

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber, Wiltshire Council Offices, Bradley Road,  
Trowbridge  
**Date:** Wednesday 23 June 2010  
**Time:** **6.00 pm**

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

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### Membership:

Cllr Ernie Clark  
Cllr Rod Eaton  
Cllr Peter Fuller  
Cllr Mark Griffiths  
Cllr Malcolm Hewson  
Cllr John Knight

Cllr Christopher Newbury  
Cllr Graham Payne  
Cllr Stephen Petty  
Cllr Jonathon Seed  
Cllr Roy While

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### Substitutes:

Cllr Rosemary Brown  
Cllr Trevor Carbin  
Cllr Andrew Davis  
Cllr Russell Hawker  
Cllr Tom James MBE

Cllr Francis Morland  
Cllr Jeff Osborn  
Cllr Fleur de Rhe-Philippe  
Cllr Pip Ridout

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# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** *(Pages 1 - 4)*

To approve the minutes of the last meeting held on 2<sup>nd</sup> June 2010 (copy attached.)

3. **Declarations of Interest**

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

4. **Chairman's Announcements**

5. **Public Participation**

Members of the public who wish to speak either in favour or against an application on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application. 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.

6. **Planning Applications** *(Pages 5 - 6)*

To consider and determine planning applications in the attached schedule.

6.1. **W/09/0094/FUL - Land East of Clivey Barn Farm** *(Pages 7 - 16)*

6.2. **W/10/00947/FUL - Trowbridge Retail Park 235 Bradley Road,**

**Trowbridge** (Pages 17 - 28)

- 6.3. **W/10/00745/FUL - 70 Victoria Road, Warminster** (Pages 29 - 36)
- 6.4. **W/10/01008/FUL - St Catherines, Wellhead Drove, Westbury** (Pages 37 - 42)
- 6.5. **W/10/00991/FUL - 207 Norrington Lane, Broughton Gifford** (Pages 43 - 46)
- 6.6. **W/10/00914/FUL - R and R Coaches, Bishopstrow Road, Warminster** (Pages 47 - 56)
- 6.7. **W/10/01209/REG3 - St Georges Primary School, Pound Lane, Semington** (Pages 57 - 62)

7. **Planning Appeals Update Report** (Pages 63 - 66)

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

8. **Urgent Items**

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

**Part II**

**Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

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## **WESTERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 2 JUNE 2010 AT COUNCIL CHAMBER, WILTSHIRE COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.**

#### **Present:**

Cllr Rosemary Brown (Reserve), Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

#### **Also Present:**

Cllr Trevor Carbin

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#### **132 Apologies for Absence**

Apologies from absence were received from Councillor Graham Payne, Councillor Mark Griffiths and Councillor Malcolm Hewson (substituted by Councillor Rosemary Brown).

#### **133 Minutes of the Previous Meeting**

The minutes of the meeting held on 12 May 2010 were confirmed as a correct record and signed by the Chairman.

#### **134 Declarations of Interest**

**W/10/00527/REM** – Councillor Ernie Clark declared a personal interest as he had attended the meeting of Hilperton Parish Council when the application was discussed but he had abstained from voting. Councillor Clark gave his assurance that he would consider the application on its own merit, with an open mind and base his decision on the information now presented to him.

**W/10/00527/REM** – During the debate on this application Councillor John Knight declared a personal interest as his grandson attends the Mead Primary School. Councillor Knight gave his assurance that he would consider the application on its own merit and with an open mind.

#### **135 Chairman's Announcements**

There were no Chairman's Announcements.

136 **Public Participation**

No members of the public had registered to speak, apart from Councillor Trevor Carbin on behalf of Hilperton Parish Council therefore the Chairman did not need to explain the rules of Public Participation.

137 **Planning Applications**

The Committee considered the following application:

138 **W/10/00527/REM - Application for reserved matters relating to 25 dwellings, garages, roads and associated engineering works - Land Off Hackett Place Hilperton Wiltshire**

Councillor Jonathon Seed arrived at this point.

The Officer introduced the report and reminded members of the Committee that, as the principle of development had been established under outline permission obtained via a successful planning appeal, the main issues to be considered were only the reserved matters (as detailed on the agenda).

Public Participation:

1. Councillor Trevor Carbin spoke on behalf of Hilperton Parish Council in objection to the application.

The Committee discussed various issues including environmental considerations, parking, access and the benefits of a site visit.

The Committee sought clarification from the officers as whether the Mead Primary School had made an objection to the application. The Officer informed the Committee that they had not received any objection from the Mead Primary School.

As the Committee did not agree a site visit would be beneficial, members of the committee further debated the issue of parking and access.

During the course of the debate Councillor Ernie Clark moved a motion that the Application be refused against officer recommendation, for the following reason: in the interest of road safety as on-street parking would be encouraged by the design and layout of the application to the detriment of both the Highway safety and other road users contrary to Policy C32 of the adopted Local Plan. On being put to the vote the motion was LOST and Councillor Ernie Clark requested that his vote in favour of the motion be recorded.

The Committee then sought clarification from the officers on the possibility of adding a condition regarding parking and the use of the garages.

**Resolved:**

**That planning permission be GRANTED**

**For the following reason(s):**

The details submitted to satisfy the reserved matters of planning permission reference 01/01971/OUT are satisfactory and the development would result in no harm to any material planning interests.

**Subject to the following condition(s):**

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

REASONS: In the interests of highway safety.

West Wiltshire District Plan 1st alteration (2004) POLICY H1.

2. The garages hereby approved shall be either used for the parking of cars or available for use for the parking of cars at all times.

REASON: In the interests of safety and convenience of the users of the highway.

POLICY: Planning Policy Guidance Note: 13.

**Informative(s):**

1. The developer is reminded that it is their responsibility to ensure compliance with all conditions connected with the planning approvals/permissions in connection with the development. This includes the conditions attached to the outline planning permission reference 01/01971/OUT as detailed in the Planning Inspector's decision dated 9 January 2008.
2. You are advised that no works should commence on site until the precautionary measures listed in sections 4.6 – 4.9 of EDP's Protected Species Report dated January 2010 have been undertaken and that no trees or scrub should be removed outside the bird nesting season 1st March – 31st August inclusive.

139 **Planning Appeals Update Report**

The Committee considered the report detailing appeals' decisions and pending appeals.

**Resolved:**

**To note the report.**

140 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 6.45 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713597, e-mail [marie.gondlach@wiltshire.gov.uk](mailto:marie.gondlach@wiltshire.gov.uk)

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## WESTERN AREA PLANNING COMMITTEE

23 June 2010

### Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
01	W/09/00941/FUL	Agricultural workers dwelling and revised access - Land East Of Clivey Barn Farm Clivey Dilton Marsh Wiltshire	Dilton Marsh	
02	W/10/00947/FUL	A3/A5 restaurant with drive-thru facility - Trowbridge Retail Park 235 Bradley Road Trowbridge Wiltshire BA14 0RQ	Trowbridge	
03	W/10/00745/FUL	Demolition of existing dwelling at 70 Victoria Road and replacing with two semi-detached dwellings and double garage with associated works. - 70 Victoria Road Warminster Wiltshire BA12 8HG	Warminster	
04	W/10/01008/FUL	Change of use from dwelling (C3) to residential care home (C2) - St Catherines Wellhead Drove Westbury Wiltshire BA13 3RD	Westbury	
05	W/10/00991/FUL	Removal of lean to, conservatory and garage, and addition of side extension (2 storey) - 207 Norrington Lane Broughton Gifford Wiltshire SN12 8LT	Broughton Gifford	
06	W/10/00914/FUL	Additional car parking area (retrospective application) for staff use - R And R Coaches Ltd Bishopstrow Road Warminster Wiltshire BA12 9HQ	Warminster	
07	W/10/01209/REG3	Provision of new hall with ancillary accommodation, two new classrooms and removal of two mobile classrooms - St Georges Primary School Pound Lane Semington Wiltshire BA14 6LP	Semington	

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	23.06.2010		
<b>Application Number</b>	W/09/00941/FUL		
<b>Site Address</b>	Land East Of Clivey Barn Farm Clivey Dilton Marsh Wiltshire		
<b>Proposal</b>	Agricultural workers dwelling and revised access		
<b>Applicant</b>	Mr Frank Brine		
<b>Town/Parish Council</b>	Dilton Marsh		
<b>Electoral Division</b>	Ethandune	<b>Unitary Member:</b>	Julie Swabey
<b>Grid Ref</b>	384073 149992		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

### Reason for the application being considered by Committee

This application is being brought to Committee following the receipt of further requested information. This has been obtained following the members requests and deferral of a decision at the 12 May 2010 meeting.

This item was originally brought to Committee at the request of Councillor Newbury, acting on behalf of Dilton Marsh Parish Council because "This planning application is contrary to the development plan".

### 1. Purpose of Report

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

Further to address the request of members at the meeting of 12 May 2010 when they requested that the report be amended to include details of the experience and qualifications of the Council's 2 agricultural workers housing advisors and for comments on the financial report to be included. The report has been amended to reflect this request and is brought back to members 6 weeks later as they requested.

### 2. Summary of Main Issues

The main issues to consider are:

- \* The principle of development.
- \* Functional and financial tests of Planning Policy Statement 7: Sustainable Development in Rural Areas: Annex A.
- \* Design Issues.
- \* Landscape and rural character matters.
- \* Highway safety.
- \* Amenity interests, including proximity to existing sewerage treatment works.

### **3. Site Description**

The application site is located on a relatively flat area of a small agricultural field which fronts onto the B3099 north west of Dilton Marsh in open countryside. The site has an existing agricultural access directly onto the B3099.

The surrounding area is characterised by its agricultural land use and is typically rural in character.

To the north east of the application site is a sewerage treatment facility. To the north and north west is a separate agricultural farmhouse and associated farm buildings. To the west are agricultural buildings under the applicants control and to the south is open countryside.

The site is not subject to any further constraints although it is noted that a public right of way runs adjacent to the west boundary of the site.

### **4. Planning History**

No relevant history on this site, although relevant history in immediate vicinity as follows:

Relevant history on land east of 19 Clivey (piggeries):

81/01141/HIS - Extension to existing pig farm – Refusal on 19.01.1982

86/00130/FUL - Mobile home – Refusal on 29.04.1986

88/00785/FUL - Permission for continued use of residential mobile home on the site – Refusal on 19.07.1988

88/02100/OUT - Erection of detached house and garage – Refusal on 20.12.1988 (Appeal dismissed on 05.05.1989)

92/01245/FUL - Pig runs outside buildings – Refusal on 16.02.1993 (Appeal allowed on 26.11.1993)

93/00269/FUL - One 4,000 gallon underground slurry tank and one 2,000 gallon underground septic tank to serve existing piggery – Permission - 27.07.1993

99/00750/FUL - New four bedroom dwelling – Refusal on 05.08.1999

00/01674/FUL - Hay barn and cattle shed – Permission on 15.11.2000

Relevant history on land east of Clivey Barn Farm:

05/02911/FUL - Agricultural worker's dwelling – Withdrawn

Relevant history on land adjacent Sewage Works:

96/00913/FUL - Erection of 4 bedroom farmhouse with garage – Permission on 22.08.1996

### **5. The Proposal**

The proposal is for the erection of a detached 4-bedroom agricultural workers dwelling with attached double garage. The proposal is for a 1½ storey property approximately 11.5 metres by 7.5 metres plus garage with a floor area of 6 metres by 6.5 metres. The external materials proposed are buff coloured reconstructed stone to the walls and concrete double roman tiles to the roof. The dwelling would be set back from the frontage with the B3099 by approximately 28 metres.

The proposal includes an intensification of the existing vehicular access to allow agricultural and residential use over a formalised tarmac envelope, 10 metres in length. The proposals also include some boundary landscaping with native species.

In support of the application a design and access statement has been submitted and an agricultural justification has been prepared by Killens dated March 2009. Further a letter from the occupiers of Clivey Barn Farm has been submitted stating that the sewerage treatment facility to date has not caused any odour nuisance.

Since this was last presented to planning committee the applicant has also submitted financial accounts from Marsh Accountancy in Warminster. Firstly figures titled 30 September 2008 were submitted in December 2009 and then draft accounts to year end 30 September 2009 were submitted 9 April 2010.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C31a Design

C38 Nuisance

H19 Dwellings in Open Countryside

U5 Sewerage Treatment Works

Leisure and Recreation Development Plan Document

CR1 Footpaths and Rights of Way

National guidance

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

## **7. Consultations**

### Dilton Marsh Parish Council

The Council requests that advice is sought from the Agricultural Advisor to determine whether the proposed development is satisfactory.

### Highway Authority

The site is located outside of the planning policy area for Dilton Marsh and therefore new housing is normally resisted due to the site location being deemed unsustainable. The proposed dwelling this application relates to has been specified to be for the use of an agricultural worker and their family. Providing the occupation of the dwelling is limited to that of an agricultural worker, as specified in the application documents and supporting information, I would not wish to object on the grounds of sustainability.

In view of the above no highway objection is raised subject to conditions.

### Wessex Water

No objection.

### First Agricultural Advisor/Consultant

01.05.2009

“FUNCTIONAL NEED:

Existing - The application is for a permanent dwelling. It is noted that Annex A to PPS7, paragraph 3 (i) requires that there is a “clearly established existing functional need” as part of the criteria to warrant a permanent dwelling.

There may be a functional requirement to assist with farrowing the very small quantity of sows; however, the very small number (five animals) and the limited period of farrowing does not, in my opinion result in the functional test being met. On the applicant’s own case it is the expanded level of the livestock enterprises that will generate the functional need. That argument does not fit with the guidance set out in Annex A in respect of permanent dwellings.

#### FINANCIAL TEST:

Existing - The application is for a permanent dwelling. The financial criteria required under Annex A of PPS7 are as follows: "the unit and the agricultural activity have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so".

The applicant has not provided accounts for the recent trading periods. The financial information that has been provided relates to the anticipated implementation of the proposed enterprises. Aside from the arable enterprise the financial information does not relate to any of the existing farming activities at their existing level of operation. The information provided does not enable me to assess whether the financial test has been met.

CONCLUSION AND OPINION - Neither the functional nor the financial tests are met. The proposed dwelling is not warranted under Annex A of PPS7."

#### Second Agricultural Advisor/Consultant

08.04.2010

#### "FUNCTIONAL NEED:

Mr Killen has argued that there is a functional need for a dwelling on animal welfare grounds. This argument is based on anticipated future stocking levels, rather than existing levels of activity.

Currently only a small number of young cattle (17 at the time of my visit) and finishing pigs are kept at the farm buildings by the proposed dwelling site. This type and number of stock are often kept at some distance from the nearest agricultural workers dwelling without undue harm. The sows and other cattle were on land to the south-east of Dilton Marsh, approximately 1 km distant from the buildings.

Given the small number of stock kept at the buildings, and that the care of sows around farrowing is one of the main welfare demands of good husbandry for this holding, I do not consider that there is a compelling functional need for the proposed dwelling.

#### FINANCIAL TEST:

The holding has been operational for a number of years and accounts have been made available for the last three years.

Mr Killen has argued that the financial test is met, based on estimated profitability of an expanded farming operation following the erection of the agricultural dwelling. His estimate omits the cost of purchasing 100 calves per year, which would reduce the profit by approximately £15,000. This would leave the overall profitability of the holding marginal. However, the financial test needs to be based on existing financial performance. As can be clearly seen, the level of income achieved in the last three years is a lot less than that estimated by Mr Killen. The holding has made a very small profit in 2009 and losses in the preceding years. The accounts include no payment for labour, so after deduction of a reasonable charge for unpaid labour there would be a net loss for all three years.

#### EXISTING ACCOMODATION IN THE AREA:

The farm buildings are situated approximately 0.5 km to the west of Dilton Marsh. The village of Dilton Marsh contains a wide range of housing, much of it suitable for an agricultural worker's dwelling. Given that only limited stock are kept at the farm buildings and the breeding sows are kept on land to the south-east of the village, a dwelling within the village would just as suitable to the needs of the business as one sited at the farm buildings.

#### CONCLUSIONS:

It is my view that the application does not meet the criteria for an agricultural worker's dwelling laid down in Planning Policy Statement 7, Annex A.

- i. there is not an existing functional need for a dwelling at the proposed site due to the small number of stock actually kept at the farm buildings
- ii. the unit has not been economically profitable within the last three years and therefore cannot be viewed as financially sound
- iii. accommodation suitable for occupation by a farm worker is available in the village of

Dilton Marsh which is appropriate for meeting the husbandry needs of the business.”

#### Environmental Health

No objection.

### **8. Publicity**

The application was advertised by site notice and neighbour notification.

Expiry date: 29 April 2009.

Summary of points raised:

No comments received.

### **9. Planning Considerations**

9.1 This is an application for a new dwelling in open countryside outside of the village policy limits of Dilton Marsh. The relevant development plan policy H19 allows for new dwellings in such cases only if justified in connection with the essential needs of agriculture or forestry.

9.2 Such exemptions are also allowed for in national Planning Policy Statement 7: Sustainable Development in Rural Areas. This document sets out in detail at Annex A how such proposals can be justified only to support existing agricultural activities on well-established agricultural units. Therefore it is a fundamental concern that all of the supporting information submitted as part of this application is based on an intention to increase stock and expand the existing enterprise. As such although the agricultural unit is existing the need for an agricultural worker's dwelling is based on projections and intensifications and not existing activity.

9.3 In short the proposal for this permanent new dwelling is not to support existing agricultural activity and so fails to meet the special justification tests of PPS7 and is contrary to the relevant development plan policy H19.

9.4 For the sake of completeness it is necessary to consider the full tests laid out in PPS7. Prior to this however it is important to note that both of the Council's expert agricultural advisors raised objection to the proposals. Their comments are detailed in full above but they both reached the conclusion that the functional and financial tests of PPS7 had not been met and therefore an agricultural worker's dwelling was not justified. The second consultant reached his conclusion based on accounts information submitted for 2007, 2008 and 2009. The considerable delay in returning this matter to committee was in part due to officers giving the applicant every opportunity to provide this financial information.

9.5 Officers can confirm that in their view the financial information submitted by the applicant fails to meet the financial tests set out in PPS7: Annexe A. The financial accounts do not demonstrate that there is an existing agricultural operation, which has been on-going for at least 3 years and profitable for at least one year, to justify a functional need for an agricultural worker's dwelling.

9.6 To be justified the proposal needs to demonstrate that there is a clearly established existing functional need. This functional test has been addressed in the supporting report by Killens based on projects and intentions to expand the operations as detailed above. As such the functional test has not been applied to the existing activity on the unit and therefore the proposals fail to adequately address the functional test. It has to be considered that the intentions to expand the operation will be subject to a number of varying factors not least potential planning constraints. No detail is available to consider this however, nor any other variables which may mean that the expansion cannot take place. If this application were approved and the expansion does not then take place the agricultural worker's dwelling will not be justified and so a new dwelling would be erected in open countryside without any functional agricultural need, a clear circumvention of planning policy. Both of the Council's agricultural advisors state that the proposal does not meet the functional need.

9.7 To be justified the proposals' functional need must relate to a full-time worker primarily employed in agriculture. Since the functional need has not been justified on the existing activity then the proposal fails to adequately demonstrate this point also.

9.8 To be justified the unit and agricultural activity concerned have to have been established for at least three years. Initially the proposals failed in this regard, again because all the financial test information is based on projections in the event of intensifying the operations at the unit. The second agricultural advisor had the benefit of accounts for 2007 and 2008 which showed a net loss from the existing activity. The draft 2009 accounts indicate a small profit, however in the Council's agricultural advisor's professional opinion the accounts include no payment for labour and after a reasonable deduction for this unpaid labour there would be a net loss again. In short the financial test has not been met based on existing activity and according to PPS7 assessments should not be based on aspirations and projections.

9.9 To be justified it must be demonstrated that the functional need cannot be fulfilled by another existing dwelling on the unit or other accommodation in the area. The Council has no information available to refute the applicant's claim that no other suitable and reasonably available dwellings exist to meet a need; however it is stressed that the functional need has not been adequately demonstrated anyway. Further the Council's second agricultural consultant was of the professional view that any need could be met equally well by a dwelling in the village and there is no need to live on the site.

9.10 In conclusion this application fails the functional and financial tests of PPS7 and has raised objection from both the Council's agricultural advisors. The second view was sought specifically at the request of members and this independent advisor was of the professional opinion that the dwelling was not justified under the function and financial tests of PPS7. They shared the view of the Council's first advisor who has identical qualifications to the applicant's advisor.

9.11 Therefore the application should be refused as it is a proposal for a permanent dwelling in open countryside without an adequate agricultural justification contrary to Policy H19 of the development plan and national guidance. There are no other planning reasons for refusal as detailed in the originally committee report of 24 June 2009.

## **10. Experience and Qualifications of the agricultural advisors**

### Applicant's agricultural advisor

Mr T. Killen BSc(Hons) MRICS FAAV

A copy of their CV (which includes qualifications, employment history and positions of responsibility) is attached as an appendix to their submitted report dated March 2009. In addition they state that they have acted on behalf of applicants and local authorities in respect of applications for agricultural dwellings for almost 20 years including extensive experience of acting in West Wiltshire.

#### Qualifications

Honours degree in Rural Land Management from Reading (BSc Hons)

Fellow of Central Association of Agricultural Valuers (FAAV)

Professional Member of the Royal Institution of Chartered Surveyors (MRICS)

#### Employment History

1992 – 2000 (Surveyor & Auctioneer) - Alder King Rural Surveyors

Areas of work: Professional services (including estate & farm management, tenancy issues, compulsory purchase & compensation, valuations, planning & development, agency) & Livestock Marketing

2000 – 2003 (Senior Surveyor) - Cooper & Tanner Chartered Surveyors

Areas of work: Professional services including estate & farm management, tenancy issues, compulsory purchase & compensation, valuations, planning & development, agency

2003 – 2008 (Director) - Voyce Pullin

Areas of work: Professional services including estate & farm management, tenancy issues, compulsory purchase & compensation, valuations, planning & development, agency



Present (Partner) - Killens

#### Positions of Responsibility

1996: Member of the Committee of the Gloucestershire & District Association of Agricultural Valuers  
2002 – 2003: Chairman, Gloucestershire & District Association of Agricultural Valuers  
2002 – 2006: Member of the Rural Faculty Committee of the Royal Institution of Chartered Surveyors for Somerset, Gloucestershire & North Wiltshire  
2003 -2004: Vice Chairman of the Rural Faculty Committee of the Royal Institution of Chartered Surveyors for Somerset, Gloucestershire & North Wiltshire  
2003: Member of the Rural Policy Panel of the Royal Institution of Chartered Surveyors for the South West  
2004 – 2006: Chairman of the Rural Faculty Committee of the Royal Institution of Chartered Surveyors for Somerset, Gloucestershire & North Wiltshire

#### Council's first agricultural advisor

Mr A.M. Coke BSc(Hons) MRICS FAAV

#### Qualifications

Honours degree in Rural land Management from Reading (BSc Hons)  
Fellow of Central Association of Agricultural Valuers (FAAV)  
Professional Member of the Royal Institution of Chartered Surveyors (MRICS)

I hold the degree of Bachelor of Science (Honours) in Land Management from the University of Reading. I am a member of the Royal Institution of Chartered Surveyors (MRICS) in the Rural Faculty. I was granted membership of the RICS in 1991. I am a Fellow of the Central Association of Agricultural Valuers (FAAV). I was granted Fellowship of the CAAV in 1999

#### Summary of Employment and Experience

I am a Director of APA Consultants. APA Consultants Ltd was established by its Directors in 2009. The business was previously Agricultural Planning Associates (APA). APA was formed in spring 2003 to provide specialist advice on the agricultural implications of planning applications. Clients of both APA and APA Consultants Ltd include Wiltshire Council (formerly the four District Councils in Wiltshire), Bath and North East Somerset Council, Test Valley Borough Council, North Devon Council and private individuals.

Prior to the formation of APA I was an Associate at Savills, Wimborne (2001 – 2003) where I was responsible for land management and commercial advice, I also advised the public sector clients on agricultural matters.

Before taking employment with Savills I was employed as Rural Estate Manager for Wiltshire County Council (1997 – 2001) with day to day responsibility for the 8,000 acre County Farms Estate and the provision of agricultural planning advice to the District Councils in Wiltshire.

Including my employment prior to Wiltshire County Council I have provided agricultural planning advice for some 16 years, including over 50 planning appeals.

#### Council's second agricultural advisor

Mr R. Bacon BSc(Hons) MBA

A copy of their background was detailed on their report dated April 2010 as follows:

Richard Bacon MBA, BSc (Hons) Agriculture, is Senior Curriculum Leader for Agriculture, Countryside and Equine at Warwickshire College, Moreton Morrell, Warwick, one of the leading land-based colleges in the UK. His main teaching role is to lecture in rural and equine business management. This work includes regular research into the performance of equine enterprises. He is editor of the Equine Business Guide, published by Warwickshire College, and author of Horses and Money - How to Manage an Equine Business, published by Blackwell Science. Consultancy work encompasses a range of rural and equine business management problems, and includes providing an informed opinion on a number of planning related cases at the request of both applicants and planning authorities. He has been a speaker at a number of conferences arranged by leading equine and rural organisations. Prior to working at Warwickshire College he spent 5 years in agricultural consultancy with ADAS.

To amplify this they have stated that their first degree was a 2:1 in Agriculture from Wye and that they completed the MBA in 2002.

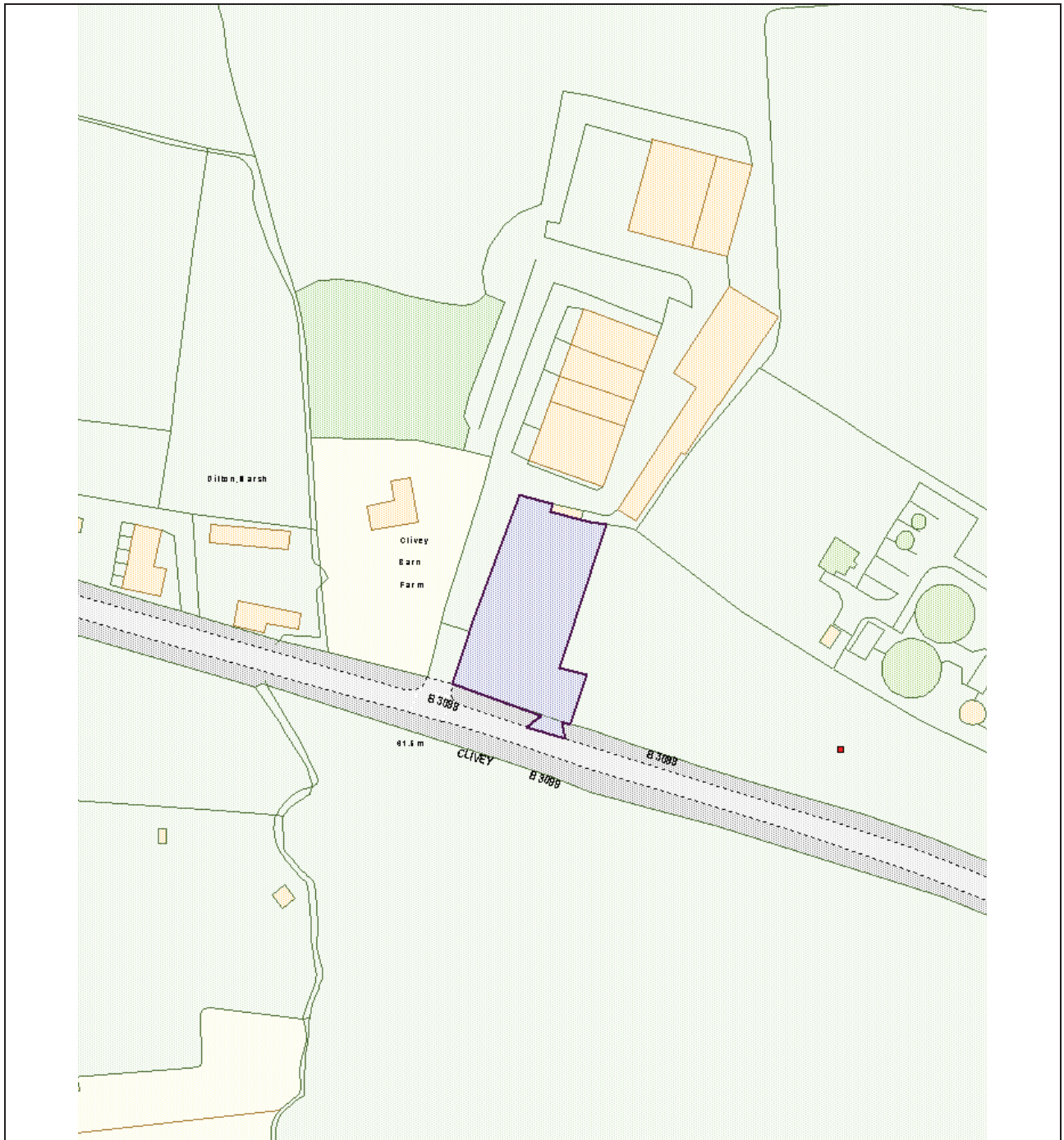
Consultancy work has included planning related cases, usually appraisals of applications for rural occupational dwellings, for Authorities in Dumfries and Galloway, Northants and Bucks, as well as assisting a number of applicants with rural occupational dwelling appraisals.

**Recommendation:           Refusal**

**For the following reason(s):**

- 1     The proposal for a permanent new agricultural workers dwelling sited in open countryside would be contrary to the West Wiltshire District Plan 1st Alteration (2004) Policy H19 by reason of the inadequate agricultural justification which fails to meet the functional and financial tests set out in Planning Policy Statement 7: Sustainable Development in Rural Areas, Annex A paragraphs 3-11.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : PLAN01 received on 26.03.2009  
Drawing : PLAN02 received on 26.03.2009  
Drawing : PLAN03 received on 26.03.2009  
Drawing : PLAN04 received on 26.03.2009  
Drawing : PLAN05 received on 26.03.2009  
Drawing : PLAN06 received on 26.03.2009  
Drawing : PLAN07 received on 26.03.2009

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	23.06.2010		
<b>Application Number</b>	W/10/00947/FUL		
<b>Site Address</b>	Trowbridge Retail Park 235 Bradley Road Trowbridge Wiltshire BA14 0RQ		
<b>Proposal</b>	A3/A5 restaurant with drive-thru facility		
<b>Applicant</b>	Standard Life Investments		
<b>Town/Parish Council</b>	Trowbridge		
<b>Electoral Division</b>	Trowbridge Drynham	<b>Unitary Member:</b>	Graham Payne
<b>Grid Ref</b>	385585 155976		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Matthew Perks	01225 770344 Ext 5207 matthew.perks@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Graham Payne has requested that this item be determined by Committee due to the following issues:

- \* Scale of development
- \* Visual impact upon the surrounding area
- \* Relationship to adjoining properties
- \* Design - bulk, height, general appearance
- \* Environmental/highway impact
- \* Car parking

### 1. Purpose of Report

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

### 2. Main Issues

The main issues to consider are the siting of the proposed use in this locality in terms of current national guidance (Planning Policy statement 4 - Planning for Sustainable Economic Growth), highway safety and parking, visual impact and neighbouring amenity.

### 3. Site Description

The application site is at the south western corner of the Trowbridge Retail Park adjacent to Bradley Road. It is within the existing car-parking area. The area occupied by the restaurant, yard area, drive-through and associated parking would be some 1030m<sup>2</sup> in extent.

The Trowbridge Retail Park is located on the eastern side of Bradley Road approximately 1.7km from the town centre but still within town limits. The retail park takes access from Bradley Road via a service road which also caters for the Spitfire Retail Park, to the north of the site. The park generally comprises of A1 non-food retail uses which include Focus and Dreams (at the time of writing), with 2 further retail units currently lying empty.

There is a McDonald's restaurant within the Spitfire Retail Park, some 90m north of the proposed building.

#### **4. Relevant Planning History**

87/01790/OUT : Construction of class A1 non food retail, warehousing, external garden centre and associated on site parking : Permission : 11.10.1988  
88/01290/FUL : Construction of class A 1 non food retail : Permission 11.10.1988  
90/01156/FUL: Application to vary condition no 7 of 88/01290 to allow open storage of goods containers and materials at rear: Refused but allowed on Appeal : 20.07.1991  
00/00988/EUD : Sale of non-food items (Class A1), within the terms of planning permission reference W88/1290 dated 11 October 1988 : Use is lawful : 29.09.2000  
97/01449/FUL : Amendment of conditions 01 and 07 (W88/1290) to allow for the stationing of one ice cream van within the car park : Permission : 18.12.1997  
00/01977/FUL : Amendment of conditions 01 and 07 to allow to allow for the stationing of one ice cream van within the car park: Permission : 25.01.2001  
03/02025/FUL : Renewal of planning permission to allow for the stationing of one ice cream van within a car park: Permission : 15.01.2004  
06/00072/FUL: Extension to retail units, fast food unit, re-cladding to front elevations and new entrance canopies : Refused : 12.04.2006  
06/00084/ADV : 12m high Totem sign for retail park: Refused: 08.03.2006  
06/03370/FUL : Renewal to allow the stationing of one ice cream van : Permission : 13.12.2006  
07/02048/FUL : Erection of free standing restaurant (A3 Use): Withdrawn : 16.08.2007 .  
08/02076/FUL : Placing a mobile catering trailer in car park : Permission : 07.10.2008  
W/10/00568/FUL : Conversion of two retail units into one and extension to sales area to rear to form garden centre : Permission : 14.04.2010

The MacDonalds restaurant in the Spitfire Retail Park was granted permission under 96/00586/FUL on 19.09.1996.

#### **5. Proposal**

The proposal is for a new restaurant building of 245m<sup>2</sup> in extent with associated parking areas (16 Spaces in total are proposed, including 2 disabled parking bays). Proposals include a drive-through facility. The restaurant would be developed within the existing car parking area of the Trowbridge Retail Park and would utilise 66 of the existing 350 spaces within the parking area.

The building would be set back by between 14m and 19m of the Bradley Road site frontage, behind the landscaped area, with the 3m wide drive-through facility passing to the south and west of the building, immediately adjacent to it. The parking would be located to the east of the building.

The internal space within the restaurant would be divided up into customer trade area, counter and service area, kitchen, public toilet and staff areas. The exterior of the building would have an overall height of 4m. It would be of steel frame construction clad in kingspan insulation panels in standard Kentucky Fried Chicken colours. The building would have a brick stall rise all round. The side elevation to the building would be 26m in length to the Bradley Road frontage, whilst the front elevation facing the access to the retail park would be 10m wide. The restaurant is proposed to have both sit-down and drive-through facilities. The internal occupancy capacity would be 58 seats.

The application is supported by a Retail Planning Assessment, a Design and Access Statement, a Transport Statement and a Trip-Rate calculation.

#### **6. Planning Policy**

National guidance  
PPS4: Planning for Town Centres

Wiltshire and Swindon Structure Plan 2016 (adopted April 2006)

DP5 (Location of shopping centres) and DP6 (Hierarchy of shopping centres)

West Wiltshire District Plan 1st Alteration (2004)

C38 Nuisance

SP3 Out of Centre Shopping

## **7. Consultations**

### Town/ Parish council

The Trowbridge Town Council objects to the proposal stating that "...sequential test is inadequate for the sites considered and other sites available. Other reason (are) loss of parking for the shops in the area."

The proposal is adjacent to the boundary with North Bradley Parish. The Parish supports the proposal subject to conditions in relation to:

- the provision is made over litter as Councillors have a concern over added litter in North Bradley after the experience of McDonalds on the same site.
- that the site is still locked up overnight as it is currently to avoid the area being used by youngsters congregating, creating noise and possible criminal behaviour;
- that opening times are clearly defined .

### Highways

Highways officers noted that this proposal would result in the loss of existing parking, and could potentially generate more vehicles within the retail park. However, the current car park is not used to its full capacity and the Transport Statement illustrates that the proposed car parking spaces (albeit less than the current amount) will be sufficient to accommodate the existing retail park use along with the proposed development. It would be difficult to substantiate a reason for refusal, and therefore no highway objection is raised.

### Environmental Health

The Environmental Health Officer advises that in order to safeguard the amenity of the area, conditions should be placed upon the application to ensure to control both odour and noise from the premises and to control lighting. The recommendation is therefore approval subject to conditions.

### Planning Policy

The Policy Officer confirms the relevant Policies applicable under PPS4 (discussed in more detail in "Planning Considerations" below. The officer is of the view that, considering the dates of publication for the Structure Plan and the Local Plan, PPS4 is the main policy consideration in his response. The two issues identified by the officer are that the need to limit carbon emissions is not adequately addressed and that there needs to be greater clarity on landscaping and design at this gateway entrance to Trowbridge. The officer is of the view that there are no significant adverse impacts in terms of the relevant PPS4 Policy which would warrant a refusal.

Further, in light of the fact that the only significant local assessment is the West Wiltshire Retail Study (2006), which was prepared in advance of PPS4, there is no strong evidence to object in terms of PPS4 Policy EC16 (impact assessment). However, the two concerns of carbon emissions and landscaping need to be addressed before permission should be granted.

## **8. Publicity**

The application was advertised by site notice and neighbour notification.

Expiry date: 19.05.2010

Comments were received from certain public bodies/parties:

#### Wiltshire Fire and Rescue Services

The Service no longer receives central grant funding and wishes to advise that it may request contributions from the developer.

#### Community Safety Manager

The manager advises that over the past five years or so West Wiltshire DC, Police, Spitfire Park Property Management and McDonalds have been working to reduce litter and vehicle related anti-social behaviour. Incidents have reduced by installing barriers to cut down large areas of the car park at night and a camera has been installed which is linked into the Town CCTV. McDonalds carry out regular litter picks in the community. The Manager feels that these measures need to be reflected if a KFC is built in the adjacent car park.

#### Wiltshire Police

The site has previously been a priority location for the local police, who have worked together with residents and Council to introduce management measures to limit anti-social behaviour. Adopted strategies have been effective. The applicant should be aware of the historic situation but the application does not contain sufficient information in relation to crime and anti-social behaviour prevention.

#### Trowbridge Civic Society

No objection but there is concern that any permission should be conditioned so as to protect the established landscaping between the parking area and the street and neighbouring properties on the opposite side of the road..

Comments were received from 5 private contributors, four objecting and one in support of the proposal. Summary of points raised:

#### Objectors:

- although measures have been taken to reduce the noise and anti-social behaviour on the Spitfire Retail Park there are still on-going problems;
- neighbours forced to install double glazing to counteract noise;
- the proposal would result in these problems arising again with the other car park opening up;
- smells and air pollution from cooking;
- increased traffic especially late at night;
- noise from bin collections;
- loss of car parking and ignoring turning restrictions at exit to parking area, both creating traffic hazards;
- the restaurant should be located elsewhere;
- the loss of car parking would affect the availability for users of the Woodmarsh playing fields (Trowbridge Football Club) resulting in possible dangerous parking on the road;
- attraction of vermin to the area;
- light pollution;
- encroachment onto the rural buffer zone of Drynham Lane;
- permission would breach the previous consent on the site for non-food retail;
- small gain in job-opportunities is insignificant compared to cost to community.

#### In support:

- Trowbridge, for a county town has a massive lack of restaurants and national chains of any variety, whether upper market Pizza Express style restaurants or the lower value KFC type restaurants.
- more of this type of restaurant are required to attract people;
- the proposal would reduce the number of outbound drives from customers who go outside of town;
- the underutilised business park would be enhanced;
- money would be generated and retained in the local economy, including drawing customers from other neighbouring towns. The nearest other KFCs are in Bath and Frome;



- more jobs would be created;
- the loss of car parking is irrelevant as the car park is hardly used;
- conditions are suggested regarding the landscaping and the collection of litter, which works for McDonalds.

## 9. Planning Considerations

### 9.1 National Guidance (PPS4) and Policy background

Notwithstanding the fact that the original permission for the retail park (Ref 88/01290) was for non-food retail and was conditioned accordingly, this application must be considered on its own merits. Whilst Structure plan and Local Plan Policies (in particular SP3 of the latter) have relevance it is considered that Planning Policy Statement 4 (Planning for Sustained Economic Growth), provides current guidance that carries the most significant weight in considering this proposal.

PPS4 superseded Planning Policy Statement 6 (Planning for Town Centres) on 29 December 2009 and is therefore the current national policy on applications which relate to economic development such as the proposal under consideration. The policies in PPS 4 are a material consideration which must be taken into account in development management decisions and, given the date of publication relative to The West Wiltshire District Plan and the Wiltshire Structure Plan, are considered to constitute the primary policy guidance relevant to this proposal.

Drive-through restaurants are identified in the list of 'main town centre uses' in paragraph 7.2 of PPS 4, which also advises that general policies for all economic development also apply to such uses. As a general approach PPS 4 states (Policy EC 10.1) that:

'Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.'

A key policy relevant to this application under PPS 4 is EC14. This Policy inter alia (14.3) relates to the requirement for a sequential assessment for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan.

Further, Policy 14.5 requires an assessment of impacts for planning applications for developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan. (Whereas the development would be within an existing centre and therefore is therefore not considered to need to be assessed, the supporting documentation has included consideration of potential impacts and is therefore briefly discussed below).

Policies EC15 and EC16 in turn set out the requirements for these sequential and impact tests respectively.

#### Retail Assessment : sequential test

The Retail Planning Assessment submitted in support of the application takes the approach of identifying (at the time of preparation of the document - January 2010) possible vacant development sites as well as vacant existing retail units within Trowbridge. A total of 7 vacant sites and 33 vacant town-centre premises are evaluated (these being primarily either within or near to the primary retail frontage). Suitability, viability and availability criteria were applied.

The drive-through element is integral to the functioning of the proposed restaurant and is a determining factor in site options for the applicant. The assessment considers that this requirement in association with floorspace limitations of the majority of the vacant existing premises render them unviable and/or unsuitable for the proposed form of business.

A total of ten sites with development potential were identified. Of these, four of the vacant premises are no more sequentially suitable in that they also fall outside of the town centre. With regard to other potential development sites the situation is that either the sites form part of larger mixed development schemes which do not offer opportunities for piecemeal development available to the applicant at this

stage (e.g. Former Tesco site, the "Waterside" development, the Former Ushers site and Court Street) or are subject to constraints such as contaminated land or flooding which render them either unviable or unsuitable, or both. The document, in assessing the sites concludes that, whilst there are possible sites available, these are either in situations which are no more sequentially suitable (given that they are out of town) than the application site or furthermore have their own issues, primarily in relation to the ability to provide for the essential drive-through element to the proposal.

As has been confirmed by the Policy Officer the only significant local retail assessment available in-house is the West Wiltshire Retail Study which was published in 2006. This document has not been updated in terms of statistics, nor in respect of the replacement of PPS6 with PPS4 and refers still to the quantitative and qualitative needs analysis that would have been required under PPS6. Broad strategic underpinning in that document is in the form of the Regional Spatial Strategy, whose weight is now under question given recent advice of the Secretary of State. Furthermore, there has been no relevant revision to the 2004 District Plan or the Structure Plan post-PPS4 publication. The Core Strategy for strategic planning for the County is currently under preparation, but at this stage has no outcomes that carry weight in terms of Policy-based decision making. The evidence based submitted by the applicant appears thorough and comprehensive, and is of greater currency than information available to officers. On this basis and in the light of the submitted analysis, it is considered that the sequential test requirement has been addressed.

### Impact Assessments

The PPS4 *Policy EC10* impact criteria relate to carbon footprint/climate change, accessibility, design and impact on the economic and physical re-generation of the area.

On *carbon footprint and accessibility* the impact assessment document, argues that the proposals provide for a KFC outlet that would eliminate journeys to similar outlets by local consumers. Whilst this on its own is not considered to carry adequate weight for the purposes of limiting carbon emissions the agent comments that this must be read in conjunction with the Transport Statement that provides details of the public transport facilities that could potentially serve the application site. This statement notes that there are currently bus services operating frequent services along Bradley Road, therefore showing that the site has good accessibility via public transport. The site is also in walking distance to a large residential catchment and the proposal includes the provision of cycle parking. In view of this there are clearly ways in which customers and staff can access the site by means other than private vehicle and thus limit carbon dioxide emissions. Staff would be employed from the local area and would not have to travel long distances by car to work. The point is also made that a significant proportion of visits tend to arise from diversions to regular car journeys.

The *design* was the subject of pre-application discussions where there was initial concern with the setting of the site on the edge of Trowbridge at a primary entry point to the town. This aspect is discussed further below.

The impact on the *economic physical re-generation of the area* is considered to be positive where job-creation for approximately 20 people is anticipated and a productive use of an underutilised area of parking and hardstanding would result. In the light of highway officer's comments in respect of surplus availability of parking in this side of the centre no harm is anticipated in that respect. Evidence during site visits and over week-end busy periods (whilst noting the vacancies of various retail units) would suggest that this is indeed the case.

*Policy EC16* of PPS4 does not require an impact assessment in relation to town centre impacts for retail and leisure proposals which are either in accordance with an up to date development plan strategy or are under 2500m<sup>2</sup> within existing centres. In this case the latter circumstance applies, with the building proposed being within the existing established retail park. The supporting documentation nevertheless explores potential impacts. Data provided relates to spending patterns (ONS data), typical catchment areas for KFC drive-through facilities, demographic figures and existing fast food outlet information.

## 9.2 Highway safety and parking

Highway officers are satisfied with regard to the highway and parking aspects of this proposal. The configuration of the entrance to and exit from the retail park would remain unchanged.

## 9.3 Visual Impact

A key issue in relation to the design is the siting of the proposed development at a gateway point to Trowbridge. Potential harm to the existing landscaping is also an important consideration. The design, which proposes an overall height of 4m and a building set down relative to the roadside landscaping, would not have an unacceptable prominence at this gateway locality. The building is a reduced form of the standard KFC design, eliminating the standard raised roof structure that normally would carry the brand name. The indicative landscaping and siting of the building and drive-through would have a very limited effect on the existing well-treed planting to the street frontage adjacent to the site. A limited extension to the existing hard surface at the south western corner of the site would result in the loss of one area of shrubbery in the corner of the parking area, and the possible loss of one tree. A condition in relation to landscaping would secure the existing appearance of the vegetated area from outside of the site.

Lighting proposals are for recessed downlighting to the exterior of the building. The drive-through ordering system would provide for orders to be placed in a locality on the south eastern corner of the building, with cars queued in an eastward direction towards the retail park buildings. Food would be collected at the pay-point to be located on the western side of the building, en-route towards the exit. Although the car-park lighting would remain the dominant source of light within the area, it is considered that the Environmental Health officer's recommendation for details of additional lighting that may result in spillage near the road would be appropriate and reasonable to impose.

## 9.4 Neighbouring amenity

Neighbour objections centre mainly on the potential impacts of the proposed development in terms of odours, noise, traffic and parking and anti-social behaviour. The North Bradley Parish Council also identifies a potential issue of anti-social behaviour and recommends a condition.

The development is situated on the eastern side of Bradley Road which is a primary route into and out of Trowbridge, and within an established retail park. However, noise and odour potential must be considered given the proximity of residential properties at some 30m and beyond on the opposite side of the roadway. Odour sources would primarily be from cooking, with ventilation equipment being a source of possible noise. In considering these aspects Environmental Health Officers have recommended approval subject to conditions requiring the submission of details of ventilation, filtration and refuse storage for approval prior to the commencement of development on site. It is considered that these recommended conditions would address potential odour and noise issues.

It is clear from Highway Officer comments that the development would not give rise to an unacceptable loss of parking serving the existing retail park or result in new traffic hazards unacceptable to officers. The parking provision proposed for the restaurant would exceed the maximum laid out in Appendix G to the West Wiltshire District Plan for A3 restaurants. The A5 drive-through element would route vehicles around the proposed building on the western side adjacent to the roadway opposite the dwellings. However, traffic routing within the parking area does provide for circulation taking vehicles along the western boundary of the site towards the exit. Bradley Road is consistently in use as part of the A363, which links to the A350. The traffic analysis submitted with the application uses the TRICS (an accepted system for ascertaining potential levels of trip generation) to show that peaks would typically arise during lunch hour (82 ) and in the early evenings (17:00 to 18:00 - 70) on weekdays and at lunchtimes (101) over weekends. The position of the drive through is similar to that of the MacDonalds restaurant some 50m up the road, but is set behind more significant roadside landscaping than that facility. Hours of operation should however be subject to controls in the event that permission is granted.

Concerns for anti-social behaviour arise out of issues that previously arose in the area, in particular in relation to litter and vehicle-related activities, according to Council's Community Safety Manager. It is understood that measures were put in place in a co-operative effort between the then West Wiltshire

DC, the Police, Spitfire Park Property Management and McDonalds that have resulted in incidents being reduced. Measures have included gating-off portions of the parking areas, CCTV linked to the Trowbridge monitoring facility and a litter-picking programme.

The Community Manager is of the view that, if permission is granted, similar measures should be put in place to avoid a resurgence of problems. The Police Architectural Liaison Officer also raised an objection to the proposal in the absence of information on proposed measures to control behaviour on the site. It is considered that any permission should include conditions that require the submission of a management plan aimed at achieving the same controls as apply to the MacDonald's facility. However, the location of the KFC building at the southern end of the larger parking area indicates that measures need to include the routing of vehicles so as to discourage dangerous vehicular activity within what is a bigger area (although it is noted that there are existing barriers and speed humps currently within the parking area). The Safety Manager has indicated that two- and four-wheeled vehicles need to be considered in any management plan, as well as measures to discourage loitering.

Controlling legislation for anti-social behaviour, unsafe driving and statutory nuisance lies outside of the planning system. Details in respect of actual incidents have not been submitted by any contributor but it is understood from the Environmental Health Officer, the Safety Manager and the Liaison Officer that there has been a reduction in problems due to the co-ordinated efforts in place. Nevertheless, neighbouring amenity in relation to potential problems of these kinds arising from development is a material consideration. It is considered that an ongoing management programme for the parking area would enable the development to proceed without unacceptable harm to surrounding amenity. An appropriate condition has been discussed with the Community Safety Manager and the Architectural Liaison Officer. Although a condition has been formulated and circulated, due to time constraints with agenda preparation it has been agreed with the Liaison Officer that a further meeting will be held to discuss the wording of the condition, with the possibility of an amendment being submitted on the late list.

The MacDonalds facility, although in the adjacent carpark has a time-limit imposed on operating hours. It is considered that, in the interests of aligning the overall management of the sites, the same time limits should be placed on the KFC operation.

#### 9.5 Other matters

The consultation response from the Wiltshire Fire and Rescue Service has been noted, but under the current relevant planning policy there is no policy to reasonably support or justify a commuted sum contribution to their service from this development proposal.

#### 9.6 Conclusion

In view of the above considerations permission subject to conditions is recommended.

**Recommendation:            Permission**

**For the following reason(s):**

**The proposed development would not materially affect the amenities of the neighbours and any planning objections have been overcome by conditions.**

**Subject to the following condition(s):**

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

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

- 2 No development including clearance of the area shall commence on site until a scheme providing for the protection of the landscaped areas to the west and the south of the site during the construction phase has been submitted to and approved in writing by the Local Planning Authority.

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

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

- 3 The use hereby permitted, including servicing, shall only take place between the hours of 07:30 and 23:00.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

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

- 4 No development shall commence on site until a site management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- full details of a scheme to manage the car park to prevent anti-social behaviour, and measures to ensure its safe use (to include cars and motorcycles),
  - management responsibilities for liaison with the crime prevention working group;
  - the provision of CCTV to be linked to the Trowbridge CCTV system;
  - arrangements for the gating-off of the parking area outside of business hours;
  - measures for the control of litter; and
  - measures to discourage to congregation of groups not associated with the use of the restaurant.

Management of the site shall be carried out in accordance with the agreed management plan.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

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

- 5 Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

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

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

- 6 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

REASON: In order to minimise odour nuisance, prevent pollution and safeguard the amenities of the area in which the development is located.

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

- 7 Prior to the installation of any external ventilation system a scheme to mitigate noise shall be submitted to and approved in writing by the Planning Authority.

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

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

- 8 A lighting scheme shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development and shall be so designed as to overcome glare, spillage and intrusion. All schemes should comply with guidance issued by the Institution of Lighting Engineers.

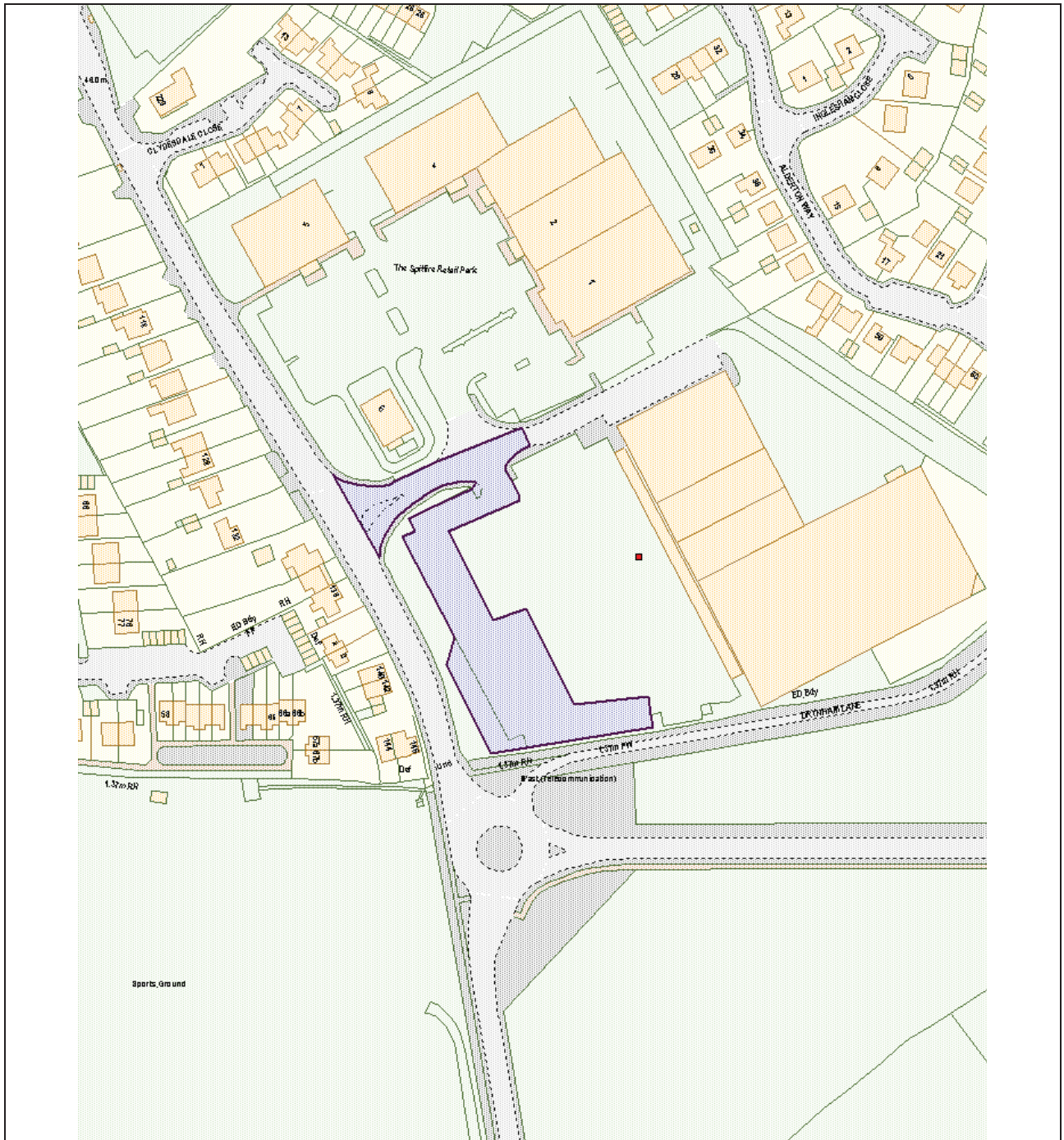
REASON: In order to minimise nuisance and safeguard the amenities of the area in which the development is located

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

**Informative(s):**

- 1 The applicant is advised that the Wiltshire Fire Services wishes it to be noted that it may request contributions from the developer in respect of fire protection services.
- 2 The applicant is advised that the approval of advertising or notice signs does not form part of this permission and may require separate consent.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : SITE LOCATION received on 25.03.2010  
Drawing : 08(0017) X01 received on 25.03.2010  
Drawing : 08(0017) SO1 received on 25.03.2010  
Drawing : 08(0017) C1 received on 25.03.2010  
Drawing : 08(0017) PL01 received on 25.03.2010

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	23.06.2010		
<b>Application Number</b>	W/10/00745/FUL		
<b>Site Address</b>	70 Victoria Road Warminster Wiltshire BA12 8HG		
<b>Proposal</b>	Demolition of existing dwelling at 70 Victoria Road and replacing with two semi-detached dwellings and double garage with associated works.		
<b>Applicant</b>	Persimmon Homes Wessex		
<b>Town/Parish Council</b>	Warminster		
<b>Electoral Division</b>	Warminster West	<b>Unitary Member:</b>	Pip Ridout
<b>Grid Ref</b>	385980 144918		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mrs Rosie MacGregor	01225 770344 Ext 5597 rosie.macgregor@wiltshire.gov.uk	

Reason for application being considered by Committee

This item is brought to Committee at the request of Councillor Ridout because of the visual impact upon the surrounding area, relationship to adjoining properties and contrary to Policy H12.

### 1. Purpose of Report

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

### 2. Main Issues

The main issues to consider are:

- \* Design, layout and scale of dwellings
- \* Streetscene
- \* Neighbouring amenity and relationship with adjoining dwellings
- \* Highway safety

### 3. Site Description

The site is located within a residential area on the western outskirts of Warminster on the north west side of Victoria Road at the entrance to the new housing development on which a total of 197 new dwellings are currently under construction.

The site, which is a corner plot, is currently occupied by a large single detached dwelling on two storeys. There are two large trees on the boundary with the adjoining house. It forms part of the overall H12 housing allocation.

### 4. Relevant Planning History

04/02156/OUT – Outline application for residential development of 197 dwellings – Approved  
11.04.2007

## 5. Proposal

This is a full planning application for the demolition of the existing dwelling and its replacement with a pair of three bedroomed two storey houses facing onto Victoria Road.

Pedestrian access to each of the two dwellings would be from Victoria Road and vehicular access would be from the new access road leading into the new residential development.

A double garage with two parking spaces is shown to the rear providing two parking spaces for each dwelling. Each property would have its own garden although the garden to the dwelling on Plot 1 is shown as significantly larger than the garden to Plot 2.

A Design and Access statement has been submitted together with a Reptile Survey, a Bat Survey and a Landscape Appraisal.

The architectural style of the two dwellings is similar to those currently under construction on the neighbouring land. A mix of reconstructed stone and brick is proposed for external walls with concrete roof tiles.

The application has been revised as part of the planning process and minor changes made to the appearance of the dwellings and access.

## 6. Planning Policy

Wiltshire Structure Plan 2016  
DP3 Development Strategy  
DP7 Housing in towns and main settlements

West Wiltshire District Plan – 1st Alteration 2004  
C4 Landscape setting  
C7 Protected species  
C15 Archaeological Assessment  
C31a Design  
C32 Landscaping  
C40 Tree Planting  
H1 Further housing development within towns  
H2 Affordable Housing  
H12 Victoria Road, Warminster  
H24 New Housing Design

PPS1 Delivering Sustainable Development  
PPS3 Housing

Supplementary Planning document WWDC – Residential Design Guide

## 7. Consultations

Warminster Town Council

Object.

Suggested special conditions / reasons for refusal based on local knowledge.  
Propose refusal as it does not conform to H12.

On commenting further stated that members felt saddened by this application and felt this stone property was a feature of the West End of Warminster.

#### Highways

No highway objection is raised subject to conditions being attached to any planning permission granted. (See recommendation)

#### Wessex Water

No objection in principle.

#### Wiltshire Wildlife Trust

Bat roost records found for this site.

#### Tree and Landscape Officer

There are no Tree or landscape reasons to refuse this application, however due to the proximity of T2a Beech and T3 Ash, which have been identified on the tree survey schedule (SF/14/April/2008), conditions re protection of trees should be applied. (See recommendation)

#### Warminster Civic Trust

Objects most strongly to the destruction of this property and its replacement with a semi-detached dwelling on the grounds:

It is contrary to policy H12 which allowed for 192 dwellings on the site. This Edwardian farmhouse forms part of the historic character that typifies this part of Warminster. The case for social housing has already taken the number of dwellings for this site to 197. This is being rushed through with little time for public response. This is an attractive, stone-built house that is important to the original streetscape of Victoria Road. Its demolition would be a tragedy and great loss. If it is dilapidated it is because the current owners have made it so.

### **8. Publicity**

The application was advertised by site notice/neighbour notification.

Expiry date: 17.06.2010

Two letters of objection has been received.

Summary of points raised:

It forms part of H12 and following extensive consultation and a Public Inquiry it was not shown as being demolished.

If the proposals had included the demolition it would have constituted further grounds for objection to H12 that may have resulted in refusal of the whole H12 plan.

It is a listed building and its appearance is in keeping with the other properties of individual character on Victoria Road.

Harmful visual impact on the area.

## 9. Planning Considerations

9.1 Although this dwelling was originally shown as being retained on the overall plans for the new residential development at Victoria Road there is no reason why in policy terms that it could not be demolished and replaced with a pair of new dwellings in the form proposed.

9.2 The proposals will increase the dwelling numbers on the overall new housing development by one additional dwelling.

9.3 It is likely that if the demolition of this one dwelling had been proposed as part of the development of the H12 land that it would not have made any difference to the Inspector's decision or changed planning policy. No mention is made in the Inspector's report of the existing dwelling at the site. The proposals represent one additional dwelling in the context of an overall development of 197 houses.

9.4 Furthermore, had the H12 development been completed and occupied prior to the submission of the current application this would have been considered on its individual merits not in the context of the overall housing development.

9.5 The design of the two dwellings respects the previously approved house types proposed on the adjoining site and reflects the style of dwellings in the surrounding area, including the detailing of traditional cottages closer to the town centre. These two new dwellings are of traditional appearance and will respect the adjoining developments both in design and spatial form. The layout and design complement the approved layout of the remainder of the scheme which is of high quality and consistent with local plan policy.

9.6 Although this is a corner plot the proposed dwellings have been designed with the pedestrian access facing onto Victoria Road and the vehicular access to the side from the road leading into the new housing development. The housing frontages face Victoria Road and although a side elevation faces the new estate road it is set back with a bay window at ground floor which adds interest to this elevation.

9.7 The existing dwelling may originally have been a farmhouse, or even a pair of farm workers dwellings, associated with the adjoining land now forming the development, but it is not of any significant historic or architectural interest. It is not listed nor is it within a conservation area. It is acknowledged that it is a well proportioned and imposing building that has the appearance of a late Victorian or early Edwardian stone built house. However, it has been altered from its original form including the removal of the original windows and replacement with Upvc double glazing.

9.8 Furthermore, the existing building does not sit well in this location as its design is not well related either to the existing ribbon development in this area or to the new dwellings at H12. The proposals would not harm the appearance of the streetscene.

9.9 The proposed pair of dwellings at the entrance to the new housing development would be consistent with the overall design of the new houses elsewhere within the overall site. The new dwellings would result in a cohesive overall design of the development as a whole incorporating these additional houses with those previously approved.

9.10 There is no requirement to vary the existing legal agreement which covers affordable housing, education contribution, public open space and public art. It is not considered necessary or reasonable to seek a variation to the existing legal agreement based on the marginal increase in the H12 development by one dwelling.

9.11 There would be no harm to neighbouring amenity as there is an existing dwelling on the site. Although the proposals would result in the built form being slightly closer to the neighbouring property, there are numerous trees on the boundary of the site between the two dwellings. Furthermore, the only window proposed on the gable elevation is at ground floor level. There would be no loss of privacy from overlooking. The new dwelling, to the east of the existing, would not have an overbearing impact on its existing neighbour or result in loss of sunlight.

9.12 The mature trees on the boundary between the site and the existing neighbour are in the ownership of the neighbouring property their canopy extends over the application site. The Council's Tree and Landscape Officer has visited the site and has no objection subject to conditions which are attached at the end of this report. The position of the trees is such that the pair of houses do not share equally sized gardens but it is not unusual in new or existing housing developments for there to be a variety of different sized gardens and this will suit the needs of different prospective purchasers.

9.13 The Highway Officer has no objection, subject to conditions, and these views are supported. The new vehicular access would be from the new estate road sufficiently far from the new mini-roundabout to prevent any harm to highway safety.

9.14 Roosting bats have been found in the area, which given the number of trees adjoining the site, is not surprising. An informative about bats is considered appropriate in the circumstances.

9.15 The proposal is consistent with planning policy for the area and there is no reason why permission should not be granted.

**Recommendation:            Permission**

**For the following reason(s):**

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

**Subject to the following condition(s):**

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

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

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

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

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

- 3     The development hereby permitted shall not be first occupied until the driveway has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

- 5     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.

- 6 The development shall be carried out as specified in the approved LTC Vegetation Survey dated August 2003 and revised July 2006 and April 2008 and be supervised by the author of the tree survey section of this document, which includes schedule SF2/14/April 200 and Landscape Appraisal dwg 20181.03.

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

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

- 7 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction or demolition works and to ensure that as far as possible the work is carried out in accordance with current best practice.

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

- 8 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.

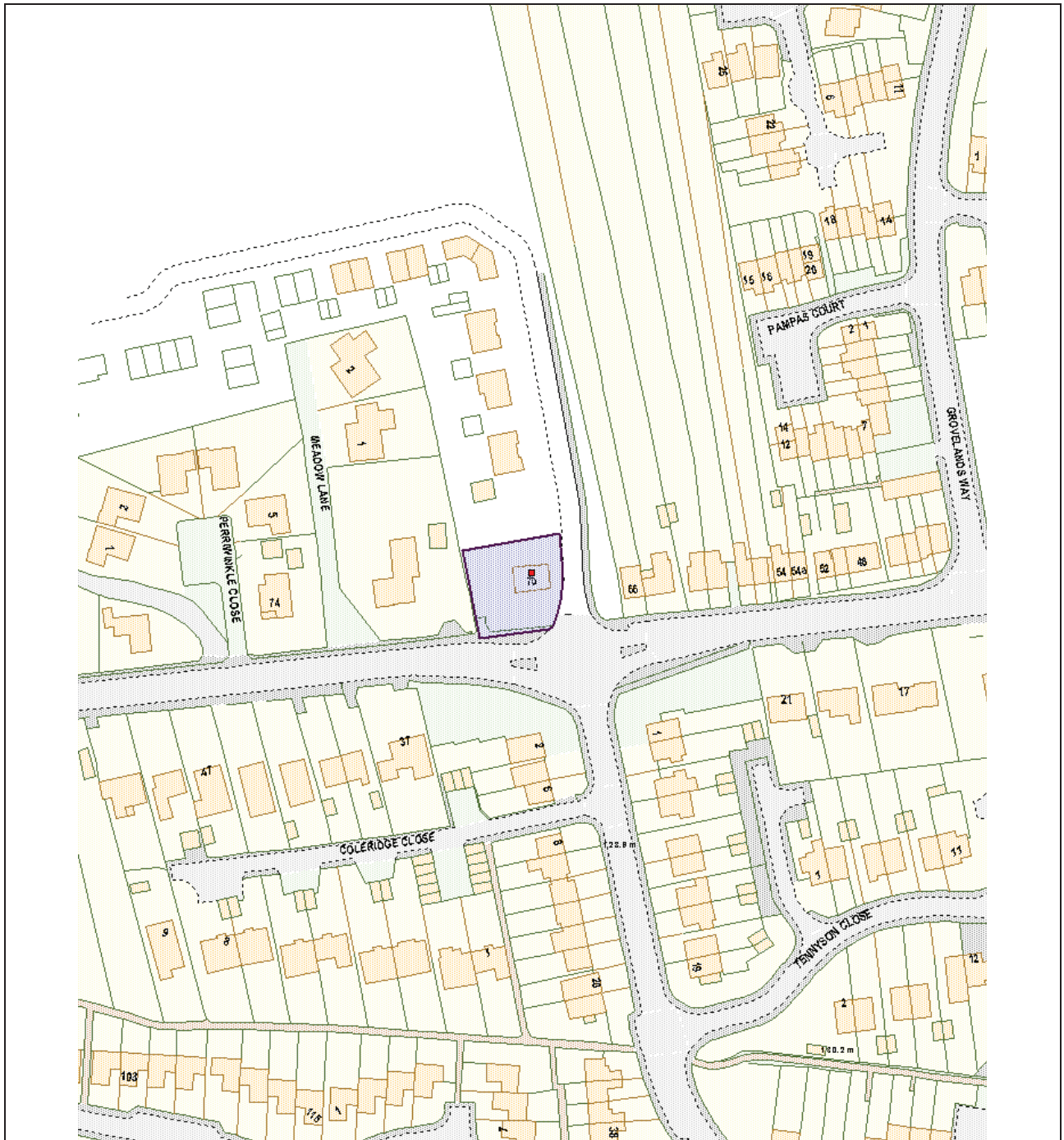
REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

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

**Informative(s):**

- 1 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.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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MSA: 100022961

## RELEVANT APPLICATION PLANS

- Drawing : 18734 PL-01 received on 11.03.2010
- Drawing : 18734 PL-03 A received on 13.05.2010
- Drawing : P350/150 received on 11.03.2010
- Drawing : 18734 HT-02 A received on 13.05.2010
- Drawing : 18734 HT-01.1 received on 11.03.2010
- Drawing : 18734 HT-01.2 B received on 01.06.2010
- Drawing : 18734 PL-04 A received on 01.06.2010
- Drawing : 18734 EW-01 received on 11.03.2010
- Drawing : 20169.04 received on 11.03.2010

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	23.06.2010		
<b>Application Number</b>	W/10/01008/FUL		
<b>Site Address</b>	St Catherines Wellhead Drove Westbury Wiltshire BA13 3RD		
<b>Proposal</b>	Change of use from dwelling (C3) to residential care home (C2)		
<b>Applicant</b>	Mr Quarriers		
<b>Town/Parish Council</b>	Westbury		
<b>Electoral Division</b>	Westbury East	<b>Unitary Member:</b>	Michael Cuthbert-Murray
<b>Grid Ref</b>	387082 150016		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Cuthbert-Murray has requested that this item be determined by Committee due to:

- \* Environmental/highway impact
- \* Car parking

### 1. Purpose of Report

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

### 2. Main Issues

The main issues to consider are:

- \* Highway safety issues
- \* Amenity
- \* Setting of the Special Landscape Area
- \* Public consultation responses

### 3. Site Description

The application site is currently occupied by a 6-bedroom property including one en-suite bedroom and 2 family bathrooms at first floor and at ground floor accommodation includes 2 lounges, a dining room, 2 kitchens, a WC, a further bathroom and bedroom and finally a conservatory.

The dwelling benefits from a generous enclosed and private rear garden and a spacious front garden with a gravelled drive and open parking area.

The site is located on Wellhead Drove which is characterised by large detached properties with linear siting along this single width road. Access to Wellhead Drove is via the A350 to the west. Wellhead Drove itself is an unclassified highway which leads to a pumping station to the east.

The site is on the fringes of the defined town policy limits of Westbury with open countryside to the south. This countryside has been designated as a Special Landscape Area of County-wide significance.

#### **4. Relevant Planning History**

None

#### **5. Proposal**

This is a planning application for the change of use of the dwelling (C3) to a residential institution (C2). There is no operational development connected with the proposals and minor internal works to facilitate the change of use have been detailed.

The proposed C2: Residential Institutional use being proposed has been described in the application as being to 'provide residential care for up to five children between the ages of 10yrs and 17yrs old and registered with OFSTEAD'. The application form states that 3 car parking spaces exist and that these would remain.

Following receipt of the application the applicant's agent was asked for further details on the proposals to help support and justify their application and inform the decision making process. No design and access statement is required in planning applications for change of use.

The additional information states that the accommodation would be used to accommodate children who have emotional and behaviour difficulties that are unable to live with their families. The aim is to provide a stable home life in an environment similar to a normal family home. The children would be integrated into the local schools and become part of the local community.

The staffing of the proposed residential institution would consist of 12 full-time qualified staff who monitor and care on a rota basis with a minimum of 2 staff working in the house at any time on a 24/7 basis. Weekly staff meetings would be held at the site for between 8 to 10 members of the team.

#### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)  
C3 Special Landscape Area  
C38 Nuisance

Wiltshire Structure Plan 2016  
DP1 Priorities for Sustainable Development  
C9 Special Landscape Areas

National guidance  
PPS1: Delivering Sustainable Development  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPG24: Planning and Noise

Circular 11/95: The use of conditions in planning permission.  
Circular 03/05: Changes of use of buildings and land.  
Circular 05/10: Changes to Planning Regulations for Dwelling houses and houses in multiple occupation.

## 7. Consultations

### Westbury Town Council

Object: "The committee objected to this planning application on the following grounds:

- No design and access statement provided
- No highway consultant's report regarding additional traffic that may be generated
- Provision of parking needs to be investigated."

### Highways

Objection: I recommend that this application be refused on highway grounds for the following reason. "Vehicles resulting from the proposed development turning out of Wellhead Drove onto the busy Class 1 road A350, at a point where visibility from and of such vehicles would be severely restricted, would impede, endanger and inconvenience other road users to the detriment of highway safety." (30.04.2010)

Based on the stated number of staff resulting from the proposed change of use, even allowing for the proposed shift pattern of working, it is my view that the proposed development would be likely to result in an increased number of vehicular movements to and from the site and I confirm my highway opposition to this application as previously stated. (21.05.2010)

### Wiltshire Fire and Rescue Service

May wish to request a developer contribution towards additional or enhanced Fire & Rescue Service infrastructure.

### Wiltshire Police

Objection: Whilst Wiltshire Police fully support the work of the applicants and other similar organisation they raise objection on the following grounds:

- The applicants have not provided any information on how they have addressed, or will mitigate against crime, anti-social behaviour or the safety of the residents.
- The location is inappropriate in terms of safety and security of the young residents.
- The security of the existing residents and their properties could be compromised by increased vehicle and footfall.
- The addition of this unit could place further, unnecessary demands on the time and resources of the local police.
- Police records highlight an excessive number of reported incidents relating to similar premises in the locality, and also an existing home belonging to the applicant.

## 8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 7 May 2010

59 letters of objection received. Summary of points raised:

- Potential for crime, vandalism and anti-social behaviour.
- Harm to special landscape character.
- Harm to countryside (including nearby woodland) and wildlife.
- Disturbing a quiet and tranquil location, many retired people nearby. Noise.
- Increase in traffic.
- Dangerous junction worsened.
- Lack of street lighting and pedestrian facilities.
- Lack of amenities/facilities for children.
- Unsustainable location.
- Creation of a precedent.
- Lack of consultation.
- These children need a normal household where they can build up relationships.
- Equestrian uses nearby.
- Unsuitable location with poor access to facilities and away from the town centre.

- Decreased property values.
- Serving police officer may encounter youths that they are familiar with via their work.
- Privacy, security and overlooking.
- This is the best area in town and is a location fit for those that have earned the right to be there, perhaps a Servicemen Rehabilitation Centre.
- Should be run by legal parents/guardians.
- The Town Council is better placed to make a decision than at a County level.
- It is difficult to write a letter on this subject without it sounding like NIMBYism.
- Whilst the concerns of local people have to be given serious consideration a happy outcome for these children is desired.

## **9. Planning Considerations**

9.1 Government Circular 03/2005 provides some guidance and advice on how Local Planning Authorities should consider planning applications for changes of use to C2: Residential Institutions. It states at paragraph 64 that it is important for Local Planning Authorities to concentrate on the land-use planning considerations to be taken into account when considering a planning application falling within this use class.

9.2 In this case the principle material planning considerations, in planning land-use terms, are the potential impact on highway safety and amenity considerations. It is assessed that as no operational development is occurring that the special landscape character of the adjacent open countryside to the south, the potential archaeological interests of the area and overlooking points are not material.

9.3 This application has attracted an objection on highway safety grounds from the Highway Officer. Their comments have been detailed in full above, including the further clarification that they provided at the Planning Officer's request. The applicant has not provided any substantial information to contradict the expert opinion of the Highway Officer and from site inspection it is quite clear that there are limited passing facilities on the unclassified Wellhead Drove and that the junction of Wellhead Drove to the A350 is very poor. There is no other means for connection to the road network and pedestrian facilities are also poor.

9.4 On the basis of the expert opinion of the Highway Officer it is considered that the proposals are likely to result in a significant highway safety issue and this represents reasonable planning grounds for refusal of the proposals.

9.5 The issue of amenity has also been given careful consideration. Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) states that consideration will be given to such issues as any loss of privacy or overshadowing levels and type of traffic generation, storage of hazardous materials, generation of unpleasant emissions, the extension of existing unneighbourly uses and the creation of an untidy site. Whilst this list of issues is not likely to be exhaustive it does set the type of issues that can be assessed under amenity. The proposals are not likely to result in any significant harm under planning land-use consideration of 'amenity'. The concerns of the public will be discussed in more detail below, but issues such as anti-social behaviour are not relevant under the consideration of 'amenity'. Further if the proposed use is carried out reasonably then the site would be well managed and maintained and not result in any harm.

9.6 Before turning to the public consultation responses the Westbury Town Council response can be addressed. They raised objection which included concern over the lack of any design and access statement. Such a statement is not a formal requirement of a change of use planning application. Equally a highway report or justification cannot be insisted upon. The site has existing facilities for 3 cars, but given the size of the front garden a far greater number of cars with turning could be reasonably provided within the site. As such these concerns do not represent substantial grounds for refusal.

9.7 It is noted that the site is located on the fringes of Westbury, however it is within the designated town policy limits and as such is by definition a 'sustainable' location. Westbury is not a very large settlement and although pedestrian facilities are poor and not necessarily convenient, on balance, the

site must therefore be considered in planning policy terms to have reasonable connection to the town's facilities.

9.8 The consultation response from the Wiltshire Fire and Rescue Service has been noted, but under the current relevant planning policy there is no policy to reasonably support or justify a commuted sum contribution to their service from this development proposal.

9.9 The consultation from Wiltshire Police has been given very considerable thought in conjunction with the public consultation responses. Their concerns and objection to the proposals are obviously a source of great concern and have not been considered lightly. However Circular 03/2005 is clear that decisions to planning application for change of use need to be made in land-use terms. There is other legislation to control the proposed development and to try and ensure that the institution is effectively run and managed to avoid undue problems such as anti-social behaviour. The Wiltshire Police response is not considered to raise any objections which can be reasonably sustained within the framework of development control planning decisions, especially issues such as the potential to place further demands on their service.

9.10 It is clear that facilities such as this have to be provided within society as this is not a perfect world. The Police's advice that such institutions often result in a high volume of call-outs for them is not disputed, but it is not for the planning system to control the associated issues and this is intimated by the planning circular 03/2005.

9.11 The numerous letters of objection received on this application have been read and given lengthy consideration. A summary of these points is detailed above and a great range of comment and thought was submitted to the Council. Much of the concern raised is assessed to be beyond the consideration of the proposals land-use merits however and this is not the forum for considering potential anti-social behaviour from the proposals. Most of the concerns are linked to this 'umbrella' term.

9.12 These concerns appear to be quite legitimate from anecdotal evidence and the consultation response from Wiltshire Police. However as stated above the planning decision should be based on land-use terms and with the exception of highway safety issues there are not considered to be any reasonable planning reasons to refuse the application.

**Recommendation: Refusal**

**For the following reason(s):**

- 1 Vehicles resulting from the proposed development turning out of Wellhead Drove onto the busy Class 1 road A350, at a point where visibility from and of such vehicles would be severely restricted, would impede, endanger and inconvenience other road users to the detriment of highway safety.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : 2808-01 received on 01.04.2010

Drawing : 2808-02 received on 01.04.2010

Drawing : 2808-03 received on 01.04.2010

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	23.06.2010		
<b>Application Number</b>	W/10/00991/FUL		
<b>Site Address</b>	207 Norrington Lane Broughton Gifford Wiltshire SN12 8LT		
<b>Proposal</b>	Removal of lean to, conservatory and garage, and addition of side extension (2 storey)		
<b>Applicant</b>	Mr And Mrs A Keen		
<b>Town/Parish Council</b>	Broughton Gifford		
<b>Electoral Division</b>	Melksham Without North	<b>Unitary Member:</b>	Mark Griffiths
<b>Grid Ref</b>	388401 165097		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Philip Baker	01225 770344 Ext 5286 philip.baker@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

- \* Visual impact upon the surrounding area
- \* Relationship to adjoining properties

### 1. Purpose of Report

To consider the above application and to recommend that permission is not granted.

### 2. Main Issues

The main issues to consider are:

Visual Impact  
Impact on neighbour's amenity

### 3. Site Description

The site lies in open countryside to the north of Broughton Gifford on the road leading to Shaw.

The property is a detached brick built house roofed with clay tiles and slates and with UPVC fenestration. A number of small extensions and outbuildings have been added in the past. The dwelling occupies a large site and the applicants farm 56.66 hectares of adjoining land

There are a number of scattered dwellings in this area but no immediate neighbours to the application site.

The application is accompanied by a design and access statement.

#### **4. Relevant Planning History**

09/00942/FUL – Refusal – 18/5/2009 – Demolition of existing lean to conservatory and garage and erection of 2 storey side extension.

#### **5. Proposal**

The proposal is to demolish the lean to extension at the side of the dwelling, a conservatory to the rear and a detached garage at the side of the dwelling and projecting forward of the front building line of the house.

These structures are to be replaced with a large two storey side extension which is to be constructed of second hand brick and clay tiles and UPVC fenestration. The proposed extension measures 6.1 metres wide, 6.3 metres deep and has a height of 6.6 metres.

#### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)  
C31a - Design  
C38 - Nuisance

West Wiltshire Supplementary Planning Guidance (SPG) - House Alterations and Extensions – Approved 2004

#### **7. Consultations**

##### Town/ Parish council

Broughton Gifford Parish Council – No objections – Comments received 6/5/2010

Disappointed, that this application has already been refused.

This Parish Council supported previous application (09/00924/FUL) which was refused

Proposals would tidy up the site and the sympathetic use of materials to match existing would ensure the character of the dwelling is maintained.

#### **8. Publicity**

The application was advertised by site notice/neighbour notification.

Expiry date: 20/4/2010

- 2 letters of support for the proposal

#### **9. Planning Considerations**

##### 9.1 Visual Impact

An identical proposal was submitted in 2009 and was refused planning permission. A meeting has taken place involving the local division member, the applicant and his agent and the case officer. The case officer advised that the submitted scheme failed to overcome the previous reasons for refusal and sought to negotiate for a smaller extension more in keeping with the character and appearance of



the existing dwelling Following, this meeting (in April) a revised scheme has not been forthcoming and the same plans as 2009 will be considered for this application.

The SPG on House Alterations and Extensions follows on from local plan policies C31a (Design) and C38 (Nuisance). It advises that the design of new extensions should respect and be sympathetic to the host building and surrounding area in character, style, proportion and materials. The SPG continues that extensions should be subservient to the host building and not upset the form and balance of the building as a whole. It suggests that devices such as keeping ridge heights below those of the host building and setting back front walls behind the plane of the front wall of the host building could be used to achieve some of these objectives. Advice is also given in respect of the relationship between householder extensions and adjoining development.

The submitted proposal fail to follow guidance in the SPG and as a consequence the proposed extension fails to respect and be sympathetic to the host building and surrounding area in terms of character, style and proportion and is not subservient to the host building. In particular, the front wall is not set back behind the plane of the existing front wall and the roof height is not reduced below that of the existing roof. In addition the extension also projects beyond the plane of the rear wall of the host building. The proposed extension would not be subservient to the host building and would significantly alter the form of the dwelling creating a significantly and inappropriately larger building when viewed from the public highway and from the side and rear. The balance and style of the host building and its simple form would be lost to the detriment of the character and appearance of this dwelling and its rural setting. The proposals would be contrary to guidance in the SPG and to policy C31A of the West Wiltshire District Plan 1st Alteration 2004.

It is accepted that as part of this proposal, two small ground floor extensions to the dwelling are to be demolished together with a detached garage visible from the public highway. In volume these amount to half the size of the proposed extension but they are single storey structures with low roof heights and their impact on the appearance of the host building and its setting is considerably less than that of the proposed extension. It is not considered that the removal of these structures mitigates the detrimental impacts of the proposed extension

## 9.2 Impact on neighbour's amenity

The property is set in a large plot with no immediate neighbours. The proposed two storey extension will not cause overlooking or overshadowing of any neighbouring property or loss of amenity to any neighbours.

**Recommendation:            Refusal**

### **For the following reason(s):**

- 1     The two-storey side extension by reason of the lack of subservience, size and bulk and poor design relationship with the host building would create an incongruous and unsympathetic addition that would be detrimental to the form balance and appearance of the host building and harmful to the rural setting of this dwelling. The application is therefore contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration (2004) and to the advice contained within the Council's Supplementary Planning Guidance - House Alterations and Extensions (2004).

<b>Appendices:</b>	
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MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : 2016/3 received on 30.03.2010  
Drawing : 2016/4 received on 30.03.2010  
Drawing : 2016/5 received on 30.03.2010  
Drawing : 2016/6 received on 30.03.2010  
Drawing : 2016/7 received on 30.03.2010  
Drawing : 2018/8 received on 30.03.2010  
Drawing : 2016/1 received on 30.03.2010  
Drawing : 2016/2 received on 30.03.2010

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	23.06.2010		
<b>Application Number</b>	W/10/00914/FUL		
<b>Site Address</b>	R And R Coaches Ltd Bishopstrow Road Warminster Wiltshire BA12 9HQ		
<b>Proposal</b>	Additional car parking area (retrospective application) for staff use		
<b>Applicant</b>	Beeline (R_R Coaches Limited)		
<b>Town/Parish Council</b>	Warminster		
<b>Electoral Division</b>	Warminster East	<b>Unitary Member:</b>	Andrew Davis
<b>Grid Ref</b>	389141 144160		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Matthew Perks	01225 770344 Ext 5207 matthew.perks@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Members will recall that an application on this site under reference W/09/03629/FUL was on the agenda for the meeting of 17.02.2010, but was withdrawn at the request of the applicant. Councillor Andrew Davis had requested that that item be determined by Committee due to considerations in relation to:

- \* Visual impact upon the surrounding area
- \* Design - general appearance; and
- \* Car parking

The Councillor requested that Committee consider the matter where, although the Warminster Town Council supports the application, he had been made aware of concerns raised by the Bishopstrow Parish Council.

Although the Councillor has not called the current application in, it is submitted to Committee for consideration in the light of this previous history.

### 1. Purpose of Report

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

In the interests of providing the full background the following extract of the report which was initially up for consideration at the meeting of 17.02.2010 is submitted for information:

### 1. Purpose of Report

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

### 2. Main Issues

*The key issues in this case are:*

- Highway safety;
- The protection of the natural environment; and

- Potential impacts on neighbouring amenity and the appearance of the area.

### **3. Site Description**

The site of approximately 335m<sup>2</sup> in extent is located to the south western roadside edge of the land currently occupied by R and R Coaches Ltd, as a coach depot. The parking area lies ±100m south east of the intersection of Boreham Road and Bishopstrow Road. Existing buildings within the R and R development include a workshop, office and staff facilities. The workshop is of a light industrial scale and is constructed of profiled steel cladding on a steel frame.

There are residential properties to the south and west of the site, on the opposite side of the road and beyond the river respectively.. The physical boundaries to the site are defined by the River Wylye/Mill Pond to the north, east and south and by the Bishopstrow Road to the west. The Bishopstrow Conservation Area lies to the south, on the opposite side of the river.

### **4. Relevant Planning History**

Records indicate that the use of the site for coach parking and administration has been established since at least the early 1980's, with various minor applications having been submitted between that period and 1997; and

08/03468/FUL: Demolition of the existing buildings and the construction of 9 business units Use Class A2 and B1 in individual and terraced buildings together with access and parking: Permission : 17.04.2009

### **5. Proposal**

This is a retrospective application for the demolition of a redundant workshop building and the construction of surface car parking with access from, and alterations to, the Bishopstrow Road site frontage. The development involved the creation of 14 new parking spaces within a parking area measuring some 335m<sup>2</sup> in total. 8 right-angle bays, including one bay for disabled persons, are sited to the west of the depot, directly onto Bishopstrow Road, whilst 6 bays are provided within an area 18m deep and 9m wide to the south of the depot and adjacent to the "Mill Pond" branch of the Wylye River. The parking areas are macadam surfaced with concrete blockwork retaining walls to the riverside element.

### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration, 2004

E6 - Rural Employment

C3 - Special Landscape Areas

C6 - Areas of High Ecological Value, Regionally Important Geological or Geomorphological Sites and Sites of Nature Conservation Interest.

C9 - Rivers

C38 - Effects of development on neighbouring properties

T10 - Parking

### **7. Consultations**

Town/ Parish Council(s)

The Warminster Town Council supports the application.

The Bishopstrow Parish objects for the following reasons:

- the removal of the vegetation to the river bank and surrounds has exposed the existing buildings on site to view, harming the approach to the Bishopstrow Conservation Area;
- the car parking area with access directly onto the road presents a road safety hazard and encourages parking near the bridge and the roundabout. It also appears that part of the parking areas is built on the public roadside verge; and

- the development departs significantly from the plans granted permission under application Reference W/08/03468/FUL. Parking on the roadside did not form part of that proposal, and the screen hedging was shown as being retained.

### Highways

The highways officer recommends refusal because the additional parking areas require vehicles to use Bishopstrow Road for manoeuvring space to enter and leave the parking spaces at a point where visibility is restricted, this being detrimental to all users of the highway.

### Heritage Development Officer

The Officer advises that, given that this site has been in use as a coach park for many years and has a valid consent for a business redevelopment, this work is minor and has no impact either on the Bishopstrow Conservation area or the two listed bridges over the River Wylie.

### Environment Agency

The Agency restates its view previously expressed to the Planning Compliance Officer that the area of bank that has been destroyed by this development was probably of limited ecological value. However, the Agency is very concerned that these changes were made without regard to their commitment to the creation of a 5m buffer zone for wildlife along all the watercourse boundaries of the site. (This formed part of the redevelopment proposals under application W/08/03468/FUL). The work has been done without further consultation with the LPA or the Agency, reducing the proposed mitigation and potentially impacting on water voles which are a protected species. The Agency does not recommend refusal, but suggests a condition to any permission requiring the applicant to carry out further mitigation for the loss of habitat perhaps by increasing the wildlife buffer in another part of the site. An informative is also recommended to be attached to any permission granted to the effect that Flood Defence Consent from the Agency and separate from any planning permission for any works within 8m of the top of the bank of the River Wylie. There is also concern that no remediation strategy has been provided in respect of the condition imposed on permission issued under W/08/03468/FUL.

### District Ecologist

Verbal discussions were held with the District Ecologist who expressed similar concerns to those of the Environment Agency, and also in relation to drainage into the river.

### Environmental Health

No comment received.

## **8. Publicity**

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

Expiry date: 14.01.2010.

Three neighbour responses were received (with more than one item received from two of these). The points raised are as follows:

- highway safety being compromised by the parking as well as the manoeuvring of vehicles;
- the visual impact of the parking on the adjacent conservation area and bridges;
- possible oil/fuel spillage threat to the river;
- loss of vegetation exposing the buildings to view;
- increased runoff from the site; and
- displacing cars from site allows for intensification of the use on site.

## **9. Planning Considerations**

The parking serves the coach depot, which has a long history as a rural employment site (it is located immediately outside of the Town Policy Limit for Warminster) and the development therefore must be

considered in relation to the West Wiltshire District Plan 2004 Policy E6, which applies to Rural Employment sites. This Policy relates to small scale employment enterprises and permits extensions subject to criteria in relation to highway safety, flood risk, design and nature conservation considerations, residential amenity and neighbouring land use.

### Highway safety

Highway officer advice is that the development is unacceptable where it has given rise to a situation where manoeuvring of vehicles to access and leave the site is hazardous in particular because of restricted visibility. The parking layout is such that the right-angle parking requires manoeuvring within Bishopstrow Road in order to enter or leave the bays. The bays provided adjacent to the southern boundary of the site have limited turning space of 4.5m behind them which encourages reversing either into or out of this area. This is considered to be detrimental to all users of the highway. Parish and neighbour comments also highlight this issue. The application should be refused on highway safety grounds.

### Flood Risk

The Environment Agency has not raised any planning concerns in respect of flood risk, but has advised that separate legislation applies in terms of which the applicant should have obtained Flood Defence Consent from the Agency prior to any works being carried out. Thus, whilst flood risk per se would not form a reason for refusal on planning grounds in relation to the parking area, an informative advising the applicant of the obligations in terms of the Water Resources Act 1991 and Drainage Byelaws would be appropriate.

### Visual impact on surrounding area and neighbouring amenity

The Heritage Development Officer is of the view, in the light of the long-established presence of the coach park on this site that the works are minor and would not impact on the Conservation area or the setting of the bridge. It is acknowledged that the clearance of the vegetation has created a greater exposure of the buildings on site to Bishopstrow Road, as has been noted in the neighbour and Parish comment. However, the site is not within the Conservation Area and it is considered that the clearance of the roadside overgrowth could have taken place irrespective of any planning permission. Trees to the river bank providing a screen to the Conservation Area to the south remain. The part of the building that has been demolished extended to the river bank and previously presented a blank corrugated iron side elevation to the Bishopstrow road frontage. Seen in this context and whilst the removal of the vegetation screen is regrettable, the visual impact of the removal of the building and creation of parking spaces is not considered to constitute a reason for refusal.

The nearest neighbouring dwelling is some 30m distant on the opposite side of Bishopstrow Road. The primary impact on these neighbours would relate to the highway safety issues as discussed above.

### Other Considerations

Consultees including the Parish Council and the Environment Agency have raised questions in respect of why the works do not conform with the development proposal granted permission under application 08/03468/FUL (Demolition of the existing buildings and the construction of 9 business units Use Class A2 and B1 in individual and terraced buildings together with access and parking).

According to the supporting documentation the site clearing and parking has been carried out in order to provide for staff car parking space for R and R staff due to the demands for coach parking to satisfy the continuing growth of that business. The justification is stated to be the separation of cars and staff from the depot yard in order to maintain a safe working and operational environment on a site constrained on all sides by Bishopstrow Road and the River Wylye. The development does not therefore represent the commencement of implementation of the scheme approved under 08/03468/FUL, but is instead related to the R and R employment site. Application 08/03468/FUL is a separate scheme. However, the parking area does have an effect on the approved scheme where it encroaches onto a zone allocated in that proposal for a conservation buffer. It is considered that, in

*order to implement the scheme under 08/03468/FUL, the parking area would have to be removed, the area re-instated and the buffer zone required under conditions to that application provided.*

*With regard to ownership of the land, the application form has been completed to the effect that the land within the red-line application site is under the ownership of the applicants. Highway officers have not indicated that there has been an encroachment onto highway land (which is the area that would be the subject of any encroachment). However, it does appear that the right angle bays, particularly to the northern end of the application site, could project into public highway land. This matter has been brought to the attention of highway officers for investigation.*

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The recommendation arising from the report was for refusal for the following reason:

"The parking areas, because they require vehicles to use Bishopstrow Road for manoeuvring space to enter and leave the parking spaces at a point where visibility is restricted, are detrimental to the safety of all users of the highway."

## **2. Main Issues**

The key issues to consider with the revised application are:

- \* Whether or not the additional highway information indicates that the previous recommendation should be revisited; and
- \* Whether or not there have been any material changes to circumstances that indicate that the recommendation should be altered in some other way.

## **3. Site Description**

The site has remained as described in the previous report.

## **4. Relevant Planning History**

As before, but with the addition of the application Ref W/09/03629/FUL, which was withdrawn.

## **5. Proposal**

As before, the application is for the retrospective approval for the construction of surface car parking with access from, and alterations to, the Bishopstrow Road site frontage. The development involved demolition of a redundant shed and the creation of 14 new parking spaces within a parking area measuring some 335m<sup>2</sup> in total. 8 right-angle bays, including one bay for disabled persons, are sited to the west of the depot, directly onto Bishopstrow Road, whilst 6 bays are provided within an area 18m deep and 9m wide to the south of the depot and adjacent to the "Mill Pond" branch of the Wylve River. The parking areas are macadam surfaced with concrete blockwork retaining walls to the riverside element.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration, 2004

E6 - Rural Employment

C3 - Special Landscape Areas

C6 - Areas of High Ecological Value, Regionally Important Geological or Geomorphological Sites and Sites of Nature Conservation Interest.

C9 - Rivers

C38 - Effects of development on neighbouring properties

T10 - Parking

## 7. Consultations

### Town/ Parish council

The Warminster Town Council supports the proposal.

Although the site is not within Bishopstrow Parish, it is some 250m north west of the Boundary between Warminster and Bishopstrow Parish areas. Having raised objections before, the Parish was consulted. Bishopstrow Parish Council again objects on the following grounds:

- the parking hazard remains unchanged;
- the grubbing-out of the bank, tree and hedge to create the parking space has been harmful to the approach to the Conservation Area on the opposite side of the river;
- the bus parking area on site may have increased, but forcing staff to park outside has created a significant traffic danger, especially on the roundabout exit;
- since the visual screen was intrinsic part of an earlier application for the redevelopment of the site it is only consistent that it should be retained;
- the road hazard and harm to the appearance of the area indicates that the application should be refused. Committee should also require that the roadside bank and hedge should be retained for the future development of the light industrial units.

### Highways

The highways officer notes that this proposal was subject to a previous planning application (W/09/03629) and advises that, after on-site discussions, visibility measurements and observations, the visibility as illustrated on drawing no. 29073-10 submitted with the application was deemed acceptable. Therefore no highway objection is raised subject to a condition in relation to the visibility splays.

Following representations from a contributor, highway officers were approached for further comment, including in respect of the question of parking on public land. Officers confirmed that the matter of visibility was indeed the reason for refusal and that a subsequent site visit led to the conclusion, based on measurements and with due consideration for local speed limits, that the reason for refusal could not be sustained. The officer also confirmed that the parking area of the site is not within any area of public highway and that this is illustrated on the Highway Records.

### Environmental Health

No objections or conditions suggested.

### Environment Agency

The Environment Agency raised concerns that details in respect of the potential contamination of controlled waters have not been addressed notwithstanding previous comments in this regard on the earlier application. An objection was raised on those grounds. Further information was then submitted to the Agency by the agent. The conclusion was that the risks to controlled waters associated with this application are unlikely to merit detailed assessment at this stage. These risks will however have to be quantified if development proceeds under previous permission 08/03468/FUL.

The Agency notes that the presence of contamination on the wider site was established some 18 months ago and there appears to be little progress on assessing or remediating this.

### District Ecologist

The District Ecologist expressed similar concerns to those of the Environment Agency with regard to further information, and also in relation to drainage into the river.

### Heritage Development Officer

The Officer had no additional comment on this application but had expressed the view on the withdrawn application that the use as a coach park for many years together with the minor nature of



the works meant that the proposal had no impact either on the Bishopstrow Conservation area or the two listed bridges over the River Wylie. There was no objection.

## **8. Publicity**

The application was advertised by site notice and neighbour notification.

Expiry date: 19.04.2010.

Six parties responded. Summary of points raised:

- the only difference between these and the withdrawn plans is the imposition on the plans of the sight-line representation;
- this was not detailed in the reason for refusal and was not a ground for refusal;
- the hazard remains as before and the application should again be refused;
- the parking is taking place on public land and can't be permitted;
- the access remains inadequate for coaches;
- the parking has created a significant increase in traffic build-up at the entrance to the village, creating new hazards including for walkers, cyclists and joggers;
- the hedge may be protected under the Hedgerow Regulations of 1997;
- the loss of the hedge exposes the unsightly buildings to view;
- inappropriate signage has been affixed to the bridge;
- potential pollution to the river;
- the development was deliberately done without planning permission;
- litter is blowing across from the coach site towards the neighbour;
- the listed bridges are being damaged.

## **9. Planning Considerations**

### **9.1 Highway considerations**

The comment from highway officers that led to the recommendation for refusal of application W/09/03629 was based on the information available at that time. Following withdrawal, a site meeting was held which established to highway officer satisfaction that the visibility splays as illustrated on the drawing no. 29073-10 submitted with the application enables withdrawal of the recommendation for refusal. This revised view arose following a site meeting and physical measurements on the ground.

In the light of the revised highway opinion it is considered that the previous planning officer recommendation for refusal is no longer sustainable.

### **9.2 Any other material change to circumstances**

The neighbour contributions and views of Bishopstrow Parish Council re-inforce the previous objections raised. Warminster Town Council remains in support of the proposal. There has been no physical change noted to circumstances on the site since the withdrawn application.

The objections regarding the removal of the hedge were raised verbally with the Landscape Officer, who is of the view that the locality of the hedge not adjacent to open countryside means that its removal wouldn't have required permission. The ground works involved would have constituted development, but that would form part of the regularisation of the parking area in terms of this application.

The Environment Agency and District Ecologist concerns in relation to existing contamination on the site were again raised, but the Agency revised its previous comments to an objection. Following clarification of the separation between this application and that for redevelopment of the whole site under application 08/03468/FUL (demolition of the existing buildings and the construction of 9 business units Use Class A2, B1/B2), the Agency withdrew the objection. The Agency is of the view that the risks to controlled waters resulting from this development are unlikely to merit detailed assessment at this stage in view of the relatively small area of the total site involved. A future

development under 08/03468/FUL would however require the full assessment. Environmental Health officers have raised no objection or recommended conditions in respect of site contamination.

### 9.3 Conclusion

Whilst it is unfortunate that the works to the site were carried out without permission, the submission of this application is aimed at regularising the situation. Whereas highway officers are satisfied that the proposals are acceptable after more detailed investigation it is considered that the previous recommendation for refusal on the grounds of hazards associated with sight-lines cannot be sustained. A condition based on that recommended by the highway officer with due consideration for the retrospective nature of the application should however be imposed.

**Recommendation:           Permission**

#### **For the following reason(s):**

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

#### **Subject to the following condition(s):**

- 1     The visibility splays shown on the approved plans shall have been provided with no obstruction to visibility at or above a height of 900mm within 30 days of the date of the granting of this permission. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 2     A plan showing details for the discharge of surface water from the site, incorporating sustainable drainage details and details of measures for the protection of the river from any polluted runoff, shall be submitted to and approved in writing by the Local Planning Authority within 30 days of the date of this permission. Any mitigating measures required in terms of the plan shall be completed within 90 days of the date of this permission.

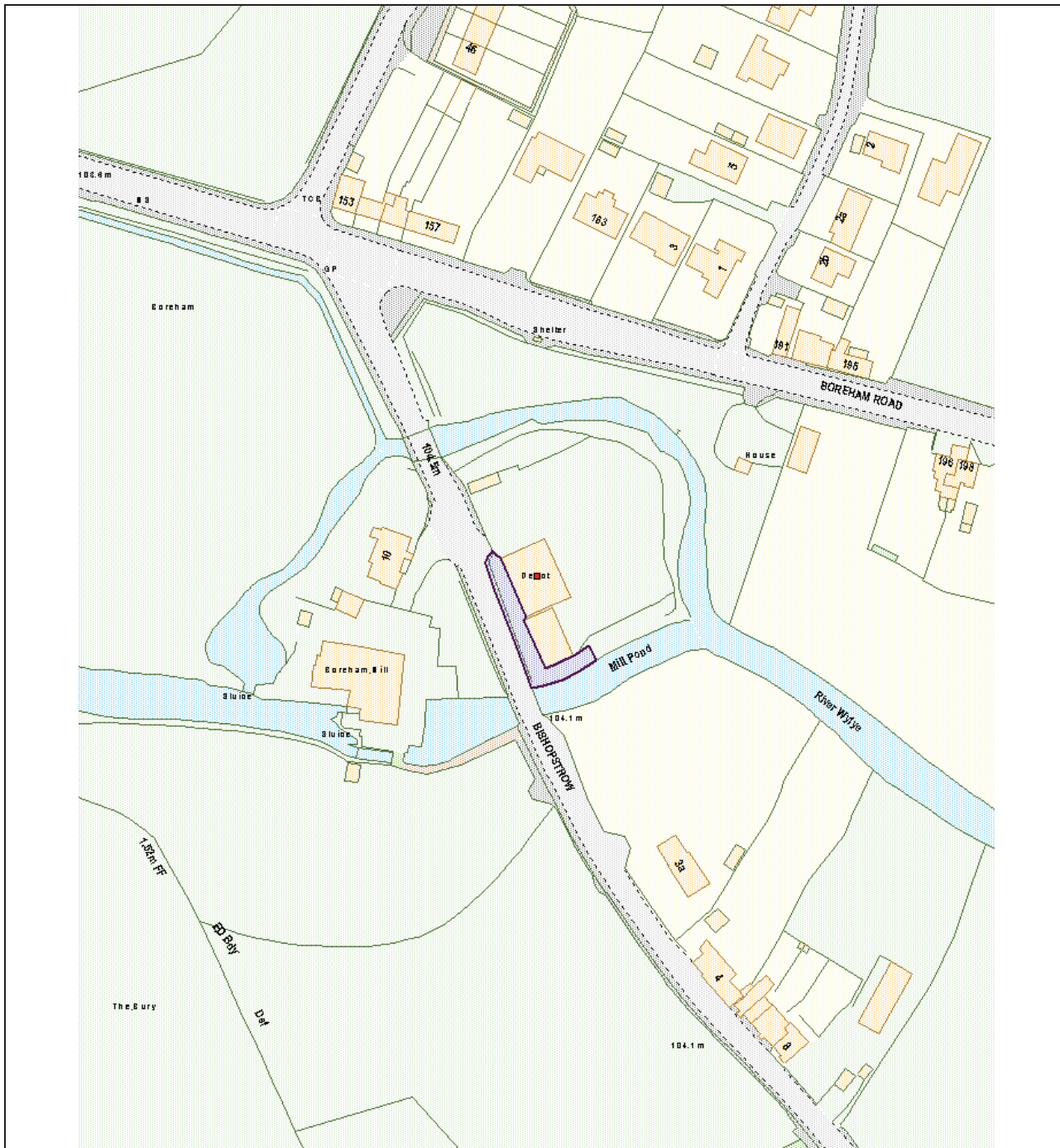
REASON: To ensure that the development can be adequately drained.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

#### **Informative(s):**

- 1     The applicant is advised to contact the Environment Agency with regard to updating the Agency on progress on assessing the possible contamination of the Coach Depot site as a whole.
- 2     The Environment Agency advises that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Wylye, designated a 'main' river. This may include buildings, fences etc. The need for this consent is over and above the need for planning consent. Notwithstanding the retrospective nature of this application the applicant is advised to contact Daniel Griffin on 01258483351 in this regard.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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MSA: 100022961

## RELEVANT APPLICATION PLANS

Drawing : 29073-01 received on 23.03.2010  
Drawing : 29073-02 received on 23.03.2010  
Drawing : 29073-03 received on 23.03.2010  
Drawing : 29073-10 received on 23.03.2010

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	23.06.2010		
<b>Application Number</b>	W/10/01209/REG3		
<b>Site Address</b>	St Georges Primary School Pound Lane Semington Wiltshire BA14 6LP		
<b>Proposal</b>	Provision of new hall with ancillary accommodation, two new classrooms and removal of two mobile classrooms		
<b>Applicant</b>	Wiltshire Council		
<b>Town/Parish Council</b>	Semington		
<b>Electoral Division</b>	Summerham And Seend	<b>Unitary Member:</b>	Jonathon Seed
<b>Grid Ref</b>	389569 160509		
<b>Type of application</b>	Reg 3 Application		
<b>Case Officer</b>	Miss Jennifer Fivash	01225 770344 Ext 5297 jennifer.fivash@wiltshire.gov.uk	

### Reason for the application being considered by Committee

(THE LIST BELOW ARE OPTIONS SO DELETE THIS LINE AND ALL THAT ARE NOT RELEVANT)

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

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

### 1. Purpose of Report

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

### 2. Main Issues

The main issues to consider are:

- Impact on Residential Amenity
- Impact on street scene
- Impact on highways

### 3. Site Description

The application site contains school buildings, two mobile classrooms and space around providing a play ground, sports field and car parking. The school buildings are single storey in a linear form with a flat roof over.

The school is located within a residential estate off a residential road with footpaths leading into the school.

#### **4. Relevant Planning History**

08/09006/WCC – Siting of a single storey mobile classroom with toilets and a single mobile classroom with store plus demolition of existing mobile – Wiltshire County Council Permission 12.03.2008  
06/02362/FUL – Replacement of existing timber windows with UPVC equivalent – Permission 28.09.2006  
05/01229/FUL – New adventure play park – Permission 09.09.2005

#### **5. Proposal**

The application seeks permission to erect two extensions to provide 2 classrooms to replace the existing mobile classrooms and a school hall. The two extensions would be located at either end of the existing building. The proposed school hall would be located on the existing playground. A new playground would be provided where the existing mobile classrooms are sited. Both extensions would have a pitched roof over presenting gables to Pound Lane.

The proposed hall would be 12.6 metres by 19.2 metres with a height of 6.7 metres to the ridge.

The proposed classroom extension would be 8.6 metres by 22.1 metres with a height of 4.8 metres to the ridge

#### **6. Planning Policy**

West Wiltshire District Plan First Alteration 2004  
C31A Design  
C32 Landscaping  
C38 Nuisance  
R2 Protection of Recreational Space  
R3 Dual Use of Education Land  
R16 Indoor Facilities  
T10 Car Parking  
CF1 General

Leisure and Recreation Development Plan Document January 2009  
LP2 Proposals that involve the loss of open space or sport and recreation provision  
IS1 Indoor Leisure Centres  
SC1 Dual use of school facilities

#### **7. Consultations**

##### Town/ Parish council

Semington Parish Council – Support subject to conditions. Comment received 21 May 2010

##### Highway Authority

Highway Authority – No highway objection. Comments received 13 May 2010

##### Wessex Water

Wessex Water – No objection. Comments received. Comments received 4 May 2010.

##### Sport England

Sport England – No objection. Comments received 6 May 2010

### Tree and Landscape Officer

Tree and Landscape Officer – No objection subject to conditions. Comments received 26 May 2010

### District Ecologist

District Ecologist – No objection subject to conditions. Comments received 19 May 2010

### Strategic Landscape

Strategic Landscape – Concerns over amenity to surrounding neighbours and requests a condition to replace the existing trees. Comments received 1 June 2010

## **8. Publicity**

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

Expiry date: 26 May 2010

Summary of points raised:

No representations received to date of recommendation.

## **9. Planning Considerations**

### 9.1 Residential Amenity

The proposed extensions would not have a detrimental impact on the amenities of the surrounding neighbours due to the position of the extensions on the main building. The proposed hall will be 3 metres from the boundary with 6 Pound Lane. The design of the hall, with a pitched roof, would ensure that the dwelling and garden of 6 Pound Lane will not be dominated by this extension and its position to the east of Pound Lane should ensure no significant loss of natural light. There will be no overlooking and with a building replacing a playground there should be less disturbance from the site. Other nearby properties on the opposite side of Pound Lane and to the west of the school are far enough away not to be affected.

### 9.2 Street scene

The proposed extensions to the school will enhance the character and appearance of the school and the area. The introduction of pitched roofs on the extensions, which will be clearly visible from the public highway, will give the school a much more positive presence within the village. The removal of the existing mobile classrooms on site would be an improvement to the area.

### 9.3 Highways

The proposal would provide 2 additional parking spaces on site and considering that once the work is completed the existing mobile classrooms would be removed the highway authority consider the proposal would not harm highway safety.

### 9.4 Landscaping

The proposal would result in the loss of some of the existing trees on site. As part of this recommendation a condition has been attached to secure a landscaping scheme and its full implementation including the provision of replacement trees on site. It is therefore considered that the proposed is acceptable.

## 9.5 Design

The design of the hall and classroom extension would present gables to the road Pound Lane. The extensions would be sympathetic to the existing building improving the appearance of the school, and would provide much improved facilities for the school on site. The proposal would be constructed from materials to match the existing school building which is considered to be acceptable.

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

**Recommendation:           Permission**

**For the following reason(s):**

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

**Subject to the following condition(s):**

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

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

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

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

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

- 3 The development shall be carried out as specified in the pre development Tree Condition and Arboricultural Impact Assessment, and shall be supervised by an arboricultural consultant.

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

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32

- 4 The hall hereby permitted shall only be used between the hours of 8am and 6pm from Mondays to Fridays and between 9am and 6pm on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38  
Planning Policy Guidance 24: Planning and Noise

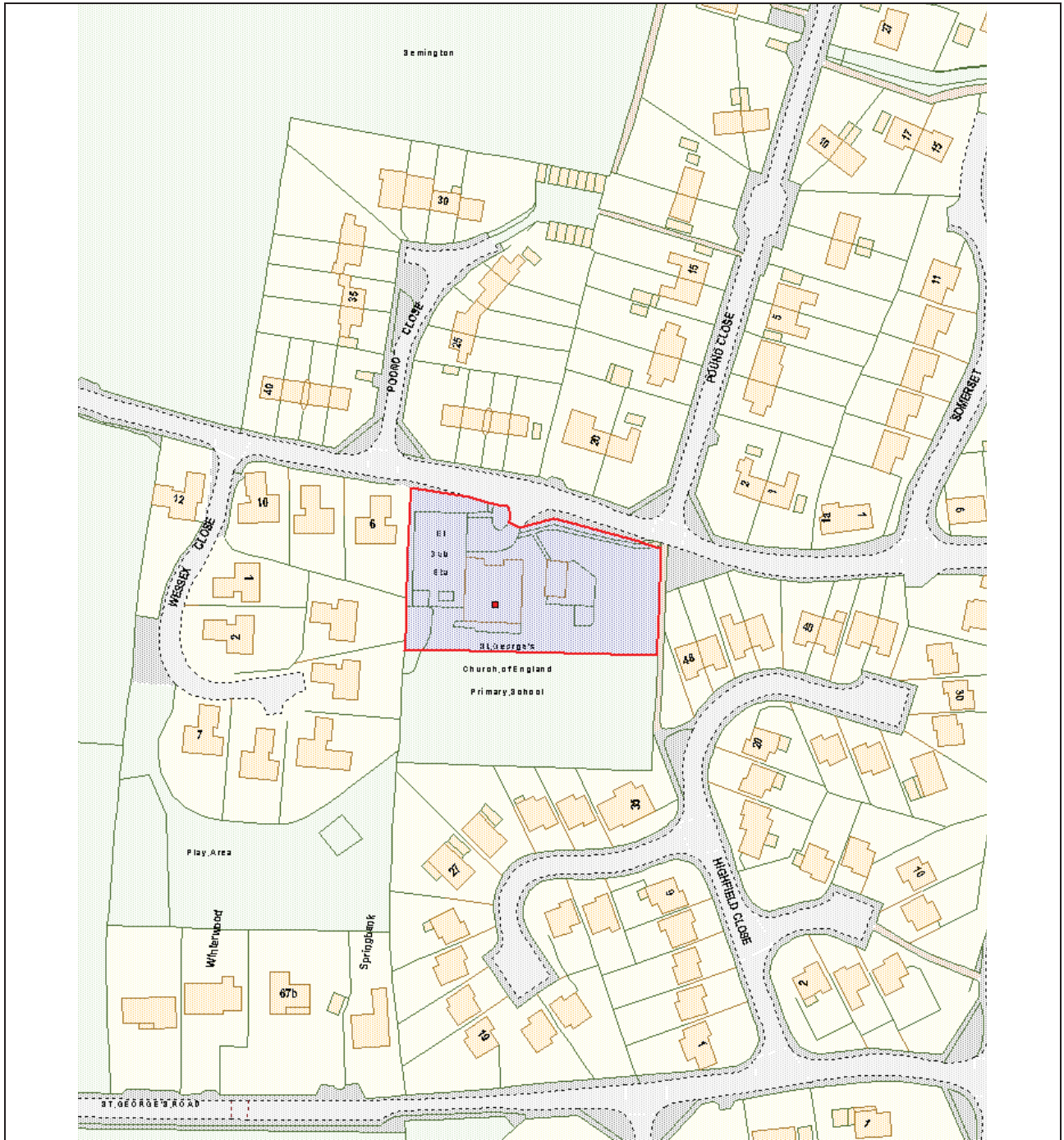
**Informative(s):**

- 1 The developer/applicant is advised to take into account the contents of the Wessex Water letter dated 30 April 2010.

<b>Appendices:</b>	
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**Background Documents  
Used in the Preparation of  
this Report:**



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MSA: 100022961

**RELEVANT APPLICATION PLANS**

Drawing : SITE LOCATION PLAN received on 23.04.2010

Drawing : 0933-02 REV A received on 20.04.2010

Drawing : 0933-03 received on 20.04.2010

Drawing : 0933-04 received on 20.04.2010  
Drawing : 0933-12 received on 20.04.2010  
Drawing : 0933-11 received on 20.04.2010

**Wiltshire Council – Area West  
Planning Committee**

**Planning appeals update report  
May 2010**

**New appeals received**

<b>Ref. no.</b>	<b>Site</b>	<b>Town/ Parish</b>	<b>Description</b>	<b>Del or Com</b>	<b>Officer recom</b>	<b>Appeal type</b>
W/09/02476/FUL	Land Adjacent Potters Hill Farm 50 Little Hill Crockerton	Longbridge Deverill	Demolition of agricultural building and construction of detached house	DEL	REF	WR
W/09/03538/FUL	7 New Road Bradford On Avon	Bradford on Avon	Provision of 2 car parking spaces at rear of property	DEL	REF	HRG
W/09/03539/LBC	7 New Road Bradford On Avon	Bradford on Avon	Formation of an opening in an existing listed boundary wall	DEL	REF	HRG
W/09/03782/FUL	7 Tangmere Close Bowerhill	Melksham Without	Erection of hobby workshop/classic car storage garage	DEL	REF	WR (Householder)

**Appeal Decisions Received**

<b>Ref. No.</b>	<b>Site</b>	<b>Town/ Parish</b>	<b>Description</b>	<b>Del or com</b>	<b>Officer recom</b>	<b>Appeal type</b>	<b>Appeal Decisn</b>
W/09/01022/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Application to discharge clauses within section 106 agreement dated 6 February 2004	COM	CHAIR	INQ	ALLOW
W/09/02386/FUL	Land South West Of Bonnie Farm Court Lane Bratton	Bratton	Mobile home, day room and caravan	DEL	PER	HRG	ALLOW
W/09/02464/FUL	4 Beech Avenue Melksham	Melksham	Change of use for part of residential dwelling to hair salon	DEL	REF	WR	ALLOW
W/09/01550/FUL	Lagoon Off Marina Drive Staverton	Staverton	Creation of 15 moorings for temporary storage of boats in lagoon and embankment protection works	DEL	REF	WR	DISMISSED

\* additional notes on decision below

- I = Inquiry            H = Hearing
- Del = Delegated decision

WR = Written Representations

Comm = Committee decision

## ❖ Points of interest arising from decisions

### **W/09/01022/FUL - Land Adjacent Hackett Place Hilperton**

Details of the decision to allow the above appeal have now been received from the Planning Inspectorate. Costs were awarded against the Council. A report on this decision and financial implications, as requested by Cllr Clark, will be brought to a future Committee following receipt of the appellant's cost claim against the Council.

### **W/09/02386/FUL - Land South West Of Bonnie Farm Court Lane Bratton**

The Inspector in allowing this appeal was satisfied that the appellant had provided sufficient evidence to show that he had pursued a nomadic lifestyle and gypsy way of life. He acknowledged that government guidance and local planning policy were generally permissive of gypsy sites in appropriate locations. Bearing in mind the very small scale of the appeal scheme, he did not consider that the site, beyond the defined village policy limit, would cause significant visual harm to the area, nor would it have a cumulative impact, fail to respect the scale of Bratton, dominate the settled community or place undue pressure on the local infrastructure.

### **W/09/02464/FUL - 4 Beech Avenue Melksham**

It was the view of the Inspector in allowing this appeal that there was sufficient parking provision for the level of commercial use of the premises as a small hair salon together with residential use. The proposals would not in her opinion prejudice highway safety or result in harm to the living conditions of neighbouring occupants.

### **W/09/01550/FUL - Lagoon Off Marina Drive Staverton**

The Inspector dismissed the appeal as it was his view that the appeal site had a distinct character as an open area of water surrounded by a strip of grassland and trees, in marked contrast to the adjoining marina or canal which are dominated by moored canal boats and associated activity. He considered the Council's description of the site apposite as 'a tranquil oasis located within an urban location', which in his view would be harmed by the proposals. The importance of the lagoon as an attractive open area enjoyed by local residents would be lost.

#### **Note**

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

**Forthcoming or recent hearing or Inquiries**

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
W/09/01750/FUL	Mowlems Wynsome Street Southwick	Southwick	Residential development for 54 new build dwellings and conversion of existing building to 2 dwellings	INQ	CC	08.06.10 09.06.10
W/09/01979/FUL	Land Adjacent Caravan Lower Woodrow Melksham	Melksham Without	Permanent agricultural dwelling to replace existing mobile home	HRG	CR1	22.06.10
W/09/00150/FUL	Land North Of Junction With Dakota Close And Hornchurch Road Bowerhill	Bowerhill	Proposed erection of 27 residential dwellings and their associated roads, sewers and parking	HRG	CC	06.07.10
W/09/00690/FUL	Sainsbury Store Bath Road Melksham	Melksham	Erection of a single storey 1,937sq m gross extension to the east and western elevations of the store; car park improvements and an extension to the south west of the existing car park resulting in an additional 91 car parking spaces; relocation of the petrol filling station from the river avon to the south eastern area of the site; revised service yard arrangements; provision of an online service facility; construction of a new pedestrian link with town centre; and landscape and ecological improvements to enhance the nature and amenity value of the site and the surrounding land to the south west	INQ	CC	01.09.10 02.09.10 03.09.10 06.09.10