

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 2 July 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-Chair)	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 **Welcome & Introductions**

2 **Apologies for Absence**

3 **Minutes of the Previous Meeting** (*Pages 1 - 26*)

To approve the minutes of the last meeting held on 11 June 2014.

4 **Chairman's Announcements**

5 **Declarations of Interest**

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

6 **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 5pm on Wednesday 25 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.

7 Planning Applications

To consider and determine the following planning applications:

7a **13/02820/FUL - 202A Devizes Road, Hilperton** *(Pages 27 - 34)*

7b **14/03109/VAR - Land South Of Former Garage Site Frome Road
Bradford On Avon** *(Pages 35 - 48)*

7c **14/02362/FUL - The garage site and vacant land off Tynings Way,
Westwood** *(Pages 49 - 62)*

7d **14/03465/FUL - 93 Victoria Road, Trowbridge** *(Pages 63 - 70)*

8 Planning Appeals Update Report *(Pages 71 - 76)*

To receive details of appeal decisions and appeals pending (see attached schedule).

9 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 11 JUNE 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr John Knight (Vice-Chair), Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Graham Payne (Substitute), Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While

Also Present:

Cllr Rosemary Brown, Cllr Keith Humphries

58 Apologies for Absence

Apologies for absence were received from Cllr Horace Prickett. Cllr Prickett was substituted by Cllr Graham Payne.

59 Minutes of the Previous Meeting

The minutes of the meeting held on 21 May 2014 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 21 May 2014.

60 Chairman's Announcements

There were no Chairman's announcements.

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

61 Declarations of Interest

Cllr Magnus 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 withdrew from the committee and did not participate in the debate or vote.

Cllr Keith Humphries declared that he was the Cabinet Member for housing, although he would not be speaking in that capacity during application 13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster, but would be speaking as a local resident.

62 **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.

63 **Planning Applications**

The Committee considered the following applications:

64 **13/03987/FUL - 249/250 Winsley Road, Bradford on Avon**

Public Participation

Andy Green spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval subject to planning conditions and a S106 agreement for contributions to Education and Open Space. The site description and an overview of the proposed development were also given noting that the site levels had been amended.

The Area Development Manager outlined the relevant planning policy. 116 letters of objection had been received which were outlined in the report. The Area Development manager drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

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

Cllr Rosemary Brown as local member spoke in objection noting that the site visit had been a worthwhile exercise. The main points raised included: Issues around access, pedestrian safety, the amended site levels, light pollution, ecological survey and the density of the number of houses. A statement from a local teacher was also read highlighting similar concerns.

The debate focused on the density of the number of houses and concerns with parked cars on the road side which would reduce motorists' visibility when exiting the development. A motion for refusal was not accepted by the committee. A new motion was to move the officer's recommendation with additional conditions was proposed. The new conditions included a construction

management plan where deliveries would not be allowed from 8am to 9am and 2.45pm to 3.45pm. It was noted that on street parking restrictions would not be able to be imposed by a planning application but this could be examined separately as a highway matter if problems arose. At the end of the debate it was;

Resolved

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 offsite play and open space provision at a total cost of £11,175

And 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 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.

- 15 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) wheel washing facilities;**
- e) measures to control the emission of dust and dirt during construction;**
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and :-**
- g) hours of construction, including deliveries (no delivery vehicles shall access or egress from the site between 8:00 and 9:00am and 2:45 and 3:45pm Monday to Friday);**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the

natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

1

INFORMATIVES

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.

- 3 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.

INFORMATIVE:

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

65 **14/02339/FUL - Plot adjacent to `Beechwood`, Bratton Road, West Ashton**

Public Participation

Mr Pursey spoke in objection to the application.

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

Richard Covington on behalf of West Ashton Parish Council spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy. Four letters of objection had been received which were outlined in the report. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

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

The debate focused on the size of the development, how the development was out of keeping with the area which dominated neighbouring properties. At the end of the debate it was;

Resolved:

To refuse planning permission for the following reason:

The proposed dwelling by reason of its siting, size, height and design would have an adverse impact upon the character and appearance of the street scene and neighbouring amenity, contrary to Policy C31a and C38 of the West Wiltshire District Local Plan (Adopted 2004).

66 **13/06782/OUT - Land North West Of Boreham Mill, Bishopstrow Road, Warminster**

Public Participation

Jeremy Kelton spoke in objection to the application.

Alastair Wright spoke in objection to the application.
Danny Howell spoke in objection to the application.
Steve Dancey spoke in objection to the application.
Mike Robert spoke in support of the application.
Isabel Allen spoke in support of the application.
Keith Humphries spoke in support of the application.
Mike Perry spoke on behalf of Bishopstrow Parish Council in objection to the application.
Sue Fraser spoke on behalf of Warminster Town Council in support of the application.

The Planning Officer outlined the report which recommended the application for approval subject to a section 106 legal agreement. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy and drew attention to the relevant planning considerations.

52 letters of objection had been received which were outlined in the report and it was noted that a further 309 had signed an online petition. A letter had also been received from the local MP and 12 late objections from consultees including Fish Legal and the Wiltshire Fishery Association. 4 letters of support had also been received.

Members were invited to ask technical questions about the site. Questions focused on the cascading marketing approach which would be used, clarification on the custom build definition and if the development would be affected by flooding.

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

Cllr Davis as local member spoke against the application; the main points raised included: the site being located outside of the Warminster town planning policy limits, flooding and that the application was an outline application with no details.

The debate focused on affordable housing, policy H1 and CP2, the buffer zones around the development and limiting the developments to two storeys.

During the course of debate there was a discussion of the position of Selwood Housing, and Councillor Magnus Macdonald declared that he was a member of the Selwood board. However, Selwood Housing made a late submission in writing to clarify that it was a prospective partner, not the applicant, and that there was no formal agreement in place, after which Councillor Magnus Macdonald stated that he would vote on the application.

A motion to refuse the application was put forward and the requisite number of members having requested a recorded vote, the results were as followed:

For;

Cllrs Trevor Carbin, Ernie Clark, Andrew Davis, John Knight, Christopher Newbury.

Against;

Cllrs Dennis Drewett, Magnus Macdonald, Pip Ridout, Jonathon Seed, Roy While, Graham Payne.

The motion was defeated and a new motion to approve the recommendation was put forward with an added condition to impose a 2 storey restriction on the development. An amendment to the motion was proposed to increase the buffer zone from 8 metres to 20 metres. The amendment was defeated and the original motion to approve the recommendation with the additional condition was back on the table for discussion. The requisite number of member having requested a recorded vote the results were as followed:

For:

Cllrs Dennis Drewett, Magnus Macdonald, Pip Ridout, Jonathon Seed, Roy While, Graham Payne.

Against:

Cllrs Trevor Carbin, Ernie Clark, Andrew Davis, John Knight, Christopher Newbury.

Resolved

The Area Development Manager be authorised to grant permission on the completion of a 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.**

And 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 Wylde 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 dwellings to be submitted as part of any subsequent reserved matters application(s) shall be of a maximum of two storeys in height.

REASON: In the interests of visual amenity.

19. 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 Wylde, 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.

The Committee had a 15 minute recess at 17:40 and resumed at 17.55.

67 **13/06783/LBC - Boreham Road, Warminster, BA12 9HE**

Public Participation

Chris Wordsworth spoke in support of the application.

The Planning Officer outlined the report which recommended that listed building consent be granted. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy. Eight letters of objection had been received which were outlined in the report. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site. These focused on where the milestone would be placed and if on the other side of the road then set back from the path.

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

The debate focused on the area which was best for the milestone noting that the exact area was still to be determined and that the Committee preferred the milestone to be set back from the footpath.

Resolved:

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 including a timetable for its restoration and re-erection have been submitted to and agreed in writing with the local planning authority. The schedule shall detail the careful transport and secure storage of the milestone during the course of these works. The schedule shall also identify the proposed precise location of the site of the re-erected milestone, which shall be set back from the pavement to preserve its setting. 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 and good conservation planning.

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.

68 14/04344/FUL - Land North West 6 Holmleaze Steeple Ashton

Public Participation

George Menzies (Agent) spoke in support of the application.

Jeffery Hyatt on behalf of Steeple Ashton Parish Council spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy. Four letters of objection had been received which were outlined in the report. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

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

The debate focused on the previous permission granted, the site being overdeveloped, the visual impact on the area and the permitted development rights being previously removed. At the end of the debate it was;

Resolved:

To refuse planning permission for the following reason:

The proposed development by reason of its increase in size would represent overdevelopment of the site and would be detrimental to the character and appearance of the area contrary to Saved Policy C31a of the West Wiltshire District Local Plan (Adopted 2004).

69 14/03770/FUL - Sienna Valley Farm, Huntenhull Lane, Chapmanslade BA13 4AS

Public Participation

Francis Morland spoke in objection to the application.

Keith Muston spoke in objection to the application.
Derek Tanswell (Agent) spoke in support of the application.
Dennis Barnard on behalf of Champmanslade Parish Council spoke in objection to the application.

The Planning Officer outlined the report which recommended the application for approval. The site description and an overview of the proposed development were also given.

The Planning Officer outlined the relevant planning policy and gave the relevant planning history. Two letters of objection had been received which were outlined in the report. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

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

Cllr Keith Humphries read a statement on behalf of the local member Cllr Fleur de Rhé-Phillipe, the points raised included: The use of the development and the amount of space actually required for the intended use.

The debate focused on the requirement of the development, the impacts on the area and that the applicant had not justified the agricultural need of the extension. At the end of the debate it was;

Resolved

Torefuse planning permission for the following reason:

The proposed extension would exceed the justified need and have an adverse impact upon the special landscape character area contrary to Saved Policies C3 and C31a of the West Wiltshire District Local Plan (Adopted 2004).

70 **14/03464/FUL - Garage Site ,Holbrook Vale, Berryfield, Melksham, Wilts SN12 6EJ**

Public Participation

Kevin Gale spoke in objection to the application.
Mr Vines spoke in objection to the application.
Paul Walsh (Selwood Housing) spoke in support of the application.

The Planning 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 Planning Officer outlined the relevant planning policy and gave the relevant planning history. One letter of objection had been received which was outlined

in the report and a petition with 15 signatures objecting. The Planning Officer drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

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

Cllr Roy While as the local member opened the debate and raised concerns over parking, loss of garages and the increase of vehicles in the area. An amendment was made to a motion of refusal for unacceptable levels of overlooking. The motion was defeated and a new motion to move the officer's recommendation was put forward and at the end of the debate it was;

Resolved

To grant planning permission 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.

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.

71 **13/06270/FUL - Land North of 46-47 High Street, Heytesbury, BA12 0EB**

Public Participation

Michael Gribble spoke in objection to the application.

Bryan Wyatt spoke in objection to the application.

Michele Reed spoke in objection to the application.

Steven Reynolds (Applicant) spoke in support of the application.

Peter Grist (Agent) spoke in support of the application.

Brian Pearce spoke in support of the application.

The Area Development Manager outlined the report which recommended the application for refusal. The site description and an overview of the proposed development were also given.

The Area Development Manager outlined the relevant planning policy. Six letters of objection had been received which was outlined in the report and three letters of support. The Area Development Manager drew attention to the relevant planning considerations.

Members were invited to ask technical questions about the site.

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

Cllr Newbury as the local member opened the debate and noted that there were no comments from the parish council. He moved the case officer's recommendation, and this was seconded. It was;

Resolved

To refuse planning permission for the following reason:

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.

72 **14/03407/FUL - Mulberry Snakes, Hilperton Rd, Trowbridge, BA14 7JW**

Public Participation

Brian Convery spoke in objection to the application.
Bob Pippett spoke in objection to the application.

The Area Development Manager outlined the report which recommended the application for approval. The site description and an overview of the proposed development were also given.

The Area Development Manager outlined the relevant planning policy. Five letters of objection had been received which were outlined in the report. The Area Development Manager drew attention to the relevant planning Considerations.

Members were invited to ask technical questions about the site. No questions were asked.

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

Cllr Graham Payne read a state submitted by Cllr Blakemore the local member, points raised included the visual impact, the distance to the neighbouring property, the removal of trees and the extent of the applicant's land.

The debate focused on the development being built in a conservation area and the visual impact. At the end of the debate it was;

Resolved

To refuse planning permission for the following reason:

The proposed development would have an adverse visual impact on the appearance of this part of the conservation area, by reason of the siting, height, design and general appearance of the building in this location and the associated works required to construct it. This would conflict with policy C31a of the West Wiltshire District Plan and would fail to preserve or enhance the character or appearance of this part of the conservation area.

73 Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.00 - 7.45 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

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	2 July 2014
Application Number	13/02820/FUL
Site Address	202 A Devizes Road Hilperton Trowbridge Wilts BA14 7QR
Proposal	Retrospective application for change of materials to driveway from gravel to brick pavers
Applicant	Mr K Wilkins
Town/Parish Council	HILPERTON
Grid Ref	387424 159040
Type of application	Full Planning
Case Officer	Philip Baker

Reason for the application being considered by Committee

This somewhat protracted application was previously reported to Members of the Western Area Planning Committee on 5 February 2014 and deferred in order to allow the drainage engineer to review the adequacy of the drainage system installed on-site and liaise with the local ward member, Cllr Ernie Clark

For completeness sake, this application was called in for the Elected Members to determine should officers be minded to support it, to allow the Planning Committee to consider the following material planning considerations:

Environmental or highway impacts

1. Purpose of Report

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

Neighbourhood Responses – None received.

Parish Council Response – Objects and requested that an expert opinion be obtained from a drainage engineer to assess water run-off

2. Report Summary

The main planning issues to consider are:

Drainage Matters
Impact on neighbours and immediate surroundings

3. Site Description

The application site comprises about 0.12 hectares of an irregular shape and is occupied by a two-storey detached dwelling located within the defined village policy limits of Hilperton and its

Conservation Area. The site is situated on the north side of Devizes Road, which is predominantly residential.

The site in question was formerly a builders yard and was in more recent times, occupied by Delta Kitchens, but following a period in which the site lay unoccupied, the site was redeveloped following the approval of application reference w/10/01920/FUL which allowed for the erection of the two-storey 4-bed rendered dwellinghouse as well as the part refurbishment of an existing red brick structure to retain an office/studio space on site.

The red brick projecting structure (which connects with the aforesaid dwelling) was previously used as a joinery workshop and projects along the eastern site boundary for some 13 metres or so before connecting with the public footpath at the site frontage.

In determining application w/10/01920/FUL, the case officer at the time duly recorded that there was hard standing and parking to the front of the site. The approved landscape plan associated to application w/10/01920/FUL proposed having rolled 'South Cerney' gravel (or similar) for the entire site frontage.

The site frontage has not however been completed with such material. Instead, the owner of the property has laid brick paviors using a mixed colour palette of buff and greys.

4. Planning History

83/00443/FUL - Conversion of garage to office and storage to kitchen display area – Permission on 07.06.1983

W/10/00165/FUL - Demolition of existing buildings and erection of a single detached dwelling – Withdrawn

W/10/00628/CAC - Demolition of existing buildings and erection of a single detached dwelling – Withdrawn

W/10/01920/FUL - Partial demolition of existing building and the erection of a 4 bed dwelling house and part refurbishment of existing building for the retention of employment use as office/studio space – Permission 18.10.2010

W/11/03243/FUL – Material revisions to approved application w/10/01920/FUL in respect to erection of dwellinghouse (revised design) – Refused 03.02.2012

13/00530/FUL – Revised boundary wall treatment - Permission 20.06.2013

13/00742/FUL – Single storey rear extensions - Permission 20.06.2013

5. The Proposal

This application seeks retrospective permission to regularise the change of materials used to form the driveway serving the dwellinghouse at 202a Devizes Road from gravel to brick paviors covering an area of approximately 672m².

The area of hard standing is served by 4 designed soakaways measuring 1.5m diameter and 1.25m deep connected to an existing drain. The soakaways are designed to accord with BRE Digest 365 'Soakaway Design' with each of the four soakaways serving an area of 168m² each having the capacity to store 5.90m³ storm water – which exceeds the calculated requirements for

the site (based on a 60-minute storm duration). The applicant's drainage analysis has considered inflow (4.17m³) and outflow levels (1.40m³) and concludes that the necessary storage volume required for the soakaways is 2.77m³.

In line with the BRE Digest, the applicant's analysis records that the storage capacity of the soakaways would half empty in just over 2 hours – which is fully compliant with the Digest (which seeks soakaways to “*discharge from full to half volume within 24 hours in readiness for subsequent storm inflow*”).

The site benefits from both foul and surface water drainage pipes which shall continue to operate. The drainage pipe work shall cater for additional surface water flows for which the soakaways are designed to accept. The installed driveway comprises 60mm block paviors featuring Marshalls patented “Piora” nib design which allows surface water to pass between the paviors (via 6mm crushed stone joints) and slowly filtrate away without compromising the driveway or adjacent land/highway. The installation also accommodates French drains to further prevent ground and surface water from penetrating or damaging buildings or entering adjacent/nearby public highways.

Following the previous committee deferral, there has been a lot of dialogue with the applicant's agent as well with Cllr Clark (and latterly with Wessex Water). As far as officers are concerned, the drainage scheme is satisfactory and there are no drainage grounds to refuse permission.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

C19 – Alterations in Conservation Areas; C31a – Design; C38 – Nuisance

The Emerging Wiltshire Core Strategy

CP57 – Ensuring high quality design and place shaping and CP58 – Ensuring conservation of the historic environment

National Planning Policy Framework (April 2012)

Section 7 – Requiring good design and Section 12 – Conserving and enhancing the historic environment

Planning Policy Guidance

7. Consultations

Hilperton Parish Council – Objects and asked that the planning authority obtains an expert opinion from a drainage engineer regarding the run-off.

Wessex Water – No objection. The development includes separate systems of drainage with a reduction in predicted flows from surface water run-off. These proposals are an appropriate arrangement under Part H of the Building Regulations and will not form any increased risk of sewer flooding in the downstream catchment.

Wiltshire Council's Land Drainage Engineer – No objection. The site area is very small in land drainage terms. The required storm water storage is less than the existing storage volume, so the existing storage volume is sufficient. The emptying time is also within accepted parameters and the proposed system will be reset within 24 hours. The upshot of the analysis is that the

proposed drainage system provides an improvement over that which previously existed. The analysis accords with accepted reasoning because analysing small drainage areas is notoriously difficult and dependant on which method is chosen.

The change from gravel to paviers has the additional benefit of providing a hard surface which will not be dragged onto the adjacent highway by vehicular movements where gravel would tend to migrate and thus damage the existing macadam highway.

Having researched a ten year period, there is no flood history affecting this area of Hilperton. For the avoidance of any doubt, the term 'flood history' does not refer to anecdotal evidence but rather genuine measured flood events backed up by photographic evidence or insurance claims and reports from our highways department / Fire Brigade. To be certain, the drainage engineer reviewed records for a wider area including Hilperton Drive, Ashton Road, Corbin Road, Marsh Road, the Rugby Club and Hilperton Brook.

The surface water and fluvial flood risk mapping produced by the Environment Agency for this area reveals no elevated flood risk for the Devizes Road site/area. The closest surface water flood risk area is west of the site located some 140 metres away.

The Drainage Engineer also checked with the British Geological Survey which revealed that there aren't many borehole records close by, but those that do exist (drilled to provide water failed to be viable indicating a poor water bearing strata). There may be local springs acting in the general area as the name "Springfield" crops up here and there, but it is suspected that historical drainage problems may have been caused by one-off events like pipe blockages or extremely severe storms outside normal design parameters.

As far as this application is concerned, the drainage mathematics and design reasoning are both sound, and therefore, there is no reason to refuse the application on drainage grounds.

Wiltshire Highways – No objection. The change of material from gravel to brick paviers is a welcome development.

Wiltshire Council Tree and Landscape Officer – No objection.

8. Publicity

The application was advertised by site notice/neighbour notification - Expiry date: 2 September 2013.

Third Party Representations – None.

9. Planning Considerations

9.1 Drainage Matters

Officers have been advised that the development at 202a Devizes Road has been approved by NHBC – The National House Building Council, and has building regulation approval. It is important to stress that building warrant approval can be sought through the private sector and need not necessary be assessed or issued by the Council. In this case, Building Regulation inspection and certification was undertaken by NHBC. As far as the planning application is concerned, the applicant has provided sound detailed drainage calculations which as reported above, meet with the full satisfaction of the Council's highways team, land drainage engineer and Wessex Water. Officers submit that there is no substantive flood risk either on-site or in the immediate surroundings; and consequently, the application has full officer support.

9.2 Impact on neighbours and immediate surroundings

The development would pose no detriment to immediate neighbours. As reported above, the material change (from rolled gravel to brick paviors) is positively welcomed by the highways team on the grounds that it removes the potential of displaced loose material being transferred onto the public highway. The surface material also raises no heritage based objection (in terms of the impact it has upon the character and appearance of Hilperton Conservation Area).

10. Conclusion

On the basis of the above, officers recommend that this retrospective application is acceptable and should be granted permission.

RECOMMENDATION – Approve subject to the following condition.

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

LOCATION AND BLOCK PLAN REV 1 – received 12.09.2013

SOAKAWAY POSITION DRAWING REV 1 - received 17.12.2013

APPROVED (W/10/01920/FUL) LANDSCAPE PLAN REV 1 - received 12.09.2013

PROPOSED REVISED LANDSCAPE PLAN REV 1 – received 12.09.2013

DRAINAGE PLAN REV 3 – received 16.06.2014

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

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Item 1 - 13/02820/FUL - 202a Devizes Road Hilperton



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	2 July 2014
Application Number	14/03109/VAR
Site Address	Land South Of Former Garage Site, Frome Road, Bradford On Avon, Wiltshire
Proposal	Variation of condition 2 of planning permission 13/03868/FUL to allow amendment to front and side elevations of terrace and deletion of conditions 3, 4, 5, 8, 10, 11 and 12 of planning permission 13/03868/FUL
Applicant	Ashford Homes (SW) Ltd
Town/Parish Council	BRADFORD ON AVON
Ward	BRADFORD-ON-AVON SOUTH
Grid Ref	382536 160614
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

The application has been called-in by Councillor Ian Thorn. The reasons for the call-in have been stated to be:

“The application to vary conditions is in reality a proposal for change of use to eliminate the live-work element and amend the scheme to 100% residential.

This is contrary to policy and should be refused. It can be argued that a change of use in this context should be in the form of a new application. A significant change of use should not be hidden behind a proposal for a variation of condition.

The original proposal for live-work units in the approved scheme was a proposal by the site owners and represented a major concession to employment policy. Removal of all employment use as now proposed is contrary to the NPPF, the former District Plan Policy E5 and the emerging Wiltshire Core Strategy.”

1. Purpose of Report

The purpose of this report is to explain and demonstrate why this application is being recommended for permission subject to conditions.

2. Report Summary

This is a report to demonstrate why planning permission should be granted for the removal and/or variation of planning conditions to allow subtle alterations to elevation treatments and

the unrestricted occupation of 5 x C3 (Use Class) dwellinghouses without conditions requiring details of landscaping, surface water drainage, external materials and contaminated land remediation.

3. Site Description

This application site is located within a designated Conservation Area, on the southern limits of the designated commercial area of the Town Centre and within the town policy limits.

To the north of the application site is the wider development area that has 19 completed homes and 5 commercial units. To the east is the Frome Road with period terraced properties opposite. To the south / south west is the recreation ground with Barton Farm beyond.

4. Planning History

05/00723/FUL – Demolition of existing garage buildings and the proposals construction of mixed use development scheme comprising 1,430sqm of office space and 23 residential dwellings. - Permitted on 15 April 2005

05/00725/CON – Demolition of all existing garage buildings and adjoining properties – Consent on 15 April 2005

07/00955/FUL – Application for change of house type in respect of unit 2 of development – Permitted on 13 March 2007

13/03868/FUL – Erection of 5 live-work units – Permitted on 30 October 2013

5. The Proposal

This is an application to vary condition 2 and delete conditions 3, 4, 5, 8, 10, 11 and 12 of the consented scheme for the erection of 5 live work units (ref: 13/03868/FUL) so that they are conventional standard C3 dwellinghouses. The applicant schedules the following revisions:

- The middle three units of the terrace are projected forward and are faced in ashlar (east elevation)
- Revised dormer detail
- Revised fenestration
- Deletion of string course and addition of quoin details
- Revised porch heads and front door
- Revised fenestration and addition of ashlar panel to south elevation
- Designation of basement level room as 'home office'.

Condition 2 of approve application 13/03868/FUL stated that:

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

Drawing: 978/4/000, 978/4/000.A, 978/4/001, 978/4/002, 978/4/003, 978/4/004, 978/4/004.A, and 978/4/005.

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

Condition 3 stated that:

“The business floor space of the live/work unit shall be finished ready for occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use.

REASON: To ensure that the employment element of the scheme is realised.

POLICY: West Wiltshire District Plan 1st Alteration (2004) E5.”

Condition 4 stated that:

“The business floor space of the live/work unit shall not be used for any purpose other than for purposes within Class [B1] in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To ensure that the employment element is compatible with the residential use of the building.

POLICY: West Wiltshire District Plan 1st Alteration (2004) E5.”

Condition 5 stated that:

“The residential floor space of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependants.

REASON: To define the terms of this permission.

POLICY: West Wiltshire District Plan 1st Alteration (2004) E5.”

Condition 8 stated that:

“No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscape setting for the development.

POLICY: West Wiltshire District Plan 1st Alteration (2004) C32.”

Condition 10 stated that:

“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.

POLICY: West Wiltshire District Plan 1st Alteration (2004) U2.”

Condition 11 stated that:

“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.

POLICY: West Wiltshire District Plan 1st Alteration (2004) C17, C18, C31a, H1.”

Condition 12 stated that:

“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 concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;*
- *An assessment of the potential risks to*
 - o human health,*
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
 - o adjoining land,*
 - o groundwater and surface waters,*
 - o ecological systems,*
 - o 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 (referred to in PPS23 as a validation report) must be produced. 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.

POLICY: West Wiltshire District Plan 1st Alteration (2004) C37."

The live-work units were approved in lieu of the extant approval for 1,085 sqm. of office space and 4 flats granted planning permission as part of a wider implemented scheme reference 05/00723/FUL. The rest of the wider development has been completed and totals 19 occupied homes and 5 ground level commercial units (approximately 345 sqm.). The developer submitted the live-work application on the basis that the office accommodation was not viable as a speculative venture and marketing generated no interest from an end occupier.

This latest application is made following the sale of the site and on the basis that the 'live-work' units are subject to a different mortgage market, and would have a reduced saleability and result in protracted legal enquiries.

The 5 dwellings now proposed would have living accommodation on the 1st and 2nd floors of the terraced building accessed directly from Frome Road. Below this, at basement level, a home office is proposed (which can be considered an additional reception room) and another room. On 4 of the units this is garaging, on a fifth unit this is not possible and so there would be a further additional room. Each unit would have 2 outside parking spaces – so there would be a total of 10 parking spaces and 4 garages.

6. Planning Policy

West Wiltshire District Plan - 1st Alteration 2004 Policies C17 - Conservation Areas; C18 - New Development in Conservation Areas; C23 - Street Scene; C30 – Skylines; C31a – Design; C32 – Landscaping; C37 - Contaminated Land; C38 – Nuisance; C40 - Trees Planting H1 - Further Housing Development Within Towns; H24 - New House Design; E4 - Premises Outside Employment Policy Areas; E5 - Loss of Employment Floorspace; T10 - Car Parking SP5 - Secondary Retail Frontages; S1 – Education; U1a - Foul Water Disposal; U2 - Surface Water Disposal; I1 – Implementation; I2 - The Arts; I3 - Access for Everyone

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

Draft Wiltshire Core Strategy (dWCS) - CP1: Settlement Strategy; CP2: Delivery Strategy; CP3: Infrastructure Requirements; CP7: Bradford on Avon Community Area; CP43: Providing Affordable Homes; CP45: Meeting Wiltshire's Housing Needs; CP50: Biodiversity and Geodiversity; CP57: Ensuring High Quality Design and Place Shaping; CP58: Ensuring the Conservation of the Historic Environment

National Planning Policy Framework (2012) (NPPF) and Planning Practice Guidance (PPG)

7. Consultations

Bradford on Avon Town Council: Objects. This application to vary conditions is in reality a proposal for change of use to eliminate the live-work element and amend the scheme to 100% residential. This is contrary to policy and should be refused. It can be argued that a change in use context should be in the form of a new application. A significant change of use proposal should not be hidden behind a proposal for a variation in condition. When the previous application was considered by the Town Council and others in the town were not supported by Wiltshire Council. One of the main objections at the time was the excessive height of the proposal and the use of semi-basements and light wells which are alien to the character of the conservation area.

The inclusion of live-work units in the approved scheme was a proposal by the site owners and represented a major concession to employment policy. Removal of all employment use as now proposed is contrary to the NPPF, the former District Plan Policy E5 and the emerging Wiltshire Core Strategy.

If the applicants are seeking to modify the approved scheme they should be required to re-design the development to reduce the overall height and remove the sub-basement element of the scheme, which is especially alien to the character of the Conservation Area.

Wiltshire Council's Economic Development Officer: This site is a former employment site and much of it is already in residential use. It would be preferable to see as much employment use as possible on this site and for these conditions to remain in force. In an ideal world it would be nice to retain as much employment use on this site that was once entirely employment. However, much of the site is residential and there are not strong enough grounds to refuse and defending any appeal would be difficult as some of the employment units in the other part of the development still remain empty.

Wiltshire Council's Archaeologist: No objection.

Wiltshire Council's Drainage Officer: No objection.

Wiltshire Council's Highways: No objection.

Wiltshire Council's Open Space Officer: No objection.

8. Publicity

This application has been advertised by individual neighbour notification letters, a site notice, an advert in the Wiltshire Times and on the Council's website. 2 objections (including a representation from the Bradford on Avon Preservation Trust) have been received which may be summarised as follows:

- * Loss of employment space;
- * The original reasons for imposing these conditions still stand; to support and encourage commercial and business development in the town.
- * These purposes are supported by District Plan E5 and the emerging Wiltshire Core Strategy and even the NPPF.
- * If no live/work units are to be produced then the whole of this element of the original scheme should be redesigned. The present design is far too high with unacceptable sub-basements.
- * The new buildings should be seriously reduced in height to lessen the detrimental impact on the terrace on the opposite side of the road.
- * This is like the mixed use at Kingston Mills – it is being eroded.
- * Landscaping seems inadequate too.

9. Planning Considerations

9.1 Introduction.

This is a variation submission of an extant planning approval. The applicant seeks to vary condition 2 to allow a variation to elevation treatments, and to delete conditions 3, 4 and 5 to remove the live-work restrictions; to remove condition 8 regarding landscaping; to remove condition 10 regarding surface water disposal; to remove condition 11 regarding submission of samples; and to remove condition 12 regarding land contamination.

9.1.1 Under application 13/03868/FUL, full planning permission was granted for the provision of 5 live work units in lieu of 1,085 sqm of office space and 4 flats granted as part of a wider implemented scheme under reference 05/00723/FUL. The rest of the wider development has been completed and totals 19 occupied homes and 5 ground level commercial units (amounting to about 345 sqm.).

9.2 Principle of Development.

The principle of housing per se in this location is established under Policy H1 of the local plan.

9.2.1 The principle of a building of this type and form has been established with the planning history. In terms of the revised design the building clearly would continue the design approach that has occurred already. Moreover the footprint, scale and massing is also well established. It is assessed that over the extant schemes, no harm would occur in terms of design; heritage implications; highway safety or neighbour amenity.

9.2.2 The proposed use of the premises is recognised as being a more contentious point. The 2007 scheme was approved on the basis of a mixed use development that included approximately 1430 sqm. of employment floor space. This was to compensate for the loss of employment floor space that the site previously provided. Whilst approximately 25% of that

employment offer has been developed in phases 1-3 of the 2007 approved scheme, over 80% of the residential element has been built out. The outstanding Phase 4's mix and offer was fundamentally changed when approval for live-work units was approved last autumn. Instead of discrete employment and flats, the proposal was altered to be a live/work arrangement where the overall floor space given over to the 'work' element appeared rather ancillary to the 'live' and all too easily convertible to be incorporated into the living area subject to the occupiers whim. As such it was assessed that it would be very difficult to control, monitor and enforce, but notwithstanding such difficulty, the Planning Inspectorate's suggested model conditions indicates that the principle of this is something that could be controlled by condition.

9.2.3 The developer submitted a marketing report which demonstrated reasonable but unsuccessful efforts to market the office accommodation. Without an end-user the development would be speculative and there are associated problems of financing in such circumstances. The Council in approving the live-work scheme accepted the loss of a discrete employment offer.

9.2.4 It was considered that the partial occupation of the completed commercial units was an indicator that the market conditions are not favourable. In the current economic conditions this is to be expected. At the time there were some indications of a growing recovery, however the pace and stability of this, according to most commentators was questionable. Government Guidance contained within paragraph 22 details that "*planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose*". Within the development management context it is considered that this has some relevance. Paragraph 22 goes on to detail that alternative uses should be considered on their merits having regard to market signals and the need for different uses to support sustainable communities. This was considered in allowing the live-work units and it was noted that there was a need for further housing within the town and as such, the live-work proposal struck a balance between retaining a 'work' element and providing more housing.

9.2.5 It was noted that the economic development officer and spatial plans officers raised no objections to the original planning permission.

9.2.6 Those considerations are still considered relevant to this application which will wipe out any formal work element to the scheme. More recently, elsewhere within the Town and further along Frome Road, the Western Area Planning Committee granted a scheme which resulted in the loss of approved office accommodation to allow an entire residential scheme to be implemented. The marketing information to that scheme painted a contemporaneous picture of the current market trends for Bradford on Avon – indicating that a loss of employment space was not objectionable.

9.2.7 Whilst it would be regrettable if the employment offer at this particular phase of the development would be deleted, officers assert that given the above commentary, there are no substantive planning reasons to refuse permission. If approved and implemented, the overall former employment site would be developed largely for residential purposes with 345 sqm of employment floor space – which constitutes as being about 25% of what was originally approved. However the shift from live-work units to unrestricted C3 dwellinghouse uses poses less concern than the original application to shift from a mixed use scheme to live-work units. The degree of employment lost was arguably most significant with the move from a discrete employment use and flats to the approved live-work units. This latest erosion would be final and whilst regrettable would not cause significant demonstrable harm. Indeed the current

employment use offered by the 2013 approval would potentially remain, albeit informally and without planning control – or create enforcement difficulties. It is noted that whilst the economic development team find the proposals to be regrettable they do not object and highlight the difficulty of defending an appeal.

9.2.8 The proposals have been designed so that, depending entirely on future occupiers' desire, a convenient home working option would be available. It is assessed that on balance, the shift away from live-work units with the deletion of condition 3, 4, and 5 would not cause any significant demonstrable harm.

9.3 Planning Obligations.

It has been recently assessed that the 5 live-work units did not warrant additional planning contributions over the 2007 approved scheme for offices and 4 flats. The lawful planning use class of live-work units is a C3 dwellinghouse – albeit restricted. As such it is not considered reasonable or necessary to seek planning obligations under this current application to vary the 2013 consent.

9.4 Landscaping

The 2013 approval sought details of landscaping for the site by condition. All necessary information has been included within this variation application and indicates a suitable hard and soft landscaping for the site to match phases 1-3. This condition may therefore be deleted, whilst its implementation condition shall remain.

9.5 Surface Water Disposal

The 2013 approval sought details of surface water disposal for the site by condition as none was provided. It has now been stated that surface water strategy for this site would be carried out in accordance with the scheme approved by condition on the original 2009 scheme. This poses no concern and as such the condition may be varied so that surface water drainage works must be carried out in accordance with those details approved under the extant 05/00723/FUL.

9.6 External Materials

The 2013 approval sought details of external materials for the site by condition. The plans have been annotated to detail natural bath stone (rubble and ashlar) to the walls and natural slate to the roofs. This would accord with the completed / built out Phases numbered 1-3 of the wider development and would be suitable within a designated Conservation Area. The 2013 imposed condition therefore can be deleted.

9.7 Contaminated Land

It was considered in 2013 that contaminated land formed an issue with the previous application. Officers note that the information submitted with the 2013 submission was dated from June 2006 and was not considered contemporaneous. The Environmental health team identified a condition as appropriate. The 2013 approval sought details of contaminated land for the site by condition.

9.7.1 The information submitted is not sufficient to alter the imposition of this condition. However in light of this further checks have been carried out. Looking at the planning history file for 2007 it is noted that the contamination remediation and validation was approved by the Council's contaminated land officer and this was confirmed in a letter dated 6 January 2009 from the principle planning officer of the Council. It is therefore considered that the condition is no longer necessary and may be deleted.

10. Conclusion

It is regrettable that there has been an erosion in the employment offer at this particular phase of the development to the point where this is simply a residential proposal for 5 units. However the shift from live-work units to unrestricted C3 dwellinghouse uses poses less concern than the original application to shift from a mixed use scheme to live-work units. The degree of employment lost was most significant with the move from a discrete employment use with flats to the live-work units. This latest erosion would be final and whilst regrettable would not cause demonstrable harm. Indeed the current employment use offered by the 2013 approval would potentially remain, albeit informally and without planning control – or indeed problems of enforcement.

The other changes pose no planning concerns as the scheme remains suitable to its context and planning constraints.

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

978/4/000, 978/4/002.A, 978/4/003.A, 978/4/004B received on 18 March 2014
978/4/001.B, 978/4/007, 978/4/800 received on 25 April 2014.

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

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, there shall be no extensions or external alterations, including alterations to the doors and windows, and no further buildings erected on the site, or any development normally permitted under Schedule 2, Part 1, Classes A-E (inclusive) of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable, to ensure that the design of the buildings are not compromised by subsequent unsympathetic alterations.

4. No part of the development hereby permitted shall be first 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.

5. 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.

6. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved details.

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

PLANNING INFORMATIVE TO APPLICANT:

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

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Item 2 - 14/03109/VAR - Land South Of Former Garage Site, Frome Road, Bradford On Avon



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Date of Meeting	2 July 2014
Application Number	14/02362/FUL
Site Address	Garage site and vacant land at Tynings Way Westwood BA15 2BS
Proposal	Construction of a terrace of two 2 bed and two 3 bed dwellings with associated access and parking
Applicant	Selwood Housing Society
Town/Parish Council	WESTWOOD
Ward	WINSLEY AND WESTWOOD
Grid Ref	380840 159201
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

The application has been called-in by Councillor Trevor Carbin who has been nominated by Councillor MacDonald to do so as he has declared a conflict of interest with this application submitted by Selwood Housing.

The reasons for the call-in have been stated to be due to the scale of development, the relationship to adjoining properties, design and highway impacts.

1. Purpose of Report

The purpose of this report is to explain and demonstrate why this application is being recommended for permission subject to conditions.

2. Report Summary

The proposals have been given very careful consideration and mindful of the localism agenda, the local objection has been given some weight. However, for the reasons detailed below it is considered that the proposals would accord with the adopted and emerging local planning policy and the National Planning Policy Framework. There would be no significant demonstrable harm to planning interests; and whilst highly regrettable, the loss of the open space would not be contrary to planning policy, and under such circumstances any residual concern is outweighed by the benefit of providing further needed housing. Whilst planning policy cannot currently require the proposed residential development to be for affordable units in perpetuity, this is an application by Selwood Housing, who are a registered social landlord.

3. Site Description

The application site is an irregular shaped area of open amenity land within a residential area. Part of the site is laid to hard standing with a complex of garages. The site is relatively flat, although there is a slope running from the north down to the south.

The site is within village policy limits and adjoins a designated Conservation Area to the east. The site has a public right of way running through it and along the northern edge.

4. Planning History

None.

5. The Proposal

This is a planning application for the erection of 4 terraced houses (2 x 3-beds and 2 x 2-beds) on a north-south axis stepped in the middle to address the topography of the site. Ancillary development details hard standing for access, turning and parking (9 spaces in total). Access to the public highway would be gained through an existing garage block (amounting to 11 garages) onto Peto Grove with a circa 4.2m wide road created. Furthermore a bin collection store is proposed and associated landscaping.

The application has been submitted following pre-application enquiry whereby officers advised that the site was not capable of accommodating 5 units (as was initially proposed); but that housing would be acceptable in principle based on local and national planning policy.

Furthermore, it is necessary to record that this application has been amended in light of highway comments and concerns over topography, neighbouring amenity and design.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) (local plan)

C17 Conservation Areas; C31a Design; C32 Landscaping; C35 Light Pollution; C38 Nuisance

H17: Village Policy Limits; U1a Foul Water Disposal; U2 Surface Water Disposal

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

Draft Wiltshire Core Strategy (dWCS)

CP1: Settlement Strategy; CP2: Delivery Strategy; CP3: Infrastructure Requirements; CP7: Bradford on Avon Community Area; CP43: Providing Affordable Homes; CP45: Meeting Wiltshire's Housing Needs; CP50: Biodiversity and Geodiversity; CP57: Ensuring high quality design and place shaping; CP58: Ensuring the conservation of the historic environment

National Planning Policy Framework (2012) (NPPF) and Planning Practice Guidance (PPG)

7. Consultations

Westwood Parish Council: Object on the grounds that:

Westwood Parish Council is committed to the development of a Neighbourhood Plan to accord with the provisions of the Localism Act 2011 and to accurately reflect the requirements of the National Planning Policy Framework (NPPF) and (emerging) Wiltshire Core Strategy. A Neighbourhood Plan is currently being developed with the assistance of Wiltshire Council.

Westwood Parish Council will support the (emerging) Wiltshire Core Strategy.

An effective and sustainable Neighbourhood Plan is evidence-based with relevant assessments informing the decision regarding future housing and other developments in the designated community area – in this case the Civil Parish of Westwood. Such assessments would include objectively identifying a need for such development (not a subjective assessment), the type, character and size of any properties required, disability access

requirements, sustainability, landscaping, means of providing unobstructed access and vehicle parking in relation to any residential development.

There have been no comprehensive assessments undertaken and no evidence produced, to support the proposed development detailed in planning application 14/02361/FUL. This proposed development should be refused until such evidence is produced to justify this development and until/or when the Neighbourhood Plan for Westwood has been endorsed and authorised.

The proposed site for this development is a valuable, village, open recreational space designated as such since its creation in 1967 and it has been in use continually by residents (especially children) of Westwood since that time. It is the only protected, contained, safe play/recreational area in Lower Westwood. A footpath across the proposed site has also been in continuous use since 1967.

Policy R1 of the West Wiltshire District Plan 1st Alteration (2004) 'Recreational Space' states 'The maintenance and improvement of formal and informal outdoor recreational facilities in the Plan area will be sought and the sports and recreational needs of local communities will be kept under review. The effective use of existing recreational areas and the creation of new amenities will be encouraged where needs and opportunities are identified' and Policy R2 'Protection of Recreational Space' states 'Development will not be permitted where this would involve the loss of existing playing fields, play spaces and other recreational land, whether publicly or privately owned.'

The site for this proposed development is a recreational facility/play space and is the only one in Lower Westwood. To permit development of this site for housing would be contrary to Policies R1 and R2.

Policies LP1 and LP2 of the Leisure and Recreation DPD provide protection for open spaces and enhancement of existing open space for sport and recreation provision. The loss of this open space will significantly affect the character of this area and development of this site for housing would be contrary to these policies.

This proposed development is contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) 'Nuisance' in that there will be a significant loss of privacy and over shadowing of existing properties and it will exacerbate existing problems in respect to access, vehicle parking (the grass verges in that immediate area are already used for parking) and use by Emergency Services. The access to the proposed development site is narrow and already littered with parked cars.

The amended plans (dated 21 May 2014) significantly increase the loss of privacy and over shadowing of existing properties and will aggravate the 'Nuisance' that Policy C38 seeks to avoid. Policy C38 states that '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 amended plans show a proposed development that is contrary to Policy C38.

The proposed development is contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration (2004) 'Design' in that the design of the properties is out of character with existing properties nearby in terms of form and size. If built, the properties will 'overcrowd' the area.

Westwood Parish Council noted the strength of local opposition to this proposed development at the exceptionally well-attended Parish Council meeting at which this application was examined and the parishioners were uniform in their opposition to the

proposed development – voiced during the Public Adjournment at the meeting held on 2 April 2014.

The original consultation process undertaken by the applicant was flawed in that many households/parishioners likely to be affected were not consulted.”

Wiltshire Council's Highways Authority: No objection to revised plans subject to conditions.
Wessex Water: No objection.

Wiltshire Council's Education Team: No objection.

Wiltshire Council's Housing Team: Supportive.

Under West Wiltshire District Plan, rural H2 policy - within defined Village Policy Limits - there would have been a policy requirement for a 50% at nil subsidy affordable housing contribution from this application. However, it is noted that a revised housing policy has been prepared for the Wiltshire Core Strategy which recommends that on sites of 1-4 dwellings no affordable housing contribution would be sought. Although this policy has not yet been adopted, it does define the Council's intended direction of travel on affordable housing based on up-to-date evidence.

It is recognised that the emerging Wiltshire Core Strategy has reached an advanced stage, and material weight is now applied to the emerging policy. As this application proposes 4 new dwellings we would, therefore, not be seeking a policy affordable housing contribution from this application. However, as this application is from a Registered Housing provider, these homes are likely to be for affordable housing in any case - although there is no policy requirement for them to be so.

To further support this case, the following data is provided to empirically illustrate current housing need.

Housing Register stats as at January 2014: Total number of households on Wiltshire Housing Register: 19,325 (of which 10,781 are in priority housing need)

Bradford on Avon Community Area: 522 (of which 253 are in priority housing need)

Westwood: 23 households with Local connection / 1st Preference criteria

The mix/size of the proposed units on this site reflects current affordable housing demonstrable need/requirements.

Wiltshire Council's Open Space Officer: No objection. Since this application is for less than 5 dwellings, there is no policy requirement for an Open Space contribution.

Wiltshire Fire & Rescue Service: No objection. The Wiltshire Fire & Rescue Service however make comments regarding building regulations and offers advise on fire safety.

Wiltshire & Swindon Biological Records Centre: Report there being several bat species recorded nearby.

8. Publicity

This application has been advertised by individual neighbour letters, a site notice, an advert in the Wiltshire Times and on the Council's website.

19 objections have been received which may be summarised as follows:

- * Impact on residential amenity – loss of light and overlooking
- * Highway safety/parking
- * Loss of recreation space and children’s play area – only one in Lower Westwood – used for decades for village and family gatherings
- * Inaccuracy in submissions / misleading comments
- * Design out of keeping and overcrowded – gross over development
- * Loss of view to White Horse
- * Pollution and noise from extra vehicles
- * Bin collection from other side of boundary
- * Large number of residents attended parish meeting to object
- * concerned by potential use of social club access and car park
- * paths would become unusable
- * will limit emergency vehicle access
- * allocated green belt
- * raises Human Rights Act
- * concern over cumulative impacts
- * evening and weekend site inspection required to understand parking issues
- * bully developer
- * neighbourhood plan is being worked on
- * Lack of evidence regarding need
- * drainage concern
- * planning history of refusals on other strips of amenity land / precedents

9. Planning Considerations

9.1 Principle of Development

The site lies within the identified village policy limits of Westwood as identified in the current local plan. As such, the principle of development is acceptable subject to compliance with the detailed criteria of Local Plan Policy H17 and any other material considerations such as neighbouring amenity.

9.1.1 In addition the national planning policy framework (NPPF) is a material planning consideration. This is supportive of sustainable development and it is considered that this application would represent a sustainable form of development.

9.1.2 Whilst this is the current policy context, it is important to record that the local plan is to be superseded by the emerging Wiltshire Core Strategy. This is still not an adopted plan and so cannot be afforded full weight. Further, as it is yet to be adopted, it is still open to alteration and change. However it does provide an indication of a potential policy framework in the foreseeable future and the emerging policy in regard to this application is not considered contentious, meaning that it can be afforded significant weight.

9.1.3 It is important to stress that the eWCS proposes to retain the development boundary and classifies Westwood as a ‘Large Village’ under policy CP7. CP2 identifies that there is a presumption in favour of sustainable development within the boundaries of large villages. Policy CP7 also identifies that up to 2026, approximately 185 new homes would need to be realised in the Bradford on Avon Community Area outside of the main town. There are 3 large villages which may need to accommodate the majority on such need – namely Holt, Westwood and Winsley. As reported above, housing officers have identified that in Westwood there are 23 households with Local connection / 1st Preference criteria in need.

9.2 Recreation Land

Although the site is clearly an area of amenity grassland within a residential estate it has no formal play equipment and is not subject to any recreation designations under the local plan or the more recent and strategic Leisure and Recreation Document which was published in 2009. As such, officers submit that there can be no in principle opposition regarding the loss

of recreation amenity space – rather this is a detailed consideration that needs to be weighed in the mix of other detailed planning considerations.

9.2.1 The Parish Council refer to policies R1 and R2 of the local plan, but these are not saved, extant policies since they have been superseded by the more strategic Leisure and Recreation DPD. This document, like the local plan, does not list the site as recreation land or offer specific policy protections to the land. The site is not listed within the DPD under the appendices of recreation sites i.e. high quality/value and low value sites.

9.2.2 Westwood Park is situated in Upper Westwood and is the main recreation provision for the village and is classed as a high quality and high value site and as such is afforded protection. Westwood Park is as accessible, albeit further away for those residing in Lower Westwood as the application site. The presence of this facility needs to be given weight when considering the loss of the amenity land off Tynings Way.

9.2.3 Furthermore there are other comparable examples of open amenity space in the immediate vicinity that offer the same level of recreation opportunity as the application site, namely the attractively landscaped car free area at Peto Grove.

9.2.4 It is recognised that the proposal would remove an area of open space from the village which is generally laid to grass, but it does not significantly contribute to the character of the area and is void of significant landscaping save for the peripheries and boundaries. It is true to say that the sense of openness would be significantly reduced, but landscaping would be added. As a recreational space, it currently offers limited potential for local residents to congregate and for children to have informal play and it should be taken on board that there are other comparable spaces in the immediate vicinity. Officers advise that the site has no formal status and on-site inspections have indicated that no significant recreation use could be detected with the grass being long, save for a desire line created by/for pedestrians crossing the site, where the grass was trodden down. Furthermore, Members are advised that the site is now in private ownership and there is no planning reason why access for recreation should be retained.

9.2.5 The local objection contradicts this conclusion and suggests that it is a site of significance for recreation. Within the Council, the public open space team have commented on the scheme and raised no issue with the loss and stated that no contributions can be sought given that the proposed development is below policy trigger thresholds..

9.2.6 On the basis of the above commentary, whilst the loss of this space would be regrettable, such a loss would not result in significant harm in planning terms. There is an alternative high quality and high value formally designated recreation space within Westwood which is considered accessible for local residents. The Tynings Way site has limited recreational use potential given that there is no formal play equipment, is a relatively small and irregular shaped site and the thrust of the DPD is to be more strategic regarding amenity land protection. Moreover, there would be no harm to the character of the settlement or to nature conservation interests. As such, officers advise that when applying policy LP2 of the DPD any conflict with this is limited and the harm would not be significant.

9.3 Layout and Design

The proposals show the retention of the existing garaging on site with minor adjustments made to define the access road through the garage area, which is currently a manoeuvring area only. Beyond the garaging and over the public right of way, it is proposed to create an area of hard standing for parking, turning and bin storage to serve the 4 houses. Whilst this would result in changing in the character of the area and reducing the sense of openness, there would be no significant harm caused.

9.3.1 The scheme has been amended so that the topography of the site is acknowledged – i.e. a stepped terrace has been created requiring only modest earthworks. This is a design trait that occurs on terraced housing nearby along Peto Grove. The building has also been altered so that the design is more akin to the local vernacular in terms of its massing and proportions.

9.3.2 This proposal however employs a hipped roof form to minimise amenity impacts. Officers recognise that there are some very limited examples of hipped roof forms in the vicinity. Typically housing at this point is characterised by gable ends. The preference here would be for a gable end. However, this would impact on either residential amenity or the number of units which could be accommodated. The area is not subject to any special designations and although adjacent to a Conservation Area the hipped roof form would not cause demonstrable harm.

9.3.3 Overall, the elevations would be in keeping with the character of the area, which is mixed. The indicative construction materials would also be in keeping with the area which is for 'buff' coloured wall materials and tiled roofs. The layout makes a highly efficient use of land without demonstrable harm to existing residential amenity and generating a generally acceptable degree of amenity for future occupiers. The proposals include adequate bin storage, parking and turning to avoid any harm. The right of way would generally be unaffected. Landscaping would soften the built form and generate a sense of maturity to the development.

9.3.4 Whilst close to a designated Conservation Area boundary, the site and proposal does not have a strong relationship to it. Instead, it relates more strongly to the circa 1960s housing located to the north and is indeed an extension to this. As such whilst the modern built form would be brought closer to the conservation area, this would not cause substantive harm to heritage assets.

9.3.5 The applicant has had regard to the pre-application advice and has developed, after further negotiation, a scheme which makes the most efficient use of the site with a design and layout that is satisfactory in planning terms.

9.4 Residential amenity

The Old Chapel to the east is known to be in residential use and there is a window on the east elevation faces directly onto land illustrated for future garden space. Whilst the inter-visibility with the rear elevation of the proposals and the Old Chapel is sufficient to avoid any significant harm, the Old Chapel would – save for the existing landscaping – be able to look into the rear gardens of the proposal from only circa 7 metres. This is not ideal for future occupiers of the development; however no harm to existing amenity would occur. Future occupiers would need to be aware of the degree of overlooking before moving. This issue has been acknowledged by the developer, who has argued that there is sufficient existing landscaping to mitigate against any future concern.

9.4.1 No.13 Lister Grove has a first floor window on its south elevation and a single storey extension on its south elevation – with its property boundary defined by a fence – not a large hedge as indicated by the applicant/architect. Directly south of the Lister Grove property is the proposed side of the terrace, set back approximately 8 metres. The side elevation would be 8 metres wide and 4.8 metres to eaves. It would have a hipped roof form so that at its highest point it would be 7.4 metres high and set away from the neighbour's single storey extension by circa 12 metres. It is also important to stress that the proposed development would be constructed on slightly lower ground by virtue of the local topography - around 500mm. The lower level and hipped roof form would mitigate the impact of the building so that when applying the 25 degree test in accordance with BRE guidance, no substantive harm can be demonstrated. It is assessed that there would clearly be an impact; the outlook

would be changed – although this in itself would not be significant. There would also be some loss of ambient light – although not to a significant degree to detrimentally affect neighbouring amenity to warrant a refusal.

9.4.2 The proposals would be sited to the immediate north of several other properties; however due to the orientation and the separation distances involved, there would be no significant harm caused, despite the site being raised above the neighbours to the south.

9.5 Highways

As recorded above, there is no highways based objection raised by the highways team. The proposal provides parking provision to meet the minimum standards and allows adequate manoeuvring space. Access would be through an existing garage block and over a right of way – which currently experiences no vehicular movements across it. However this is not objectionable. The parking has been observed on Peto Grove and the photographs of the parking on Peto Grove and the garage block have been considered. These have also been passed to highway officers. However it is not considered that this development would cause any substantive harm in terms of highways.

9.5.1 Highway officers have also advised that the junction of the access road with Tynings Ways is adequate. The access carriageway itself is of sufficient width for two cars to pass (or for a moving car to pass a parked car). The vehicles parked in the photographs submitted are in connection with existing properties; and, it is asserted that the development proposed would not alter the garage or parking provision that currently exists. Overall, the development itself meets current car parking standards and is acceptable.

9.5.2 Notwithstanding the commentary above, should Members feel concerned about highway matters, it is important to stress that the Government has made it explicitly clear within paragraph 32 of the NPPF asserting that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. For the avoidance of any doubt, officers submit that there would be no such “*severe*” impacts in this particular case.

9.6 Ecology

Whilst it is noted that there are bat records in the vicinity, the site is assessed as having no potential for bats. The Council’s ecologist was consulted on earlier pre-application plans and raised no issue.

9.7 Drainage

Wessex Water raise no objection to the proposals and it has been detailed that mains sewers would be used for foul waste and a sustainable drainage system used for surface water. The proposal would impact on surface waters - however no details have been provided with the submission. However the site has sufficient space to provide a solution and so details can be approved via a planning condition.

9.8 Other Comments

Currently a development proposal such as this would be subject to up to a 50% affordable housing contribution request based on local plan policy H2. However under the emerging policy no requirement can be imposed. In such circumstances the current practice is to apply the preferential position for the developer and as such no affordable housing needs to be secured.

9.8.1 However it is noted and appreciated that the applicant is a registered social housing provider and whilst it cannot be secured by policy, the development is likely to be for much needed affordable housing. The Council’s housing team support the proposals and have

identified that a need exists in this location and that the housing proposed is of a type that would help to meet the identified need.

9.8.2 Other consultation responses have revealed that the proposal is below the thresholds to trigger any other planning obligations.

9.8.3 Whilst it is noted that the Parish are working towards a neighbourhood plan, it is not at a stage where it can be afforded any weight in planning decisions. Whilst it is noted that Parish Council are considering making an application for a village green – this is would be captured under separate legislation. Members should however duly note that no village green application can be registered now as there is a pending application on the site. So this can be afforded no weight.

9.8.4 Officers advise that the NPPF sets out an unashamedly pro-growth agenda supporting sustainable development and identifies the need for planning to address the housing needs. This needs to be afforded weight in the determination of this application.

9.8.5 The local objection to the proposals has been given very careful consideration. However officers submit that no significant planning concern has been identified and demonstrated. So whilst local objection on demonstrable planning grounds should be afforded great weight in the planning process given the localism agenda, in this case the objection raised cannot sustain reasonable reasons for refusal.

9.8.6 The Parish Council has complained that the original consultation by the developer in their community engagement was flawed. Whilst the Government and planning authorities encourage developers to engage closely and widely with local communities, before submitting a formal application, there is no statutory obligation for them to do so. Notwithstanding this, the Council's statutory consultation with the local community has been carried out as part of the application. This included individual neighbouring notifications, a consultation with the parish council and a site notice being displayed at the site which will have informed anyone of the application when using the right of way and/or the amenity area.

9.8.7 Whilst the application has not been submitted with any detailed assessments of need, the evidence from the Council's consultees is relevant and points to an established need for affordable housing within the village.

9.8.8 Reference has been made to planning histories that referred to planning policies that are no longer extant and as such are not relevant.

10. Conclusion

On balance the proposals are considered to be acceptable. The site represents a sustainable location where there is an identified housing need. The proposals are of an acceptable design with a layout that makes the most efficient use of land whilst providing all the parking, turning and services required in addition to landscaping to help the proposals harmonise into their setting. There would be no significant harm to neighbouring amenity and no significant harm in terms of the loss of the open amenity area. Any residual concerns on these factors are outweighed by the benefit of providing needed housing within a sustainable location.

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 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);

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, the vehicle crossover of the public footpath and the parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and amenity.

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

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

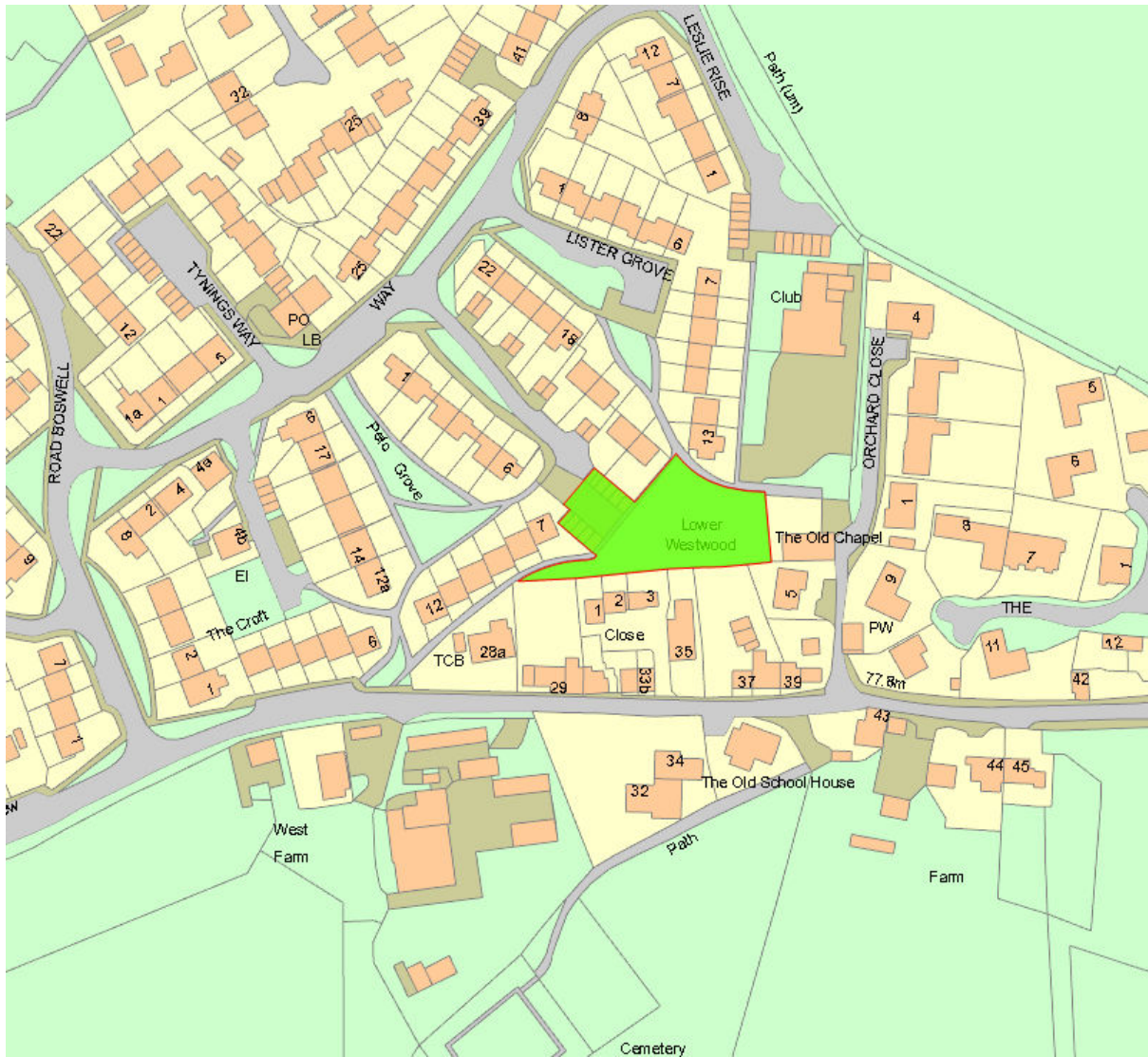
- 7 The development hereby permitted shall be carried out in accordance with the following approved plans:

3723/01 Revision F received on 1 May 2014.

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

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Item 3 - 14/02362/FUL - Garage site and vacant land at Tynings Way Westwood



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 5

Date of Meeting	2 July 2014
Application Number	14/03465/FUL
Site Address	93 Victoria Rd, Trowbridge, Wiltshire
Proposal	Proposed extensions
Applicant	Mr David Clarke
Town/Parish Council	TROWBRIDGE
Ward	TROWBRIDGE PAXCROFT
Grid Ref	386704 158559
Type of application	Full Planning
Case Officer	David Cox

Reason for the application being considered by Committee

This application has been called in at the request of Councillor Stephen Oldrieve to consider the size of the proposed extension and its impact on neighbouring amenity.

1. Purpose of Report

To recommend that the application be approved.

2. Report Summary

The proposal would not be an overdevelopment of the site and would have an acceptable impact on neighbouring amenity and the character and appearance of the adjacent conservation area.

3. Site Description

No. 93 Victoria Road is a large detached dwelling located within a residential cul-de-sac comprising of only 6 dwellings. Each dwelling is fairly large set within good sized plots. No. 93 is located on the entrance of the cul-de-sac off Victoria Road but also has a long boundary with Hilperton Road.

The application site is not located within the Conservation Area, but is immediately adjacent to it with its boundary being on both Victoria and Hilperton Road. There is a Cooper Beech Tree within the application site that is also outside of the Conservation Area. No. 93 is well screened from both Hilperton and Victoria Road and the dwelling is set a good distance back from the access road into the cul-de-sac.

4. Planning History

No relevant history.

5 The Proposal

The proposal comprises a garage extension on the front elevation and a single storey side elevation extension.

Following receipt of concerns raised about the impact the original proposed development would have upon the existing copper beech tree, the applicant deleted the previously proposed summerhouse and re-building of the boundary wall elements of the application.

6. Planning Policy

West Wiltshire District Plan (WWDP) 1st Alteration 2004 – Policies C17 – Conservation Areas, C31a - Design and C38 - Nuisance.

The Emerging Wiltshire Core Strategy (eWCS) especially strategic objective 5 – Protecting and Enhancing the Natural, Historic and Built Environment; and Core Policy 57 – Ensuring High Quality Design and Place Shaping.

Government Guidance – The National Planning Policy Framework (NPPF).

7. Consultations

Trowbridge Town Council – Objects on the grounds of overdevelopment and the extension would be beyond the existing building line at the front of the building. There are also concerns about a copper beech tree, which if built close to could suffer. The Town Council requests that a tree preservation order be placed on it and that this application is called in.

Tree Officer – Following the deletion of the summerhouse proposal, the development would not detrimentally affect the copper beech tree and therefore there are no additional tree comments to make.

8. Publicity

The application was advertised by site notice and individual neighbour notifications and expired on 10 April 2014.

6 Letters of objection were received raising the following concerns:

- The garage section protrudes beyond the natural building line of the existing property and neighbouring property. There are 5 properties in the close and with No 93 being the first; the protrusion would affect the visual aspect of the other 4 houses.
- The proposal would be completely out of keeping with the street scene.
- The proposal would represent an overdevelopment of the site.
- The proposal would block light to No. 91 and its front patio.
- The garage extension would be ugly and overbearing on No. 93.
- Three mature trees have been pulled down and the front garden paved over. Did this require planning permission?
- This could result in more noise as the applicant works from home and has a constant stream of workmen to the property.
- Previous works have resulted in blocked driveways.

9. Planning Considerations

Principle of Development:

9.1 Residential extensions are broadly supported by WWDP Policy C31a subject to the design and impact on the street scene being acceptable.

9.2 Neighbour notifications have raised issues regarding home working and workmen visits however; small businesses (where there is no material change of use) are allowed to be run from homes without the need for planning permission. No formal complaint has been made to

planning enforcement to investigate whether the current activity requires a planning application. Any blocking up of a shared driveway is a civil matter between the relevant landowners and such matters cannot influence the determination of this application.

9.3 The driveway which is referenced by objectors is formed of mostly shingle which is a porous material that will provide adequate drainage. For the avoidance of doubt, this did not require planning permission and cannot influence the determination of this submission.

Impact on the Host Building and Street Scene:

9.4 No. 93 is a large dwelling comprising of a main two storey section with a projecting subservient gable end section of the front elevation. On its side elevation there is a subservient double garage with a bedroom above.

9.5 The proposed garage extension would remain subservient to the existing garage although it would project 7 metres from the existing front wall. This would be approximately 3 metres further than the existing front elevation gable end projection. The garage extension would still be set back about 4.5 metres from the shared cul-de-sac access road.

9.6 On entering the cul-de-sac, the proposed extension would enclose No. 93 from the rest of the street but it would not build right up to the edge and would not be of a height or size to have an overbearing / dominant impact. The cul-de-sac would retain its overall open characteristics and appearance.

9.7 The proposal would not represent an over development of the site as the footprint of the dwelling would still be less than 50% of the total plot.

9.8 The side extension on the south western elevation would be fairly long but would be a small addition screened from the majority of public views by the existing hedgerow and No. 93 itself.

9.9 The extension would be an appropriately scaled and subservient addition to the host building. It is acknowledged that it would be built forward of the existing building but this would not cause any substantive adverse harm.

Impact on the Adjacent Conservation Area:

9.10 The extensions would be largely screened from the Conservation Area by the existing hedgerow which is not proposed to be removed. Therefore the views into and out from the Conservation Area would not be harmed by this proposal. In any regard, it is not considered that the extensions would be harmful if they could be widely seen.

9.11 The neighbour consultation raised an issue regarding the removal of trees without permission. However, consent is not required for works to trees that are not subject to a Tree Preservation Order (TPO) or those outside of a Conservation Area. In relation to the Cooper Beech Tree, a site visit was conducted with the Council's Tree Officer who advised that the works to the Cooper Beech Tree have been carefully and sensitively carried out and to a high standard. Following the deletion of the summer house and re-building of the boundary wall from this proposal, there would be no substantive risk to the tree to necessitate the issuing of a TPO.

Impact on Neighbouring Amenity:

9.12 Objections have been received from No. 91 which is immediately to the north east of the application site; and it is recognised that this proposal would result in a 13.5 metre long wall

being built approximately 1 metre away from the boundary with No 91. The plans indicate that the boundary hedge belongs to No. 93 and would not be removed by the applicant. A condition is however recommended to be added to any permission to ensure the hedge is protected.

9.13 The proposed extension would be 3.1 metres to eaves and the existing hedge is approximately 2-2.5 metres tall. Therefore the actual increase in height over the hedge would be minimal. The roof would then slope away from No. 91. It is not considered, as the site visit photographs illustrate, that the proposed extension would have an overbearing or un-neighbourly impact on No. 93. This is because it would not be of a height or close enough to have a harmful impact.

9.14 In terms of overshadowing, this would only likely occur from approximately 3pm in summer months and from 1pm in winter months. The overshadowing would only extend over the hedge and No. 93's front driveway and double garage. The front patio of No. 91 would be too far away to be directly overshadowed and there would be sufficient distance to still allow for a good level of natural daylight. Therefore the level of harm would not be sufficient in which to warrant the refusal of the application.

9.15 The first floor of the garage would have a games room, which is considered to be habitable floor space having 3 velux roof lights facing No 91. The velux roof lights would predominately look out over the front driveway which is also visible from the access road. The garage extension would block an existing bedroom window which faces the neighbouring plot; and it is therefore considered the overall impact of the velux windows would be neutral. Whilst No 91 has a fairly well screened front patio, only one velux roof light would have a view of it, but it would not be sufficiently harmful in which to refuse the application.

10. Conclusion

The proposal would result in the enlargement of the dwelling, building forward of its existing elevations, but it is not considered that it would be of an inappropriate or unacceptable size or height; and it would not cause harm to the appearance of the street scene or adjacent Conservation Area. The proposal would also not cause harm to neighbouring interests.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 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 all trees/hedgerow 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;

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 extensions 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 be carried out in accordance with the following approved plans:

Site Plan - Received 27 March 2014
Revised Block Plan - Received 17 June 2014
Drawing 0028/14/C - Received 27 March 2014
Drawing 0028/14/D - Received 27 March 2014
Drawing 0028/14/E - Received 27 March 2014
Drawing 0028/14/F - Received 27 March 2014
Drawing 0028/14/G - Received 27 March 2014

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

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Item 5 - 14/03465/FUL - 93 Victoria Road, Trowbridge



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Wiltshire Council

Western Area Planning Committee

2 July 2014

Appeal Performance 2013

1. Purpose of Report

To review the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Western Area Planning Committee in 2013.

2. Appeal Decisions

The Western Area Planning Committee met 11 times and considered 41 applications in 2013. Six of these were refused, of which 3 were refused against the recommendation of officers, whilst three were refused in accordance with the reason for refusal recommended by officers.

Out of these 6 decisions to refuse planning permission, two have been taken to appeal, both of these where refusal was against officer recommendation. Both of these were allowed on appeal, with costs being awarded against the Council for unreasonable behaviour in refusing the application at Warminster, where the applicant had amended the proposal to comply with suggestions made by the Inspector on a previous appeal. A copy of the appeal costs decision is attached to this report. A list of the applications refused by the committee and the subsequent appeal decisions are set out in Table A.

Table A - Applications Refused by Western Area Planning Committee 2013

Reference	Parish	Location	Description	Appeal Decision
W/13/00882/FUL	L Deverill	Manor Farm	Single dwelling	Not appealed
W/13/00711/FUL	Warminster	Savernake Close	6 dwellings	Not appealed
13/01891/FUL	N Bradley	Honey Well Farm	1 house (holiday let)	Not appealed
13/01823/FUL	Trowbridge	Westwood Road	Household extension	Not appealed
13/03824/FUL	Warminster	R/O Westbury Road	2 dwellings (new design)	Allowed
W/12/02050/FUL	Semington	Littleton Stables	Travellers pitch	Allowed

During 2013, the Council received decisions on a further 16 appeals against refusals made under delegated powers in the area covered by the Western Area Planning Committee. Fifteen of these were dismissed, including an appeal against an enforcement notice for access widening at Heywood and an appeal against a High Hedges Remedial Notice at Edington. The only appeal allowed was for the change of use of rooms at Whaddon Grove Farm for bed and breakfast accommodation, where the highway reason put forward was not upheld. All 5 refusals of applications for new residential development were dismissed, including major developments at Hilperton, Westbury and Warminster. There were no cost awards against the Council in any delegated decision. The list of appeal decisions made on delegated decisions is set out in Table B.

Table B

Appeal Decisions Received in 2013 on Applications Refused under Delegated Powers

Reference	Parish	Location	Description	Decision
W/12/00698/FUL	Bradford	Flat 1, 11, Frome Road	UpVc windows	Dismissed
W/12/00589/FUL	Crockerton	Clay Street	Stable building	Dismissed
W/12/01926/FUL	Melksham	36A Roundpond	Access	Dismissed
W/12/01447/FUL	Melksham W	N of Beanacre House	Cou to garden	Dismissed
W/12/02270/FUL	Bradford	269, Widbrook	Extension in GB	Dismissed
W/12/00726/FUL	Westbury	17, Chalford	Cou to accommodation	Dismissed
W/12/01840/OUT	Hilperton	Marsh Road	30 dwellings	Dismissed
W/12/02323/OUT	Westbury	Fairdown Avenue	29 dwellings	Dismissed
W/11/01746/OUT	Warminster	Brook Street	28 dwellings	Dismissed
W/12/01018/FUL	Warminster	58, Ash Street	1 dwelling	Dismissed
W/13/00712/FUL	Bulkington	14, High Street	H/Holder Extension	Dismissed
W/12/01838/FUL	Hilperton	Marsh road	Storage of building mats	Dismissed
W/13/00072/FUL	Warminster	51, Ashley Place	New dwelling	Dismissed
W/12/00150/FUL	Melksham	Whaddon Grove Farm	Rooms for B & B	Allowed
Enforcement				
10-00147-ENF	Heywood	Church Road	Access widening	Dismissed
Trees				
W/12/00001/HH	Edington	Edington Priory	High Hedge Remedial Notice	Dismissed

Since January 2014, there have been a further two refusals of planning permission by the Western Area Planning Committee, both of which have been taken to appeal. (Gypsy/traveller site at Semington and pool cover at Warminster). A hearing for the former is set for August whilst a decision on the latter is awaited.

Since October 2013, the Government have now empowered Planning Inspectors to award costs in any appeal where the Inspector considers that a party has acted unreasonably, either in submitting the appeal or refusing the application. Previously, an Inspector could only award costs where a party specifically applied for them.

Report Author – Mike Wilmott, Area Development Manager.

Appendix – Decision by Planning Inspectorate on costs award application on application 13/03824/FUL, Warminster

Costs Decision

Site visit made on 6 May 2014

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 28 May 2014

Costs application in relation to Appeal Ref: APP/Y3940/A/14/2212664 12A Westbury Road, Warminster, Wiltshire BA12 0AN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr R Denton for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for two detached houses on land to rear of 12A Westbury Road.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Preliminary Matter

2. Since the application for costs was first made, *Circular 03/2009*¹ has been superseded by the *Planning Practice Guidance* (PPG). Examples of the types of behaviour which may give rise to a substantive award against a local planning authority are listed in the PPG. As is apparent from the appellant's final written comments on this matter, key points on which the initial application relies appear in both the *Circular* and the PPG. Therefore, even though the Council's response refers to the *Circular* rather than the PPG, I am satisfied that its interests will not be prejudiced by my judging the application against the PPG.

Reasons

3. As set out in the PPG, costs may be awarded against a party who has behaved unreasonably, thereby directly causing another party to incur unnecessary or wasted expense in the appeal process.
4. It is particularly significant that the current appeal scheme follows a relatively recent appeal decision² on a previous scheme. The Inspector in 2013 concluded that scheme would not harm the area's character and appearance, and referred to it as being of 'good design and materials'. PPG paragraph 049 includes advice that 'persisting in objections to a scheme, or part of scheme, which has already been granted planning permission or which the Secretary of State or an Inspector has previously indicated to be acceptable' (my emphasis) is a ground for an award of costs against a local planning authority.

¹ Costs Awards in Appeals and Other Planning Proceedings

² Appeal ref: APP/Y3940/A/12/2188932, decision dated 7 August 2013

5. The current appeal scheme follows the same design concept as the one already found to be acceptable by the 2013 Inspector, using the same palette of materials, but with revisions to the siting, scale and form of the proposed house on Plot 1³. Members are entitled not to accept their officers' recommendations, and character and appearance issues often involve matters of judgement, but any refusal must be properly substantiated. The Members' familiarity with the area and local opposition to the proposal do not however amount to an objective analysis, or realistic and specific evidence, sufficient to demonstrate why the revisions to the scheme justify reaching different conclusions from those of the previous Inspector in relation to matters of visual impact, character and appearance.
6. Moreover, as the appellant has highlighted, the Committee Minutes do not refer at all to character and appearance as a reason for refusal, and no explanation for this has been given by the Council. In the light of the above matters, I find that the Council's refusal reason relating to character and appearance has not been adequately substantiated and is, therefore, unreasonable.
7. The second refusal reason relates to living conditions at no. 12C which, again, is a matter involving judgement. It is relevant that the house at no. 12C is now complete, facilitating a more informed judgement about the likely impact of the revised Plot 1 house on this property. The neighbour's concerns are understandable but, nonetheless, the relationship between the two houses would be well within the bounds of what is normally considered acceptable in residential layouts. Indeed, given the width of the gap between them and the low height of the proposed house as a result of the flat roof design, any impact would be less than would be the case if a 'conventional' pitched roof had been proposed.
8. The Council's response to the costs application mentions the Members' assessment of 'the situation on the ground' but I have not found any explicit reference to them having undertaken a site visit, which is important for a good understanding of the siting, heights and length of the Plot 1 house relative to no. 12C. As the Committee Minutes record nothing more than that 'a discussion was held regarding the impact on neighbour amenity', I cannot tell to what extent it was based on objective analysis. Little more of substance is put forward in the Council's appeal statement by way of realistic and substantive evidence. Thus, in relation to this refusal reason also, I find the Council has not adequately justified its case.
9. Overall therefore, I conclude the Council's refusal has not been adequately substantiated and is therefore unreasonable, which amounts to unreasonable behaviour as described in the PPG. Thus I conclude that unreasonable behaviour resulting in unnecessary expense in the appeal process has been demonstrated and that a full award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that

³ The revisions seek to address the previous Inspector's concerns about living conditions at the adjacent property, now no. 12C

Wiltshire Council shall pay to Mr R Denton, the costs of the appeal proceedings described in the heading of this decision.

11. The applicant is now invited to submit to Wiltshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Jane Miles

INSPECTOR

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