason for the timescale condition is that the milestone should not be off site for longer than necessary. The Design and Access Statement states that it would be off site for the 'duration of the works', it is not clear whether they mean the duration of the milestone repair works (which would be acceptable) or the duration of implementing the wider works associated to the construction of 35 houses and ancillary infrastructure (which is covered by application 13/067682/OUT) – a lengthier timescale which officers consider to be unacceptable).

County Archaeologist – No objections/comments.

8. Publicity

8 objections have been received from local residents. Their main concerns can be summarised as follows:

- There is a functional and historic reason for the siting of the milestone. To relocate it would degrade its authenticity and historic value;
- The marker is recorded within the 1987 book publication: “The Wiltshire Foundry, Warminster” as dating back to 1830. It is maintained on a local voluntary basis (with the express consent of Warminster Town Council). Its survival (unlike many others) is said to be due to its ideal location set back from the road (reduced risk of damage) and within yards of a tree;
- Relocating the milestone marker to the opposite side of the road would increase its exposure to risk of damage caused by vehicles straying from the highway, mowing machines, vandalism and possibly theft (like other milestone markers);
- It is an important and historic landmark - moving it for personal “greed” amounts to “commercial vandalism”;
- Does local opinion not count? No support is voiced for this proposal
- One representation, whilst against the proposal, submits that there may not be a justified planning reason to refuse this application.
- The milestone is in remarkably good condition. By moving it there is risk of damaging it since the iron work of this date is very brittle and deeply buried in the ground. Disturbing it may result in irreparable damage.

9. Planning Considerations

The Impact on the Heritage Asset

9.1 The milestone is currently located within the site of a proposed new access road which would serve a proposed residential development of 35 houses. The site of the access is the highway authority’s preferred location for it, so if the residential development (covered by application 13/06782/OUT) is found to be acceptable by Members and goes ahead, the milestone will need to be moved.

9.2 The Milestone Society Policy Note 1 outlines a positional hierarchy for milestones. Obviously the preferred location for a milestone is its precise original position (position number 1 out of 9 positions within the hierarchy). Position number 2 within the hierarchy is at the earliest recorded map reference and position number 3 is “on the opposite side of the road to these positions if it is safer and more visible”. The proposed relocation of this particular milestone accords with position number 3 out of 9 in the hierarchy.

9.3 The milestone cannot be kept in its current (and original) position if the residential development is to go ahead due to the location of the proposed new junction. As such, points 1 and 2 of the hierarchy cannot be met. But to relocate it behind the pavement on the opposite side of the road to its existing position accords with position number 3 in the hierarchy and is the next best option.

9.4 The proposed location, being directly opposite the existing position and in such close proximity to it, would not materially harm the historic integrity or setting of the milestone. English Heritage and the Council’s Conservation Officer are both comfortable with the proposed relocation. Their suggested conditions (which are referenced in section 7 above) would ensure that the milestone is refurbished and protected in the course of its relocation. The milestone would also be somewhat more visible than where it is now, due to there being

less of a backdrop of mature vegetation, whilst the relocation offers the prospect of the currently obscured numeral 1 in WARMINSTER 1 being revealed again, as it originally was.

10. Conclusion

On the basis of the above, officers submit that the proposed relocation of the milestone to an alternative location so close to the existing position would not harm the historic integrity or potential enjoyment of this heritage asset. Furthermore, the proposal offers the chance for the milestone to be refurbished and for it to display its original inscription in full view.

RECOMMENDATION: To grant consent, subject to the following conditions:

- 1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The milestone shall not be removed from its existing location until a schedule of refurbishment works have been submitted to and agreed in writing with the local planning authority. The schedule shall detail the careful transportation and secure storage of the milestone during the course of these works. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the physical fabric and historical integrity of this heritage asset.

- 3 The milestone shall be relocated to the approved new location within one calendar month of the completion of its refurbishment.

REASON: To minimise the amount of time in which the heritage asset is not on public view and in the interests of good conservation planning.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: IMA-13-071 002A, IMA-13-071 004C and IMA-13-071 005

REASON: To define the terms of the consent hereby granted and in the interests of good conservation planning.



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No.5

Date of Meeting	11 June 2014
Application Number	14/04344/FUL
Site Address	Land North West 6 Holmleaze Steeple Ashton
Proposal	Change of format approved under application W/13/00152/FUL from a 2 bedroom bungalow to a 3 bedroom bungalow with garage
Applicant	Mr Eugene Niemira
Town/Parish Council	STEEPLE ASHTON
Ward	SUMMERHAM AND SEEND
Grid Ref	390253 157382
Type of application	Full Planning
Case Officer	Jemma Boustead

Reason for the application being considered by Committee

Councillor Jonathon Seed has requested that the application be considered by the Planning Committee for the following reasons:

- Scale of Development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact

1. Purpose of Report

To consider the application and recommend approval

2. Report Summary

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways

As the site already has planning permission for a bungalow, the key issue is whether the increased size of the dwelling is acceptable in this location.

3. Site Description

The application site comprises a parcel of land which was formerly part of the garden of Number 6 Holmlease. The site is located within the village policy limits of Steeple Ashton and the surrounding area is predominantly residential. There is a public footpath running to the north of the site.

4. Planning History

W/13/00152/FUL – Erection of a two bed detached bungalow, formation of new vehicular access, provision of on-site parking spaces and boundary works. – Approved at Western Planning Committee on 22nd May 2013. As part of this permission, permitted development rights were removed for further alterations to the dwelling to enable the Council to consider any further applications.

5. The Proposal

The application seeks to amend the existing permission by raising the roof by 1 metre to allow the roof space to be used for a third bedroom and study, lit by rooflights on the north west roofslope; and to install solar panels on the south eastern roofslope. The proposal also sees the addition of a single storey extension to the north western elevation to increase the size of a bedroom and the construction of a single storey garage and a 2 metre high fence along the northern boundary adjacent to the public footpath.

6. Planning Policy

West Wiltshire Local Plan 1st alteration: Relevant policies are: C31a Design, C32 Landscaping, C38 Nuisance, C40 Tree Planting, H17, Village Policy Limit, U1a Foul Water Disposal, U2 Surface Water Disposal

National Planning Policy Framework

7. Consultations

Steeple Ashton Parish Council – Object for the following reasons:

- Original planning permission was given as a 2 bed dwelling would improve the small housing stock in the village – a 3 bed dwelling does not fall into this category
- Building plot is small, reducing the size of the parking and alleged turning circle
- Roof pitch has increased creating a visual barrier for other residents.
- The solar panels face south east and therefore are not going to attract optimum light and will be visible from the street scene
- The addition of an upstairs window adds privacy issues to the neighbour as they will feel overlooked
- The previous application stated that hedgerows were to be maintained, these were removed and replaced with a 2 metre high fence that does not blend in at all with the boundaries of that road. A new hedge has been planted but this will take considerable years to grow.
- The boundary line appears to have been extended
- The original plans would have provided a low impact solution for small housing. The revised plans and boundaries are high impact and not at all sympathetic to the

surrounding area and properties. A site visit should be undertaken to understand the context of our objections.

8. Publicity

The consultation expiry date was 28th May 2014 and the Local Planning Authority received 4 letters of objection have been received with the following comments:

- This application is reverting back to a three bed dwelling which was not previously approved
- Smaller area for parking/turning space/garden
- 3 bedrooms will generate more car movements causing a hazard to highway safety
- Nobody uses their garage for parking
- It will be visible from our property due to an increase in the roof pitch
- Solar panels will be an eyesore
- Detrimental impact upon the value of our property and our quality of life as we bought the property because it was not overlooked
- Proposal is too large for the plot
- Increase in number of bedrooms, therefore people, therefore noise
- Boundaries that saw natural hedgerows are being replaced with unsightly fences which are detrimental to the environment, the privacy of neighbours and the look of the village – these have been removed without planning permission as the previous consent stated that the hedgerows would remain.
- Lack of outside space
- How can the Council ensure that any future planning permission is adhered to?

9. Planning Considerations

9.1 Principle

The site is located within the village policy boundary where the principle of development is considered to be appropriate. It is also important to note that the principle of a dwelling on this site has already been considered to be acceptable under the previous planning consent and therefore it would be unreasonable of the Local Planning Authority to raise this as a concern at this stage.

The Parish Council have objected to the proposal on the basis that the previous application for a two bed dwelling would help the housing stock in the village. The amount of bedrooms a property may have is not a reason to refuse a planning application.

9.2 Impact upon the character and appearance of the area

The dwelling has already been considered to be appropriate when looking at it in context with the immediate area under the previous permission.

The erection of a 2 metre high fence to the northern boundary of the site adjacent to the public footpath is not considered to have a detrimental impact upon the character and appearance of the area due to its location and similar appearance to the 2 metre high fence that has received approval on the eastern elevation alongside Common Hill. The Parish Council have raised concerns regarding the 2 metre high fence due to it looking out of place in the street scene. However it is important to note that this fence has been approved by the

Local Planning Authority through the discharge of conditions and therefore it would not be appropriate to refuse the application on the basis of this fence.

The increase in roof height is not considered to be detrimental to the character and appearance of the area as the materials are to be the same as previously approved (render painted magnolia under Redland concrete tiles). The extension would also be built with the same materials, is single storey and would not be visible from any public vantage points due to the existing fence. The garage would be seen from the highway as it is opposite the access, however due to it being associated with an existing dwelling, the materials matching the existing dwelling and its single storey nature, it is considered not to have an adverse impact upon the character and appearance of the area.

The erection of solar panels on the roof will be visible from public vantage points but are an accepted part of residential development, normally being permitted development. They have no adverse impact on the appearance of the area or the amenity of neighbours and are therefore not considered to be objectionable.

The proposal is therefore considered to comply with Policy C31a.

Concerns have been raised regarding the previous consent stating that existing hedgerows would remain that have since been removed. Planning permission is not required to remove part of a hedge in this situation. The fences that have been erected around the site in question have received planning approval via the discharge of condition route and therefore are deemed to be appropriate. A concern regarding the erection of 2 metre high fence to the boundary of the existing property known as 6 Holmeleaze and Common Hill is outside the red line of the application and therefore cannot be controlled through this application.

9.3 Impact upon neighbouring amenity

Policy C38 relates to nuisance and states: *Proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to neighbouring properties and uses. Consideration will be given to such issues as any loss of privacy or overshadowing, levels or types of traffic generation, the storage of hazardous materials, the generation of unpleasant emissions such as odour, fumes, smoke, soot, ash, dust or grit, the extension of existing unneighbourly uses and the creation of an untidy site. Development will not be permitted if the amenities of its occupiers would be affected adversely by the operation of existing or proposed neighbouring uses.*

Due to the existing properties (number 6 and 7 Holmeleaze) being located to the south-east and south west of the proposed property, it is not considered that the proposed dwelling would have an impact upon neighbouring amenity in terms of overshadowing. It is also considered that the increase in height of the roof by 1 metre would also not result in overshadowing to these properties.

The installation of rooflights to the north western elevation are considered not to cause overlooking to neighbouring properties as they will be located on the slanted roof slope and will overlook the parking area of the proposed site. There could be some overlooking to the garden of number 7 Holmeleaze, however this would be an oblique view and is considered not to be sufficient to warrant a reason to refuse the application.

The proposed single storey extension would be located on the north western elevation of the dwelling and alongside the boundary of number 7 Holmeleaze. By reason of its single storey nature and the roof slanting away from the neighbouring boundary it is not considered that it would have a detrimental impact on neighbouring amenity in terms of overlooking or overshadowing.

The proposed single storey garage which would also be located alongside the boundary of number 7 Holmeleaze is not considered to have a detrimental impact upon neighbouring amenity in terms of overshadowing or overbearing due to it being single storey.

The erection of a garage and extension will reduce the amount of amenity space available to future occupants. However there are other properties within the immediate vicinity that have similar sized gardens and this is not out of character here.

The fact that something may be visible from the street scene or a neighbours property is not a reason to refuse a planning application. There has to be demonstrable harm caused by the proposal. In this particular application, the increase in height of the roof, the erection of a single storey extension and a garage are not considered to have a detrimental impact upon neighbouring amenity and as such the proposal is considered to comply with Policy C38.

A concern raised by a neighbour was regarding the third bedroom which would create more noise. It is not considered that the noise associated with a third bedroom would be any greater than the noise created from a two bedroom property and therefore is not considered to be a reason to refuse the application.

9.4 Highway Impact

The proposal sees the addition of a garage on an area that was previously approved as parking which is considered to be appropriate as there would still be sufficient room to park at least 2 cars (as required by the Wiltshire Car Parking Strategy). It is considered appropriate to add a condition to any approval ensuring that the garage is only used for the parking of vehicles and not to be converted into habitable accommodation.

Concerns have been raised regarding a third bedroom creating more traffic movements and the fact that garages are never used for the parking of vehicles. A third bedroom does not require any further parking and whether somebody actually physically uses their garage is not a planning matter. A reduction in parking and turning areas have been raised through the consultation process. However the plans show that the same amount of turning space is proposed and therefore would not warrant a refusal reason.

9.5 Other

A further concern included how the Council would ensure any future planning application was adhered to. A planning consent does not restrict somebody putting in further applications for amendments to an existing consent. These applications when received by the Local Planning Authority will be assessed on their own merits and will take into account the relevant policies at that time.

10. Conclusion

The proposed amendments are not considered to have a detrimental impact upon the character and appearance of the area, neighbouring amenity or highway safety and as such complies with the relevant policies. Approval is therefore recommended.

RECOMMENDATION: Approve subject to the following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Drawing Number: 1, 2, 3, 5 received on 8th April 2014;

Drawings Annotated as Ground Floor Plan of proposed dwelling and Elevations of Single Garage received on 16th April 2014;

Landscaping Scheme received on 8th May 2014

Drawing Annotated as First Floor Plan of proposed dwelling received on 23rd May 2014

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the submission headed as 'Conditions of Planning Permission' received by the Local Planning Authority on 9th May 2014.

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

- 4 All soft landscaping comprised in the approved details of landscaping (annotated as 'replanted trees and fence' received by the Local Planning Authority on 8th May 2014 and submission annotated as 'Conditions of Planning Permission' received by the Local Planning Authority on 9th May 2014) 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.

- 5 The development hereby permitted shall not be occupied until the the scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been constructed in accordance with the approved scheme detailed on the submission annotated as 'Conditions of Planning Permission' received by the Local Planning Authority on 9th May 2014.

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

- 6 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.

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

REASON: In the interests of highway safety.

- 8 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within their curtilage.

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

- 10 During the construction stages, no site deliveries shall take place and no plant machinery or equipment shall be operated or repaired (so as to be audible at the site boundaries) outside the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays; and with no works audible at the site boundary to take place on

Sundays or Public Holidays.

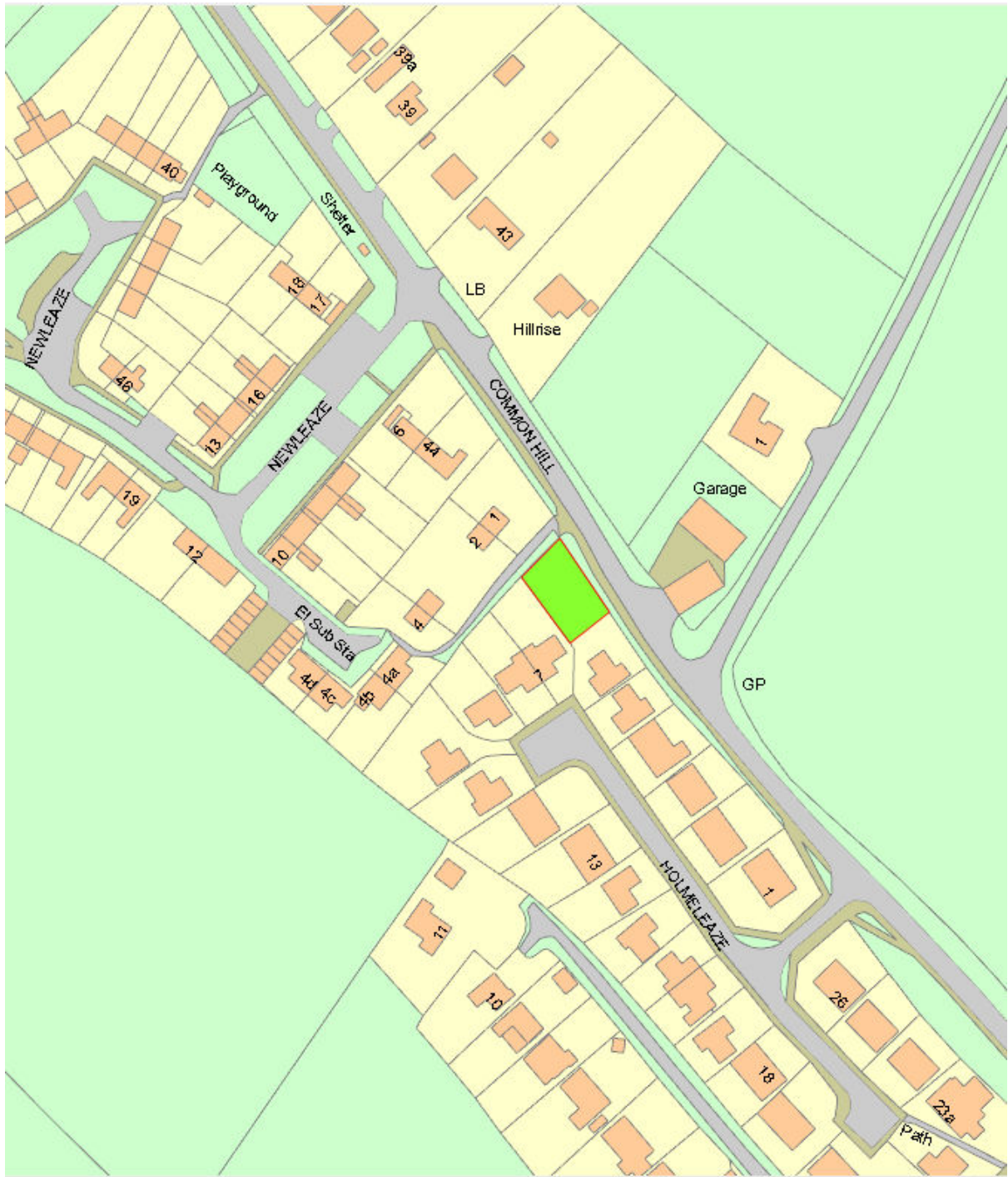
REASON: In order to safeguard the amenities of the area in terms of noise disturbance, nuisance and congestion caused by construction traffic and plant equipment.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 12 In the event of the solar panels hereby permitted becoming disused, obsolete or faulty beyond reasonable repair, within three months of their last use the units shall be removed from the roof slope, and the surface of the roof plane shall be returned to its appearance and condition as evident immediately prior to the installation of the PV panels.

REASON: To maintain the character and appearance of the area



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No.6

Date of Meeting	11 June 2014
Application Number	14/03770/FUL
Site Address	Sienna Valley Farm, Huntenhull Lane, Chapmanslade BA13 4AS
Proposal	Extension to barn
Applicant	Miss Sharon Snook
Town/Parish Council	CHAPMANSLADE
Ward	WARMINSTER WITHOUT
Grid Ref	382515 147532
Type of application	Full Planning
Case Officer	Jemma Boustead

Reason for the application being considered by Committee

Councillor Fleur de Rhé-Philippe has requested that the application be considered by the Planning Committee for the following reasons:

- Scale of Development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact

1. Purpose of Report

To consider the application and recommend approval

2. Report Summary

The main issues to consider are:

- Principle
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways
- Other

3. Site Description

Siennas Valley is a small holding located on Huntenhall Lane which is located within the open countryside and a special landscape character area. There are converted residential barns to the south and south west of the site.

4. Planning History

14/00987/FUL – Erection of a Barn – Approved with conditions 31/03/14

13/06809/FUL – Extension to Barn – Withdrawn 29/01/14

12/02185/FUL - Agricultural Barn and retrospective hardstanding – Approved with conditions 24/01/13

W/12/01833/FUL – Erection of an agricultural barn – Refused 06/11/2012 for the following reason:
The proposed development, by reason of its siting and size in this location would be visually intrusive and would cause unacceptable harm to the character and appearance of the landscape in this part of the Special Landscape Area. This would conflict with policies C1, C3 and C31a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained within the National Planning Policy Framework.

W/12/00639/AGD – Erection of a barn – Prior Approval Required 01/05/2012 with the following reason:

A Prior Approval application will be required to determine the siting, design and external appearance of the building as under the conditions of Part 6 Class A of the Town and Country Planning (General Permitted Development) Order 1995.

W/11/00040/FUL – Erection of an agricultural building and retention of hardstanding – Refused 03/08/2011 for the following reasons:

The proposed development, which is not justified by the agricultural needs of the land, would be contrary to policy C1 of the West Wiltshire District Plan 1st Alteration 2004 and the principles of PPS7 (Sustainable Development in Rural Areas) as amended.

The proposed development, by reason of the size, scale, form and siting of the building, would be visually intrusive in the open landscape and harmful to the character and appearance of the surrounding Special Landscape Area, contrary to policy C3 of the West Wiltshire District Plan 1st Alteration 2004 and the principles of PPS7 (Sustainable Development in Rural Areas) as amended.

5. The Proposal

This application is for the extension of a previously approved barn. The extension would extend the length of the building by 6.1 metres to 18.2 metres. The width and height would match the existing building. The holding extends to 4.7ha of land owned by the applicant, with a further 0.7ha rented off-site. The land is run as a small holding. The extension is required for storing farm machinery and hay.

6. Planning Policy

West Wiltshire District Plan 1st alteration – the following policies are relevant:

C1 Countryside Protection; C3 Special Landscape Area; C31a Design
C38 Nuisance; U4 Ground Source Protection Areas;

National Planning Policy Framework

7. Consultations

Chapmanslade Parish Council – Object for the following reasons (summarised):

- Not convinced by the need and the size – request the LPA seek the views of an agricultural consultant
- It would harm the amenity of immediate neighbours as it would be less than 14 metres to the adjoining property. There would also be an increase in noise and an increase in traffic. Further harm would also be caused if external lighting is to be

proposed.

- Access to the small holding is very difficult and is considered to be hazardous.
- There would be harm to the visual impact of the barn in a special landscape area
- No condition regarding agricultural use was imposed on the last application and we ask that this is reinstated.
- Do not want to see this barn used for commercial uses
- Numbers and sizes on planning application form do not tally with the plans

Wiltshire Council Environmental Health Officer – No Objection

Wiltshire Council Agricultural Consultant – The proposal is slightly larger than required by the agricultural holding.

8. Publicity

The application was advertised by a site notice and neighbour notification letters. Expiry date 14th May 2014

Two letters of objection were received with the following comments which have been summarised:

- Current barn was built some 10 metres closer to the neighbouring boundary
- Hardstanding is excessive and there is no reason for it
- The extension will be visible from the special landscape area
- Application form states there is existing outside lighting – this is not the case
- Why cant the extension be on the other side of the barn away from neighbouring properties?
- Previous agricultural condition was not attached to the most recently approved application
- Neighbouring dwellings are at risk of fire due to the barn accommodation a tractor and hay
- Is there an agricultural need for such an extension

9. Planning Considerations

9.1 Principle

Policy C1 seeks to protect the open countryside and states that development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation, unless there is an agricultural, forestry or other overriding justification (such as essential transport improvements, schemes of national importance or overriding benefit to the local economy). The barn is to be used in conjunction with an existing agricultural holding for the storage of bedding, food and equipment, lambing

and sheep sheering and the extension is to store a tractor and hay. As such, it would not foster growth in the need to travel and would benefit the rural economy and therefore in principle is considered to be appropriate.

It is important to highlight that the applicant has planning permission for the erection of a barn and therefore the principle of a barn in this area has already been considered to be appropriate.

9.2 Impact upon the character and appearance of the area

C31a relates to design and states *that proposals for new development on sensitive sites will be required to comply with the following criteria:*

- *Pay particular attention to proportion, composition, form, massing and scale;*
- *Utilise high quality materials, finishes, and details;*
- *Integrate landscaping into the design as appropriate;*
- *Minimise the visual impact of roads, vehicles and parking areas.*

The proposed barn is being built with concrete blocks up to a height of 1.5 metres and then profiled metal sheeting in dark green. The extension is to match these materials. These are common materials used for agricultural buildings of this nature and are considered to be appropriate. The proposed height of the barn is the height that was approved under the previous consent and the proposed extension is to be the same.

It is also important to note that the size of the previously approved barn was confirmed as necessary by the Council's agricultural consultant in a previous planning application. The Consultant has assessed the need of the proposed extension and in his opinion due to the size of the extension and the agricultural holding a barn measuring 138 sq metres (floor area) is required. The existing barn is 111 square metres and the proposed extension would increase this to 166 square metres which is less than 30 square metres over the professionals opinion. The difference is not considered to warrant a refusal reason.

The barn and its proposed extension is located adjacent to Huntenhall Lane behind an existing hedge but will be visible from public vantage points including the road. However the impact the extension will have on its immediate surroundings will be minimised as it will be seen alongside existing buildings and not on its own. Therefore the application is considered to comply with Saved Policy C31a.

The site is also located within The Corsley Heath to Chapmanslade Greens and Ridge Special Landscape Area. Policy C3 seeks to protect the landscape of this area and states that development will not be permitted which is considered to be detrimental to the high quality of the landscape. Proposals for development essential to the social and economic well-being of the rural community or desirable for the enjoyment of its amenities will be permitted having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations. With this policy in mind it is considered that the proposed extension would only have a minor impact upon the Special Landscape Area it would not be detrimental to it for the reasons sited above and as such is considered to comply with Saved Policy C3.

9.3 Impact upon neighbouring amenity

The proposed extension does bring the building closer to existing residential properties where a building that is to be used for livestock is not considered to be appropriate. However the application states that the proposed barn will only be used for lambing and sheep sheering and in accordance with the General Permitted Development Order a condition can be attached to any permission to state that the building should only be used for livestock

under the following circumstances:

- Quarantine requirements
- An emergency due to another building being used by livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm
- When livestock are sick or giving birth or newly born
- Provide shelter against extreme weather conditions.

This condition will ensure that the extension is not used for the permanent housing of livestock which could impact upon the amenity of nearby residential properties.

It is recognised that the extension will be located approximately 14 metres from the neighbouring boundary which lies south of the site and is located on slightly lower ground. It is therefore considered that the extension would not overshadow or be overbearing to the neighbouring property. It is acknowledged that the extension would be visible from the neighbouring gardens and windows but this itself would not warrant a reason to refuse the application. The proposal therefore complies with Saved Policy C38.

9.4 Highway Impact

Access to the barn is via an existing access which is considered to be appropriate. Concerns have been raised regarding the size of the hardstanding. This hardstanding was approved under the previous consent and does not form part of this application. It would therefore be inappropriate of the Local Planning Authority to refuse the application on this issue.

The extension to the barn is not considered to increase the amount of traffic to the site and is therefore not considered to be detrimental to highway safety.

9.5 Other

Saved Policy U4 relates to Groundwater Source Protection Areas which subsequently relates to development that would result in sewage. This application is purely for the erection of an extension to an existing barn which is to be used for storage purposes so no sewage would be created and therefore this policy is not relevant when making a recommendation on this application.

The Parish Council and neighbours commented on the fact that the previous consent (14/00987) did not have an agricultural condition attached to it which was imposed on 12/02185/FUL. This condition was not considered to be necessary as the description clearly stated that it was for an agricultural barn and therefore any further change of use would require planning permission. Due to the location of the extension close to neighbouring properties alongside the application description which does not clearly identify that it is to be used for agricultural purposes it would be appropriate to add this condition to this proposal if recommended for approval.

10. Conclusion

The proposal complies with the relevant policies of the Local Plan and as such is recommended for approval.

RECOMMENDATION: Approve with the following conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans annotated as:
Location Plan, Drawing Number 3, Drawing No 4 validated on 16th April 2014

REASON: For the avoidance of doubt and in the interests of proper planning.

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

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

- 4 The extension hereby approved shall not be used for the permanent accommodation of livestock. No livestock shall be temporarily housed in the building unless the need for temporary accommodation arises from (i) quarantine requirements; or (ii) lambing; (iii) shearing; or (iv) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure- (aa) because they are sick; or (bb) to provide temporary shelter against extreme weather conditions.

REASON: The use of the building for the permanent housing of livestock would require further detailed consideration due to its location close to neighbouring properties having regard to the provisions of Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

- 5 The extension hereby approved shall be used solely for agricultural purposes.

REASON: The extension is solely justified to meet the agricultural requirements of the holding and alternative uses could give rise to additional planning considerations, such as additional traffic generation and impact on the amenity of neighbouring properties.



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No.7

Date of Meeting	11 June 2014
Application Number	14/03464/FUL
Site Address	Garage Site ,Holbrook Vale, Berryfield, Melksham, Wilts SN12 6EJ
Proposal	Demolition of 14 garages and construction of two 3 bed houses with associated road and parking
Applicant	Selwood Housing Society
Town/Parish Council	MELKSHAM WITHOUT
Ward	MELKSHAM WITHOUT SOUTH
Grid Ref	389398 162246
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

The application was called into committee by Councillor Roy While to consider:

- Traffic and Parking
- Loss of Garages
- Access

1. Purpose of Report

To consider the above application and to recommend that the application be approved subject to conditions.

2. Report Summary

The main determining issues relate to the following:

- Principle of the Development
- Affordable Housing / Impact on Housing Need
- Impact on the character and appearance of the area
- Impact on the amenities of adjoining occupiers
- Impact on highway safety and parking

3. Site Description

The application site is located in the south western corner of Holbrook Vale and its access is located between No 8 and 9 Holbrook Vale. The site is currently occupied by 2 garage blocks containing a total of 14 garages. The site is bounded to the north by 9 Holbrook Vale, to the east by 8 Holbrook Vale and to the south and west by open countryside. The site is located within the village policy limits of Berryfield.

4. Planning History

There is no relevant planning history

5. The Proposal

The application proposes the demolition of 14 garages and the erection of two 3 bedroom houses with associated landscaping and parking. The houses would be 2-storey constructed from Ibstock facing brick under Redland brown double roman roof tiles. The proposed residential curtilage would be defined by 1.8 metre high close boarded fencing.

To support the application, an arboricultural assessment has been produced alongside a garage displacement statement.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

Policy H2 – Affordable Housing within Towns and Villages; Policy H17 – Village Policy Limits
Policy H24 – New Housing Design; Policy C31a – Design; Policy C32 – Landscaping
Policy C38 – Nuisance; Policy U2 – Surface Water Disposal

Leisure and Recreation DPD 2009

Policy CR1 Footpaths and Rights of Way

National Planning Policy Framework (NPPF) 2012

Draft Wiltshire Core Strategy 2013

Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 3 – Infrastructure; Core Policy 15 – Spatial Strategy: Melksham Community Area; Core Policy 43 – Providing Affordable Housing; Core Policy 45 – Meeting Wiltshire's housing needs; Core Policy 57 – Ensuring high quality design and place shaping; Core Policy 61 – Transport and Development

7. Consultations

Melksham Without Parish Council:- No objections to the building plans, but do recommend that 2 parking spaces are provided for each new property and that provision is made for off street parking to mitigate the loss of on street parking for the current residents.

Wiltshire Council Highways :- No objection, access road in reasonable condition and parking provided for proposed houses, satisfied with garage displacement strategy.

Wiltshire Council Housing Officer:- Supports the application as it is from a Registered Provider of affordable housing and will assist in meeting housing need in the area.

Wiltshire Council Rights of Way Officer:- No objection – A public right of way passes near to the site but it would not be affected by the development.

Wessex Water:- Information provided for the applicant which is included as an informative.

Wiltshire Fire and Rescue:- Provide advice in terms of improving fire prevention in new domestic properties.

8. Publicity

A site notice was erected on the 8th April 2014 and consultation letters were sent to neighbouring occupiers at 7 to 12 Holbrook Vale.

1 letter has been received objecting to the proposal on the following summarised grounds:

- Overlooking
- Loss of privacy
- Loss of an informal overflow car park

- Lack of off street parking in the area
- Design is out of keeping
- The houses are higher than existing
- Narrow access with no room for pedestrians
- Question the need for affordable housing

A petition with 15 signatories was also received objecting to the proposal on the following summarised grounds:

- Traffic and parking – parking is a problem and the loss of the informal overflow parking on the site would exacerbate the problem
- Loss of garages – No opportunity shall exist to rent garages in the local area once these are demolished
- Access – not wide enough to service the additional properties

9. Planning Considerations

9.1 Principle of the development

The proposed development site is classed as ‘previously developed land’ within the Village Policy Limits of Berryfield and can be considered to be a sustainable location for future housing development in accordance with the NPPF, the West Wiltshire District Plan Policy H17 and emerging Core Strategy Policy 1.

9.2 Affordable Housing / Impact on Housing Need

The West Wiltshire District Plan Policy H2 requires affordable housing on sites of two or more within Village Policy Limits. However, the emerging Core Strategy Policy 43 requires affordable housing on sites of 5 or more. As the Core Strategy is at such a well advanced stage (and this particular policy has not been substantively criticised by the Core Strategy planning inspector) it is considered appropriate to apply the emerging Core Strategy policy to developments of housing within villages. As such, under the current policy approach, in this particular case, the Council would not require an element of affordable housing on this site. Notwithstanding the above, housing colleagues have responded in support of the application as it is made by a Registered Provider and likely to benefit affordable housing provision in the area.

9.3 Impact on the Character and Appearance of the Area

Holbrook Vale is a cul-de-sac of two storey semi detached and terraced dwellings. The first floor of these houses is located within a mansard roof. The ground floor of the majority of houses is faced with render but there are houses faced with brick and pebble dashing.

The proposed pair of semi detached dwellings would be two-storey with a standard pitch roof. The proposed materials are considered appropriate and in keeping with the local environs.

The proposed houses would be sited behind the building line of existing properties on Holbrook Vale and officers consider that the proposed built form would not adversely impact on the character of the area or the street scene.

9.4 Impact on the Amenities of Existing and Future Occupiers

The proposed houses would have the same orientation as properties No 1 to 8 Holbrook Vale, although they would be set back further in the plot than the neighbouring pair of semi detached properties (No’s 7 and 8 Holbrook Vale). The houses would be located 7m from the boundary shared with No 8 and it is noted that no windows are proposed in the gable elevations. Officers consider that the relationship of the proposed houses with the neighbouring property at No 8 would not result in a substantive loss of neighbouring amenity.

The proposed houses would look towards the rear gardens of No's. 9 – 12 Holbrook Vale with the front elevations being some 9m from the side boundary. Officers assert that No 9 benefits from a wide rear garden – which would result in the proposed front elevation being some 15m from the flank elevation of No 9. There is also a single storey garage on the boundary with the application site. Overall, it is considered that the proposal would be sufficiently distant from neighbouring occupiers and would not result in unacceptable levels of overlooking or loss of privacy for the occupiers of No 9 Holbrook Vale.

9.5 Impact on Highway Safety and Parking

The proposal results in the loss of 14 garages. The applicants have submitted supporting information setting out the occupancy of the existing garages and advising that existing tenants have been provided alternative accommodation in the locality.

As part of the application, on-site parking has been provided for the proposed houses in line with the Council's minimum parking standards. Officers consider that the proposed development would have an acceptable impact on transport and parking.

9.6 Impact on a Public Right of Way

The proposal would not impact on the neighbouring right of way. Whilst at present, walkers may take a shortcut through the site, it is not a formal access to the right of way.

9.7 Trees

An arboricultural assessment has been assisted with the application which advises that no specific tree protection measures are required for the proposed development.

9.8 Other

The sites existing use could potentially give rise to contamination and therefore a precautionary condition is proposed.

10. Conclusion

The proposed development would provide two units of housing within the village policy limits which would not have an adverse impact on the amenities of adjoining occupiers or the character and appearance of the area. Officers further advise that the proposals are compliant with policy and planning permission is recommended subject to conditions.

RECOMMENDATION: Approve subject to the following conditions:

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

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

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

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

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

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) other vehicle and pedestrian access and circulation areas;
- h) all hard and soft 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);

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

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

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

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

REASON: In the interests of highway safety.

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

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

7. During the course of construction, should any sources of land contamination be identified, the applicant shall submit a remediation plan for the written approval of the Council. Such a plan should detail the following:

- i) provide an updated risk assessment for chemical contamination
- ii) detail the necessary works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;
- iii) remediation validation works

Any site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern elevation above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

9. The development hereby permitted shall be carried out in accordance with the following approved plans:-

3729/01 Rev A received 28/03/2014

REASON: For the avoidance of doubt and in the interests of proper planning.

Informatives

Informative 1

There is a low risk that bats may roost at the development site, potentially in trees and hedgerows. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bats Conservation Trust website www.bats.org.uk.

Informative 2

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

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Informative 3

A public water main is shown on record plans within the land identified for the proposed development. It appears that development proposals may affect existing water mains. It is recommended that the applicant contacts Wessex Water for further advice on this matter.

Building over or within 3 metres of an existing water mains sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Informative 4

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No.8

Date of Meeting	11 June 2014
Application Number	13/06270/FUL
Site Address	Land North of 46-47 High Street, Heytesbury, BA12 0EB
Proposal	Construction of new cottage
Applicant	Mr & Mrs S Reynolds
Town/Parish Council	HEYTESBURY IMBER AND KNOOK
Ward	WARMINSTER COPHEAP AND WYLYE
Grid Ref	392418 142611
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Cllr Christopher Newbury has requested that this application is brought to consider the Scale of development, the visual impact upon the surrounding area, the relationship to adjoining properties, the design and appearance of the building and to consider whether the application complies with development plan policy.

1. Purpose of Report

To consider the above application and recommend that permission is refused.

2. Report Summary

The key issues to consider are:

- The principle of the proposed development;
- Access & Parking; and
- Impact on the Conservation Area.

Neighbourhood Responses: 9 neighbours responded, 3 being in support and 6 objecting.

Heytesbury Parish Council – Did not wish to comment where the application had been called into Committee.

3. Site Description

The development site of approximately 290m² is garden space situated to the north of No.46 High Street and to the east of "West View" in Chapel Road, Heytesbury. A "panhandle" driveway would provide access from Chapel Road. The land falls under the same ownership as No 47 High Street.

The site is within the Conservation Area, and is immediately adjacent to a plot recently approved for the development of a dwelling under planning application W/13/00971/FUL.

4. Planning History

W/13/00971/FUL: Proposed new roof with first floor accommodation and construction of new dwelling within the grounds and associated access and landscape works: Permitted 17.07.2013 – this is the plot approved on the road frontage.

5. The Proposal

The application is for the development of a 1½ storey dwelling containing 2 bedrooms plus a box room at the upper level. Two parking spaces are proposed to the north of the dwelling. Materials would be brick under concrete tile.

6. Planning Policy

West Wiltshire District Plan, 1st Alteration, 2004

C17 - Character and appearance of conservation areas; C18 - New development in conservation areas; C32 – Landscaping; C38 - Effects of development on neighbouring properties; C31a – Design; H17 – Village Policy Limits.

The site is located within the village conservation area.

National Planning Policy Framework – Section 12 deals with the historic environment

7. Consultations

Heytesbury Parish Council

The Parish did not wish to offer comment since the application had been called into Committee.

Wiltshire Council Highways

The officer is not fully satisfied with the entrance to the land where this property will be located since the access to the site is considered sub-standard as the visibility is very limited. The access (as approved under 14/03689/VAR) was considered suitable for the use of the existing dwelling that fronts on to Chapel Road plus one other dwelling that has already received planning permission. This application could raise the number of vehicles using the access to six. The officer considers that the more frequent use of this access could jeopardise highway safety, but would have difficulty justifying a refusal on these grounds.

Wiltshire Council Conservation Officer

The officer notes that this application for an additional new dwelling at the rear of the approved new dwelling would result in a cramped form of development that would be at odds with the prevailing layout and character of the Conservation Area. “The plot sizes in the immediate area tend to be quite large whereas this additional house would divide up this plot into small parcels and in that sense would not respect the historic layout characteristics of the Conservation Area.” In addition the Officer observes that the dwelling would be visible from High Street and from Chapel Road and therefore its incongruous presence would be noticeable from the Conservation Area, highlighting the cramped relationship between the dwellings. Refusal is recommended for overdevelopment of the site that does not respect the historic layout characteristics of the Conservation Area.

Wiltshire Council Drainage Officer

The officer confirms that there are no known land drainage issues requiring comment. However, the Geology in the area is Melbury Marly Chalk Formation which would limit options for infiltration of surface water drainage. If infiltration were to be proposed then permeability tests, in accordance with BRE Digest 365 would be necessary and results issued to Council for approval alongside a sustainable drainage design.

8. Publicity

Six objectors raised concerns as follows:

- Surprise at another dwelling being applied for on this site. New proposal seems to have been “slipped in almost by stealth”. Area was shown for parking previously, does this indicate that yet further development off of the access will be proposed?
- Loss of privacy and security at Orchard House;
- During the latter part of the autumn, mature trees were felled on the site of the proposed cottage within a conservation area and affecting open land;
- Design and appearance of the proposed dwelling not in keeping with the character of the village and the community;
- Overlooking on gardens of 46 and 47 High St, loss of privacy;
- Plot too small for the construction of any dwelling and does not fall within development guidelines;
- There are communal foot paths on the properties of no 46, 47 and 48 High St, and addition of another cottage will lead to unauthorized use of these foot paths as a shortcut to the High St, also affecting privacy;
- Not clear whether development would impede access to outbuildings associated with no. 46 at the rear of no. 47 via a communal foot path;
- Undesirable precedent;
- Loss of light to No. 46 High Street;
- Owner of 46 not willing to give access;
- Works thus far on site clearly show that this development was planned from the outset of the previous application;
- Previously required highway access conditions haven't been met, and apply here as well;
- Previously claimed gains on getting parking off of Chapel Road will be lost;
- As before the highway danger at the access remains;
- Previous application no considered properly in terms of implications for opening up the area concerned for yet further harmful development;
- Cramped development;
- The loss of amenity on these units will possibly give rise to them becoming rental properties to the detriment of the area;
- No demand or requirement for these kinds of dwellings in the village;
- Difficult to see how drainage can be achieved;
- Harm to Conservation Area, especially where further extension of development appears possible ; and
- Undesirable backland development.

Three letters of support included the following observations:

- No harm to neighbouring amenity;
- No unacceptable impact on the area, dwelling wouldn't be out of place;

- Precedent set elsewhere in the Village;
- Legal right has been granted over the existing access to “West View” and the other new dwelling; and
- Existing rights of way will remain unaffected.

9. Planning Considerations

9.1 Principle of Development

The site is located within Heytesbury Village Policy Limits, where the principle of additional residential development is acceptable in terms of current WWDP 2004 Policy H17, and the emerging Core Strategy. The locality is sustainable in terms of access to local services and facilities. However, the proposal must also be considered in terms of the criteria set out in H17 that requires development to be in keeping with the character and appearance of the settlement and that it would not create inappropriate backland development. The impact on the Conservation Area is also an important material consideration.

9.2 Access and Parking

The access would be off of Chapel Road, using the same point of entry as “West View” and the dwelling approved under W/13/00971/FUL. Following that approval and the discharge of conditions and the initial ground works undertaken, the Highway Officer became aware that the sight lines indicated on plan could not be achieved. (This issue was also identified by objectors). Following a site meeting agreement was reached that a variation to the access would be applied for. This was done, and the revised access approved under reference 14/03689/VAR. The highway officer is uncomfortable with the increase in potential use of the access, but not to an extent that he feels would justify refusal.

Off-street parking for all the dwellings at a ratio of two per unit would be provided on site. Based on the highway officer comments refusal is, on balance, not recommended on highway grounds.

9.3 Conservation Area Impacts

Policy C18 to the WWDP, 2004 relating to proposals for new development in conservation areas is permissive of development subject, inter alia, to the following criteria being met:

- A The development will preserve or enhance the character or appearance of the conservation area;*
- B The plot layout, scale, form and detailed designs are characteristic of the area; and*
- D Open spaces and views into, out of and within the area, which are important to its character, are protected;*
- E Materials and colours which blend with their setting are used. Traditional local materials will be expected except in locations away from public view.*

Core Policy 58 to the emerging CS (Ensuring the conservation of the historic environment) in turn states that “*Development should protect, conserve and where possible enhance the historic environment, and should not have an unacceptable impact on the historic environment, particularly where this could be avoided or mitigated.*”

The application site is set in backland to the rear of the frontages to High Street and Chapel Road. It is in an elevated position which is visual to the High Street and Chapel Road near their intersection. The subdivision recently granted under W/13/00971/FUL was to the

curtilage to “West View” a relatively modern dwelling and incorporating a portion of the extremity of the rear garden to No 74 High Street, which is to remain open as garden space and to provide access and parking. The new dwelling (to be completed) is to be located fronting onto Chapel Street, partially screened by a yew tree located on the corner with High Street and scheduled for retention under a landscaping scheme. Materials would be traditional, i.e. natural stone/brick mix under natural slate.

The current proposals are for a dwelling of brick under concrete tiles to approximately the same height and dimensions to the approved dwelling, located in a backland situation to the east of the recently approved dwelling, also in an elevated locality. The dwelling would be set slightly back (relative to High Street) from the new dwelling but would be sited in close proximity to it, in a prominent situation disrupting an existing open space visual from the High Street and Chapel Street public realm as well as from the rear of the dwellings fronting onto High Street.

The form of subdivision and occupation of the newly created plot would furthermore be alien to this part of the Conservation Area, where dwellings fronting on to the High Street have characteristically elongated and narrow rear garden spaces. The cumulative visual effect of the proposed dwelling, together with the recently approved unit, would be of a combined massing of built development in a cramped relationship encroaching into the previously open space within the Conservation Area, when viewed from the High Street as well as from Chapel Road.

It is considered, in the light of the above, that the proposed dwelling would neither preserve nor enhance the appearance of the Conservation Area, but would be harmful, contrary to Local Plan Policy (both in relation to the conservation area policy and also the criteria set out in H17 for the development within villages) and to the NPPF, and should therefore be refused.

9.4 Other matters

Several objectors have raised queries in respect of rights of access, including from the High Street side. The proposed site would be accessed over an existing drive, where the owner has confirmed that access would be agreed. It is understood that other shared accesses to the parent properties may exist, but these are matters of private treaty. From the planning perspective, required access would be available from Chapel Road and other agreements would not prevent the development, but would need to be resolved between the parties involved.

The issue of potentially difficult drainage was raised. The drainage officer has no objections, but has only noted what requirements would be met. The matter was discussed with Building Inspectors who recognise possible issues with soakaway areas, but it is understood that foul water disposal would not be an insurmountable problem.

With regard to neighbouring amenity, the dwelling design is such that overlooking, overshadowing and loss of privacy issues would not arise. High level windows are located at acceptable separation distances from the rear of the dwellings onto High Street, whilst to the north obscure glazing to a box room and a bathroom would potentially eliminate loss of privacy to the limited garden space to “West View” – upstairs habitable rooms would be orientated to face south.

10. Conclusion

Whilst the site is within Village Policy Limits, the proposal does not meet the criteria in the Local Plan relating to development within the village and the conservation area. It would result in a cramped proposal, out of keeping with the character and appearance of the area and because of its elevated location, visually intrusive. Refusal is therefore recommended.

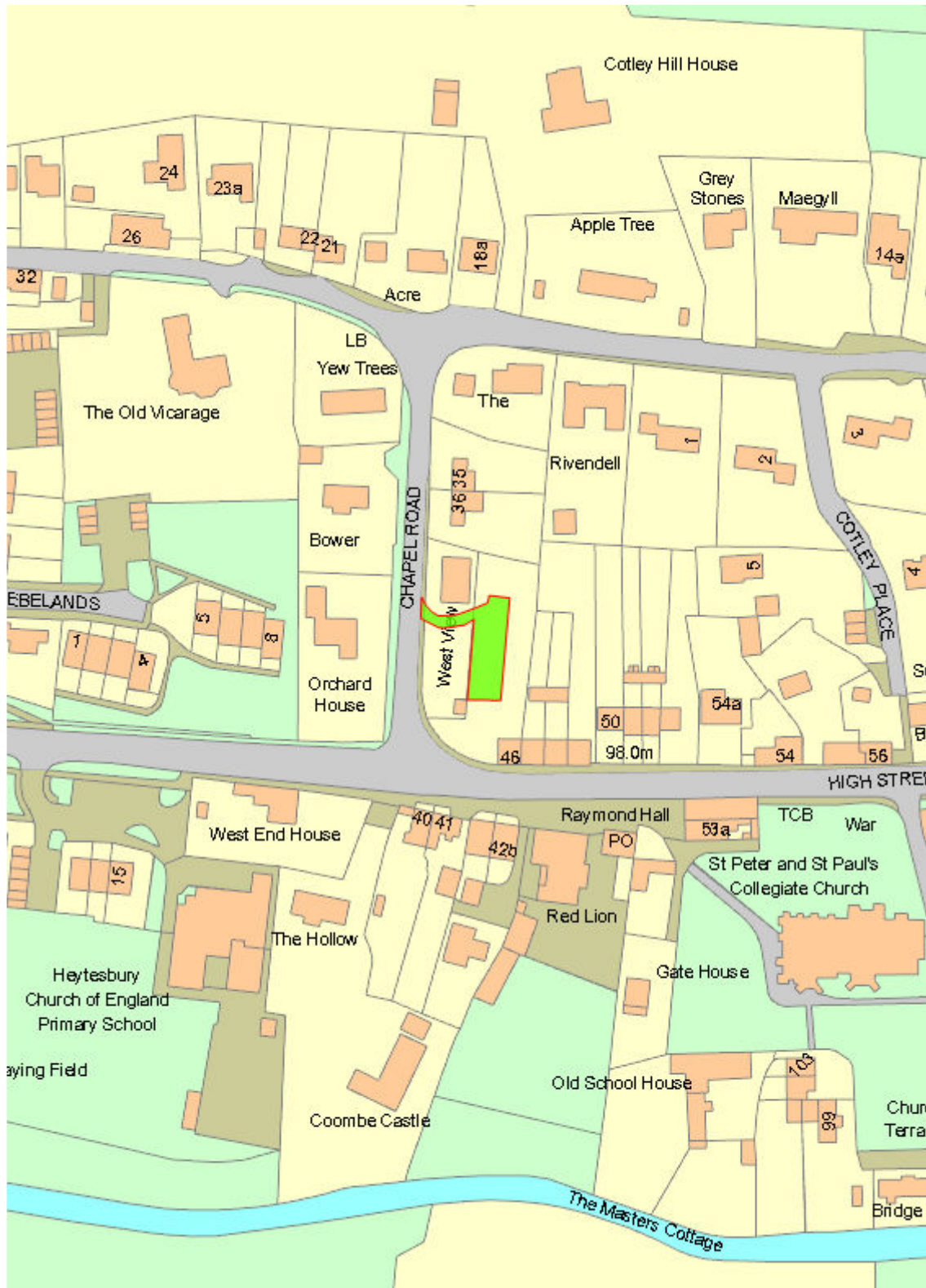
RECOMMENDATION

Refusal, for the following reasons:

1. The proposed dwelling, set in an elevated backland position on a small plot out of keeping with the existing grain of development and in a cramped relationship with the neighbouring dwelling under construction, would be visible from High Street and Chapel Road. In this setting the dwelling would constitute an incongruous presence that would therefore neither preserve nor enhance the special character and appearance of the Conservation Area. The proposal would therefore be contrary to Policies H17, C17 and C18 of the West Wiltshire District Plan First Alteration 2004, the Emerging Wiltshire Core Strategy and the National Planning Policy Framework.

Appendices:

Background Documents Used in the Preparation of this Report:



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No.9

Date of Meeting	11.06.2014
Application Number	14/03407/FUL
Site Address	Mulberry Snakes, Hilperton Rd, Trowbridge,BA14 7JW
Proposal	Erection of a double garage
Applicant	Mr Keith Smales
Town/Parish Council	TROWBRIDGE
Ward	TROWBRIDGE ADCROFT
Grid Ref	386574 158570
Type of application	Full Planning
Case Officer	Carla Rose

Reason for the application being considered by Committee

Councillor Nick Blakemore has requested that the application be called to the Planning Committee for the following reasons:

- Scale of the development
- Visual impact on the surrounding area
- Relationship to adjoining properties
- Design

1. Purpose of Report

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

2. Report Summary

The main issues to consider are:

- design issues and impact upon the immediate area
- impact on conservation area
- impact on amenity
- impact on trees
- highway and access considerations
- impact on ecology

3. Site Description

Mulberry Snakes is a detached property set amongst other detached dwellings. The site is located within a Conservation Area and is accessed from a drive from Hilperton Road.

4. Planning History

There is no relevant planning history

5. The Proposal

The double garage is proposed to be located on the western side of the existing drive accessed from Hilperton Road. The garage would be detached and have a footprint of 6m by 6.6m and a height of 4.4m

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004 – policies C31a Design; C38 Nuisance; C19; Alterations in Conservation Areas

7. Consultations

Trowbridge Town Council – no objections

Wiltshire Council Highways – no objections

8. Publicity

The application was advertised by site notice/neighbour notification. Expiry date: 1st May 2014

Neighbourhood Responses – 5 letters of objection have been received (two of which are from the same neighbour) with the following comments (summarised):

Design issues and impact upon the immediate area and Conservation Area

- Applicant owns a large site and has proposed the garage to be away from their property and out of their view. There are other locations for a garage. Alternative sites should be looked at and applicant should divert their driveway to move the building to a place that is less obtrusive
- Inconsistent with character of Grassmere which is characterised by its openness
- Proposal would dominate the lounge and garden of neighbours house
- Overbearing and intrusive
- Proposal would be contrary to good planning and the protection of residential amenity
- Height would be in excess of 4m and 1.4m from the western boundary, which falls outside of normal Wiltshire Council planning guidelines.
- Plans submitted show a double width up and over door. It was stated that Wiltshire Council planning guidelines recommend two single width doors
- The use of reconstructed stone faced blocks is a departure from the usual policy requirements that new developments have brick built garages that are to be in keeping with adjacent properties. Concrete blocks do not weather well and quickly become stained and dirty
- Site is very narrow for a double garage and would result in a featureless blank wall

- being constructed 1.4m from the boundary
- The wall is hard against the drive edge which could create a risk because the drive is constrained between the garage and the neighbours boundary
- Careful dimensional checks are required to ensure that the development would fit into limited space
- The clerestory windows proposed are a unique feature for a garage and could impact on the roof. Council's structural advisors would have comments to make on this aspect of the design.
- Concerns regarding construction
- A gutter has been proposed but there is no provision for rainwater and connection to a soakaway or main drainage. If a soakaway is adopted then it must be away from the boundary

Impact on trees

- Hedge could be killed because of the proposed building/foundation work, or could be removed by applicant and could be difficult to maintain because of the location of the garage. A tree screen would need to be removed, which is not shown on plan. If being retained tree roots would become unstable. Unless this type of hedge is maintained properly it thins at the bottom and thus would reduce the screening effect.
- Applicant has not stated on application form that the hedge would need to be cut back so that the building can be accommodated.
- Two trees are shown on the plans as being retained, but it is sceptical whether the area can be cleared without clearing hedges and bushes and destroying natural habitats.
- It was queried whether the garage can fit on the site with the tree screen still in place, whether the trees would remain stable and if the trees are to be removed whether the elevation would be improved by reason of a change of materials or new landscaping.

Impact on amenity

- Impact on amenity of living room window in 41 Grassmere.
- Noise from garage doors
- Any future use of the building as a workshop (there are windows to provide light) could create additional noise pollution.
- Security lighting could be installed which would be activated by vehicles passing it.
- Light pollution
- Less than 4m from boundary, over 4m in height and 9 metres from side windows (serving kitchen, dining room and conservatory) at 49 Hilperton Road. Garage would be visible from these rooms. Reduction in the amount of daylight/sunlight reaching these ground floor windows particularly during the winter months as the sun stays low to the south-west of their house
- Adverse impact on outlook

Highway and access consideration

- Applicant has an ever increasing number of vehicles, which are located close to the neighbours windows

Other

- Use may not be in connection with his own property and this should be investigated
- It was stated that the stability of the proposal needs to be checked and that adequate drainage needs to be provided.
- Applicant already has two car ports, hardstanding, shed and a rondavel
- Site notice was placed on private drive

9. Planning Considerations

9.1 Design issues and impact upon the immediate area

It is not considered that there would be harm to the character and appearance of the immediate area because the garage is located 35 metres from the nearest public highway and would only be visible from public view from the narrow drive access from Hilperton Road, with intervening vegetation filtering the view.

The agent has confirmed that the walls are proposed to be bath cast stone, which in principle is considered to be appropriate because there are other stone buildings in the area. Natural slate is proposed for the roof of the garage, which is appropriate for this location.

For these reasons it is considered that the proposal complies with policy C31a

9.2 Impact on the conservation area

As indicated above, public views of the building are very limited. With the proposed materials, including slate, there will be no adverse impact on the setting, character or appearance of the conservation area.

9.3 Impact on trees

Neighbours raised concerns regarding the impact on trees. Some vegetation would need to be removed. The agent has confirmed in an email that no trees are proposed to be removed from the site and that the hedge along the boundary would need to be reduced in height.

Although located in a Conservation Area these works do not require planning permission because no trees are proposed to be removed and therefore it would not be appropriate for the Local Planning Authority to refuse this application on these grounds. The trees in question would not merit Preservation Orders in any event as their limited size and visibility means that their preservation cannot be justified on amenity grounds.

For the reasons discussed above it is considered that the proposal complies with policy C32.

9.4 Impact on amenity

The garage would be located approximately 1.4m from the boundary with 41 and 43 Grasmere. There is currently a hedge between the properties. There is a distance of approximately 14m between the rear elevation of 41 Grasmere and the proposed garage and approximately 11m between the rear elevation of 43 Grasmere and the proposed garage. These distances would mean that there would be no loss of light and overshadowing to any windows in these elevations.

Small glazed slits are proposed just below the eaves in the rear (looking back to Hilperton Road) and side elevations (overlooking the drive). These will not result in any overlooking or loss of amenity. Whilst parts of the building will be visible from adjacent dwellings, the design

and position proposed mean that it will have no significant adverse impacts on them.

For the reasons discussed above it is considered that the proposal complies with policy C38

9.5 Highway and access considerations

The Councils Highways Officer was consulted on the application and raised no objections and stated that the garage would not affect access to other properties.

For the reasons above it is not considered that there are any highway reasons to refuse the application.

10. Conclusion

Mulberry Snakes is surrounded by other residential properties, so that wherever a double garage was proposed it would be close to a boundary with another property. In this location, the design and position of the garage will not have any adverse impact on the character or appearance of the conservation area and given the separation from adjacent houses, will not have any significant adverse impact on their amenity either. The proposal is acceptable and in accordance with the planning policies for the area. Approval is therefore recommended.

RECOMMENDATION: Permission subject to conditions

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

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

2. Notwithstanding the approved plans no development shall commence on site until details and samples of the materials for the external walls of the garage 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.

3. The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling known as Mulberry Snakes Hilperton Road Trowbridge.

REASON: To define the extent of the planning permission granted.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 982 - 01 and Drawing No. 982 - 2 received on 26.03.2014

REASON: For the avoidance of doubt and in the interests of proper planning.

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