

Planning Applications

- (a) To receive and note the attached list of delegated decisions made since the last meeting (list herewith)
- (b) To determine planning applications received in accordance with the Committee's delegated powers (list herewith).

NOTES:

(i) LOCAL GOVERNMENT ACT 1972 – SECTION 100D

The background papers relating to the applications reported upon include not only relevant planning documents but also replies to consultations with other bodies and authorities, letters of representation from interested parties, previous planning decisions and source material otherwise referred to in the reports.

(ii) HUMAN RIGHTS ACT 1998

The human rights implications of the actions recommended in these reports have been considered and are acceptable and the checklist has been addressed.

PLANNING COMMITTEE

8 MARCH 2007

Planning Applications for Determination

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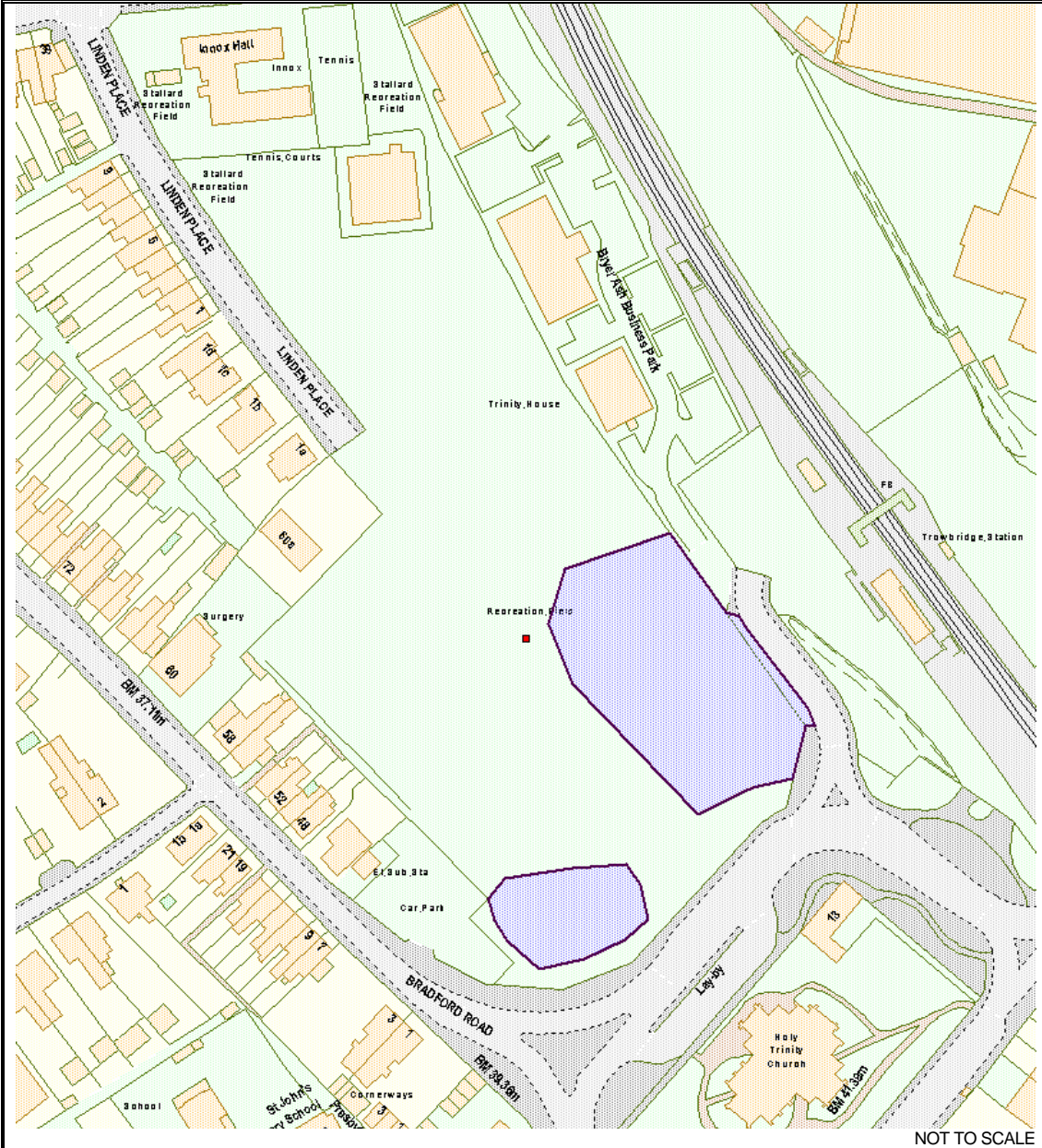
PLANNING COMMITTEE

8 March 2007

ITEM NO: 01

APPLICATION NO: 06/03372/FUL

LOCATION: Stallard Recreation Ground Stallard Street
Trowbridge Wiltshire



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 06/03372/FUL

Site Address: Stallard Recreation Ground Stallard Street Trowbridge Wiltshire

Parish: Trowbridge Ward: Adcroft
Grid Reference: 385068 157868
Application Type: Full Plan
Development: Construction of new skateboard park
Applicant Details: Mr S Nash
Council And Community Services Manager Trowbridge Town Council 10/12 Fore Street Trowbridge Wiltshire
Agent Details: G Bendall
Bendcrete Leisure Ltd 2 Bridge View Business Centre Bridge Street Abington OX14 3HN
Case Officer: Mr Matthew Perks
Date Received: 03.11.2006 Expiry Date: 29.12.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 No lighting shall be installed without prior approval.

REASON: Use of the facilities at night may lead to the loss of amenity for local residents.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.

- 3 No development shall take place until proposals for landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any change in levels.

Upon approval:

- the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following the completion of the development, or in accordance with a timetable to be agreed in writing by the Local Planning Authority;
- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

- the scheme shall be properly maintained for a period of five years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period, shall be replaced in the next planting season with others of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation; and
- The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

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

- 4 Prior to the commencement of development of the site, the applicant shall submit details of a maintenance regime for the skateboard park, liability for which shall rest with the applicant. The applicant's liability for maintenance of the skateboard park shall remain in perpetuity unless the Local Planning Authority has agreed alternative arrangements in writing.

Reason: In the interests of ensuring that the site is properly maintained.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee for consideration following deferral for a site visit at the meeting of 15.02.2007. The report has been amended to reflect a suggested condition in respect of the maintenance of the skatepark which was in the late list of the previous meeting.

This is an application for full planning permission for the construction of a new skateboard park at Stallard Recreation Ground, Stallard Street, Trowbridge.

The park would replace the existing steel half-pipe structure in the southernmost section of the park.

The proposed skating area would be formed within a 36m long x 15.3m wide area in the eastern corner of the park adjacent to the access road to the parking area on the western side of the railway station. The skating area would occupy the portion of land on and around the existing mound in this corner of the park. To the south, the Bradford, Wingfield, and Trowbridge traffic routes converge to circulate around the island formed by the Holy Trinity Church and churchyard.

The proposal includes the excavation of the existing mound in order to provide safety areas and run-offs as well as help to assimilate the new facility into the existing recreational area. Suitable soil arising from the excavations would be set aside and reused to form ground shaping over the existing skateboard ramp/basketball area. Rubble and subsoil arising from the excavations would be taken off site to a tip. The new skateboard park would be constructed as illustrated on the submitted plans (see presentation). There will be a series of platforms at levels of 1.5m, 1.8m, and 2.1m above the base, with flat and curved ramps. In the south eastern section of the new skateboard area a wall would be constructed to a level of 1.5m and 2.2m higher than the adjacent platforms.

Prior to the construction works temporary protective fencing would be erected in order to demarcate the construction site periphery outside the canopy of the adjacent trees which will be monitored during construction operations. The construction access for the new skateboard park would be from the station car park access road. As part of these works the length of the existing children's play area would be shortened by 5m and the existing eastern fence repositioned. The former path to this area would be broken up, the pedestrian gate repositioned and a new 1m wide tarmac path constructed to provide access to both the new skateboard area and the children's play area.

The existing metal skateboard ramp and concrete bases would be removed from site. The rubber mat area which abuts the ramp on the northern and southern edges, plus the basketball court surfacing, would be lifted and removed from site along with the basketball hoop, stand, and its concrete base. The earth below the ramp, and the base to the basketball court, would be broken up to relieve compaction, and the area covered with topsoil either imported or resulting from the excavations for the new skateboard park. The soil would be mounded to form new ground shaping, with heights between 0.5m and 1m above existing ground levels.

It is estimated that up to 30 people could make simultaneous use of the Skate Park.

CONSULTATION

TROWBRIDGE TOWN COUNCIL

No objection.

"Councillor Knight asked for his vote against 'no objection' to be recorded."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objection.

INTERNAL WWDC CONSULTATIONS

LOCAL PLAN SECTION

No comment received.

ENVIRONMENTAL HEALTH

"The proposed works include the removal of an existing skateboard ramp and basketball surface.

The new skateboard facility will be located further away from the nearest residential properties in Bradford Road. This should reduce the potential for loss of amenity due to noise when the equipment is utilised. No lighting scheme is indicated for this proposal. If lighting is to be installed it must be designed to prevent a loss of amenity to any nearby properties."

No objection subject to condition.

LANDSCAPE OFFICER

"There are no arboricultural reasons to refuse the application, however there are a number of landscape issues that should be resolved if consent is to be granted:

The existing retained mounding/bank abutting the main road and access to the railway station should have trees planted on the side facing the road, which should reflect the adjacent tree planting of Lime and Maple.

To assist with noise and other associated issues, revised plans should be submitted including additional mounding to the west and north west of the skateboard facility. This will deflect noise, which will in part address issues that may be raised by nearby residents.

This is an ideal location for a skateboard facility for many reasons:

- The facility replaces the existing and ageing half pipe.
- It can be easily accessed by all users.
- The site is easily overlooked by passers-by and CCTV.

- The creation of this skateboard facility makes good use of this existing ageing recreational facility and addresses the need of today's user groups.
- By carefully addressing the siting, acoustics and landscaping the proposals will address the basic concerns of nearby residents."

No objection subject to conditions.

PUBLICITY RESPONSES

Neighbours were notified of the proposal. A total of 118 responses were received.

96 of these took the form of duplicated letters (effectively petitions) which contained objections on grounds of:

- the loss of a portion of the existing play area;
- loss of green space for use by all;
- loss of the mound;
- litter in the park.

The remainder of the objections centred on the following themes:

- Harm to the green environment of the existing park;
- Noise from the proposed site, including impact on Holy Trinity Church;
- Antisocial activities, including littering, graffiti, general bad behaviour, drinking, drugs and gangs;
- Lack of toilet facilities;
- Lack of lighting, CCTV, and fencing;
- Vandalism;
- Lack of parking;
- Harm to letting market in vicinity, and consequent impact on rental income;
- Reduced property values;
- Costs and maintenance funding not justified and possible increase in Council Tax;
- No supervision, first aid or Police monitoring;
- Siting too close to rail, footpath and road;
- No space for spectators;
- The structure would be very dominant in this position;
- Distraction to drivers;
- Loss of mound used by train-spotters, children sledding in winter and picnickers, and as an observation point;
- There is a current by-law restricting bicycle use in the park, which needs to be enforced;
- No time restrictions on use;
- No fences to skatepark area;
- Impact on the trees within the area;

47 of the total number of items received were from within 500m of the site, the remainder fell outside of this radius, including contributions from Bristol, Avoncliff and Melksham.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016
RLT1 - Recreation, Sport and Leisure

West Wiltshire District Plan 1st Alteration, 2004
C36 - Noise
C38 - Effects of development on neighbouring properties
R2 - Protection of Recreational Space

RELEVANT PLANNING HISTORY

91/01126/FUL: Erection of skateboard ramp: Permission : 22.10.1991
04/01168/FUL and 05/00072/FUL : New skateboard park : Withdrawn.

KEY PLANNING ISSUES

The principal issue in this case is whether the skatepark can be accommodated on this site without prejudice to the overall use of the park or the amenities of adjacent occupiers.

PLANNING OFFICER'S COMMENTS

This proposal is consistent with Development Plan policy at all levels.

Not only is the proposal consistent with Development Plan policy, it fulfils objectives set out in the District Council's Corporate Plan.

In its Corporate Plan 2005-2010, West Wiltshire District Council identified better access to recreation as a key spotlight area where particular improvement is needed. As one outcome a comprehensive leisure and recreation needs assessment for West Wiltshire was undertaken. One of the conclusions of the assessment was that there is a strong need for more facilities for teenagers. In considering skateboard facilities, the report stated that "Skateboarding appeals particularly to a dedicated group of teenage youths. Across the District as a whole only 10% of properties are within 600 m of at least one skate facility, and 29% within a 1200 m cycle ride. There are no skate facilities in Westbury and therefore this should be a high priority. As only 17%, 21% and 13% of properties respectively are within 600 m of a skating facility in Bradford, Melksham and Trowbridge, this suggest a need for more provision in them as well."

Policy RLT1 of the Wiltshire and Swindon Structure Plan, 2016 states that:- "Provision should be made for a wide range of facilities for sport, recreation, leisure and the arts to meet local, county and sub-regional needs, taking account of the distribution of existing facilities, and the public transport network, provided there is no adverse impact on the environment and the interests of local communities."

Policy R1 of the West Wiltshire District Plan (Recreational Space) states that the maintenance and improvement of formal and informal outdoor recreational facilities in the Plan area will be sought and the sports and recreational needs of local communities will be kept under review. The effective use of existing recreational areas and the creation of new amenities will be encouraged where needs and opportunities are identified.

This Policy commits the District Council to monitor the supply of and demand for outdoor sporting and recreational facilities, to seek to make the most effective use of existing facilities, and to identify deficiencies and opportunities for further provision.

The proposal should be assessed with due cognisance for these strategic and Policy goals as well as considerations that are particular to the site:-

RELATIONSHIP TO REST OF OPEN SPACE IN PARK

The area occupied by the skatepark and its surrounding landscaping would occupy $\pm 2000\text{m}^2$. The area to be recovered as landscaped open space with the removal of the existing half-pipe and basketball surface would be approximately 750m^2 in extent. The overall area of the park is currently approximately $16\,400\text{m}^2$. The skatepark would therefore occupy less than 8% of the park area upon completion of the project. The existing football ground, children's play area (apart from a 5m strip adjacent to the proposal site) and general open space would be largely retained

It is considered that the skating area would be a complementary feature to the recreational facilities in the park as a whole, and would not harm the other uses within the park. It would be an effective use of this portion of the park.

LOCATION, APPEARANCE AND ACCESS

The skatepark would replace the existing steel half-pipe located at the southern end of the park. This unattractive structure is currently sited within 55 to 60m of the nearest dwellings. The new park would be sited approximately 75m from the nearest residential property.

Stallard Park is easily accessed by public transport. It is a short walking distance from the Railway Station. The highway authority has no objections, and has not raised any issues from the parking, driver distraction or general traffic perspectives.

This corner of the park is visible to passers-by and would be easily subject to CCTV surveillance. It is not however considered distracting to users of the main traffic routes to the south. The conservation area boundary is situated on the other side of the main road, coinciding with the boundary of the Holy Trinity Church grounds. It is not considered that the skatepark would be harmful in this setting, and would in fact represent an improvement to the appearance of the park given the removal of the existing steel half-pipe. At the northern end of the proposed development, the skateboarding area would be set below the level of the existing mound, and would therefore not be dominant to any viewpoint from the south. It would be elevated above the surrounding ground level at the northern end, but this area would be banked and landscaped.

The general locality is considered to be highly suitable in terms of public transport and neighbourhood accessibility to potential users, and the siting within the park itself is considered the most suitable in relation to surrounding uses. The removal of the half-pipe would be an improvement.

OFFICER'S RESPONSE TO THE OBJECTIONS RAISED

The issues of locality, dominance, parking, traffic and loss of green space are addressed above.

Other concerns include anti-social activities that appear to relate to an existing situation in the park, and fears that the new skatepark would create further anti-social behaviour. Whilst it is not possible to quantify any likely increase or decrease in such behaviour.

The Secured By Design Guidelines on the design and management of play areas provides your officers with guidelines on what should be included in play area proposals to help to block the opportunity for crime and anti-social behaviour. It states that boundaries should be clearly defined with features to prevent unauthorised motorcycle/vehicle access. This proposal would be surrounded by a chain link fence. The Guidance states that landscaping should be included to allow natural surveillance across the playing area from public roads and footpaths. In this case, the existing ground levels are higher than the play area. The proposal would also be visible from the Trinity Gyro system and Trowbridge Railway Station. The Guidance states that the provision of appropriate lighting can assist the natural surveillance across the play area. In this case the decision has been made not to light the skateboard park. This is because it would be too intrusive. The existing park is not lit and therefore it is accepted that it would be unacceptable to introduce it now.

In accordance with this Guidance, there are no public rights of way through the development and access to the skateboard park is controlled by a gate. There are no structures within the skateboard park that could facilitate climbing into private areas. The proposal is located at some distance from private property.

Management is also identified as an important issue. The ongoing management of the site will be secured by condition.

Therefore this proposal has been designed to be secure and to limit the opportunity for it to become a centre for crime and anti-social behaviour. This Council's Environmental Health and Landscape officers find the proposal acceptable subject to conditions that would address lighting, noise and the setting of the skatepark.

The provision of toilet facilities in the park appears to be an existing problem, but would be a consideration in respect of all uses in the park. The children's play area and the football field currently lack such a facility. Whilst the Town Council should consider this as part of the broader use of the park, what is proposed is the replacement of an existing recreational use in the park.

The loss of the 5m strip of the children's enclosed play area would reduce the approximately 600m² space by about 75m². This is not an impact that would indicate refusal of the proposed skatepark. The area currently occupied by the old half-pipe would be improved by its removal and the proposed landscaping.

The agent estimates that up to 30 people could make simultaneous use of the skatepark. This would provide a mix to the more extensive other uses in the park such as dog walking and football, and broaden the recreational utility of the park as a whole.

It is speculated that there would be a potential loss of rental income to properties in the area. This would not be a planning consideration, but an argument could also be made that the removal of the old ramp and the siting of the new facility further from residential properties would be an improvement to the existing situation.

It should be noted that whilst there has been significant public response, a number of the objections, 60%, in total were from contributors whose addresses are more than 500m away from the site. Over 80% were in the form of duplicated letters. On balance, given the existing situation, the identified need for the facility, its compliance with Secured By Design Guidance, and the comments of the Environmental Health and Landscape officers, it is considered that the skatepark could be developed without increased loss of amenity to neighbouring properties. Users of the remainder of the park and coming from wider areas would have use of 92% of the park as a whole.

CONCLUSION

The location of the skatepark in terms of accessibility, as well as its siting in this corner of the park, are considered appropriate. The proposal would replace the existing unappealing metal half-pipe. The new skatepark would be an improved facility that addresses a need identified in the leisure and recreation needs assessment for West Wiltshire. There are no highway authority, environmental health or landscaping objections to the proposal. The application should be granted permission.

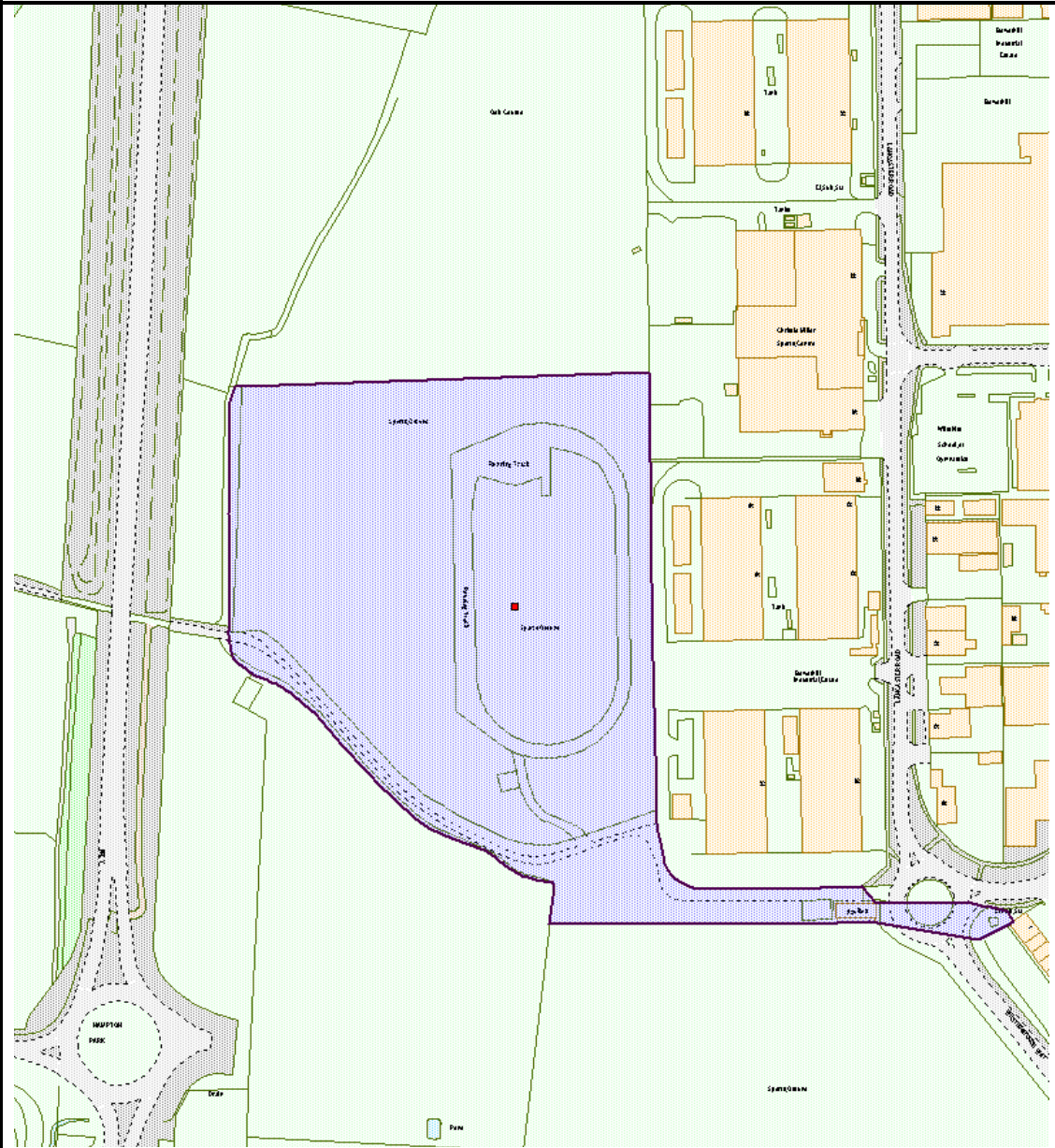
PLANNING COMMITTEE

8 March 2007

ITEM NO: 02

APPLICATION NO: 04/00797/OUT

LOCATION: Land South West Of Christie Miller Sports Centre
Lancaster Road Bowerhill Wiltshire



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 04/00797/OUT

Site Address: Land South West Of Christie Miller Sports Centre Lancaster Road Bowerhill Wiltshire

Parish: Melksham Without Ward: Melksham Without
Grid Reference: 390689 161952
Application Type: Outline Plan
Development: Employment development B1/B2/B8
Applicant Details: West Wiltshire District Council / Wiltshire County Council
Attention: John Follows (West Wiltshire District Council) Bradley Road Trowbridge Wiltshire
Agent Details:
Case Officer: Mr Peter Westbury
Date Received: 30.04.2004 Expiry Date: 25.06.2004

JUSTIFICATION REASON:

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

RECOMMENDATION:

The Development Control Manager be authorised to grant outline planning permission on completion of a Section 106 agreement which shall:

- 1) secure replacement playing pitches to be provided within the area identified on the plan submitted by the WCC dated 30 January 2007 or on a suitable alternative location accessible to the Bowerhill community to be agreed with the District Council. Such pitches shall comprise of an area equivalent to the area of the playing fields lost by the proposal (i.e. 4.29ha) and shall consist of 2 senior sports pitches**
- 2) secure a financial contribution which shall be index linked to Melksham Without Parish Council in lieu of the construction of a pavilion comprising changing rooms and a youth facility on the eastern side of the Bowerhill Playing Field on transfer of the application site from the current owner of the site to a developer or on commencement of development of the site whichever is the earlier**
- 3) require the financial contribution made to Melksham Without Parish Council to be used only for the provision of a pavilion comprising changing rooms and a youth facility or other leisure or recreation facilities accessible to the Bowerhill community**

Condition(s):

- 1 Approval of the details of the siting, design, external appearance of the building(s) and the landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

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

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

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

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

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

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

- 7 Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, and details of species to be used in the creation of new habitats, shall be submitted to and approved in writing by the Local Planning Authority together with a programme of implementation. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C1.

8 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Such boundary treatment shall, where necessary, include measures to allow the passage of wildlife. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

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

9 Details of recycling facilities on the site shall be submitted to and approved by the Local Planning Authority, and the approved facilities shall be installed prior to the first use of the premises and maintained at all times thereafter.

REASON: To encourage the recycling of materials.

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

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

11 Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the development shall have been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

REASON: To ensure that proper provision is made for the disabled.

12 The development hereby permitted shall not be occupied until safe pedestrian and cycle routes, and secure cycle parking and changing facilities, have been provided in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

REASON: In pursuit of sustainable transport objectives.

13 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items.

REASON: In the interests of the appearance of the site.

14 A wheel washing facility, of a specification approved in writing by the Local Planning Authority, shall be provided on the site throughout the period of construction of the bund(s).

REASON: To ensure that materials from the site are not deposited on public roads.

15 Development shall not commence on site until a Working Method Statement and Management Plan for short and long term protection and management of Corn Parsley is submitted to and approved by the Local Planning Authority in consultation with the County Countryside Officer (Ecology)

REASON: In the interests of safeguarding Corn Parsley.

- 16 No work shall commence on the development site until the access road has been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

- 17 No development approved by this permission shall be commenced until a scheme for the provision of foul surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before occupation.

REASON: To prevent pollution of the water environment.

- 18 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage systems of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage, All filling points and tan overflow pipe outlets should be detailed to discharge downwards in the bund.

REASON: To prevent pollution of the water environment.

- 19 Prior to being discharge into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, including commercial lorry parks, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor

REASON: To prevent pollution of the water environment.

- 20 There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

COMMITTEE REPORT

APPLICATION DETAILS

This application was originally considered by the Planning Committee on 21 April 2005 and deferred to allow for further negotiations between the applicants (West Wilts District Council and Wiltshire County Council), Melksham Without Parish Council and Melksham Town Council. The original report to that Committee is reproduced at the end of this report.

At the meeting of 15th February, a report on this application was not considered by the committee. That report originally recommended that the committee be minded to approve the application subject to the applicants entering into a section 106 agreement to provide appropriately located recreational facilities. That recommendation was changed on the late list to one of defer pending further discussions between officers of this council, the County Council and representatives of Melksham without Parish Council.

Update since April 2005

Since April 2005, Councillor Roy While charged the District Council's Community Development Officer and the Senior Community Planner at Wiltshire County Council to organise mediation between Wiltshire County Council and Melksham Without Parish Council. Your Officer's have also made a number of attempts to "kick start" this process.

The Mediators met with Melksham Without Parish Council and separately with Officers of the County Council and then the District Council.

The application proposal for development of the site has not changed. Of particular concern is the provision of alternative sports facilities to replace those 'lost' at the Christie Miller Sports Field and the open land to the south. These would be lost by the building of the link road between Semington and Bowerhill which forms part of this application.

As a result of these discussions, it has been agreed that the development of the Christie Miller sports field only requires the like-for-like relocation of 4.5 hectares of open space and that this should be located within the general vicinity but not necessarily on land adjacent to Pathfinder Way. This provision will have to meet the requirements of Sport England and be in a suitable location to serve the residents of Bowerhill. Wiltshire County Council has stated:

"It is accepted by the County Council that as a condition of the planning application for employment development on the Running Track Site at Christie Miller Sports Centre Bowerhill Melksham that it will have to provide replacement playing fields elsewhere in the locality to Sport England's standards."

The County has also supplied a plan showing the land on which the replacement sports provision could be made. The plan supplied identifies land at Woolmore Farm located on the eastern side of the A360 to the north east of Bowerhill. It should be made clear the development of this site for sports provision will require a separate planning permission.

MELKSHAM WITHOUT PARISH COUNCIL -additional comments since April 2005

At a meeting of Melksham Without Parish Council on 4 September 2006, the Parish Council raised the following points in respect of this application for outline planning permission.

- a. The Specification (of the playing fields and facilities) needs to be agreed before planning permission is granted. A completion date to be set for the transfer of the sports fields from WCC to MWPC.
- b. The existing playing fields should be protected from development and preserved as public open space/ recreation land. If all facilities are relocated to Woolmore Farm with no provision for Bowerhill.. THIS IS NOT ACCEPTABLE TO MWPC. The existing fields are well used for all recreation; adult football leagues, youth football training and there is demand for cricket pitches too.
- c. The recently approved District Local Plan First Alteration specifies that any land to replace the Christie Miller Rugby Field should be provided on land adjacent to Pathfinder Way. 10.8 HA has been allocated in the District Plan.
- d. The Parish Council was concerned that the landowner at Pathfinder Way has not been approached by WCC in any serious way. Very little effort has so far been made to find out if he was willing to negotiate. In fact the new WWDC Recreation Needs Analysis promotes Woolmore Farm for recreation uses, even though the District Plan has allocated land adjacent to Pathfinder Way.
- e. WCC has indicated additional land at Woolmore Farm may be available but has not specified how much. Clarity is needed.

f. There is the potential for the shared use of the new school facilities with the community out of school hours. However there would need to be equality of partnership to ensure the community did not end up being able to use facilities only when the school did not want them. Community use should be a right and not just by concession.

g. MWPC representatives emphasised that a Development Brief was need for this area, as specified in the adopted District Plan.

Officers of this Council, the County Council and a local ward member met with representatives of the Parish Council on 15th February to discuss this application. Following that meeting the Parish Council will further consider the application at a meeting on 26th February. The Parish Council comments will be reported on the late list

PLANNING POLICY OFFICER.

The application site is allocated in the District Plan 1st Alteration for further employment uses. The Plan requires the existing open space (approx. 4.5 hectares) to be replaced as part of the development. Implementation of the relocated sports field must be a pre-requisite to development.

The District Plan 1st Alteration states that the replacement provision should be of the same size and broad shape, to be laid out as formal sports pitches including a rugby pitch if required and will be in a location which affords good access with no conflict from other uses. Whilst the District Plan identifies land west of Pathfinder Way as a site for the provision of further formal open space provision, it is not specifically identified as the site for the replacement provision and provided that an alternative site meets the criteria identified above, the policy requirement can be satisfied.

The District Council is currently preparing a Leisure and Recreation Development Plan Document which when adopted will replace the recreation policies within the District Plan 1st Alteration. Preferred options were approved by Council for consultation in June 2006. This document identifies land within the Woolmore Farm estate as suitable for further formal sports pitch provision adjacent to the proposed secondary school, which could include replacement facilities for those at and adjacent to Christie Miller sports centre. Land west of Pathfinder Way was rejected as a preferred option due to land ownership resistance to its delivery for open space.

Provided that the development of the application site for employment uses delivers the same size and broad shape of replacement formal sports pitch provision in an accessible location within the Woolmore Farm estate or an alternative accessible site then the application is acceptable in planning policy terms. The Council's Leisure Manager and Sport England should be consulted to establish the exact specifications of the replacement provision, having regard to the deficiencies identified in the recent Leisure and Recreation Needs Assessment (2005) completed for the Council.

The District Plan 1st Alteration also identifies that the completion of the link road by the Bowerhill playing fields will necessitate the relocation of the existing pavilion and basketball court. I understand that there is already permission in place to deliver a relocated pavilion and basketball court on the Bowerhill playing fields.

LEISURE AND RECREATION MANAGER

From the leisure perspective I would support the relocation of the 4.29ha of playing fields to the Woolmore Farm site or to another suitable site within the area as long as the location within that site is accessible to the community and that the quality of pitch is sufficient. In preference I would like to see the pitches to be relocated to Woolmore Farm along with the new school facilities (that will be made available to the community by the school) to create a focal sporting facility in the town.

I echo the comment that Sport England should be consulted on this matter, as they will certainly have an interest in the relocation of the pitches.

With regards to the proposed development of changing facilities I would like to see the option of a commuted sum instead of a requirement for them to build them. We are currently investigating the possibility of developing additional community leisure facilities on the Woolmore Farm site, and if this is viable then it would be sensible for the outdoor changing provision to be part of that facility.

PLANNING OFFICER'S COMMENTS

The main proposal for this application remains the same as that considered in April 2005. It is an application for outline planning permission for the change of use of the Christie Miller Sports Ground to employment development including B1, B2 and B8 uses. All matters are reserved for subsequent approval except for the means of access.

The access to the site will be via the link road to the south of the site from Lancaster Road. This part is included in the application site. The Development Plan also indicates that this road will eventually link into the A350 at the roundabout at Hampton Park West. The bell mouth has already been completed at the roundabout and the other part of the link road permitted as part of the Cereal Partnership development approved recently in 2006. It is clear therefore that the only means of moving this project forward and facilitating the completion of part of the Semington to Bowerhill link road is by way of an outline planning permission.

As the details of the application have not changed in principle, the recommendation made on 21 April 2005 remains in essence the same. The main issue is therefore the need to secure the replacement sports pitches lost by the proposed development.

Development Plan Policy EI

Policy EI of the West Wiltshire District Plan allows for employment development on this site provided:

"Relocation of the existing Christie Miller Sports Field will be subject to a firm commitment which secures an alternative location, timing, implementation and an equivalent level of formal sports provision to meet the needs of the locality."

It has been agreed that the equivalent level is 2 senior pitches.

Therefore, unless these aspects can be secured as part of this proposal, the application would be a departure from this policy.

The alternative site for the pitches has now been identified by the County Council at Woolmore Farm. It is understood they own the land. This site has also been identified by Leisure and Recreation Development Plan Document which, when adopted, will replace the recreation policies within the District Plan 1st Alteration. Preferred options were approved by Council for consultation in June 2006. This document identifies land within the Woolmore Farm estate as suitable for further formal sports pitch provision adjacent to the proposed secondary school, which could include replacement facilities for those at and adjacent to Christie Miller sports centre. The location is also supported by the Leisure and Recreation Manager

There is therefore no objection to the number and relocation of the pitches to the area identified by the County Council at Woolmore Farm.

It remains necessary, therefore, to ensure that this provision can be secured as part of the current application for the development of the employment site and is timed to coincide with the loss of the existing pitches/ facilities.

One suggestion put forward has been that a condition be imposed on the current application which would prevent development of the employment site starting until the replacement playing pitches have been provided within the area identified on the plan submitted by the WCC dated 30 January 2007. Such pitches shall comprise of an area equivalent to the area of the playing fields lost by the proposal (i.e. 4.29ha) and shall consist of 2 senior sports pitches with associated changing facilities, be accessible to the Bowerhill community and constructed in accordance with Sport England's Guidance Notes 'Natural Turf for Sport' and 'Pavilions and Clubhouses'

However, because there is no firm commitment to the alternative site, it cannot be secured at this stage, nor can the timing be agreed because such a proposal would have to be the subject of a separate planning permission at a later date. If, following the grant of planning permission for the employment site with such a condition, the site was sold on to another developer, they would not be able to commence development until such time as the condition was discharge. However, they would have to rely on other parties to secure the planning permission and implementation of the sports pitches. There is no guarantee at this stage that such an application will be forthcoming and whether it would be granted. There is, in your officer's view , very little reasonable expectation that the developer could comply with the condition within the lifetime of the employment site permission. Such a condition would therefore be considered unreasonable, as it would not meet the tests set out in Circular 11/95 and it could be argued as being tantamount to a refusal of permission.

One alternative is for the relocation of the pitches to be secured by a s106 Agreement in which both parties agree that development should not commence on the employment site until the replacement playing pitches have been provided within the area identified on the plan submitted by the WCC dated 30 January 2007 or a suitable alternative to be agreed with the District Council. Such pitches shall comprise of an area equivalent to the area of the playing fields lost by the proposal (i.e. 4.29ha) and shall consist of 2 senior sports pitches with associated changing facilities, be accessible to the Bowerhill community and constructed in accordance with Sport England's Guidance Notes 'Natural Turf for Sport' and 'Pavilions and Clubhouses'

This would also be the most appropriate way to accommodate the Leisure Manager's preference for a commuted sum for the proposed development of changing facilities instead of a requirement for them to build them. Financial contributions cannot be secured by condition.

A S106 Agreement is entered into freely by the applicants and other interested parties and is a land charge on any subsequent owners. Therefore, if the land is sold on the new owners or developers they would also be bound by the Agreement. There is however some doubt that the County Council will agree to such an agreement. For the reasons outline above, a condition is not considered by your officers to be appropriate unless there is a parallel permission for the provision of the sports pitches which can be specified in the condition.

In the absence of a s106 Agreement your officers are of the opinion that the relocation, timing and implementation of the sports pitches could not be secured in accordance with the Development plan policy. The only other alternative would be to refuse the application.

Other points raised by the Parish Council

In respect of Point (a) and (b) are addressed in this report.

Point (c) There is no requirement within the District Plan to provide 10.8 hectare of replacement sports pitches.

Points (d) and (e) are addressed in the report.

Point (f) raised by the Parish Council are not relevant to the determination of the application.

Point g) raised by the Parish Council is that a "Development Brief" for the area is required in advance of this site being developed. The District Plan fulfils this function. It provides clear guidance on the future development of this site and the surrounding area. There is therefore no need for a further development brief.

For the reasons expressed above, your Officer's are of the opinion that this application can be supported subject to a s106 Agreement to secure the replacement pitches.

APPLICATION DETAILS

This application is brought to Committee because Melksham Without Parish Council object and your Officer's recommend approval. Furthermore, it is an application submitted jointly by Wiltshire County Council and West Wiltshire District Council.

This is an application for outline planning permission for the change of use of the Christie Miller Sports Ground to employment development including B1,B2 and Be uses. All matters are reserved for subsequent approval except the means of access.

The access to the site will be via the link road to the south of the site. The general arrangement for which has been provided.

MELKSHAM WITHOUT PARISH COUNCIL

Object to the application, making the following comment:

"The Council directs your attention to the conditions of development of this site as detailed in the newly adopted District Local Plan First Alteration; viz that the Christie Miller Rugby field cannot be developed until replacement recreational land has been identified -has this yet been done? The old Pavilion and basketball court too cannot be removed to make way for a road until a firm agreement is in place for their replacement. The Council objects to the use of an out of date site plan which does not show some of the main buildings on the area, such as the Wiltshire School of Gymnastics."

HIGHWAY AUTHORITY

No objection subject to the imposition of conditions.

PARKS AND AMENITIES

No comments received.

ENVIRONMENT AGENCY

No objection subject to the imposition of conditions.

SPORT ENGLAND

No objection subject to the imposition of the following condition:

"Replacement playing fields comprising an area equivalent to the area of playing fields being lost ie approximately 4.29 ha /10.6 acres) and laid out for at least 2 senior sports pitches and associated changing facilities, will be provided in a location which is accessible on foot to the Bowerhill Community. Such replacement provision should be constructed in accordance with Sport England's Guidance Notes "Natural Turf for Sport" and "Pavilions and Clubhouses". The precise location of the replacement site will be agreed as a Reserved Matter prior to detailed planning consent being granted, and completed within 18 months of the commencement of development at the application site."

WESSEX WATER

No comments received

WILTSHIRE WILDLIFE TRUST

No objection. Have indicated that they are satisfied with the proposed mitigation.

ENGLISH NATURE

No objections to the proposal.

COUNTY ECOLOGIST

No objection subject to:

-Boundary hedgerows and scrub being retained.

-A Working Method Statement and Management Plan are produced and implemented. -That the consultant's recommendation in respect of great crested newt mitigation is imposed.

PUBLICITY

A public notice was erected and neighbouring properties were consulted: No consultation responses were received.

RELEVANT PLANNING HISTORY None for the site.

Planning permission was granted on 11 February 2005 to Melksham without Parish Council for the relocation of the sports pavilion on the Bowerhill Sports field to the south of the application site (04/02391/OUT

PLANNING POLICY

Wiltshire Structure Plan 2011
DP4 Towns and Main Settlements

West Wiltshire District Plan 1st Alteration
EI New Employment Land Allocations
T4E New distributor roads

PPSI -Delivering Sustainable Development

PLANNING OFFICER'S COMMENTS

The main considerations in the determination of this application are development plan policy and whether there are any material considerations which outweigh the plan policy.

Development Plan Policy

The application proposal complies with development plan policy. The application site forms part of the 34.5 hectares of land allocated in Policy EI for employment development.

In respect of the application site, the policy states:

"Relocation of the existing Christie Miller Sports Field will be subject to a firm commitment which secures an alternative location, timing of implementation, and an equivalent level of formal sports provision to meet the need of the locality".

To this end the applicants have met with Sport England and have agreed to a condition requiring that replacement playing fields comprising an area equivalent to the area of playing fields being lost (ie approximately 4.29 ha (10.6 acres) be laid out for at least 2 senior sports pitches and associated changing facilities. This provision is to be provided in a location which is accessible on foot to the Bowerhill Community. Such replacement provision is required to be constructed in accordance with Sport England's Guidance Notes "Natural Turf for Sport" and "Pavilions and Clubhouses". The precise location of the replacement site will be agreed as a Reserved Matter prior to detailed planning consent being granted, and completed within 18 months of the commencement of development at the application site.

Although the exact location of this replacement provision is yet to be confirmed, the condition places a requirement upon the applicants to ensure that it is provided. Sport England has indicated that they are satisfied with this approach.

Material planning considerations

Material planning considerations relevant to the determination of this application are the concerns of the Parish Council not addressed above, which are as follows

The (Parish) Council objects to the use of an out of date site plan which does not show some of the main buildings on the area, such as the Wiltshire School of Gymnastics."

It is agreed that the plan is out of date, but it is considered that it is of sufficient detail for the purposes of the application for outline planning permission.

The proposed access

The plan attached to the application shows an access to the site from the south via the proposed distributor road to the south of the south (Development Plan policy T4E).

The applicants have also produced a draft plan (HPE001) which shows an access from the link road to the south of the application site. Until the details of the link road are known it is not possible to confirm the details of the access to the site. Nevertheless, given that there are no constraints to the delivery of an access in this location, it is considered that the means of access can be approved.

It is noted that there have been no objections raised to this application.

It is considered appropriate to impose the usual range of conditions which are relevant to this scale and character of development.

CONCLUSION

The application proposal complies with development plan policy and there have been no material considerations identified to outweigh this policy consideration. While replacement sports provision has not been identified at this stage, the proposed condition agreed with Sport England will ensure that within 18 months of a planning permission, replacement provision will have to be identified.

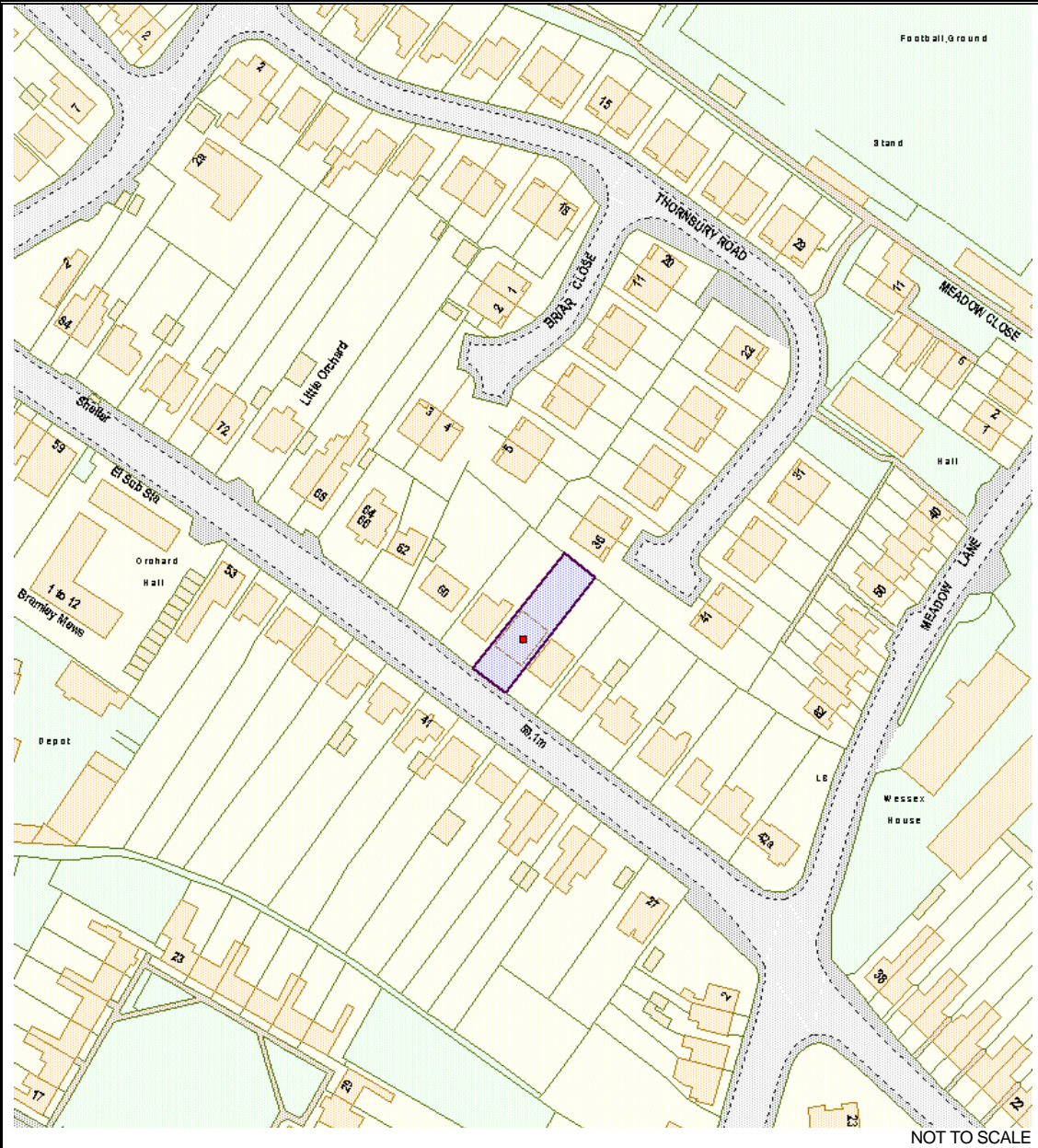
PLANNING COMMITTEE

8 March 2007

ITEM NO: 03

APPLICATION NO: 06/03300/FUL

LOCATION: 56 Station Road Westbury Wiltshire BA13 3JN



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 06/03300/FUL

Site Address: 56 Station Road Westbury Wiltshire BA13 3JN

Parish: Westbury Ward: Westbury Ham
Grid Reference 386831 151553
Application Type: Full Plan
Development: New conservatory to rear elevation of existing dwelling house
Applicant Details: Mr And Mrs L Kirby
56 Station Road Westbury Wiltshire BA13 3JN
Agent Details: N J Griffin
4 Vallis Road Frome Somerset BA11 3EA
Case Officer: Mr Donncha Murphy
Date Received: 30.10.2006 Expiry Date: 25.12.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of its size, siting and design would be likely to result in an unacceptable degree of overlooking of the rear gardens of the neighbouring properties resulting in a loss of privacy contrary to policy C38 of the West Wiltshire District Plan First Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee, as the applicant is an employee of West Wiltshire District Council.

This is a full application for a conservatory extension to the rear of the dwelling. The proposed conservatory would be 6 metres in width, 4 metres in width and 3.2 metres in height.

The host dwelling is a detached bungalow with similar properties either side. There have been previous extensions to the property. A single storey rear extension was added in 1991. This extension is 4.4 metres in depth, 8.6 metres in length and 3 metres in height with a flat roof.

In 1976 planning permission was granted for the erection of a double garage and in 1993 planning permission was granted for a dormer window constructed to the rear of the property.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: Members objected to this application realising that the floor level will be higher towards the rear of the site (relevant to the height of the fence), which will result in a loss of privacy to number 58 Station Road.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties. One letter of objection received. The issues raised in this letter were: -

- Loss of light to number 58
- Loss of privacy to number 58
- Over development of the site

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a Design

C38 Nuisance

H1 Town Policy Limits

SPG Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY

93/01532/FUL - New dormer window to rear elevation - Permission 07.02.1994

90/01711/FUL - Extension and new parking area - Refused 19.02.1991

91/01439/FUL - Vehicular access - Permission 21.01.1992

91/00685/FUL - Single storey extension - Permission 16.07.1991

91/00374/FUL - New Access - Refused 30.04.1991

76/01166/HIS - Demolition of existing garage and erection of double garage - Permission 28.01.1977.

KEY PLANNING ISSUES

The main issues to consider regarding this application is the potential impact on the host dwelling and the neighbouring amenity.

PLANNING OFFICER COMMENTS

Host dwelling

There have been previous extensions to the rear of the property. The proposed conservatory would be in an addition to an existing single storey rear extension to the property.

Although the proposed development is large in size (6 metres x 4 metres), it would be located in a large enclosed rear garden. There is sufficient space in the rear garden to accommodate a development of this scale.

However the SPG Planning Design Guidance highlights that extensions to dwellings should be subservient and sympathetic to the host building. The proposal would be single storey in scale and would have a relatively small mass, as such it would be subservient and to scale with the host building.

Neighbouring amenity

There are neighbouring properties in close proximity to the northwest and southeast. The application site is located at a higher level to that of the neighbouring properties either side. This difference in level would result in the proposal being at a higher level than the surrounding properties. Although there is a 2 metre high fence enclosing the rear garden of the property, due to the difference in the levels the proposed development would overlook the rear gardens of the properties either side resulting in a loss of privacy and amenity. The proposal is therefore contrary to Policy C38.

Due to the orientation of the property there would also be a partial loss of light to neighbouring properties, particularly number 58 to the northwest.

CONCLUSION

The proposed development would overlook the rear gardens of the neighbouring properties, resulting in a loss of privacy and is therefore contrary to Policy C38. Therefore it is recommended for refusal.

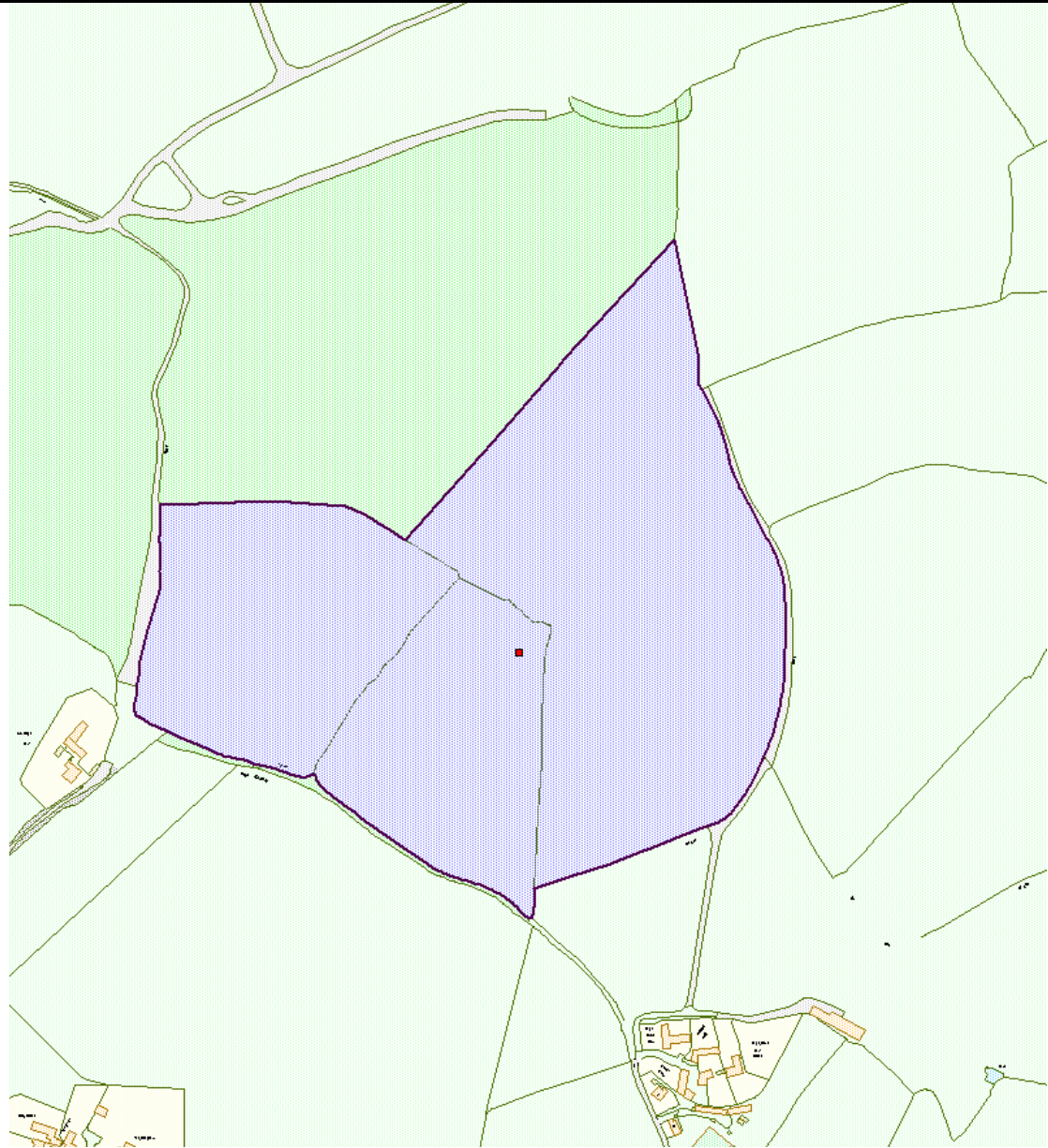
PLANNING COMMITTEE

8 March 2007

ITEM NO: 04

APPLICATION NO: 06/02785/FUL

LOCATION: Land North West Of Leigh Grove Farm Leigh Grove
Bradford On Avon Wiltshire



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 06/02785/FUL

Site Address: Land North West Of Leigh Grove Farm Leigh Grove Bradford On Avon Wiltshire

Parish: South Wraxall

Ward: Manor Vale

Grid Reference 382717 162761

Application Type: Full Plan

Development: Construction of three golf holes - change of use from agricultural land to recreation

Applicant Details: J A James And Sons
Cumberwell Golf Club Bradford On Avon Wiltshire BA15 2PQ

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 11.09.2006

Expiry Date: 11.12.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, fencing and other means of enclosure and any change in levels.

Upon approval:

- The approved scheme shall be fully implemented in accordance with the approved details with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of development whichever is the sooner, or in accordance with a timetable to be agreed in writing by the Local Planning Authority;
- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation;
- The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies C32 and C40.

- 3 An arboricultural method statement prepared by a qualified arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to and approved in writing by, the Local Planning Authority prior to the commencement of development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement should provide the following;-

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
- A schedule of tree works conforming to BS3998;
- Details of the works requiring arboricultural supervision to be carried out by the Developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

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 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.

- 4 All works relating to the development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by a qualified arboricultural consultant.

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

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

- 5 No tipping operations or construction works shall be carried out outside the hours of 0800 to 1700 on Weekdays and 0800 to 1200 on Saturdays. No tipping or works on site shall take place on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the locality

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies C36 and C38.

- 6 Topsoil removed from the surface of the site shall be retained for subsequent use on the site following tipping.

REASON: To conserve the topsoil for subsequent use.

POLICY: Wiltshire and Swindon Structure Plan 2016 Policy C13.

- 7 Upon completion of the tipping operations the final profile of the fill shall consist of permeable and obstruction free material including topsoil and subsoil to a depth of 1m and finished with a layer of not less than 0.25m of topsoil.

REASON: In the interests of the restoration of the site.

POLICY: Wiltshire and Swindon Structure Plan 2016 Policy C13.

8 Only inert waste, soil and subsoil shall be tipped at the application site.

REASON: In order to clarify the terms of the permission.

9 Wheel washing facilities for vehicles leaving the site shall be operated throughout the period of landfill, recontouring and landscaping.

REASON: In the interests of Highway Safety

Policy: West Wiltshire District Plan 1st Alteration 2004 Policy R14.

10 Tipping and the recontouring of land shall cease no later than four years from the date of this permission.

REASON: In order to protect the amenities of the neighbouring property and to ensure that the development is completed within a reasonable timescale.

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

11 There shall be no external lighting of the development hereby permitted.

REASON: In the interests of neighbouring amenity, countryside and green belt protection.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies C1, C38 and GB2.

Note(s) to Applicant:

1 The applicant is advised that this permission does not extend to the processing or sorting of the imported material. This would be a separate operation requiring planning permission from the County Council.

2 The applicant is advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

3 If the developer needs to increase the quantities of their current abstraction license (17/53/001/s/448) to irrigate these extra three fields, they should contact the Agency's Regulatory and Technical Water Resources Team on 01278 484644.

4 The proposed development is situated within 250 metres of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site.

5 The development is situated within the Source Protection Zone 2 of Holt Boreholes as defined in the Environment Agency's Policy and Practice for the protection of Groundwater. The following points must be borne in mind:

- If detrimental consequences to the water environment are likely, then agreed mitigation measures would be necessary.
- The applicant should be aware that it is their responsibility to ensure that the development does not adversely affected any existing legal water interests in the area.
- Local water interests in the area such as wells, springs and private abstractions must not be adversely affected either.

6 During construction the following should be taken into account:

- The increased volume of traffic must be taken into consideration and mud and dust on the road must be minimised
- Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface, groundwater or any neighbouring watercourses.
- Water containing silt should not be pumped directly into a river, stream, pond or surface water drain. Silty water produced from the site during construction phase or from excavations should be irrigated over grassland or a settlement lagoon is provided to remove gross solids. This agency must be advised if a discharge to a watercourse is proposed.
- Storage of fuels for machines and pumps should be sited well away from any watercourses. the tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.
- The Environment Agency must be notified immediately of any incident likely to cause pollution.

7 The applicant is informed by Natural England that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licenses required as described in Part IV B of the Circular 06/2005.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee at the request of Councillor Repton who has expressed concerns regarding land-filling at the site.

This is a full planning application for the construction of three golf holes together with associated landscaping and ground works including the change of use of land from agricultural to recreation on land adjoining Cumberwell Park Golf Club, Bradford on Avon. The application site is 15.76 Hectares in size comprising part of three existing agricultural fields. The application site is located in the open countryside on agricultural land and within the Western Wiltshire Green Belt. The application site lies approximately 1 mile to the North of Bradford on Avon between the hamlets of Great Cumberwell and Leigh Grove. The site is bordered by Bridal Path Number 26 to the west and south of the site and by a footpath to the east of the site.

The proposed additional three golf holes will form part of a 9 hole loop and provide additional capacity at the course.

The applicant sought a 'screening opinion' under Regulation 5 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999 and was advised that this proposal did not require an Environmental Impact Assessment.

CONSULTATION REPLIES

SOUTH WRAXALL PARISH COUNCIL

No objections but the Parish Council is unsure as to whether the allocation of 42 holes has now been completed.

BRADFORD ON AVON TOWN COUNCIL

Whilst the Town Council has no objections in principle to the extension of the golf course, it is essential that if there is to be any further landfill in this area that the Town Council must be consulted.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

Comment as follows; 'Whilst I have no highway objection to the proposed 3 golf holes, I have been informed by a Rights of Way officer that Bridleway 24 runs along the south side of the southern most tee. In order to protect the users of the bridleway it has been suggested that a catch screen would be appropriate, details of which should be submitted to and approved in writing by the Local Planning Authority'.

WESSEX WATER

No objections raised

NATURAL ENGLAND

Comment 'based on the information provided English Nature has no objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal'.

ENVIRONMENT AGENCY

Raise no objections but request that the decision notice includes certain information.

CORPORATE AND LIBRARY SERVICES

Commented on the 1st November 2006 : Recommend that more information should be supplied prior to the determination of the planning application. This information should be collected by means of an archaeological field evaluation carried out according to a brief set out by this office by a professional qualified archaeologist.

No decision on approval of this scheme should be made until the results of the evaluation have been made known. If the excavation results are positive, it may be necessary for me to recommend further excavation, specified by an appropriate planning condition and carried out prior to development.

Subsequently commented on the 14th December 2006: In total five trenches were excavated by machine under archaeological conditions to investigate a feature noted from aerial photographs. Despite the archaeological potential, the report concludes the cropmark is a succession of post-medieval field boundaries and drains of probable late 18th-19th century date.

In light of these results no further archaeological work on the site is necessary and the condition on the planning consent can now be discharged.

WILTSHIRE COUNTY COUNCIL WASTE AUTHORITY

Raise no objections but suggest several conditions

REGIONAL DEVELOPMENT AGENCY

No comments received

INTERNAL CONSULTTEES

POLICY AND CONSERVATION

Are satisfied that the proposal meets Policy R14 and that the proposal will not have an adverse impact on the Green Belt. Also they do not believe that the proposal will have a significant impact upon wildlife habitats or traffic generation. The proposal is welcomed because it will enhance the commercial recreation provision on site. It will also contribute to maintaining a diverse economic base for this part of the district.

ECONOMIC DEVELOPMENT

No comments to make

LANDSCAPE OFFICER

No objections subject to conditions

ENVIRONMENTAL HEALTH

Recommend permission

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties through the local press and by site notices. Five letters of objection were received raising the following issues;

- Landfill activities under the guise of creating more golfing facilities
- Precursor to further applications for extensive tipping and more golf courses
- No evidence that further area of golf course are required locally
- Nuisance from noise, dust and heavy lorry traffic
- Excellent farmland will be lost
- No waste planning permission in place
- Construction phase should be time limited
- Removal of hedgerow
- Potential harm to wildlife
- Previous land-raising activities have harmed the appearance of the area and reduced traffic on paths and bridleways
- Suggested conditions regarding times of construction, length of construction work, future plans, footpaths.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

- DP12 Western Wiltshire Green Belt
- C1 Nature Conservation
- C5 The water environment
- C13 Land restoration
- RLT1 Recreation, sport and leisure

West Wiltshire District Plan - 1st Alteration 2004

- GB2 Control of development in Green Belt
- C1 Countryside protection
- C6a Landscape features
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- C40 Tree Planting
- R1 Recreational space
- R11 Footpaths and rights of way
- R14 Golf courses
- E6 Rural employment
- E9 Agricultural land
- T12 Footpaths and bridleways
- U4 Groundwater protection zone

National Guidance

- PPS1 Delivering Sustainable Development
- PPG2 Green Belts
- PPG17 Planning for Open Space, Sport and Recreation

RELEVANT PLANNING HISTORY

None on the application site itself but the following is relevant for land to the north west of the site 92/00884/FUL - Additional 18 hole golf course amendments to design and siting of clubhouse incorporating stewards accommodation - Permission 07.06.1994

94/00790/FUL - Change of use of agricultural land to extension of eastern golf course with revised routing plan - Permission 08.11.1994

03/01243/FUL - Extension to golf course (revised application) - Permission 09.10.2003

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of the principle of the development, impact on the countryside/landscape, green belt, protected species and wildlife, neighbouring amenity and highway safety issues.

PLANNING OFFICER COMMENTS

Principle of development

Planning policy R1 of the West Wiltshire District Plan 1st Alteration 2004 advises that the maintenance and improvement of formal or informal outdoor recreational facilities in the Plan area will be sought. Policy R14 of the West Wiltshire District Plan 1st Alteration 2004 is broadly supportive of golf course development subject to several criteria. The relevant criteria in this case include impact on the green belt, conservation of the natural beauty of the landscape, loss of high grade agricultural land, traffic generation and highway safety, effect on public rights of way. These issues will be dealt with in turn in this report. The application site is located on grade 3b agricultural land. Policy E9 of the West Wiltshire District Plan 1st Alteration 2004 guards against development of the most versatile agricultural land defined as grades 1,2 and 3a. This proposal would not therefore result in the loss of the best and most versatile agricultural land in the district.

Policy R1 of the West Wiltshire District Plan 1st Alteration 2004 advises that the effective use of existing recreational areas and the creation of new amenities will be encouraged where needs and opportunities are identified. In this case the golf course opened in 1994 and after a year, membership stood at 580. In 1999 an additional 9 holes were opened and membership has steadily grown to over 1500. Information has been submitted with the application demonstrating that demand for golf may be outstripping supply on the weekends and this is an important rationale for this current proposal. It should also be recognised that six holes have been granted previously to which these three additional holes will provide a nine hole loop.

Green Belt

The application site is located entirely within the Western Wiltshire Green Belt. Paragraph 1.6 of PPG 2 advises that the use of land in green belts has a positive role to play in fulfilling the following objectives;

- To provide opportunities for access to the open countryside for the urban population;
- To provide opportunities for outdoor sport and outdoor recreation near urban areas.

The use of land as a golf course is defined in the Annex to PPG 17 as an open space that may be of public value. The use of green belt land for a golf course extension would therefore be consistent with achieving these objectives of green belt land. Paragraph 3.12 of PPG 2 further advises that in relation to the control of development that the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the green belt. This proposal is consistent with the purposes of including land within the green belt.

The proposal involves some grading of land which will be considered in more detail later. The grading of the land is illustrated in detailed cross sectional drawings and contour maps. This illustrates that whilst the ground will be raised in some areas it will also be reduced in height in areas as well. It is not considered that the proposed golf course extension would on this basis harm the openness of the green belt and the undeveloped character of the land would be retained. It should also be made clear that no ancillary buildings are proposed in this application.

Impact on the Countryside/Landscape

Policy C1 of the West Wiltshire District Plan 1st Alteration 2004 advises that development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation. This proposal would provide a continued source of employment and would allow for increased rural recreation. The proposal would therefore be consistent with the above local plan policy and represents an acceptable use within the countryside.

The applicant has commissioned a landscape and visual appraisal for the development. The wider landscape character of the area is defined by the Countryside Agency Countryside Character Volume 8: South West as Character Area 107. The key landscape characteristics include 'rolling, open, high wold plateaux moulded by physical and human influences, with arable and large blocks of woodland, divided up by small narrow valleys. The existing golf course is a strong modifying influence on the agricultural nature of the landscape and also contributes strongly to the local landscape character.

The land falls gradually away from the site to the north, east and south east, but rises quite steeply to the west to meet previously filled land forming the edge of the golf course land. The site comprises three irregularly shaped fields bounded by low hedges and ditches with occasional trees. The site is surrounded by agricultural land to the south and east.

The report on the applicant's behalf notes that the zone of visual impact is essentially restricted to the north and east of the site due to the combined screening effects of the existing golf course and the characteristic rolling landform of the adjacent farmland. The site is mostly viewed from distance with many views filtered by intervening vegetation. It should also be noted that where close range viewing is more possible from the immediate bridleway and footpath the site is viewed very much within the context of the existing golf course.

The report acknowledges that during the construction period the site would take on the appearance of tipped land with construction machinery and lorries at the site. This would have a moderately adverse visual impact on the site. These works would however be of a temporary nature.

The Council's Landscape Officer was consulted on the application and he has raised no objections to the proposed works. He notes that there are no landscape or arboricultural reasons for refusal. The Landscape Officer has however requested several conditions these relate to a landscaping scheme being submitted and an arboricultural method statement being submitted and a scheme of works then implemented. Given the above there is no reason to refuse the application on the grounds of landscape or countryside impact.

Wildlife issues and protected species

The application has been supported by an ecological report. The report advises that the fields are of minimal nature conservation value and there are therefore no significant impacts associated with their loss. The hedges are of low nature conservation value however removal of hedgerow may have some adverse ecological impact. The Ecological survey advises that certain impacts could be minimised and a condition could be placed on the permission as recommended by the landscape officer to address these recommendations.

The report concludes that in the medium and long-term that there would be a beneficial impact as a consequence of the replacement of intensively managed arable farmland with golf course, which would include a substantial element of species-rich grassland on the roughs. Trees and shrub planting would be carried out in order to provide mitigation in the long term for the loss of stretches of hedgerow.

Natural England were consulted regarding the application and were given the submitted ecological survey details no objections were raised by Natural England to the proposal on this basis.

Highway Safety

The proposal does not involve the creation of any additional areas of highway. Players who would use the course would park in the existing car parking spaces at and surrounding the clubhouse. The existing access arrangements to the golf course would remain unchanged. The Highway Authority were consulted on the application and they have raised no objection to the creation of the golf holes. They have however suggested that a catch net may be suitable given the proximity of bridleway 24 to the south of the site. Wiltshire County Council do however have adopted standards on public rights of way on golf courses and safety zones. This is designed to avoid harm to passing pedestrian traffic. The proposed golf holes accords with these guidelines and it is not therefore necessary to request that safety nets be erected. Notwithstanding this the use of large safety nets may not be acceptable in the green belt and their impact on the countryside would need to be considered carefully. The proposal should not therefore harm the safety of users of the bridleway or footpath which run proximate to the site. The proposal will not affect either the bridleway or footpath which are in the vicinity of the site.

Neighbouring amenity

Neighbour objections have been received regarding noise, dust and nuisance which may be caused by the development. There exists several dwellings in the area of the application site located to the south and south west of the site. The closest residential property is Frankleigh Farm and the building is approximately 40m from the application site. Other neighbouring properties are at least 140m from the application site itself. The property which is closest to the site would be adjacent to the westernmost field which forms part of the application site. This field remains largely unaltered as part of the proposal except for the north east corner. Frankleigh Farm would be in excess of 250m from the area where works would commence. The concerns of the neighbours are noted and it is anticipated that there would be some level of disturbance or nuisance caused during the works to complete the golf holes. These neighbouring properties are however a reasonable distance from the area where works would take place. A refusal of this planning application on this ground would be difficult to sustain. Notwithstanding this it would be necessary to place a condition on the development controlling the hours of works.

It should also be stressed that works would be of a temporary nature and any problems associated with the development would therefore be transient. The applicant has recognised the concerns of the neighbours to the site and has expressed a willingness to cause the minimum disruption possible during the development. In particular the applicant has advised that during construction they would take account of the prevailing weather conditions and not undertake work in the areas that are near to any properties that may be affected. The wind also tends to be predominantly south westerly thus carrying and sound or dust particles away from the properties. It should also be noted that vegetative screening separates neighbouring properties from the site. For these reasons your officers are of the opinion that a refusal on the basis of harm being caused to neighbouring properties could not be sustained on appeal. This view is supported by the Council's Environmental Health department who have raised no objections to the proposed works.

Other Issues

The site was identified as a site where archaeological finds and features may exist. A survey was undertaken which involved the digging of trenches. Nothing was found and the Assistant Archaeologist has confirmed that no further archaeological work on the site is necessary.

Concerns have been raised regarding the landfill which would be required as part of this proposal. This issue has been partially dealt with above. The County Council are responsible for dealing with proposals which are wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste. They have provided a consultation response for this application. They have not objected to the proposal but have suggested several conditions. The proposal would involve the importing of 'inert waste'. The County Council have made clear that in their view any permission would not extend to the processing or sorting of the imported material. This would be a separate operation requiring express planning permission from the County Council. One condition requested by the County Council is that further details of the alterations in land levels are provided. The application is however supported by scaled drawings including sections and contour maps which are considered adequate.

Whilst an element of landfill would take place it should be made clear that land levels will be reduced in other areas. The land is sloped and the applicant makes clear that changes in topography can prove unpopular with the less mobile. By cutting and filling, the site may be made more level. It is important also to recognise that the proposed holes will relate to the land to the north of the site forming additional holes to those already under construction. The land to the north is raised above the application site and the difference in heights needs to be bridged to some degree to help the proposed development harmonise with the existing holes under construction. On the basis of the above any landfill works are not considered to be excessive and no objections are raised on this basis. Policy R14 advises that the use of imported material will be strictly controlled to avoid harm to the environment. This proposal involves the importation of materials but in this case the proposal would not harm the environment.

The issue of precedent has been raised in representations received on the application. Only the application put forward can be considered and possible speculation regarding future proposals does not form a material planning consideration in this case.

Concern has been raised that the applicant may not have the requisite licenses to operate at the site. This is outside of the scope of planning control and does not therefore represent a material consideration in this case. It should however be made clear at this stage that the Environment Agency regulate a 'duty of care' system as regards waste. This involves the granting of permissions to dispose of waste and transfer notes tracking waste. This system is strictly controlled by the Environment Agency under separate legislation from planning. Of course this does not absolve the Local Planning Authority from the requirement to monitor any conditions placed on a permission.

The Environment Agency and Wessex Water have been consulted on the application regarding the drainage implications and wider environmental impacts of the proposal. They have not objected to the proposal but the Environment Agency have suggested a number of informatives.

CONCLUSION

The proposal is acceptable and permission is recommended subject to conditions.

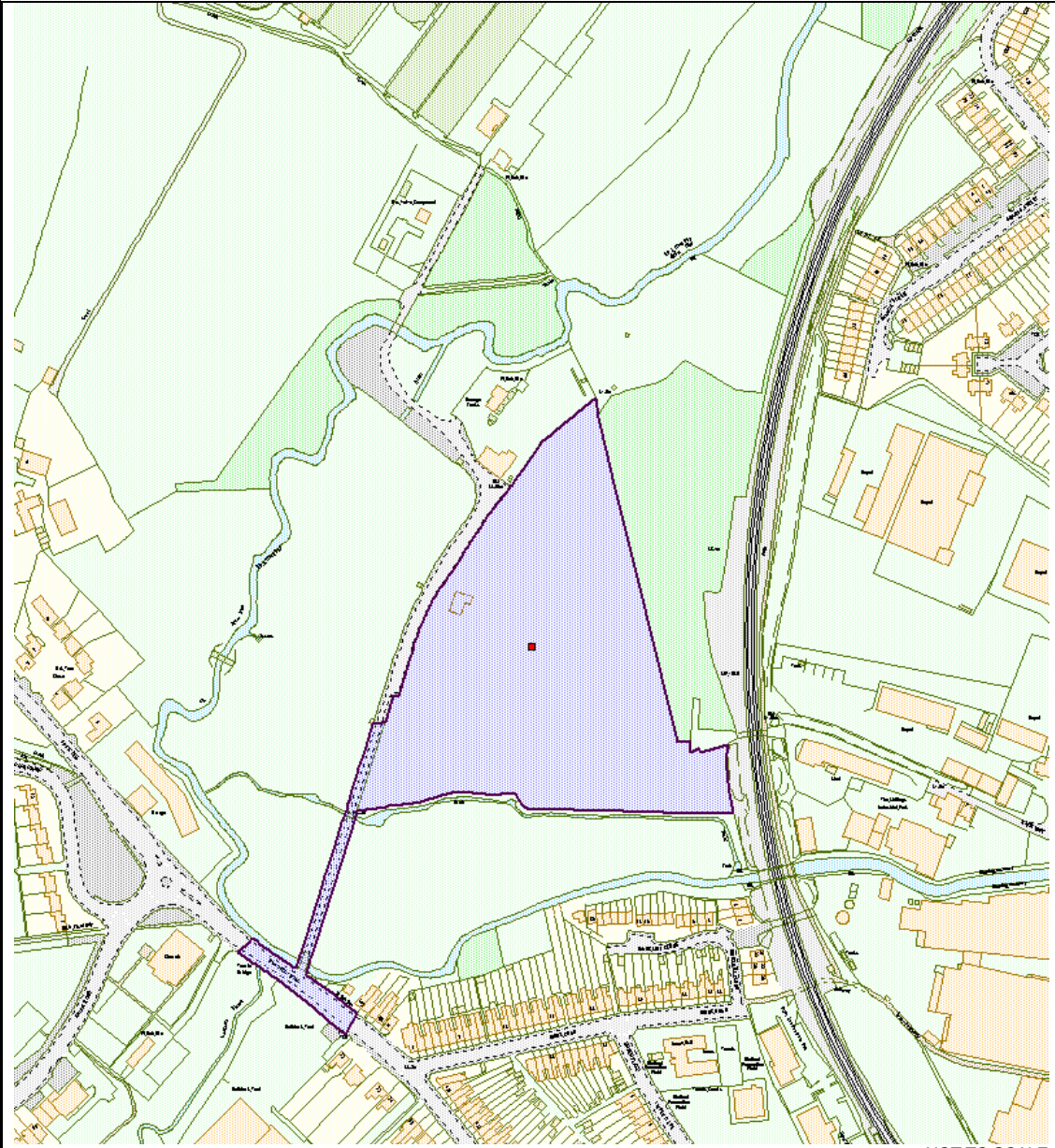
PLANNING COMMITTEE

8 March 2007

ITEM NO: 05

APPLICATION NO: 06/01257/OUT

LOCATION: Land Off Bradford Road Trowbridge Wiltshire



NOT TO SCALE

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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 06/01257/OUT

Site Address: Land Off Bradford Road Trowbridge Wiltshire

Parish: Trowbridge Ward: Adcroft
Grid Reference 384898 158264
Application Type: Outline Plan
Development: Construction of business park (B1 and B8 uses)
Applicant Details: Cabot Trustees Ltd
C/o BBA Architects Henrietta Mews Bath BA2 6LR
Agent Details: BBA Architects Ltd
Henrietta Mews Bath BA2 6LR
Case Officer: Mr Peter Westbury
Date Received: 20.04.2006 Expiry Date: 20.07.2006

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement to secure the provision of new bus passenger facilities on both sides of Bradford Road, including the provision of raised kerb bus stops together with shelters that include facilities that deliver real time passenger information, and a controlled crossing facility on Bradford Road for use by pedestrians and cyclists.

Condition(s):

- 1 Approval of the details of the siting, design, external appearance of the building(s) and the landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

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

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

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

- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Such boundary treatment shall, where necessary, include measures to allow the passage of wildlife. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - Policy C32 and West Wiltshire District Plan - 1st Alteration.

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

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

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

- 8 Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, and details of species to be used in the creation of new habitats, shall be submitted to and approved in writing by the Local Planning Authority together with a programme of implementation. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C1.

- 9 Development of the site hereby permitted shall not commence unless and until the constructional and engineering details of the proposed access to the site from Bradford Road including full details of the proposed river bridge and works to Bradford Road have been submitted to and approved by the local planning authority and the access works have been completed in accordance with such details and to the satisfaction of the local planning authority.

REASON: In the interests of safe access to the site and local highway safety.

- 10 No part of the development shall be occupied until a Green Travel Plan has been submitted for the written agreement of the Local Planning Authority. The travel plan shall include initiatives and targets intended to reduce reliance on the private car and a programme for implementation, which shall be phased in accordance with the occupation of individual buildings.

REASON: In pursuit of sustainable transport objectives.

- 11 No more than 266 car parking spaces shall be provided on the site.

REASON: In pursuit of sustainable transport objectives.

POLICY: West Wiltshire District Plan 1st Alteration - Policy T10.

- 12 No building shall be occupied until its access, turning, circulation and parking areas have been provided in accordance with full details that shall have first been submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan and West Wiltshire District Plan 1st Alteration - Policy E2.

- 13 No building shall be occupied until the estate road linking it to the main access has been provided in accordance with details that shall have first been submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan and West Wiltshire District Plan 1st Alteration - Policy E2.

- 14 Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the development shall have been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

REASON: To ensure that proper provision is made for the disabled.

- 15 Development shall not commence until the pedestrian/cycle links joining the site to Riverway/Innox Path, Bradford Road/Brook Road and the Sustrans Route have been completed in accordance with details submitted to, and approved in writing by the Local Planning Authority. Such details shall include in particular, the shape, form and design, including structural details, showing how the pedestrian/cycle link is proposed to be made between Riverway and the top of the railway embankment and all necessary construction, drainage, lighting, signing and lining requirements of the various links.

REASON: In the interests of providing sustainable transport links to serve the site, and to offer optional travel opportunities to the site.

- 16 The total gross floor areas of buildings used for purposes falling within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification, shall not exceed 2,250m².

REASON: To help limit vehicle movements involving heavy goods vehicle traffic, in the interests of highway safety and the amenities of the area.

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

- 17 Before work starts on the site, a tree and hedge survey of the whole site shall be submitted to and approved in writing by the Local Planning Authority, including any trees which overhang the site from neighbouring land. The survey shall include a schedule detailing the position, species, height, canopy spread and condition of all the trees, and shall specify which of the trees are to be retained and incorporated into a landscaping scheme as part of the development, and what work is to be carried out to the trees in the interests of good forestry practice.

REASON: To ensure that the existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

- 18 No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.

REASON: To ensure that existing hedges of value are adequately protected.

- 19 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.

- 20 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items.

REASON: In the interests of the appearance of the site.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies E2, E4 & E6.

- 21 Construction work on the site or related activities on neighbouring land in the applicant's ownership shall not take place outside the following times:

0800 to 1800 hours on Mondays to Fridays;
0800 to 1300 hours on Saturdays;
and at no time on Sundays or Bank Holidays.

REASON: In order to safeguard the amenities of the area during the construction phase.

- 22 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 23 The detailed drawings to be submitted for approval under reserved matters shall include a topographical survey of existing ground levels (to Ordnance Datum) contoured at 0.25 metre intervals, together with details of proposed finished road and building levels. This shall also include details of all proposed level modification work at the proposed new junction with, and along, Bradford Road.

REASON: To enable the Local Planning Authority to assess the effects of the proposed development on flood risk and land drainage.

- 24 No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To alleviate the increased risk of flooding.

- 25 No development approved by this permission shall be commenced until a scheme for the provision and implementation of the method of working for the new access road construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To safeguard the water environment.

- 26 Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the Local Planning Authority. This route must be in place before any occupancy of the building(s).

REASON: To provide safe access and egress during flood events and reduce reliance on emergency services.

- 27 Before any work commences on site, the mitigation proposed in the report entitled "Water Vole and Otter Survey of Land at Bradford Road" shall be carried out to the satisfaction of the Local Planning Authority.

REASON: In the interests of protecting wildlife on the site.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C7.

- 28 Before any work commences on site, all details of culverting on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved shall be carried out strictly in accordance with the details submitted.

REASON: In the interests of the proper planning of the site.

POLICY: West Wiltshire District Plan First Alteration Policy U2

Note(s) to Applicant:

- 1 The applicant is reminded to seek the advice of English Nature in respect of any development that may affect species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994 and the Protection of Badgers Act 1992.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the Planning Committee because Trowbridge Town Council object and your officers recommend permission. Bradford on Avon Town Council has also objected.

The application is for outline planning permission for a business park and associated works providing a total floorspace of 9902 square metres of which 7652 square metres would be for offices and 2250 square metres would be for storage or other floorspace. All matters are reserved for subsequent approval except the means of access.

Access to the site is by way of an improvement of the existing access and causeway leading to the site including the provision of an improved junction. The proposal includes the provision of a pedestrian and cycle link path located along side the existing railway.

The site has an area of 3.2 hectares. The site forms part of an area of undeveloped land about half a kilometre to the west of Trowbridge. Trowbridge town centre is about half a kilometre to the east of the site. To the north-west of the site but outside the application site is an area of Green Belt, which assists in maintaining the gap between Trowbridge and Bradford on Avon. The width of the Green Belt in this location is approximately 2 kilometres.

The main part of the application site occupies a slightly elevated position in comparison to the surrounding area. To the north and west is open land and the River Biss, to the south is predominantly two-storey residential development in Innox Close and Innox Mill Close and the main Bradford Road. To the east of the site is the main railway to Trowbridge between South Wales and the south coast.

An illustrative plan has been provided which includes the provision of an access across the existing causeway to Bradford Road to the south. It also illustrates how the site could be developed.

The application is supported by:

- Illustrative masterplan
- Transportation Assessment
- Flood Risk Assessment
- Ecological Assessment

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Object.

The Town Council fully supports the residents' objections on the grounds of the development being detrimental to the environment in Green Belt area; on highway issues and flooding concerns. It is the only floodplain left in the area, and building upon it would also be out of character and too close to the residential developments nearby. They also request that the District Council removes employment use from the District Plan.

- BRADFORD ON AVON TOWN COUNCIL: Object. Recommend refusal on the following grounds: -

1. That the members were extremely concerned that it would significantly increase traffic flow through nearby Bradford on Avon.
2. That this application impinges on the Green Belt and reduces the rural buffer between the two towns of Trowbridge and Bradford on Avon.
3. This proposal would cause problems in the flood plain.

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY: No objection subject to the imposition of conditions relating to the detailed engineering details of the proposed access road.

WESSEX WATER: Object. The proposed development does not comply with Policy U5 of the West Wiltshire District Plan - 1st Alteration 2004."

Wessex Water considers that future occupants of the proposed development will be subject to odour and fly nuisance.

The applicant has not adequately demonstrated that the proposed development can reasonably co-exist in close proximity to our Trowbridge Sewage Treatment Works and terminal pumping station.

ENVIRONMENT AGENCY: No objection subject to the imposition of conditions and notes.

NATURAL ENGLAND: No objection subject to the following: -

"From the information provided it would appear that the current application provides a buffer between the development and the River Biss, therefore reducing direct impacts on the river and its ecology."

The representation does request that further detail of the relationship between the road and otters and the impact of the development on water vole population.

WILTSHIRE WILDLIFE TRUST: Holding objection pending the receipt of additional information in respect of Water Voles and otters.

INTERNAL WWDC CONSULTATIONS

PLANNING POLICY: No objection subject to the Highway Authority and Environment Agency being satisfied with the proposal. Specifically state:

"The land in question is allocated in the adopted District Plan 1st Alteration for employment uses. Development of this site is envisaged to contribute to the overall employment provision for West Wiltshire contained in the Structure Plan 2016."

ENVIRONMENTAL HEALTH: No objection.

ECONOMIC DEVELOPMENT: Support the application.

"Overall, the proposed Business Park provides an excellent opportunity for Trowbridge by providing further high quality premises for existing and new businesses, a significant number of new jobs, and a development that can make use of the existing services and facilities in Trowbridge and the new ones proposed in the Trowbridge Urban Design Framework - Transforming Trowbridge.

LAND DRAINAGE & CIVIL ENGINEER: No objection

Requests additional information to confirm that there will be no future maintenance liability for the Council for the new wetland and swale areas.

This issue has been drawn to the attention of the Applicants and will be reported on the late list.

NON-STATUTORY CONSULTATIONS

TROWBRIDGE CIVIC SOCIETY: Object on the following grounds:

- lead to a loss of an attractive open space close to the centre of town
- harm a valuable wildlife habitat and wildlife corridor
- potential for flooding

BRADFORD ON AVON PRESERVATION TRUST: Object

Concern about the impact of the traffic generated by the proposal on air quality in the Bradford on Avon Air Quality Management Area.

The representation states that:

"... despite the fact that such a development was certain to have an adverse effect on the amount of vehicular traffic passing through Bradford on Avon and therefore also on the levels of pollutants from tail-pipe emissions, particularly nitrogen dioxide (NO₂) in the narrow canyon streets, there was no evidence in the planning submission that these effects had been considered by the developers. The Transport Statement does now attempt to address these issues, and we are pleased to see that there is some evidence that the proposers have discussed the situation in Bradford on Avon with the Planning and Highway Authorities."

However there is concern about the assumptions made in the Applicants' transport assessment:

"The suggested levels of increased traffic in Bradford on Avon resulting from the construction of this Business Park appear to be of the order of only a few percent, although we cannot accept the rather strange suggestion that there may even be a reduction in traffic density in the town post-development."

Various developments in the town have been treated in isolation. The Trust consider that cumulatively these developments have significant impact on air quality.

The representation seeks "reassurance that these concerns about air quality in Bradford on Avon will be seriously considered by the Environmental Authority".

MEMBER OF PARLIAMENT

A letter has been received from Dr. Murrison objecting to the application:

"I recall that we have been here before and I remain concerned that applications for this sort are likely to disrupt the lives of my constituents living in residential areas close to the site."

PUBLICITY RESPONSES

A site notice was erected and neighbouring properties were consulted. As a result 261 identical representations have been received objecting to the application on the following grounds:

1. Widening of the existing Wessex Water road would extend it across the flood meadow.
2. Any building on the flood plain will cause more flooding than there is already.
3. Traffic arriving from Trowbridge and turning into the access road would have to cross a line of traffic, which is already congested outside Travis Perkins
4. Pedestrian access along Bradford Road will this be affected by even more traffic turning across the highway which will affect school children walking to Walwayne School.
5. Increase in traffic around the Trinity Church gyratory
6. Increase in traffic in Bradford on Avon, which already has air pollution problems
7. Application is vague about the number of people to be employed at the site.
8. Application is vague about the number of cars to be parked on site
9. Buildings will be only 90m from nearest housing
10. The area is semi-rural residential and is totally unsuitable for a business park
11. Earlier applications have been refused for "all the right reasons" and the earlier objections still apply
12. Land should be designated as agricultural land

Following acknowledgement of these identical letters, one response has been received from a resident stating that "I certainly did not write to you with "comments" concerning the plans for development on land off Bradford Road".

In addition a further 17 representations have been received objecting to the application on the following grounds:

- Increase in traffic congestion and the resultant pollution that will cause
- Insufficient information to consider the impact of traffic on Bradford and Trowle Common.
- Detrimental impact on the environment including the need to protect the countryside

- Concern about the potential impact of flooding - "If the planning authority should approve this development, will West Wilts District Council confirm in writing at the approval stage 'Future flood damage will not occur'. If not we would expect the council to provide a 'Bind' as an insurance against compensation claims to cover damage caused by flooding to properties, both commercial and domestic".
- Proposal does not reflect the "essential character of the area"
- Concern about the cost of processing all these applications to the local taxpayer.
- Concern about the impact on bats and wildlife in the vicinity of the site.
- Proposal is contrary to advice in PPG17 as the site is open space and should be protected.
- Increased noise, smell and light pollution.
- Developing this land would bring us closer to joining Bradford on Avon and Trowbridge would become a rambling Town losing its identity.
- Little thought is given to the impact of the proposal on local residents.
- There is no need for a further business park in Trowbridge

RELEVANT PLANNING POLICY

RPG10 Regional Planning Guidance for the South West

Wiltshire Structure Plan 2016

- DP1 Priorities for Sustainable Development
- DP4 Housing and Employment Land
- T3 Public Passenger Transport
- C1 Nature Conservation
- C5 The Water Environment

West Wiltshire District Plan - 1st Alteration (Adopted 2004)

- E2A Employment Policy Area - Bradford Road
- C7 Protected Species
- C9 Rivers
- C32 Landscaping
- C37 Contaminated Land
- C38 Nuisance
- T10 Car Parking
- T11 Cycleways
- T12 Footpaths and Bridleways
- U2 Surface Water Disposal
- U3 Flooding
- U5 Sewage Treatment Works Buffer Zone

Draft Regional Spatial Strategy for the South West

National and Regional Guidance/Statements

- PPS1 Delivering Sustainable Development
- PPG4 Industrial and Commercial Development and Small Firms
- PPG9 Nature Conservation
- PPG13 Transport
- PPS23 Planning and Pollution Control
- PPG24 Planning and Noise
- PPS25 Planning and Flood Risk

RELEVANT PLANNING HISTORY

01/00882/OUT - Business Park (B1 and B8) and associated works - Refused 1.03.04. Appeal dismissed by the Secretary of State on 19.07.2005.

02/ 00740/FUL - Use of land for staff car parking (Islington Motors, Bradford Road) - Appeal dismissed 26.06.03

05/00374/OUT Construction of business park (B1 and B8) and associated works. Application Refused on 21.04.05.

KEY PLANNING ISSUES

The main issues in the consideration of this application are whether the reasons for dismissing the earlier appeal have now been overcome. These reasons divide under the headings of the principal of the development, impact on the floodplain and highways issues.

Although all other issues have been considered by the First Secretary of State in the consideration of the earlier application, the representations raised by Wessex Water and the Wiltshire Wildlife Trust need to be addressed.

PLANNING OFFICER COMMENTS

Principle of Development

The Adopted Local Plan identifies the application site as land for employment development (Policy E2A). The site is identified as being key to supplying employment land which is needed to support the economy of Trowbridge and the District as a whole.

At the Local Plan Inquiry the Inspector concluded that the site "should be reinstated as an Employment Policy Area" (Inspector's Report paragraph 3.3.58).

The Inspector at the Inquiry into Application 01/00882/OUT recognised the importance of the site as an allocation in the local plan for employment development. This view is supported in the letter of the First Secretary of State:

Impact on the Green Belt

The previous application proposed a new access road into the site constructed as a viaduct.

The First Secretary of State in agreeing with the Inspector's recommendation stated that the proposed viaduct would have represented a dominant feature in the landscape which would have caused material harm to the Green Belt.

This application now utilises and upgrades the existing access road to the Wessex Water site rather than creating a new access across Green Belt land. The proposal would therefore not subdivide the Green Belt into two areas.

As part of the upgrade, the access road will be widened. The additional development to facilitate this would be on land which is outside the Green Belt. The proposed use of the existing access therefore would not lead to the same level of impact as the previous proposal. For this reason the proposal would not have a detrimental impact on the openness of the Green Belt in this location and accordingly this reason for refusal included in the letter from the First Secretary of State has been overcome. As there is no development within the Green Belt there is no obligation to refer the application to the First Secretary of State under the Green Belt Directive.

Impact on the floodplain

The First Secretary of State in agreeing with the Inspector's recommendation stated that it had not been clearly demonstrated that the design of the scheme would not affect flood flows.

Since then the applicants have consulted with the Environment Agency. A revised Flood Risk Assessment has been prepared and submitted with this application. This Assessment covers the relevant mitigation points for the main site e.g. layout outside flood zone 3, minimum finished floor levels and surface water drainage. In response, the Environment Agency advice is that the main body of the development site lies either within flood zones 2 and/or 1 of the River Biss, where general development should not normally be objectionable in flood risk terms.

The access road crosses the functional floodplain of the River Biss, and in that respect, in the view of the Environment Agency falls into zone 3c. Rather than being a new access road (as previously proposed), the current application seeks to widen the existing road causeway access to serve both the existing sewage treatment works, and the development site.

Advice in PPS25 in respect of functional floodplains states that built development should be limited to essential transport and utilities infrastructure that has to be there. Such infrastructure should be designed and constructed so as to remain operational even at times of flood, to result in no net loss of flood-plain storage, not to impede water flows and not to increase flood risk elsewhere.

The existing road causeway falls within this category. It represents utilities infrastructure, serving the essential sewage treatment works site for Trowbridge. The advice from the Environment Agency is that it would be acceptable to upgrade this existing access so that it can remain operational at times of flood, and thereby allow Wessex Water essential access to their site during a critical flood event. Allowing the sewage treatment works site to remain accessible by staff, and thus operational even in a major flood event represents a potential pollution control benefit to the environment. Furthermore, the Flood Risk Assessment has also demonstrated to the Environment Agency that there will be no net loss of floodplain storage, no greater impedance of flood flows over the existing arrangement, and will not increase flood risk elsewhere as a result of the improved access road. For this reason, the Environment Agency considers that the proposal meets the exception test provided in PPS25 and they therefore raise no objection to the proposal.

In the light of the provision of this additional work and the withdrawal of the objection of the Environment Agency and imposition of relevant conditions, adequate flood risk mitigation will be in place to overcome the First Secretary of State's concerns.

Access arrangements

The access to the site has been amended as part of these proposals and accordingly a revised transport assessment has been submitted.

The degree to which the means of access to the application is safe has been the subject of considerable negotiation between the applicants and the County Highway Authority.

The Highway Authority have now confirmed that the principle of the access to the site and the general layout arrangements are acceptable.

The absence of a detailed engineering solution for the access road should not be used as a reason for refusal. The Highway Authority are clearly satisfied that a suitable solution to the means of accessing the site can be found. The full details of this can be secured by condition.

The impact of the proposal on the character and appearance of the area

The impact of the proposal on the character and appearance of the area was considered in detail by the Inspector. His assessment of the impact of the proposal applies to this application.

"The business park would be situated on relatively high ground compared to the level of the surrounding flood plain and to a lesser extent, when compared to the nearby area of residential development to the south. In this respect it would be a prominent feature. Nevertheless, although the business park would be separated from other development by the flood plain to the south and the area of trees subject to a Tree Preservation Order to the east, I am mindful that the urban form of Trowbridge 'wraps around' these two sides of the site. Moreover, I agree with the appellants that the site of the business park can only be seen from a restricted number of viewpoints. Bearing in mind the opportunities that would be available to landscape the site, it seems to me that the impact of the business park itself, although clearly urbanising and prominent, would nevertheless not be so harmful that planning permission should be withheld for this reason".

In your officer's view this assessment of the impact of the proposal remains accurate.

It is considered that all other aspects of the proposed development have been considered by the Local Plan Inspector, who allocated the site, the Inspector who considered the Appeal in respect of the decision of the Council to refuse outline planning permission for a business park (Application 01/00882/OUT) and the First Secretary of State.

The outstanding three main issues of objection raised in the previous appeal decision have been addressed by this application.

Other material considerations raised in the Consultation Responses

The objection raised by Wessex Water was originally considered by the Local Plan Inspector in 2002/03 and the Appeal Inspector in 2005 in respect of application 01/00882/OUT). The Local Plan Inspector did not oppose the location of office/distribution uses within the adopted and draft Development Plan sewage treatment works buffer zone. Your Officers have received no objection as such from Environmental Health and the prevailing winds (westerlies) tend to take odours from the treatment works away from the site, which is to the south. There is some evidence to support this in the geographical distribution of the complaints record submitted with the application. Therefore, although the development would be within the buffer zone, it would not appear to be in fundamental conflict with adopted Development Plan Policy U5, which states:

"Proposals for housing or other development which is sensitive to odour pollution will not be permitted within the sewage treatment works buffer zones, as defined on the Proposals Map, where the proposed development cannot reasonably co-exist in proximity to a sewage treatment works."

The concerns raised by Bradford on Avon Preservation Trust in respect of the impact of traffic on Bradford on Avon was also considered by the Local Plan Inspector. The conclusion reached was that the application site represented a suitable location for further employment development. There has been no material change in circumstances since then. Neither the Inspector, Secretary of State or Highway Authority object to the proposal on this ground.

Wiltshire Wildlife Trust have objected to the proposal on the grounds that it would have a detrimental impact on water voles in the River Biss. The Applicants have completed a Water Vole Survey. This indicates that the culvert will be widened at this site. Although this widening does not form part of this application, Natural England indicate that they are satisfied with the mitigation included in the Report prepared by the Applicants and note that if improvements were made to the culvert in this location, this would result in improvements for water voles. In the light of this, the objection raised by Wiltshire Wildlife Trust cannot be supported.

CONCLUSION

Your Officer's view is that the proposal complies with the Development Plan policy, and the site represents a suitable location for a business park. It is a sustainable location for employment development, which will serve to underline the town's important role in the economic wellbeing of the District and will not result in an unacceptable detrimental impact on the amenity of the area. Previous concerns about flooding, impact on the Green Belt have been overcome by the Design details. Accordingly the application should be supported.

PLANNING COMMITTEE

8 March 2007

ITEM NO: 06

APPLICATION NO: 06/03851/FUL

LOCATION: Retail Unit 3 New Unit At Hackett Place Hilperton
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 06/03851/FUL

Site Address: Retail Unit 3 New Unit At Hackett Place Hilperton Wiltshire

Parish: Hilperton Ward: Paxcroft
Grid Reference 387331 158294
Application Type: Full Plan
Development: Change of use from A1 (retail) to A5 (sale of hot food)
Applicant Details: Marshgate Investment Limited
First Floor Sitala House 22 The Causeway Bishop Stortford CM23 2EJ
Agent Details: BBA Architects Ltd
Henrietta Mews Bath BA2 6LR
Case Officer: Miss Julia Evans
Date Received: 20.12.2006 Expiry Date: 14.02.2007

REASON(S) FOR PERMISSION:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 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 safeguard the amenities of the area in which the development is located.

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

- 3 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 the interests of public health and safety.

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

- 4 Any door, window, louvre, vent or fan in the premises shall be insulated so as to prevent any noise being audible at the boundary of any inhabited premises, either attached to or in the vicinity of the premises to which this permission refers.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38.

- 5 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items.

REASON: In the interests of the appearance of the site.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies E2, E4 & E6.

Note(s) to Applicant:

- 1 You are advised to contact the Food Safety Team of the Environmental Health Section.

COMMITTEE REPORT

APPLICATION DETAILS

The application has been brought before the Planning Committee because Hilperton Parish Council object to it whilst your officers are recommending it for permission.

This is a full application for the change of use of a retail unit (A1 use) to a hot food takeaway (A5 use) of Unit 3 at Hackett Place, Hilperton. This unit is currently under construction. Planning permission 05/00496/FUL granted permission for three retail units with eleven flats above. The current application is to change the use of Unit 3 to a hot food takeaway (A5 use). At the time of the site inspection the building was under-construction, but not complete enough for occupation.

To the south and southeast lies public open space, and the estate distributor road lies to the western boundary of the site. The Local Centre as a whole lies on the valley side of the Paxcroft Brook, which lies to the south.

The application proposes the change of use of one of the retail units on the site. Apart from the ground floor plan, no elevational or additional information has been provided. Additional plans have been received which show the 300mm diameter extractor flue running through the building, outletting on the roof, as referred to in the supporting letter for the application.

CONSULTATION REPLIES:

- HILPERTON PARISH COUNCIL state: "The Parish Council strongly objects to this application, for the following reasons:-

- a) The proposed change of use will generate noise, disturbance, smells and pollution. The existing food units are situated away from the new residential units which are being built as part of this new development.
- b) Given the incidences of vandalism in the Community Centre area, this proposal for a further food outlet will undoubtedly exacerbate the problem.
- c) The proposal will have an adverse effect on economy and businesses. If it goes ahead there will be (excluding Budgens), out of seven small units, three for the sale of food, and this will create an imbalance of usage and will become incompatible with existing planning permission, as the application was originally purely for retail and residential use."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Raise no highway objections.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: state "Currently there is a Budgens foodstore (A1), a card shop (A1), an estate agent (A2), a fish and chips shop (A5) and a Chinese take away (A5) unit at the Paxcroft Mead local centre. Three additional units are currently under construction and the proposal is for a hot food takeaway (A5) to occupy one of these additional units. Land for further local centre uses is available adjacent to the existing local shops.

"On the basis that local centres should provide for people's everyday needs and therefore for a range of retail uses, I believe that A5 units are acceptable within the overall mix. However, it is important that adequate opportunities exist for further A1 uses and other appropriate uses such as a launderette, pharmacy or sub-post office.

"Given that two further units will remain for A1 and other appropriate uses, in addition to those already in place, I consider that there are adequate opportunities for achieving a good range and quality of services to meet people's needs. At this stage, there are no policy reasons why a further A5 unit should be resisted.

"Policy Recommendation: Acceptable in policy terms."

- ENVIRONMENTAL HEALTH state: "I have taken a look at the plans for the above application. Our standard advisory letter will be sent to the Agent, which asks them to contact us for advice of food safety and hygiene regulation requirements.

"I have no concerns at this stage as two other A5 premises are in the local area, however, we would be interested in receiving a detailed plan of the kitchen area and any food storage areas once they become available.

"However, the following could be taken into consideration at this stage and due to residential dwellings in close proximity:

"FOOD AND RETAIL

"1 In order to safeguard the amenities of the area in which the development is located, 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 and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use, and shall be maintained in good working order thereafter.

"2 In order to safeguard the amenities of the area in which the development is located, 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 be maintained at all times.

West Wiltshire District Plan - 1st Alteration - Policy C38

"NOISE INSULATION

"1 - In order to safeguard the amenities of the area in which the development is located, any door, window, louvre, vent or fan in the premises shall be insulated so as to prevent any noise being audible at the boundary of any inhabited premises, either attached to or in the vicinity of the premises to which this permission refers.

West Wiltshire District Plan - 1st Alteration - Policies C36 & C38.

"HOURS OF OPERATION

"1 - In order to safeguard the amenities of the area in which the development is located, the hours of operation shall have to be considered

"2 - In order to safeguard the amenities of the area in which the development is located, deliveries and despatches of goods to and from the site should be limited to 'reasonable' hours, taking into consideration Saturdays, Sundays and Bank Holidays."

PUBLICITY RESPONSES

The application has been advertised with a Public Interest site notice and neighbour notifications have been undertaken. No responses have been received.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP3 Development strategy
- DP5 Town centres, district centres and employment areas
- DP6 Shopping
- T6 Demand management
- W5 The water environment

West Wiltshire District Plan - 1st Alteration, 2004

- C31A Design
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- T10 Car parking
- T11 Cycleways
- SP3 Out of Centre Shopping
- SP6 Local shopping in towns and villages
- I1A Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas
- I3 Access for everyone

National Guidance

- PPS1 Delivering Sustainable Development
- PPS6 Planning for town centres
- PPG13 Transport
- PPS25 Development and Flood Risk

RELEVANT PLANNING HISTORY

88/01650/OUT - Residential development together with local centre, highway improvements and public open space - Permission 08.08.1995

00/00533/REM - Local centre with public house, retail units (A1, A2 and A3), store, community centre and children's day care centre - Approval 06.11.2000

03/02038/FUL - Erection of Choices Video Store - Withdrawn 15.01.2004

04/00518/FUL - Proposed three retail units - Non-determination appeal allowed by PINS
28.02.2005

05/00496/FUL - Construction of three retail units and eleven flats - Permission 02.06.2005

06/00959/FUL - Change of use from A1 to A5 use on Unit 3 - Withdrawn 15.05.2006

KEY PLANNING ISSUES

The key planning issues with this application are:

- planning history;
- the principle of the change of use;
- noise and nuisance matters;
- highways and parking issues; and
- criminal activity.

PLANNING OFFICER COMMENTS

Planning permission was granted in 2005 (05/00496/FUL) for retail units with residential flats above at this stage. This is the second application for the change of use of the third unit from retail to a hot food takeaway. The previous application (06/00959/FUL) was withdrawn as the building work had only just started and inadequate information had been provided with the submission. The current application seeks to address these matters.

Policy SP6 of the West Wiltshire District Plan allows the provision of local shopping facilities in local centres subject to a number of caveats. The application has again not been supported with any justification as to the change of use and impact of the loss of a shop unit in this location. However, notwithstanding this lack of justification, the Planning Policy Section raises no objection to the change of use, stating "Given that two further units will remain for A1 and other appropriate uses, in addition to those already in place, I consider that there are adequate opportunities for achieving a good range and quality of services to meet people's needs. At this stage, there are no policy reasons why a further A5 unit should be resisted." Consequently with this view from Planning Policy no objection can be raised to the change of use.

The applicant has shown that the proposed change of use will be served by the existing in-built extraction pipe running through the building and extracting at the roof. The Environmental Health Section have "no concerns" as regards the change of use, subject to conditions concerning ventilation and filtration details, refuse storage, noise insulation, and hours of opening and deliveries, although the hours have not been specified by them. Clarification of this is still awaited, and to date has not been received. Notwithstanding this, the suggested conditions have been attached, as have the requested informative for contacting the Local Planning Authority's Food Section.

The change of use has raised no objections from the Highway Authority in terms of either highway safety or parking matters.

The Parish Council have objected on three grounds to the proposal. Their concerns as regards amenity and the principle of the change of use have been addressed above, but they also object to the exacerbation of vandalism in the area that the food outlet will create. Criminal activity cannot be used as a justification to refuse this planning application.

CONCLUSION

Subject to the suggested conditions, no objection is raised to the proposal.

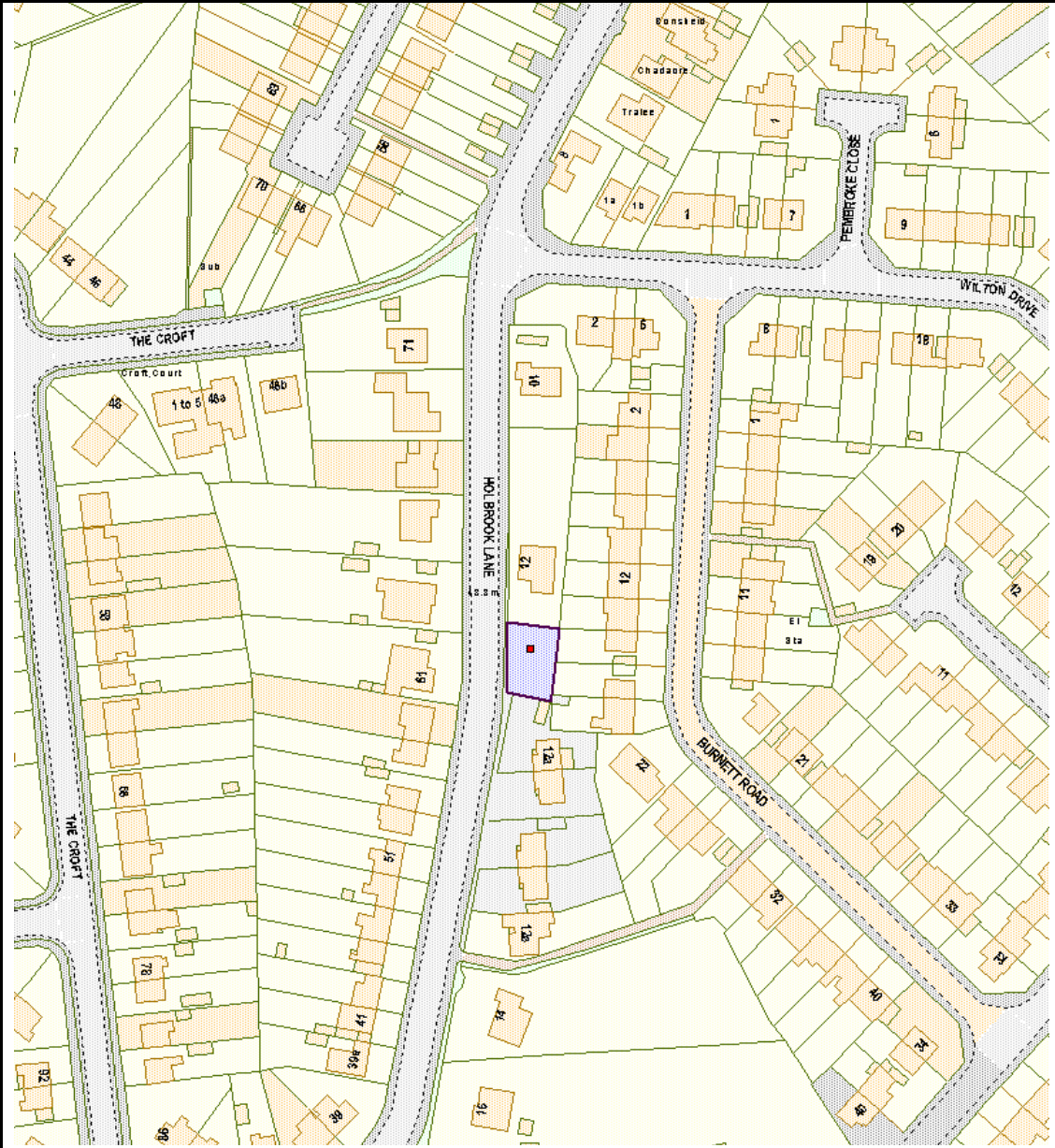
PLANNING COMMITTEE

8 March 2007

ITEM NO: 07

APPLICATION NO: 06/03471/FUL

LOCATION: Land Adjacent 12 And 12a Holbrook Lane
Trowbridge Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

07	Application:	06/03471/FUL
	Site Address:	Land Adjacent 12 And 12a Holbrook Lane Trowbridge Wiltshire

Parish: Trowbridge Ward: Drynham

Grid Reference 385629 156744

Application Type: Full Plan

Development: Erection of two two bedroomed houses with car standings

Applicant Details: Richard G Wiltshire Limited
Roundponds Farm Shurnhold Melksham Wiltshire SN12 8DF

Agent Details:

Case Officer: Mr James Taylor

Date Received: 13.11.2006 Expiry Date: 08.01.2007

RECOMMENDATION:	Refusal
Reason(s):	
1	The proposal by reason of its scale, form, position, mass, height and design would result in a cramped form of development, poorly related to Holbrook Lane that would be detrimental to the established spatial character of the area and the street scene contrary to Policies H1, H24 and C31a of the West Wiltshire District Plan 1st Alteration (2004) and the Council's Supplementary Planning Guidance - Residential Design Guide.
2	The proposal by reason of its scale, mass, form, position, height and design would have a dominant and overbearing impact on neighbouring properties resulting in loss of light, privacy and outlook to the detriment of the amenity of the occupiers of those dwellings contrary to Policies H1, and C38 of the West Wiltshire District Plan 1st Alteration (2004).

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the planning Committee because the applicant, Mr Wiltshire is a District Councillor.

This is a revised scheme following planning Committee's decision to refuse planning application 06/02099/FUL in September 2006.

This is a full planning application for the erection of a pair of 2 bedroom semi-detached dwellings. These would measure approximately 10.3 metres long, 6.2 metres wide and 7.9 metres high to the ridge. They would be constructed from brick to the ground floor with ochre coloured harling to the first floor, under Redland double Roman tiles to the roof. One first floor bay window on the rear elevation has been proposed with vertical timber boarding. To the front elevation of the building it is proposed to have high pitched porch, 5.5 metres to the eaves with a simple pitched roof form.

Parking for 3-4 cars to be shared between the dwellings has been indicated with no turning area. The main alteration to the proposal is that the building has been reoriented by 90 degrees to present the side elevation to the street scene.

The application site is currently domestic garden area to the side of an existing dwelling 12 Holbrook Lane. It is densely vegetated with high natural hedges to the south, east and west. It is proposed to clear the small trees and shrubs on the site, open the frontage and fell a 10 metres high Ash. There is planting proposed including 2 new Silver Birch trees.

The application site is located within the built up area of Trowbridge within the Town Policy Limits. The street scene is characterised by a mix of different single and two storey residential properties.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: No objection.

STATUTORY CONSULTTEES

- HIGHWAY AUTHORITY: No highway objection to the principle of the development, but not happy with the proposed parking / access arrangement.

- WESSEX WATER: No objection in principle.

- ENVIRONMENT AGENCY: Wishes to make no comment.

PUBLICITY RESPONSES

Neighbours were notified and 1 letter of objection has been received raising the following concerns:

- Effect on the existing subterraneous White Horse Spring and therefore impacting on neighbouring foundations.
- Loss of Boundary Hedgerows leading to wildlife harm and loss of privacy.
- Inaccuracy of plans

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

- H1 Further Housing Development Within Towns
- H24 New Housing Design
- C31A Design
- C38 Nuisance
- T10 Car Parking

Supplementary Planning Document - Residential Design Guide.

- PPS1 Delivering Sustainable Development
- PPS3 Housing

RELEVANT PLANNING HISTORY

02/01023/FUL - Erection of dwelling house and garage @ Land Adjacent To 12 - Refused - 27.08.2002

03/00530/FUL - Erection of dwelling house and garage @ Land Adjacent To 12 - Approved - 20.05.2003

06/02099/FUL - Erection of two, 2-bedroom dwellings with car standings - Refused - 14.09.2006

KEY PLANNING ISSUES

The main issues to consider regarding this proposal are if the development would be sympathetic to the character of the area, neighbouring amenity and highway safety. The previous reasons for refusal would need to be overcome for planning permission to be granted.

PLANNING OFFICER COMMENTS

Principle

The application site is located within the Town Policy Limits of Trowbridge and therefore Policies H1, C31a and H24 of the West Wiltshire District Plan 1st Alteration (2004) are relevant planning considerations.

Policy H1 states that proposals for housing development within the built-up areas of the district will be permitted subject to detailed criteria being met. National Guidance in PPS3 encourages in-fill development subject to environmental considerations. As such the principle of development would be acceptable subject to it causing no harm.

Policy H1 sets out the criteria to which proposals should adhere, which includes that the siting, layout and design considerations should be satisfactory and in keeping with the character of the surrounding area.

This area is characterised by relatively low-density development of houses set within spacious gardens. It is noted that infill development is taking place in the immediate locality with the construction of a new dwelling to the north (reference permission 03/00530/FUL) and indeed government guidance encourages such development.

Planning History

The previous application that was refused in September of 2006 reference 06/02099/FUL was refused for 3 reasons. These must be overcome for any planning permission to be granted. The reasons were as follows:

1. The proposal by reason of its scale, form, position, mass, height and design would result in a cramped form of development that would be detrimental to the established spatial character of the area and the street scene contrary to Policies H1, H24 and C31a of the West Wiltshire District Plan 1st Alteration (2004) and the Council's Supplementary Planning Guidance - Residential Design Guide.
2. The proposal by reason of its scale, mass, form, position, height and design would have a dominant and overbearing impact on neighbouring properties resulting in loss of light, privacy and outlook to the detriment of the amenity of the occupiers of those dwellings contrary to Policies H1 and C38 of the West Wiltshire District Plan 1st Alteration (2004).
3. There are inconsistencies in the plans and elevations submitted with the application with regard to the fenestration of the rear elevation. These inaccuracies are such that it is not possible to fully assess the implication of the design, or its impact on the amenity of neighbours.

It is considered that the plans have now been amended to address any inaccuracy that previously existed, so reason 3 has been overcome.

Reason 2 has been partially overcome by reorientating the building so that it would no longer have its full length of 10 metres projecting to the rear, and would not have any windows that overlook the Burnett Road houses at the back. The proposed dwellings would be some 12-15 metres from the existing dwelling to the north and due to the orientation of the buildings, their scale, height and proximity it is considered that this would have an unacceptable impact on the amenity of those occupiers. Therefore reason 2 has not been completely overcome as there are still unacceptable impacts on amenity of neighbouring dwellings.

Reason 1 for refusal of the previous scheme has not been overcome, it is still considered that the proposal would be of a scale, form, position, mass, height and design that would be detrimental to the established spatial character of the area and the street scene. In addition it would still result in each of the two dwellings having a far more modest amenity space than their neighbours.

Design/Street Scene

Many of the existing properties in the area are single storey, or one and a half storeys in height, with only the existing dwelling at number 12, which is set in a very spacious garden being the exception. The fact that the proposal is on two storeys exacerbates the cramped feel of the plot. This is especially so in view of the proximity of the proposed dwellings to the rear boundary and to the frontage.

It is considered that the proposed dwellings would be more conspicuous than neighbouring properties, unacceptably intrusive within the street scene, and would significantly reduce the spaciousness of surrounding development to the detriment of the distinctive grain and spatial character of the area. Although PPS3 aims to promote more sustainable patterns of development by making more efficient use of land it is also concerned about the quality of the environment. The need to make more efficient use of land should not compromise the quality of design and layout.

The rear elevation at first floor level would be largely unglazed, and the windows included would either be frosted at first floor or be reorientated by use of a first floor timber clad bay window. All of this adds to the contrived appearance necessary to avoid overlooking of the neighbouring gardens.

The design of the buildings with this fenestration arrangement to the rear is far from ideal. It is noted that the proposed first floor render adds some interest to the elevation, but it does not adequately mitigate the harm. The Council's Residential Design Guide SPD states that it is often desirable for vernacular design details such as doors and windows to represent those that are characteristic of the locality and that they can add interest and activity to building elevations. Furthermore, the scale of individual buildings should also have regard to how they relate to existing buildings.

Further by reorientating the building so that the frontage of the properties are faced away from the frontage creates an arrangement that relates poorly to the street scene. Generally, with the exception of the existing number 12, all the dwellings front onto the main Holbrook Road. The proposed alternative arrangement is considered harmful to the street scene and the established spatial character for this additional reason. Further the proposed porch roof form is considered to be excessively high and prominent in the overall design of the building.

Other Material Considerations

The issues of flooding raised in the consultation process were investigated in application 06/03471/FUL. The site is not considered to be at flood risk as defined by data supplied by the Environment Agency, nor would there be any harm to the water environment. The comments of a neighbour regarding a subterranean spring have been noted and as a result the Environment Agency were consulted previously. They have no knowledge of the 'White Horse Spring' and Wessex Water raises no objection to the proposal. They have turned down the opportunity to comment on this current application.

The highway authority does not object in principle to the development however they express concerns regarding the parking provision and access. Since access is onto an unclassified road it is considered that turning space would not be necessary and sufficient hard standing is shown to accommodate 3-4 parking spaces. Highway issues are not considered to be grounds for refusal and this is consistent to the Council's approach to the previous application.

CONCLUSION

The proposal represents a cramped form of development that would be harmful to the spatial characteristics of the area and amenity of both the neighbours and the future occupiers contrary to Council policy.

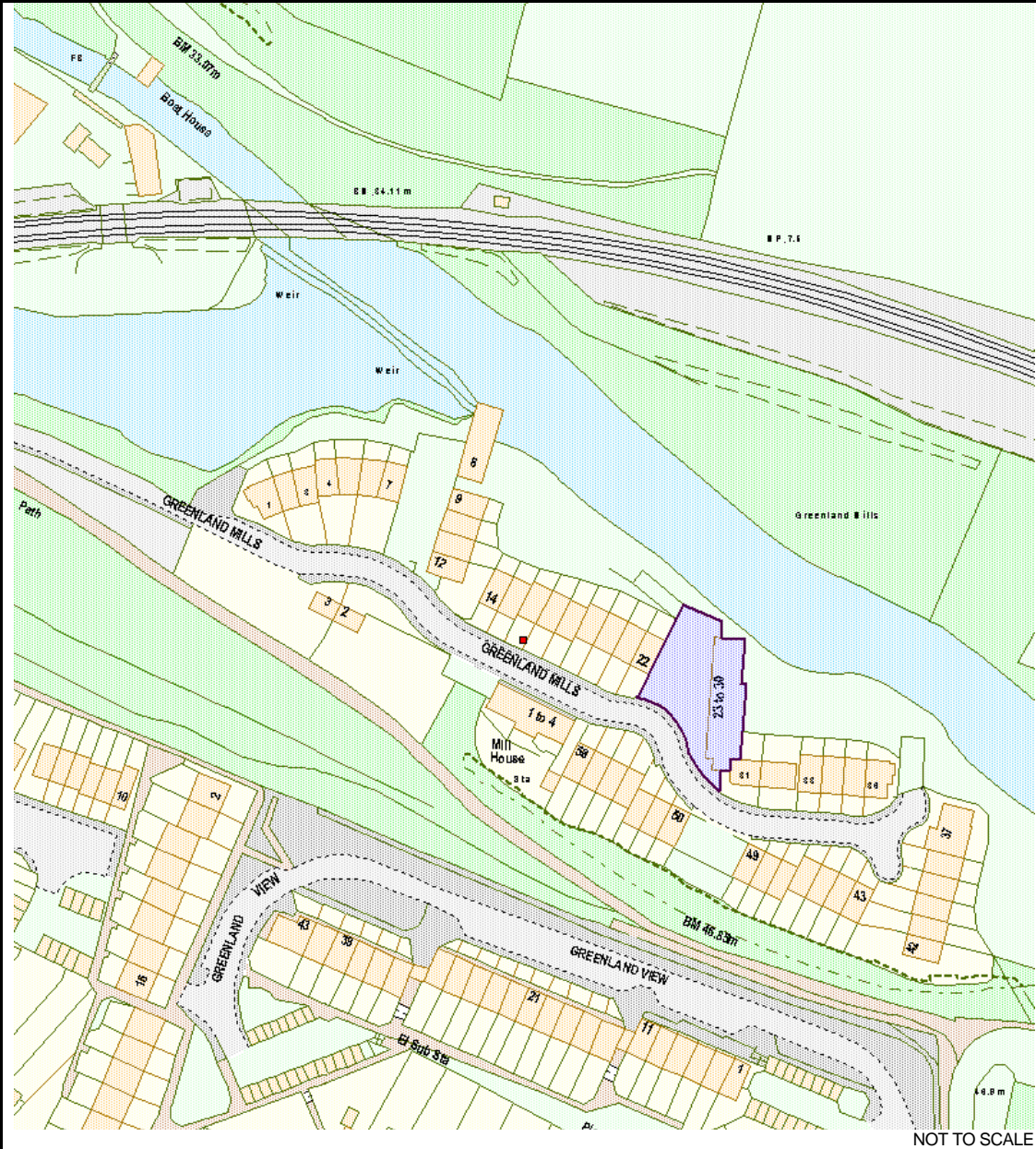
PLANNING COMMITTEE

8 March 2007

ITEM NO: 08

APPLICATION NO: 06/03794/FUL

LOCATION: Greenland Mills Bridge Street Bradford On Avon
Wiltshire



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SLA: 100022961

08 Application: 06/03794/FUL

Site Address: Greenland Mills Bridge Street Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 383052 160622

Application Type: Full Plan

Development: Installation of mini satellite tv aerial dish

Applicant Details: Upper Mill Management Limited
C/o 24 Upper Mill Greenland Mills Bradford On Avon Wiltshire
BL15 1BL

Agent Details:

Case Officer: Mr Donncha Murphy

Date Received: 14.12.2006 Expiry Date: 08.02.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This proposal has been brought to committee because the Town Council has objected to the proposal contrary to the recommendation of your officer.

This is a full application for the installation of a satellite dish to the rear of the dwelling. The proposed dish would be 45 cm in diameter and would grey in colour. The proposed dish would be located above the building parapet and would not be visible from the ground level.

The building is a grade two listed structure. The original building was damaged in a fire, demolished and rebuilt approximately 8 eight years ago. It is arranged as eight two-bedroom apartments, two on each of four floors.

The reason for the proposed development is that terrestrial TV reception is poor in the area. The proposed communal satellite will remove the necessity for individual owners to install separate aerial dishes.

CONSULTATION REPLIES:

BRADFORD ON AVON TOWN COUNCIL

The proposal by itself is unexceptionable. It is above the building parapet and not visible from ground level. However there is an increasing demand for satellite dishes within this conservation area development. A dish aerial and terrestrial TV aerials have already been mounted on a purpose built pylon to the south. Our understanding is that this was proposed and approved as a communal resource to obviate the need for proliferation of individual aerials.

Refuse unless a satisfactory explanation is provided as to why the aerial is necessary.

BRADFORD ON AVON PRESERVATION TRUST

The Trust supports the view of the Town Council re this application in recommending refusal. The positioning of the aerial is inappropriate and will set a precedent for Greenland Mills.

HERITAGE DEVELOPMENT OFFICER

Please note: These comments are made without the benefit of a site visit. If you feel that it is important for me to visit the site please inform me as soon as possible in order for me to carry out a site visit and update my comments.

This building was the subject of a substantial fire some years ago and was subsequently demolished and rebuilt. Currently, however, it still has the status of a listed building despite being essentially a new built property.

Providing that the dish is sited behind the parapet wall and will not therefore be visible I do not have an objection to the satellite dish on this particular building.

The dish would not result in visual harm and would be simply fixed to the fabric of the building. Consequently, it could be removed without causing any harm to the listed building.

Recommendation: Consent

PUBLICITY RESPONSES

The proposal was advertised by site notice and letters to the neighbouring properties. No comments received.

PLANNING POLICY

West Wilts District Plan 1st Alteration 2004

- C17 Conservation area
- C19 Alterations in conservation areas
- C27 Listed Buildings
- C28 Alterations and Extensions to listed Buildings
- H1 Town Policy Limits

RELEVANT PLANNING HISTORY

99/00084/FUL - Erection of satellite dish to aerial to face of upper mill - Permission 15.02.1999

97/00419/FUL - Erection of master television aerial- Permission 07.05.1997

97/01546/FUL - Construction of dormer to west elevation roof- Permission 29.12.1997

97/00419/FUL - Erection of master television aerial- Permission 07.05.1997

96/00345/FUL - Erection of 47 houses and 8 flats- Permission 07.01.1997

96/01559/FUL - New electricity sub-station and screen wall with gated access- Permission 22.01.1997

95/00764/OUT - Erection of 44 new dwelling houses reconstruction of 3 floors of former mill and rebuilding of 1 and 2-storey ancillary structures to provide 7 further dwellings with access road conversion of - Withdrawn 08.11.1996

93/01219/OUT - Erection of 44 dwellings conversion of listed mill to 15 dwellings conversion of small mill to 2 dwellings together with access road - Withdrawn 2 dwellings together with access road

92/00354/OUT - Outline application residential redevelopment conversion of existing buildings and construction to a maximum of 71 dwellings with associated roads and car parking - Refused 24.11.1992

KEY PLANNING ISSUES

The following issues are key to the determination of this application:

- impact on the listed building
- Impact on the Conservation area
- Impact on the neighbouring amenity

PLANNING OFFICER COMMENTS

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

Impact on the listed building

The proposed dish would be located to the rear of the building and above the building parapet and would not be visible from ground level. Policy C27 of the district plan states that the character of buildings listed as being of special architectural or historic interest in the district will be protected. Listed building consent will not be granted for any development that would adversely affect the character or setting of any listed building.

Due the size and location of the proposed development it is considered that the essential form of the building would not be adversely affected. The proposal therefore conforms with policy C28 of the district plan.

Impact on the conservation area

Policy C17 of the District Plan states that the special character or appearance of the designated conservation areas and their settings in West Wiltshire, will be preserved and enhanced. The proposed satellite dish by virtue its size and location would not be to the detriment of the special character and appearance of the conservation area.

Other issues:

By virtue of the size, design and location of the proposal there are no neighbour amenity issues to consider.

The comments of the Town Council and the Preservation Trust have been taken into consideration in determining this application. The Preservation Trust is concerned that the positioning of the aerial is inappropriate and will set a precedent for Greenland Mills. However each application must be determined on its own merits. The location of the proposed development would ensure that it cannot be viewed from the ground level and therefore would not have an adverse impact on the building or the character of the area.

In addition the proposed communal satellite dish will remove the necessity for individual owners to install separate aerial dishes.

It would be unreasonable to refuse this application because of insufficient justification to demonstrate the necessity for the dish. The applicants have provided this explanation in the Design Statement. The reception for terrestrial TV is poor and requires improvement.

Furthermore the Heritage Development Officer has been consulted as part of this application and has no objections to the proposed location of the satellite dish.

CONCLUSION

The proposed development would not be to the detriment of the special character of the listed building and is therefore recommended for permission.

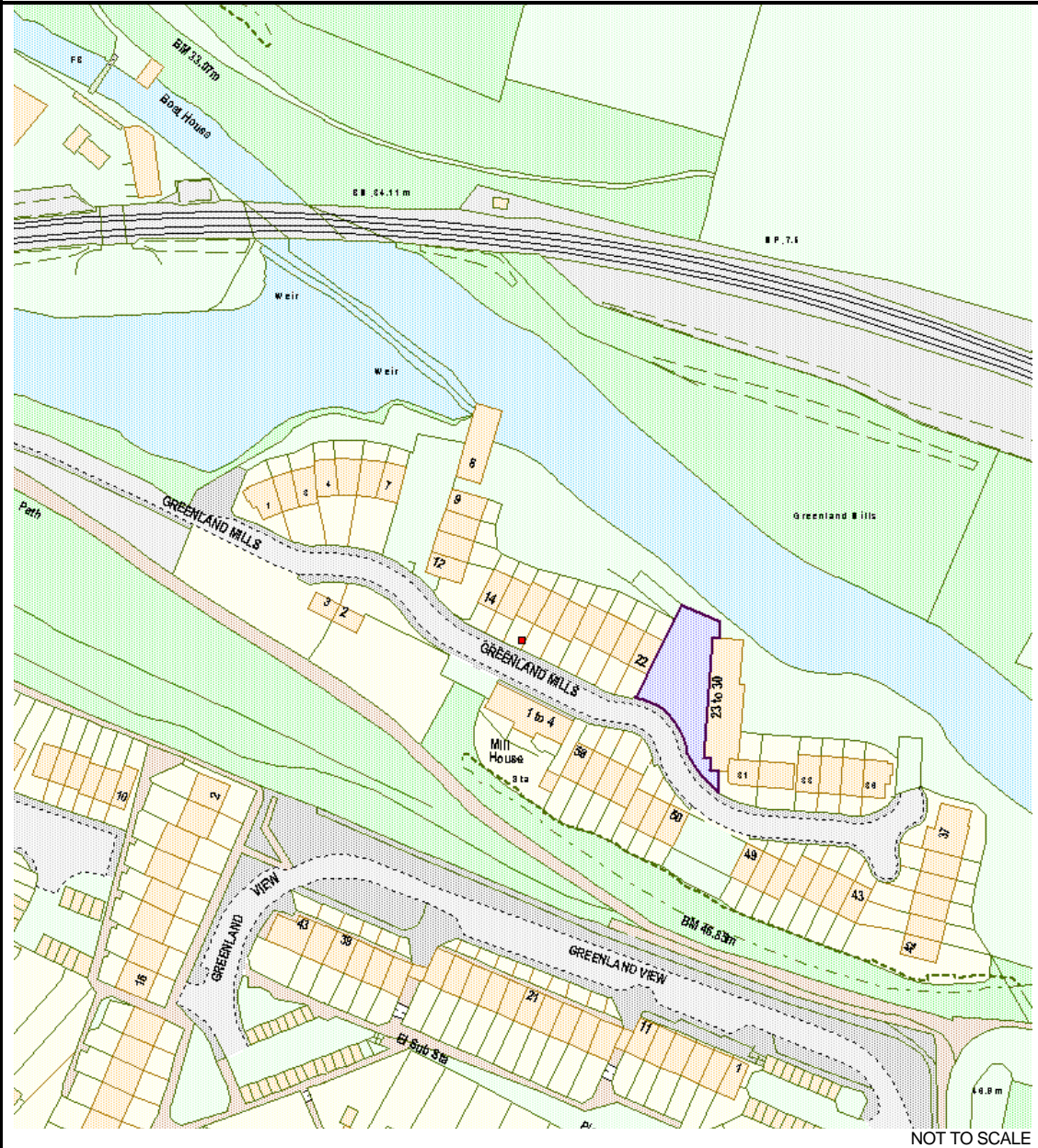
PLANNING COMMITTEE

8 March 2007

ITEM NO: 09

APPLICATION NO: 06/03800/LBC

LOCATION: Greenland Mills Bridge Street Bradford On Avon
Wiltshire



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SLA: 100022961

09 Application: 06/03800/LBC

Site Address: Greenland Mills Bridge Street Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 383052 160622

Application Type: Listed building

Development: Installation of satellite TV aerial dish

Applicant Details: Upper Mill Management Company Ltd
C/o 24 Upper Mill Greenland Mills Bradford On Avon Wiltshire
BA15 1BL

Agent Details:

Case Officer: Mr Donncha Murphy

Date Received: 14.12.2006 Expiry Date: 08.02.2007

RECOMMENDATION: Consent

Reason(s):

- 1 The works hereby authorised shall begin not later than three years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This proposal has been brought to committee because the town council has objected to the proposal contrary to the recommendation of your officer.

This is an application for listed building consent for the installation of a satellite dish to the rear of the dwelling. The proposed dish would be 45 cm in diameter and grey in colour. The proposed dish would be located above the building parapet and would not be visible from the ground level.

The building is a grade two listed structure. The original building was damaged in a fire, demolished and rebuilt approximately 8 eight years ago. It is arranged as eight two-bedroom apartments, two on each of four floors.

The reason for the proposed development is that terrestrial TV reception is poor in the area. The proposed communal satellite will remove the necessity for individual owners to install separate aerial dishes.

CONSULTATION REPLIES:

BRADFORD ON AVON TOWN COUNCIL

The proposal by itself is unexceptionable. It is above the building parapet and not visible from ground level. However there is an increasing demand for satellite dishes within this conservation area development. A dish aerial and terrestrial TV aerials have already been mounted on a purpose built pylon to the south. Our understanding is that this was proposed and approved as a communal resource to obviate the need for proliferation of individual aerials.

Refuse unless a satisfactory explanation is provided as to why the aerial is necessary.

BRADFORD ON AVON PRESERVATION TRUST

The Trust supports the view of the Town Council re this application in recommending refusal. The positioning of the aerial is inappropriate and will set a precedent for Greenland Mills.

HERITAGE DEVELOPMENT OFFICER

Please note: These comments are made without the benefit of a site visit. If you feel that it is important for me to visit the site please inform me as soon as possible in order for me to carry out a site visit and update my comments.

This building was the subject of a substantial fire some years ago and was subsequently demolished and rebuilt. Currently, however, it still has the status of a listed building despite being essentially a new built property.

Providing that the dish is sited behind the parapet wall and will not therefore be visible I do not have an objection to the satellite dish on this particular building.

The dish would not result in visual harm and would be simply fixed to the fabric of the building. Consequently, it could be removed without causing any harm to the listed building.

Recommendation: Consent

PUBLICITY RESPONSES

The proposal was advertised by site notice. No comments received.

PLANNING POLICY

West Wilts District Plan 1st Alteration 2004

C27 Listed Buildings

C28 Alterations and extensions to Listed Buildings

RELEVANT PLANNING HISTORY

98/00166/LBC - Conversion of building into 4 flats (revised scheme) - Consent 16.03.1998

96/00442/LBC - Demolition of fire damaged remains of upper mill and adjoining building construction of 12 flats and 2 houses - Consent 02.10.1996

96/00442/LBC - Demolition of fire damaged remains of upper mill and adjoining building construction of 12 flats and 2 houses - Consent 02.10.1996

96/00443/CON - Demolition of existing industrial buildings to allow for redevelopment - Withdrawn 10.07.1996

96/00376/CON - Demolition of outbuildings and modifications - Consent 05.09.1996

95/00766/LBC - Demolition and rebuilding of 2 storey portion of mill (b) demolition and reconstruction of weaving shed (c) removal of modern structure (a) reconstruction - Withdrawn 08.11.1996

95/00765/LBC - Demolition of part of fire damaged building (retrospective) demolition of other lower parts of building deemed unsuitable for reuse in any scheme of reconstruction - Withdrawn 08.11.1996

95/00767/CON - Demolition of unlisted buildings - Withdrawn 08.11.1996

93/01414/CON - Demolition of unlisted buildings - Consent 17.03.1994

90/01184/LBC - Conversion of first floor workshop to residential use, removal of concrete rear stairway and construction of new timber and glazed pedestrian bridge lobby - Consent 25.09.1990

KEY PLANNING ISSUES

Whether or not the proposal would be to the detriment of the special character of the listed building.

PLANNING OFFICER COMMENTS

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed dish would be located to the rear of the building and above the building parapet and would not be visible from ground level. Policy C27 of the district plan states that the character of buildings listed, as being of special architectural or historic interest in the district will be protected. Listed building consent will not be granted for any development that would adversely affect the character or setting of any listed building.

Due the size and location of the proposed development it is considered that the essential form of the building would be adversely affected. The proposal therefore conforms with policy C28 of the district plan.

The Heritage Development Officer has been consulted as part of this application and has no objections to the proposed location of the satellite dish.

CONCLUSION

The proposed development would not be to the detriment of the special character of the listed building and is therefore recommended for permission.

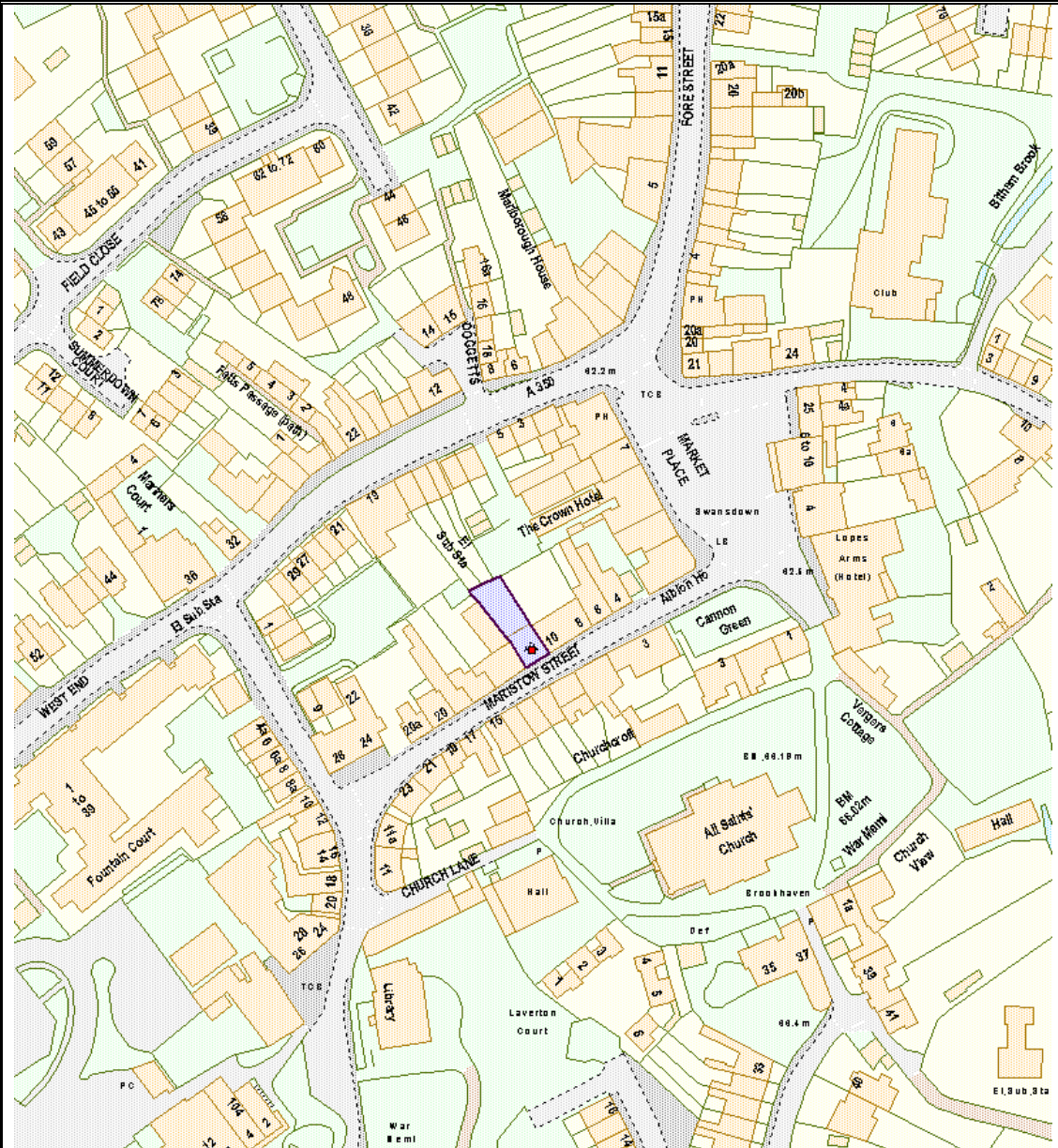
PLANNING COMMITTEE

8 March 2007

ITEM NO: 10

APPLICATION NO: 06/03786/FUL

LOCATION: 12 Maristow Street Westbury Wiltshire BA13 3DN



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SLA: 100022961

10 Application: 06/03786/FUL

Site Address: 12 Maristow Street Westbury Wiltshire BA13 3DN

Parish: Westbury Ward: Westbury Ham
Grid Reference 387326 151476
Application Type: Full Plan
Development: Two storey extension at rear of building, offices on ground floor and flat on first floor
Applicant Details: Mr I Cresswell And Mr M Butler
12 Maristow Street Westbury Wiltshire BA13 3DN
Agent Details: R K Architecture
The Design Centre Crusader Park Warminster BA12 8BT
Case Officer: Mr Matthew Perks
Date Received: 14.12.2006 Expiry Date: 08.02.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The rooflights to the north eastern roofslope shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Westbury Town Council recommends refusal and officers recommend Permission.

This is an application for a two-storey extension to the rear of 12 Maristow Street, Westbury, with offices to the proposed ground floor and a flat on the first floor.

The site is located in a rear space of some 115m² to the north of No. 12. The application site is in the conservation area, and within the Westbury town centre commercial area boundary (but outside of the primary retail frontage).

The proposal is for a double storey building occupying a footprint of ±43m², with a roof ridge height of 5.6m. The extension would be linked to the existing building by a single storey structure of 2m in length. The link would house a passageway between the existing and proposed buildings, and a toilet.

The double storey building would accommodate 2 offices and a utility room at ground floor level, with a studio flat above. The agent states that the offices would provide additional floorspace for the expansion of the existing mortgage/finance business on the site. An additional 2 staff members would be employed.

The flat would have a separate entrance at the rear of the extension. The new building would be located 1.4m from the property boundary to the east, which is defined by a corrugated iron fence of approximately 1.6m in height. To the west there is an existing single storey building of approximately 11m in length. No additional parking is proposed.

CONSULTATION

WESTBURY TOWN COUNCIL

"The Committee objected to this application on the following grounds:

- Detrimental to the preservation of the conservation area
- Overdevelopment
- Loss of amenity of neighbours
- Detrimental to the street scene
- No car parking provision realising Maristow Street is restricted parking during the daytime with all neighbouring car parks (including the Market Place) being time restricted."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

"This site is in the town centre and there are parking restrictions on the adjacent highway, therefore no Highway objection is raised."

WESSEX WATER

No objections.

ENVIRONMENT AGENCY

No objection.

INTERNAL WWDC CONSULTATIONS

CONSERVATION OFFICER

No comments received.

ECONOMIC DEVELOPMENT

No comment.

LANDSCAPE OFFICER

No comment.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. 1 Response was received.

Objections are made on the grounds that this is a detached building occupying the whole garden within the Conservation Area. It is not an extension, and the link does not make it so. Parking in the area is inadequate. The expectation is that the building would produce four flats and not offices.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004

- C17 Character and appearance of conservation areas
- C18 New development in conservation areas
- C38 Effects of development on neighbouring properties
- C31a Design
- SP1 Town centre commercial areas
- SP5 Secondary Retail Frontages
- TC1 Upper floor uses in town centres
- T10 Parking

PPS6 Planning for Town Centres

Reference has also been paid to PPS3 (Housing) which comes into effect on 1 April 2007.

RELEVANT PLANNING HISTORY

93/00649/FUL: Extension to rear: Per: 13.07.1993

92/01003/FUL: Two storey rear extension : Per : 29.09.1992

KEY PLANNING ISSUES

The main issues in this case are the principle of the proposed development on this site, the appearance of the extension and its relationship to the surrounding area.

PLANNING OFFICER'S COMMENTS

The proposal would extend the office floorspace to the existing finance business on the site at ground floor level and would provide residential accommodation above. The principle of this form of development within town centre secondary retail frontages is acceptable in terms of relevant District Plan Policy. Government Guidance in the form of Planning Policy Statement 6 furthermore encourages a mix of use in town centres, with residential uses above ground floor level. The provision of flat accommodation in this setting would also accord with PPS3 (Housing) guidance on desirable planning outcomes, providing a variety of accommodation types in built up areas and making efficient use of vacant land.

The proposed extension is situated within an enclosed yard. No windows to habitable rooms would be orientated in a direction that would lead to overlooking or loss of privacy for neighbours (although two obscure -glazed rooflights are proposed to the north east elevation). The building is not visual to the street frontage, or prominent to public viewpoints. Whilst the site has a level surface, the general slope of the land is such that the eaves height of the building facing the property to the north east would be $\pm 3.3\text{m}$. The ridge height to the proposed roof would be approximately 1.6m lower than that of the existing building. There would be no significant loss of neighbouring amenity to the east and west. There is a rear-facing window to a habitable room and a kitchen in the existing flat. This property is however under the ownership of the applicant. The gap between the existing and proposed building, together with the relatively lower hipped roof, would provide light to these north facing windows. The bedroom windows to this existing flats are south facing and would be wholly unaffected by the proposal. There is an open passageway providing access to this flat from the rear. There would be a 5m deep by 8.5m wide open area between the rear of the proposed building and the boundary that would accommodate a sitting-out space.

Local Planning Authorities in determining planning applications in a conservation area must play special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Case law establishes that if the development fails to enhance the character or appearance of the conservation area, but does not harm it, then it may be said to preserve that character or appearance. In this case the building would be within the enclosed yard in an area characterised by a variety of rear extensions and randomly arranged open backland. Materials matching the existing building are proposed. In this context the proposal is not considered to harm the surrounding area.

The site is located in a town centre area, and the highway authority does not object to the absence of parking. The proposed uses accord with District Plan Policy.

CONCLUSION

The principle of the proposed form of development is accepted and the proposal would not bring harm to this part of the conservation area. On balance the application should be granted permission.

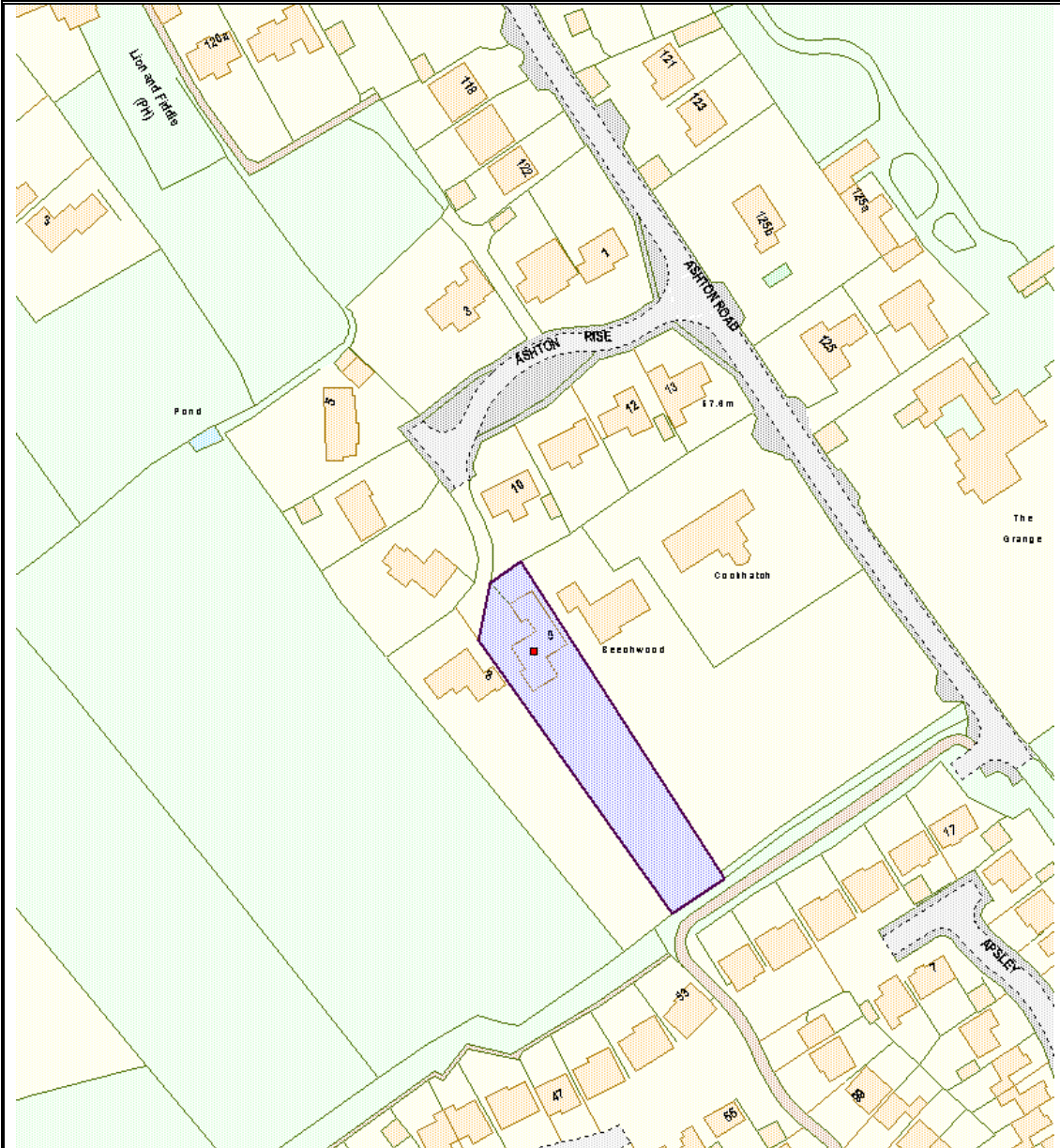
PLANNING COMMITTEE

8 March 2007

ITEM NO: 11

APPLICATION NO: 06/03611/FUL

LOCATION: 9 Ashton Rise Hilperton Wiltshire BA14 7QZ



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SLA: 100022961

11 Application: 06/03611/FUL

Site Address: 9 Ashton Rise Hilperton Wiltshire BA14 7QZ

Parish: Hilperton Ward: Paxcroft
Grid Reference 387415 158829
Application Type: Full Plan
Development: Conversion of garage to study/annexe, extension to garage link and erection of garage
Applicant Details: Mr T V Davies
9 Ashton Rise Hilperton Wiltshire BA14 7QZ
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Mrs Jane Sanger
Date Received: 27.11.2006 Expiry Date: 22.01.2007

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and any planning objections have been overcome by conditions.

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The property as a whole shall be occupied as one dwelling unit, with the accommodation hereby permitted occupied as part of, or an extension to, or sold as a separate unit of accommodation.

REASON: Because the creation of a separate dwelling unit in the manner proposed would be unacceptable.

COMMITTEE REPORT

APPLICATION DETAILS:

This application is brought to Committee because the Parish Council objects contrary to officer's recommendation, and at the request of Councillor Carbin.

This is a full planning application for the conversion of the double garage to an annexe, the construction of a single storey extension to form a garage and the replacement of existing flat roof with a pitched roof. The application further seeks to insert velux windows on the south-western elevation. The garage extension would be 6.7 metres long, 5.5 metres wide and 3.6 metres high. The replacement roof would increase the height of this building by 0.6 metres.

The host building is a detached L-shaped property, built from block work rendering under a concrete tiled roof. A flat roof conservatory and double garage project north-westwards from the front elevation.

A previous application for a first floor extension above the garage was refused on the grounds that it would have been overly prominent and poorly related to the host building.

CONSULTATION REPLIES:

HILPERTON PARISH COUNCIL:

The Parish Council objects on the following grounds:

- Excessive scale of the proposed works
- Poor relationship with adjoining buildings
- Overdevelopment of the site in the context of the access and the front of the building

STATUTORY CONSULTATIONS:

HIGHWAY AUTHORITY:

As the access to the site is not suitable to accommodate an additional dwelling it is recommended that no highway objection be raised subject to a linked condition.

PUBLICITY RESPONSES:

This application was publicised by way of neighbour notification letters. No comments have been received.

PLANNING POLICY

The West Wiltshire District Plan 1st Alteration (2004)
C31A - Design
C38 - Nuisance

The Supplementary Planning Guidance (House Alterations and Extensions) 2004

RELEVANT PLANNING HISTORY:

05/01272/FUL - First floor extension over garage - Refusal - 22.08.05

KEY PLANNING ISSUES:

The main considerations relating to this application are the impact of the development on the host building, neighbouring amenity and the street scene, and whether the current proposals overcome the previous reasons for refusal.

PLANNING OFFICER COMMENTS:

The access and driveway to this site is not suitable to accommodate a separate dwelling. However, the driveway would be large enough, within reason, to provide parking and turning space for the occupiers of the main house in addition to an annexe.

It is acknowledged that although the proposed extension would be a small sympathetic addition on its own, attached to the existing double garage would result in an elongated extension which may appear out of scale with the existing property.

A sufficient distance of between, 5 and 8 metres would be retained between the neighbouring dwelling to the north-east and the host building. Furthermore, the garage of the neighbouring dwelling which is set forward of the front building line of this property, would obscure the majority of the extension from view, further minimising its impact on neighbouring amenity. The proposed extension is well related to neighbouring dwellings because the existing pattern of development and plan form incorporates 'L' shaped buildings in a random configuration.

The proposed velux windows, face towards the south-west but would not be significantly harmful to the amenity currently enjoyed by the occupiers of that neighbouring dwelling because a distance of 15 metres would be maintained between the two dwellings. There are no windows on the elevation facing the other neighbouring property, so there would be no overlooking to that side.

This is a large plot of land and the actual size of the proposed extension is relatively small in the context of the existing building, driveway and garden area, and does not represent overdevelopment of the site.

No objections or concerns apart from those of the Parish Council have been received.

The replacement of the existing flat roof with a pitched roof to match the extension would improve the overall appearance of the property and would enhance the street scene.

There would be no significant harm to the host building, neighbouring amenity or the street scene.

The current proposal is of an entirely different design and in a different location to that which was previously refused. The current proposals would not appear overly prominent or poorly related to the host building and this overcomes the previous reason for refusal.

CONCLUSION

The proposal would be in accordance with the Development Plan and Supplementary Planning Guidance and is therefore recommended for permission.

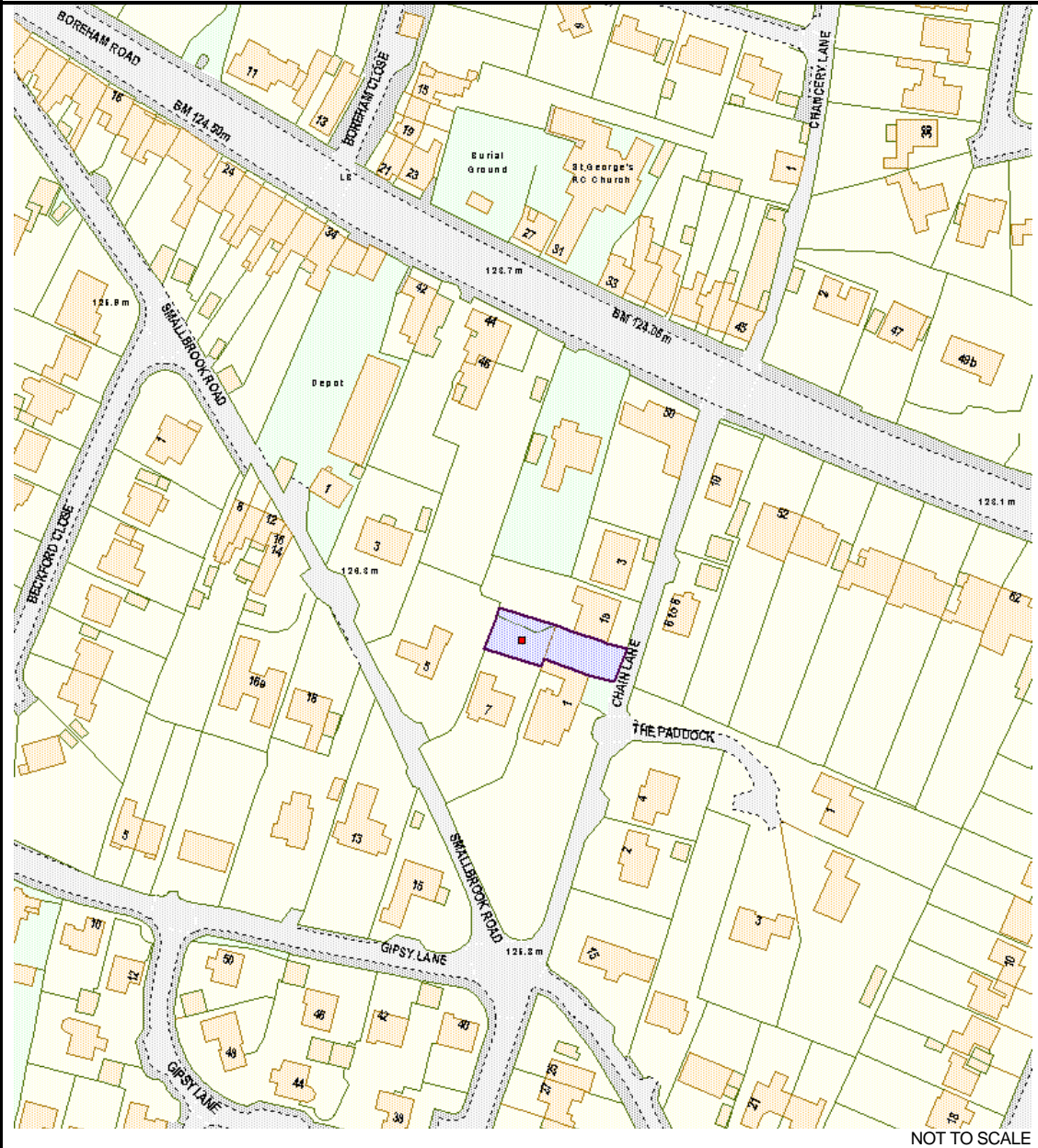
PLANNING COMMITTEE

8 March 2007

ITEM NO: 12

APPLICATION NO: 06/01587/OUT

LOCATION: Land Rear Of 7 Smallbrook Road Warminster
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

12 Application: 06/01587/OUT

Site Address: Land Rear Of 7 Smallbrook Road Warminster Wiltshire

Parish: Warminster Ward: Warminster East
Grid Reference 388034 144635
Application Type: Outline Plan
Development: New access and erection of new dwelling
Applicant Details: Mrs S Stuart-Dunster
7 Smallbrook Road Warminster Wiltshire
Agent Details: R K Architecture
The Design Centre Crusader Park Warminster Wiltshire BA12 8BT
Case Officer: Mr James Taylor
Date Received: 20.11.2006 Expiry Date: 15.01.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

1 Approval of the details of siting, design, external appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

3 The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

4 The dwelling hereby approved shall be single storey, with no rooms in the roof.

REASON: In the interests of amenity and privacy.

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

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

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

- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

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

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

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

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

- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

- 9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable due to the physical constraints of the site and proximity of neighbours.

- 10 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

- 11 The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used for any other purpose than the parking of vehicles in connection with the development hereby approved and shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

- 12 Any entrance gates shall be set back from the edge of the adopted highway a minimum distance of 4.5 metres and must be hung to open inwards only.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

- 13 Prior to the occupation of the new dwelling two car parking spaces shall be provided for each property and a new access to the existing dwelling created with visibility splays. This shall be shown on plans to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

- 14 No development shall take place until suitable connection to Wessex Water systems and infrastructure has been agreed in relation to water supply, sewerage and sewerage treatment.

REASON: To safeguard the amenity of the area.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy H1.

Note(s) to Applicant:

- 1 The developer is advised to contact Wessex Water prior to the commencement of development on the site to ensure adequate connection to Wessex Water systems and that Wessex water infrastructure is protected. Wessex water can be contacted on 01225 526000.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council has objected contrary to your officer's recommendation.

This is an outline application for residential development on land to the rear of 7 Small brook Road, Warminster. The application site is approximately 35 metres long x 9 to 11 metres wide which equates to 348 square-metres.

The site is relatively flat with a large detached garage existing to the rear of the site and mature trees on the rear boundary which are subject to tree preservation orders.

The street scene in this location is characterised by a random arrangement of residential properties fronting onto Smallbrook Road and Chain Lane respectively.

The original dwelling fronts onto the unclassified Smallbrook Road. The rear garden is of an L-shaped configuration, part of which forms the application site for the proposed new dwelling.

All matters except for the means of access have been reserved. An illustrative plan has been submitted and a full design and access statement has been provided. This indicates that the residential development is for a single storey 2-bedroom dwelling not exceeding 4.6 metres in height.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Objection - concerned over safety problems with the access to this site and the apparent need to reverse out onto the highway.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to conditions. Additional dwelling served from this road is not a significant concern. Creation of new access to existing dwelling acceptable with possible benefit to adjoining dwelling.

PUBLICITY RESPONSES

The application was published by letters to the neighbouring properties to which no response has been received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C31a Design

C38 Nuisance

H1 Further Housing Development Within Towns

H24 New Housing Design

SPD Residential Design Guide

PPS1 Delivering Sustainable Development

PPS3 Housing - To be implemented in April 2007

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The key issues to consider with this application are the principle of development, the potential impact on the character and appearance of the area, amenity of neighbouring properties and future potential occupiers, and highway safety.

PLANNING OFFICER COMMENTS

The application site is located within the Town Policy Limits of Warminster and therefore Policies H1, C31a and H24 of the West Wiltshire District Plan 1st Alteration (2004) are relevant planning considerations. Policy H1 states that proposals for housing development within the built-up areas of the district will be permitted subject to detailed criteria being met. National Guidance in PPS3 encourages in-fill development subject to environmental considerations. As such the principle of development would be acceptable subject to it causing no harm.

Policy H1 sets out the criteria to which proposals should adhere, which includes that the siting, layout and design considerations should be satisfactory and in keeping with the character of the surrounding area.

This area is characterised by relatively low-density residential development. However it is important to note that there is no definitive design character or style typical of this area. To the north there are 2 bungalows on relatively small plots, opposite is a 2-storey detached dwelling with a mansard roof. Further to the north is the conservation area and a number of listed Georgian style buildings fronting onto the main road through Warminster. To the south of the application site are relatively large detached dwellings set in very spacious garden areas and built in a Victorian red brick style.

The proposal, although only indicative at this stage shows the building would be no more than 4.6 metres in height and single storey.

The illustration drawing indicates a limited height, contemporary style dwelling set back from the frontage of the site roughly in-line with the existing built form. Such a proposal would be sympathetic to the character of the area. Taking this into the broader national policy context, which encourages the more efficient use of land, then it is considered that a dwelling could be easily accommodated within the site. The density would still be below the lower threshold set out in PPS3 but this would be acceptable in this low-density location. It is acknowledged that there is a limited width to the site, however a dwelling could still be set in from both side boundaries. Further the dwellings on this side of the street typically occupy the full width.

The proposal would be positioned between the side elevation of the existing in-fill bungalow 1a Chain Lane and the flat roof extensions to the rear of 1 Chain Lane. Although only indicative at this stage it would be single storey, no more than 4.6 metres high to the ridge. As such the proposal would be unlikely to result in any overlooking or loss of light to surrounding properties. The existing dwellings to the south would be approximately 10 metres from the boundary of the application site, which is considered sufficient to not to cause any overlooking. 1a Chain Lane has rooflights in its rear elevation and would not directly overlooking the proposed property or its gardens. As such there are no concerns regarding amenity issues.

The proposal would utilise the existing access arrangements, which include visibility splays. It is noted that the access is onto a narrow lane, which has no footway, and therefore the principle of reversing onto the highway is not ideal. However this type of arrangement is existing on other dwellings in the street and the road is not classified. The highway authority has been consulted on the proposals and raised no object subject to the appropriate use of conditions. This includes the provision of two parking spaces for the existing and proposed dwellings, which can be accommodated based on the indicative plans. Further the proposals would see the creation of a new access for the existing dwelling on Smallbrook Road. This is not subject to this application and strictly speaking does not require planning permission. However it is considered that a Grampian condition can be used to ensure that this is created as the need is related to the proposed development and on land controlled by the applicant. Further the highway authority advise that this access creation could be beneficial to the visibility on adjoining accesses on Smallbrook Road.

It is noted that the tree preservation orders that existing on or near to the application site are limited to the rear of the site and would be unaffected by the proposed building works. There are no concerns in this regard.

The scheme would see the retention of the existing double garage to the rear garden of the proposed dwelling. As there is a very generous rear garden proposed, some 15 metres in length then this would not cause any issues in terms of amenity space, and would be a suitable garden workshop or storage space in a residential location. Further it is noted that the existing dwelling would not be compromised in terms of the garden area it would retain. It would still have generous garden area suitable for a large family home and typical of the locality. The low densities that would result from this proposed development, which would still be below the national guidance in PPS3, exemplify this point.

CONCLUSION

The proposal would be in character with the area and as such is recommended for permission subject to the use of appropriate conditions.

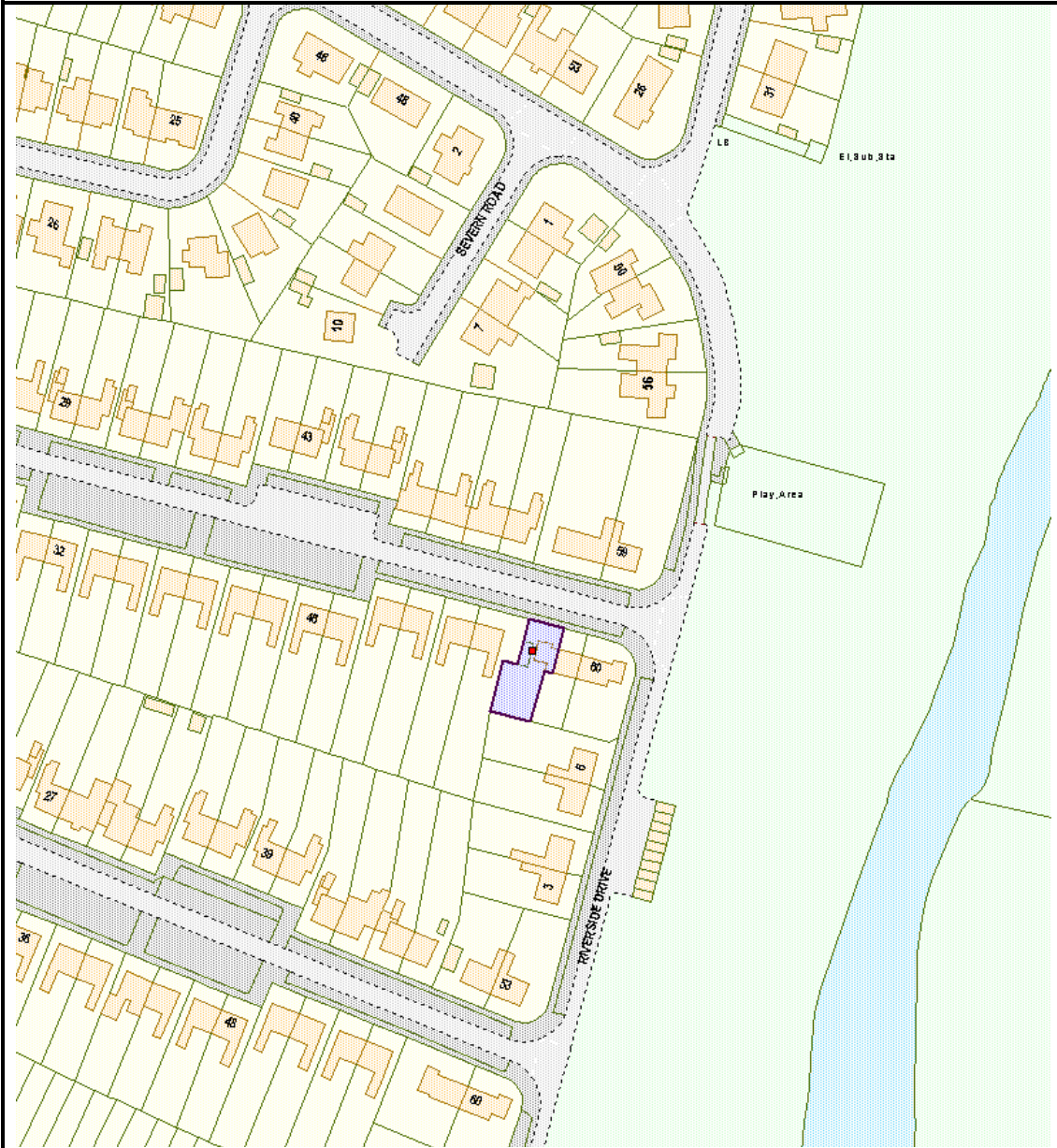
PLANNING COMMITTEE

8 March 2007

ITEM NO: 13

APPLICATION NO: 06/03858/FUL

LOCATION: Land Adjoining 58 Granville Road Melksham
Wiltshire



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SLA: 100022961

13 Application: 06/03858/FUL

Site Address: Land Adjoining 58 Granville Road Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham North
Grid Reference 390464 164758
Application Type: Full Plan
Development: Dwelling adjoining 58 Granville Road
Applicant Details: Mr L Webb
58 Granville Road Melksham Wiltshire
Agent Details: Mr C Hyde
3 Potley Lane Corsham Wilts SN13 9RY
Case Officer: Mr Mark Reynolds
Date Received: 22.12.2006 Expiry Date: 16.02.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The driveway and parking area shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy T10.

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

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy T10.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

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

- 6 The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy T10.

- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class A of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable in the interests of neighbouring amenity.

- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors above ground floor level, other than those hereby approved, shall be added to the west elevation of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee because Melksham Town Council object to the application contrary to Officer's recommendation.

This is a full planning application for the erection of an attached dwelling to an existing semi-detached pair of dwellings to create a terraced form of development. The application site itself is located within a residential estate of Melksham. The proposed dwelling would measure 6.9m in width, 9.9m in depth which includes a 3.6m long single storey rear extension and it would stand 8.2m in height to ridge level sloping to 5.1m in height at eaves level.

The dwelling would be positioned setback by 5.5m from the public highway. It would be constructed in brickwork with concrete interlocking roof tiles.

The proposals have been revised during the course of the application.

CONSULTATION REPLIES

MELKSHAM TOWN COUNCIL

On commenting originally:-

Objected to the application on the following grounds;

- H1 - The property would not be in keeping with the street scene and would overlook neighbouring properties
- C38 - The property would mean a loss of privacy and detract from the amenities of neighbours
- C31a - The property would not comply with proportion, composition, form, massing and scale guidelines.

No comments have been received to revised plans. Any further comments received from the Town Council will be reported on the late list.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

No objections subject to conditions.

WESSEX WATER

No objections

PUBLICITY

5 letters of objection have been received to the original proposals raising the following objections;

- Development would be out of place
- Overlooking of No. 54 and No. 56
- Loss of light
- Highway safety concerns
- Lack of notification of No. 59
- No need for the housing

There has been no response to revised plans. Any further comments received from interested parties will be reported on the late list.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

Wiltshire Structure Plan 2016

DP7 Housing in towns and main settlements

T5 Parking

West Wiltshire District Plan 1st Alteration 2004

C31a Design

C38 Nuisance

H1 Further Housing Development

H24 New House Design

T10 Car Parking

U1a Foul Water Disposal

U2 Surface Water Disposal

KEY PLANNING ISSUES

The key issues in this case are whether the proposal accords with planning policy, neighbouring amenity, design, highway safety and parking and character of the area.

PLANNING OFFICER'S COMMENTS

Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 advises that within the town policy limit new dwellings will be permitted subject to a number of criteria. Of most relevance in this case are that siting, layout and design considerations are satisfactory and they are in keeping with the character of the area; they do not result in the loss of an open area or visual gap important for recreation or amenity reasons; they provide safe and convenient connection to existing and planned pedestrian, cycle and public transport networks, the highway and, where appropriate, rail facilities without creating transport problems; and that they do not conflict with other structure or district plan policies.

In this case a detached form of development was originally proposed which raised objections regarding its suitability given the prevailing character of the area. The area is characterised by semi-detached dwellings set within large linear plots. The proposal has been revised to create a terraced form of development. The creation of a terrace would be more in keeping with the prevailing pattern of development. The proposal would not result in the loss of an important visual gap because the area to which the proposal relates is already occupied by a single storey side extension which would be removed. The proposal would result in a density of development of 40 dwellings per hectare which is compliant with PPS 3.

The dwelling has been designed at the front north elevation to be sympathetic to the adjoining dwellings. Although several windows are larger they have the same sill height. A modest porch is proposed to the development. The rear elevation would employ two dormer windows whilst these are not characteristic of the immediate surroundings these would not be prominent within the street scene located to the rear of the proposed dwelling. There would not therefore be any harm caused by the dormer windows to the street scene and there are no objections more generally to the design of the proposed dwelling.

The proposal involves the change of use of an area of highway verge. This arrangement is common within the street scene and part of the existing frontage is already laid out as hardstanding. There are not therefore any objections on this basis. The Highway Authority were consulted on the application and they have no objections providing the parking spaces are of adequate size which as proposed they will be.

Several objections have been received regarding the potential for the dwelling to overlook and overshadow neighbouring properties. The dwelling would incorporate a landing level window in the side elevation and habitable room windows in the front and rear of the dwelling. Although habitable room windows would be in the front and rear of the dwelling it is important to recognise that there already exists habitable room windows in the front and back of No. 58. Any overlooking would not be significantly enhanced by this proposal to suggest refusal. The dwelling would be in line with neighbouring properties and although a rear extension is proposed it is not considered that overshadowing of neighbouring properties would occur. Neighbouring amenity would not therefore in the Case Officer's opinion be harmed by this development.

The comments of the Town Council are noted however the above report examines the issues raised by the Town Council and refusal cannot be supported on their grounds of objection.

A neighbour has raised concern regarding a lack of notification. This neighbour does not immediately adjoin the site and was not notified. Notwithstanding this they have found out about the application and commented on the scheme.

A neighbour has suggested that there may not be a need for additional housing in Melksham. There however exists a demand for housing throughout most of the district which is emphasised by the need for affordable housing. Additional windfall housing such as this is therefore acceptable and does not represent an over-provision of housing.

CONCLUSION

The proposal is acceptable and permission is recommended.

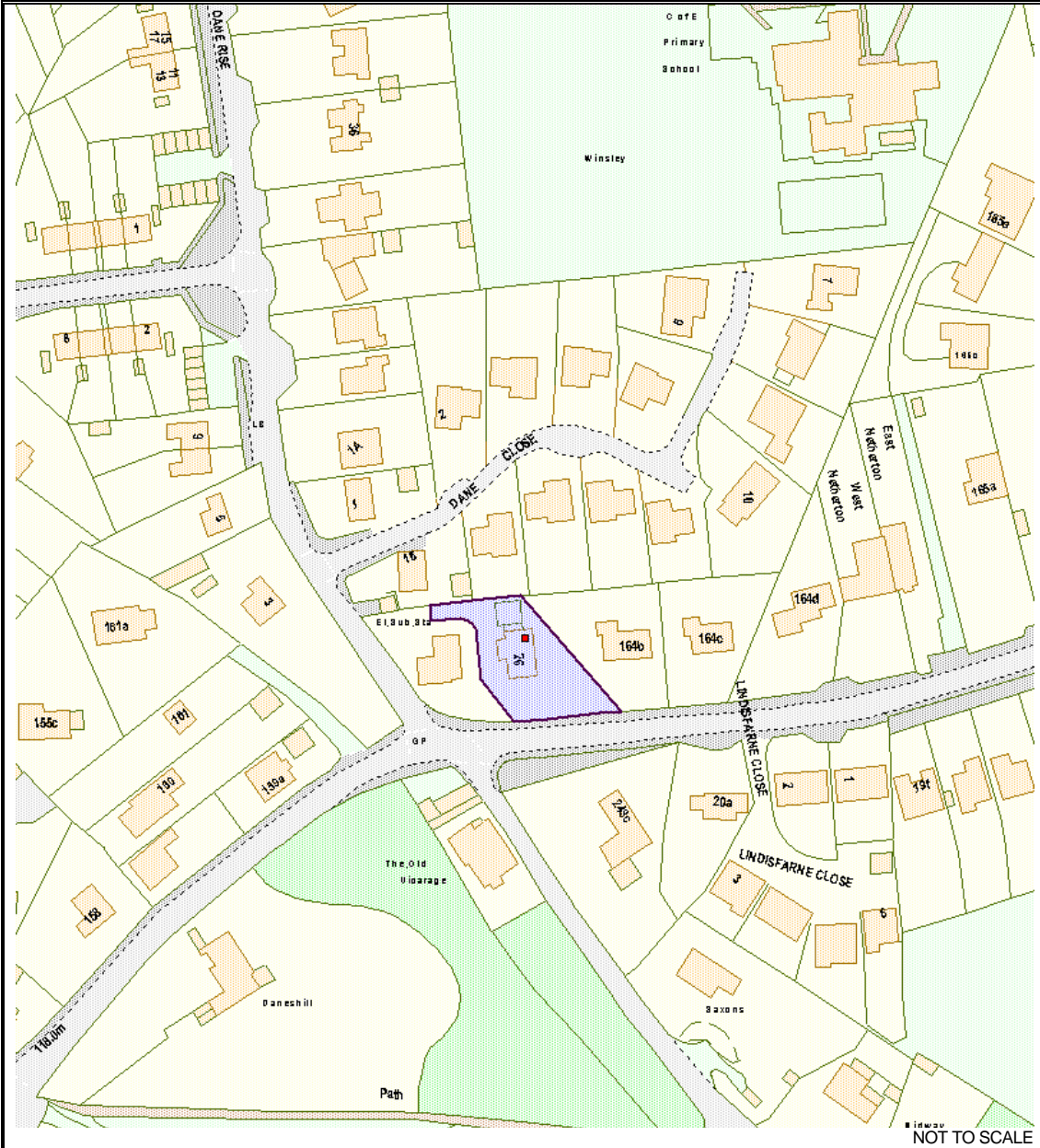
PLANNING COMMITTEE

8 March 2007

ITEM NO: 14

APPLICATION NO: 06/03316/FUL

LOCATION: 26 Dane Rise Winsley Wiltshire BA15 2NB



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SLA: 100022961

14 Application: 06/03316/FUL

Site Address: 26 Dane Rise Winsley Wiltshire BA15 2NB

Parish: Winsley Ward: Manor Vale
Grid Reference 380171 161054
Application Type: Full Plan
Development: Conservatory to rear of property
Applicant Details: Mr And Mrs Bird
26 Dane Rise Winsley Wiltshire BA15 2NB
Agent Details: J H Leekes And Sons Limited
FAO Mr Eamonn Wells Unit 1 Cardiff Road Pontyclun CF728PN
Case Officer: Mr David Cox
Date Received: 07.11.2006 Expiry Date: 02.01.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Winsley Parish Council recommend refusal and your Officers recommend approval.

This is an application for a side conservatory at 26 Dane Rise, Winsley. This is a residential area comprising of detached 1 1/2 storey tall buildings with boundaries set approximately 12 metres from the main Dane Rise Road. The side elevation of No 26 faces onto this road and the dwellings is set on a slight elevated position from the road. The side garden boundary with the main road is built with stone and is approximately 2 metres tall.

The plans indicate that the conservatory would measure 5.5 metres wide, 4 metres deep and 2.9 metres tall sloping to 2.2 metres at eaves. The ridgeline of the conservatory would run parallel to the side wall of the host building. Therefore there would be a degree of separation between the host building and the main roof form of the conservatory.

The plans indicate that the conservatory would be 17 metres away from the boundary of the Winsley Conservation Area, which is to the south west of the application site.

The stone boundary wall of the property won a design award.

CONSULTATION REPLIES:

WINSLEY PARISH COUNCIL

Objection:

- The existing development of the site received awards in two categories of the District Council Design Awards Scheme. A large conservatory on the road facing elevation, wholly in front of the building line, might seem inappropriate for this prominent elevated award-winning site adjacent to the edge of the conservation area.
- The form of the roof would make the unit seem separated rather than integrated into the main building.
- The proposal would not conserve nor enhance the appearance of the building and would be detrimental to the street scene. It seems that further consideration of the site would be worthwhile.

STATUTORY CONSULTATIONS:

PUBLICITY RESPONSES

Neighbours were notified of the proposal. No comments were received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C31a - Design

C38 - Nuisance

SPG - House Alterations and Extensions

PPG 15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy.

PLANNING OFFICER COMMENTS

Policy C31a of the Local Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. Supplementary Planning Guidance states that any extension should respect the host building and its setting in the street scene.

The conservatory is of an appropriate size and scale in relation to the host building and would not be a dominant feature.

The design and form of the roof with its parallel ridgeline would cause some degree of separation from the host building but not to an extent that would cause sufficient harm to the host building nor its position on the street scene.

Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses. The proposal would not cause any harm to neighbouring amenity as the conservatory would be located a sufficient distance away from either garden boundary.

PPG 15 and Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of the conservation area. Given the distance between the conservatory and the conservation area and the lack of sufficient harm on the host building, it is considered that the proposal would not have any detrimental impact on the character and appearance of the conservation area.

The comments of the Parish Council cannot be supported. Your officers do not consider that the size of the conservatory would have a detrimental impact on this prominent dwelling. The proposal is located behind a substantial wall.

CONCLUSION

On balance whilst the design and form of the conservatory does have some degree of separation from the host building it is not considered to cause sufficient harm that would merit as a reason for refusal. Therefore the application should be granted planning permission.

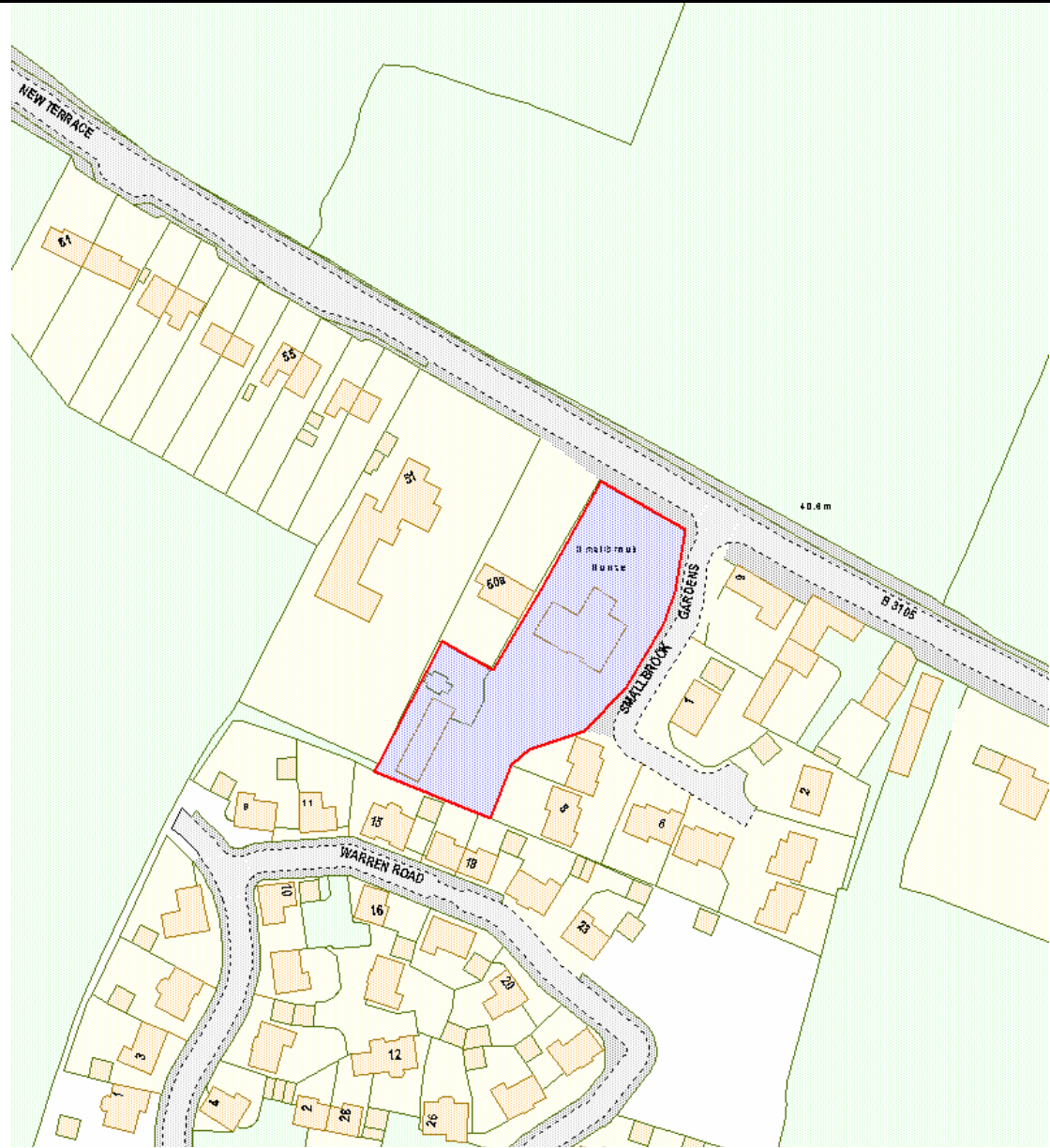
PLANNING COMMITTEE

8 March 2007

ITEM NO: 15

APPLICATION NO: 05/01741/FUL

LOCATION: Smallbrook House Smallbrook Gardens Staverton
Wiltshire



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SLA: 100022961

15 Application: 05/01741/FUL

Site Address: Smallbrook House Smallbrook Gardens Staverton Wiltshire

Parish: Staverton Ward: Paxcroft

Grid Reference 385915 160319

Application Type: Full Plan

Development: Change of use from dwelling to house in multiple occupation, internal alterations and fire escape staircase

Applicant Details: L J Walker And A Huxham
41 Victoria Road Trowbridge Wilts BA14 7LH

Agent Details:

Case Officer: Mr Matthew Perks

Date Received: 08.08.2005 Expiry Date: 03.10.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 This permission shall be alternative to planning permission 03/00766/FUL given on 13.02.2004 and shall not be exercised in addition thereto or in combination therewith.

REASON: To ensure that two alternative permissions are not both implemented.

- 3 Residential occupancy of the property shall be restricted to a maximum of 14 persons.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Staverton Parish Council objected and officers recommend permission.

This is an application for full planning permission for the change of use to a House of Multiple Occupation of Smallbrook House, Smallbrook Gardens, Staverton. The application is retrospective in that the property is already in multiple occupation. Some works are however still to be implemented. The application is for the housing of 14 persons.

The building is located to the south of Marsh Road and immediately to the west of the Smallbrook Gardens residential development. The submitted floor plan shows 10 bedrooms (4 with en-suite toilet facilities), a common room lounge, 8 separate toilets, a shared kitchen of 4.2m x 6.6m in extent, a utility room and a separate shower.

CONSULTATION

STAVERTON PARISH COUNCIL

Objects. The Parish refers to noise disturbance, the fact that there was a condition when permission was granted for use as a hotel there was a condition requiring the stopping up of the access onto the B3105, a maximum of eight rooms were permitted in order to limit the amount of parking required and that a limit needs to be put into place regarding the number of occupants allowed to live in the building at one time.

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

Initially requested additional information. This was provided, and the authority has no objection with the use of the access at the front of the building as a collection and drop-off point. It is considered that there is adequate space for parking to the rear of the building.

INTERNAL WWDC CONSULTATIONS

BUILDING CONTROL

No comments received.

HOUSING SERVICES AND ENVIRONMENTAL HEALTH

These services were verbally consulted at the time of the preparation of this report to obtain current information. Housing Services advises that a licence for a house of multiple occupation has been granted for 14 people in this property. Environmental Health records indicate that no complaints have been registered post-October 2005.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. 5 Responses were received. Objections were on the following grounds:

- Noise;
- Highway safety issues;
- Excessive number of residents;
- Loss of neighbouring amenity;
- Possible criminal activities in the house; and
- Parking

PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004

C38 - Effects of development on neighbouring properties

H1 - Housing development in towns

RELEVANT PLANNING HISTORY

97/00783/FUL: Change of use to hotel plus parking : Permission : 11.09.1997

KEY PLANNING ISSUES

The primary issue in this case is the acceptability of the use of the property as a house of multiple occupation in this locality.

PLANNING OFFICER'S COMMENTS

This application is retrospective. The use of the property is for the housing of 14 people who are migrant workers. The workers are collected and taken to work and returned by minibus, in a shift pattern of 3 times per day between 6 am and 10 p.m.

Concerns by the Parish Council and neighbouring property owners were raised at a time when, it is understood, certain anti-social activities were associated with the use of the property. However these issues were raised in late 2005, and substantial delays with the application have arisen in the interim. Records reflect that, since the application was submitted, the issues have apparently been addressed. It has been confirmed with Council's Environmental Health Officers that no complaints have been received since late 2005. Housing Services officials further advise that the property has been licensed for the housing of 14 people. In considering the aspect of nuisance, the multiple occupation of the property will not, of itself, give rise to harm to neighbouring amenity, and it appears that the initial issues have been resolved.

Following the submission of additional information, the highway authority has confirmed that the use of the front of the building as a collection/drop off points is acceptable. The car parking area indicated to the rear of the site is regarded as adequate by the authority.

In its response the Parish Council was inter alia concerned that a limit needs to be placed on the number of occupants allowed to live in the building at any one time. Seen in the context of the history of the site where permission was granted for the use of the dwelling as an hotel with 8 rooms, it is considered that the accommodation of 14 people with shared facilities in the building would be acceptable. The submitted plans show that the building can be converted for this purpose without substantial alteration. The fire escape to the western elevation of the building would not be prominent to any public viewpoint, and would not significantly harm the appearance of the building.

The Parish Council was also concerned with the lack of parking to the rear of the property in the event that a previous permission for a dwelling in this area is implemented. An appropriate condition should be made applicable to any permission in order to prevent this occurring.

CONCLUSION

The use of this property as a dwelling of multiple occupation provides accommodation addressing a need for migrant workers. Whilst noting the reasons for objections, it is considered that these arose at a time when there were issues of neighbouring amenity, which have subsequently been addressed. The application should be granted permission.

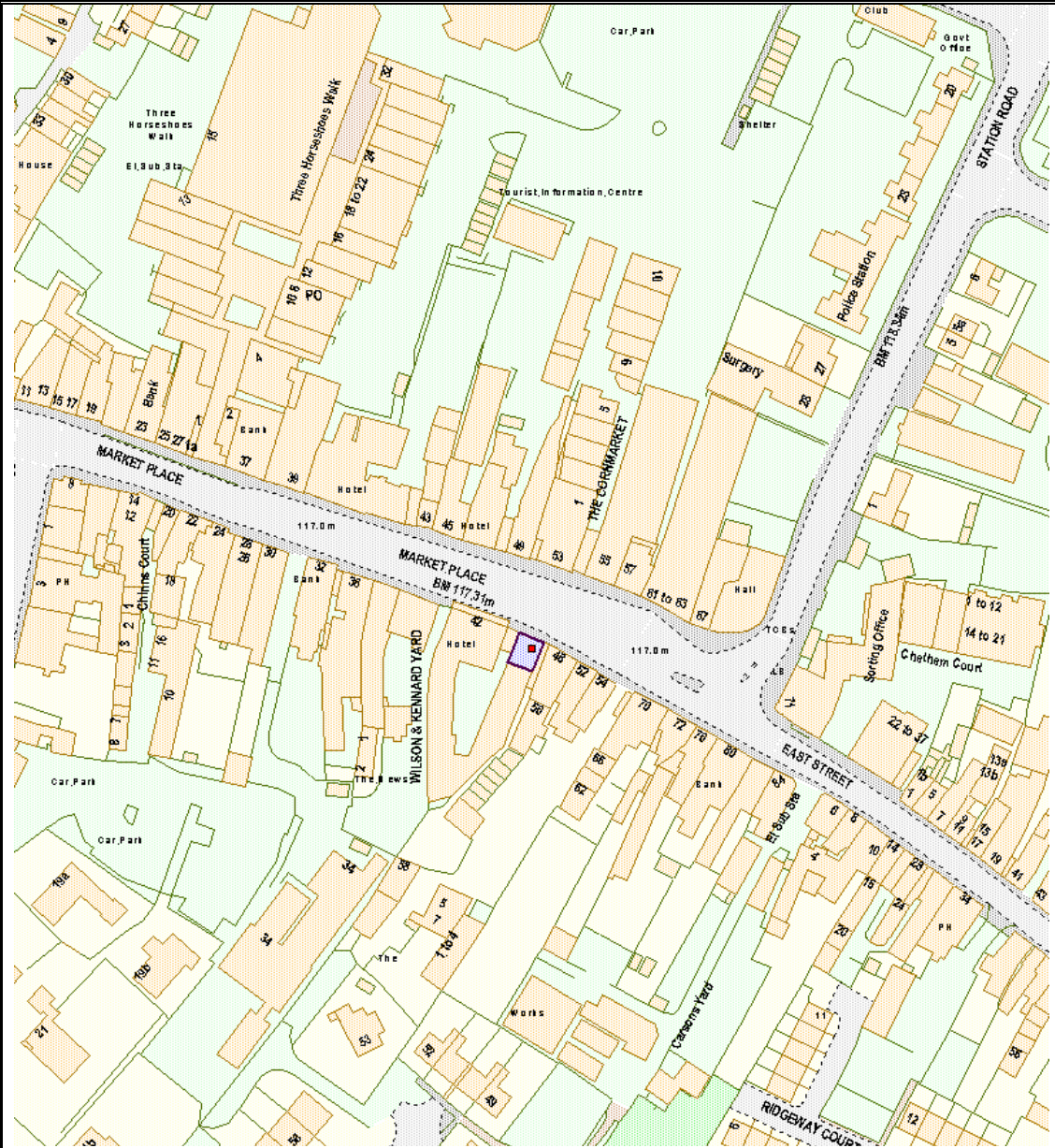
PLANNING COMMITTEE

8 March 2007

ITEM NO: 16

APPLICATION NO: 06/03323/FUL

LOCATION: 44 Market Place Warminster Wiltshire BA12 9BE



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SLA: 100022961

16 Application: 06/03323/FUL

Site Address: 44 Market Place Warminster Wiltshire BA12 9BE

Parish: Warminster Ward: Warminster East
Grid Reference 387564 145039
Application Type: Full Plan
Development: Change of use from A1 retail to A2 financial and professional services
Applicant Details: Northwood (West Wiltshire) Ltd
57 Market Place Warminster Wiltshire BA12 9AZ
Agent Details:
Case Officer: Mr David Cox
Date Received: 26.10.2006 Expiry Date: 21.12.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the change of use from A1 to A2 would result in harm to the shopping function of the primary retail frontage and the vitality of the town centre contrary to Policy SP4 of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor March for discussion of a change of use and its effect on the town centre.

This is an application for a change of use application from A1 retail to A2 financial and professional services at 44 Market Place, Warminster.

The property is located within the Primary Retail frontage area in central Warminster and is also within the Warminster Conservation Area. The property is attached to "The Old Bell" public house which is a Grade II Listed Building. Due to this attachment No 44 is also therefore listed.

The Primary Retail frontage has a wide range of uses within it. There are a number of A2 uses including building societies, estate agents etc. There are also two hotels (C1) but two thirds of this part of Warminster are in A1 retail use. A use class survey of the Primary Retail Frontage found that the units with an A1 use is approximately 66%. Of the first 11 units on the southern side of Market Place (No's 84-42) currently only 4 (including the proposal site) are in A1 use. This application, if permitted would leave only 3 units in A1 use in this initial stretch of the Primary Retail Frontage.

Additionally No's 54-42 that form a specific section of the Primary Retail Frontage because it is a separate block of buildings that distinguishes itself from the rest of the street. The application site, No 44 is the only remaining A1 use in this specific block of buildings.

The applicant has submitted information, which states that the tenant who would be moving in to No 44 would free up an existing A2 unit, which would be converted back to A1 (No 59).

CONSULTATION REPLIES:

WARMINSTER TOWN COUNCIL

No objection.

STATUTORY CONSULTATIONS:

POLICY AND CONSERVATION

Object to the proposal:

"The purpose of primary retail frontages is to ensure that a high proportion of A1 retail units (shops) are retained within core areas to provide a strong retail presence. Adequate secondary frontages are identified in Warminster where A2-A5 uses are most appropriate.

In this case, taking the Warminster primary retail frontage as a whole, the application would result in a reduction to the overall A1 proportion from 66.3% to 65%. A supporting letter from another retailer explains that permission at this location would enable an A1 use to be achieved at 59 Market Place, replacing the current A2 use. However, unless this can be secured as part of this permission, there is no guarantee that this permission would result in anything other than a loss in A1 uses to a level materially below a "high proportion" of A1 uses.

Looking at the Market Place as approached from East Street, the proposal would reduce the proportion of A1 uses from 84 Market Place to 42 Market Place from 36% to 27%. Only 3 of the first 11 ground floor premises encountered would therefore be in retail use (and one of those 3 units is currently vacant). I am therefore concerned that this proposal will have a material impact in reducing the attraction of this part of the PRF. By contrast, the existing A2 use at 59 Market Place is not considered to adversely affect the mix of uses in this part of the PRF and so its replacement by an A1 use would not compensate in terms of retail character of the street for the loss at 44 Market Place.

Policy Recommendation: Unacceptable in policy terms."

ECONOMIC DEVELOPMENT

No comments received.

PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter and site notice. No comments were received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

SP1 Town Centre Shopping
SP4 Primary Retail Frontages

C17 Conservation Areas
C20 Change of Use in Conservation Areas
C27 Listed Buildings
C28 Alterations and Extensions to Listed Buildings

PPS6 Planning for Town Centres
PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy.

PLANNING OFFICER COMMENTS

Policy SP4 of the District Plan states that changes of use from A1 to A2 uses at ground floor level will only be permitted having regard to the existing mix of uses, where they do not prejudice the shopping function of the primary retail frontages or individually or cumulatively harm the vitality of the town centre.

It also states that along these Primary Retail Frontages it is important to retain a strong retail presence in the face of pressures for the expansion of financial and professional service uses, such as building societies and estate agents, as well as food takeaway outlets.

Given the evidence of the use class survey, if this application were permitted only 3 units out of the first 11 on the southern side of Market Place (Nos 84 to 46) would remain as A1. This represents just 27% of the retail frontage. This is an unacceptably low figure for A1 uses in the protected Primary Retail Frontage.

Additionally should this application be permitted none of the units in this specific building block (No's 54-42 Moretons Café - The Old Bell) would have an A1 use. This is a significant single section of the Primary Retail Frontage which would result in no shops, a direct contrast to what Policy SP4 is aiming to achieve.

Given these two considerations it is considered that should this application be permitted the shopping function of this primary retail frontage would be harmed and the vitality of the town centre would be undermined.

Paragraph 2.8 of PPS6 states that where existing centres are in decline Local Planning Authorities should assess the scope for consolidating and strengthening these centres by seeking to focus a wider range of services there. Whilst the use class survey of the Primary Retail Frontage found there to be some vacant units it is not to an extent to which that would suggest that Warminster town centre is in decline. The applicant has provided no information on this matter.

The applicant has stated that the proposed occupier of No 44 (an A2 estate agent) would move from No 59 Market place which is on the northern side of the road. This unit would then be converted to A1. However unless this can be secured as part of the permission, there is no guarantee that this permission would result in anything other than a loss of a further A1 unit. Conditions cannot be made on sites outside the red outline application area and such a condition would be unreasonable to make. Additionally, the existing A2 use at No 59 Market Place is not considered to adversely affect the mix of uses in this part of the PRF and so its replacement by an A1 use would not compensate in terms of retail character of the street for the loss at 44 Market Place

This application must therefore be judged on its own merits, which are a change of use of an A1 unit into A2 in the primary retail frontage.

CONCLUSION

Given the harm this would cause the shopping function of the primary retail frontage and on the vitality of the town centre and supported by the Policy section the application should be refused planning permission.

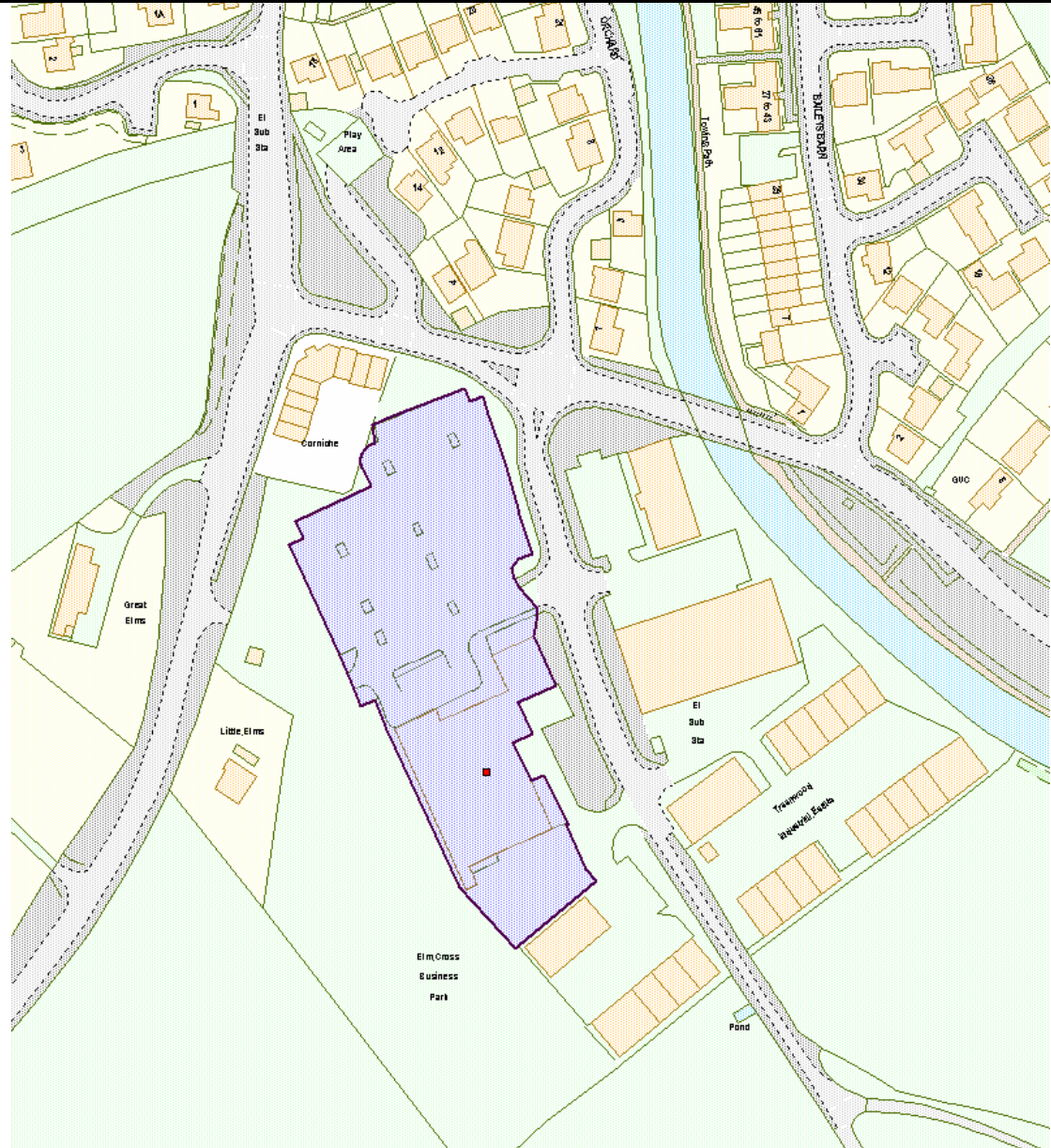
PLANNING COMMITTEE

8 March 2007

ITEM NO: 17

APPLICATION NO: 06/03106/ADV

LOCATION: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane Bradford On Avon Wiltshire



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SLA: 100022961

17 Application: 06/03106/ADV

**Site Address: Sainsburys 29 Elms Cross Shopping Centre Rowden Lane
Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382530 159736
Application Type: Advertisement
Development: Store fascia signs
Applicant Details: Sainsbury's Supermarkets Ltd
33 Holborn London EC1N 2HT
Agent Details: White Young Green Planning
Ropemaker Court 12 Lower Park Row Bristol BS1 5BN
Case Officer: Mrs Jane Sanger
Date Received: 10.10.2006 Expiry Date: 05.12.2006

REASON(S) FOR CONSENT:

The proposed development conforms to the Development Plan and would not have any detrimental impact on public amenity or highway safety.

RECOMMENDATION: Consent

Condition(s):

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

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

- 2 The maximum luminance from the signs shall not exceed the following luminance values in accordance with I.L.E. Technical Report Numbers (Second Edition):

Total Illuminated Area of Sign Face (sq.m)	Maximum Luminance (candela/sq.m)
Up to 0.49	2000
0.5 to 1.99	1600
2.0 to 4.99	1200
5.0 to 10.0	1000
Over 10.0	800

COMMITTEE REPORT

APPLICATION DETAILS:

This application is brought to Planning Committee because the Town Council object to the proposal contrary to your officer's recommendation.

This is an application for advertisement consent for two fascia signs. The first of which would be displayed above the store entrance. It would measure 4.6 metres wide and 0.9 metres high. The lettering would be 3.092 metres by 0.465 metres.

The second sign in the centre of the front elevation would measure 8.3 metres wide by 2 metres high. The lettering would be 5.652 metres by 0.850 metres. Both of these signs would be internally illuminated and the source of light would be static.

The host building is a supermarket, built from red brick, under a tiled roof. The car park is located to the north of the unit.

CONSULTATION REPLIES:

BRADFORD ON AVON TOWN COUNCIL:

The Town Council objects to this application on the following grounds:

"The store fascia sign saying "Sainsburys" should be taken down and replaced by a smaller one. The size of the sign in relation to the building is far too large. A smaller sign, in proportion with the host building would be more acceptable".

STATUTORY CONSULTEES:

HIGHWAY AUTHORITY

No objections raised, subject to a condition.

NON-STATUTORY CONSULTEES

PUBLICITY RESPONSES:

This application was publicised by way of a site notice, a press release and neighbour notification letters. No comments have been received.

PLANNING POLICY

The West Wiltshire District Plan 1st Alteration (2004)

C24 Advertisement Control

C31A Design

C38 Nuisance

PPG19 Outdoor Advertisement Control

RELEVANT PLANNING HISTORY:

88/01439/ADV - Shop sign - Consent 13.09.88

88/00727/ADV - Illuminated freestanding signs - Consent 21.06.88

98/01298/ADV - Various signs - Consent 16.11.98

99/00146/ADV - ATM cash dispenser fascia display - Consent 15.03.99

06/03208/ADV - Brandwall and external ATM wall signs - Consent 19.12.06

KEY PLANNING ISSUES:

The main considerations relating to this application are the impact of the development on public amenity and highway safety.

PLANNING OFFICER COMMENTS:

Planning Policy Guidance Note 19 states that outdoor advertisement is essential to commercial activity in a free and diverse economy. Given that the building to which the application relates is in commercial usage the principle of adverts being displayed at this building should not be resisted subject to a number of criteria.

The proposed sign's impact upon amenity may now be considered. In having regard to amenity the impact, which the signs would have upon the appearance of the building and the locality, are material considerations. In this case the proposed signs would be viewed in the context of the supermarket, where signs would take on a mixture of forms, however, commonly, are internally illuminated/non illuminated fascia boards and freestanding signs within the boundaries of the site.

The proposed fascia signs would replace the existing Budgens signs located on the elevations of the store building. The lettering would be of a similar size to those removed as shown on the submitted plans. The fascia signs would consist of individual letters located on a white background. The internal illumination of the signs is considered to be appropriate given the existing level and nature of signage on site and the nature and function of the building as a foodstore.

The proposed signs are not considered to have any greater visual impact than that the previously approved Budgens signs, although it is appreciated that the colour scheme may appear more prominent than previous colours.

Regarding the impact on public safety, the following comments are made. The proposed signs which are no larger than the Budgens signs, should not distract or confuse passing pedestrians or slow moving vehicular traffic, likewise positioned at fascia/eaves height above the public highway and car park area, they should not threaten the safety of passing pedestrians.

CONCLUSION

As the fascia signs would be no larger than Budgens signs, it would be unreasonable to insist on smaller ones.

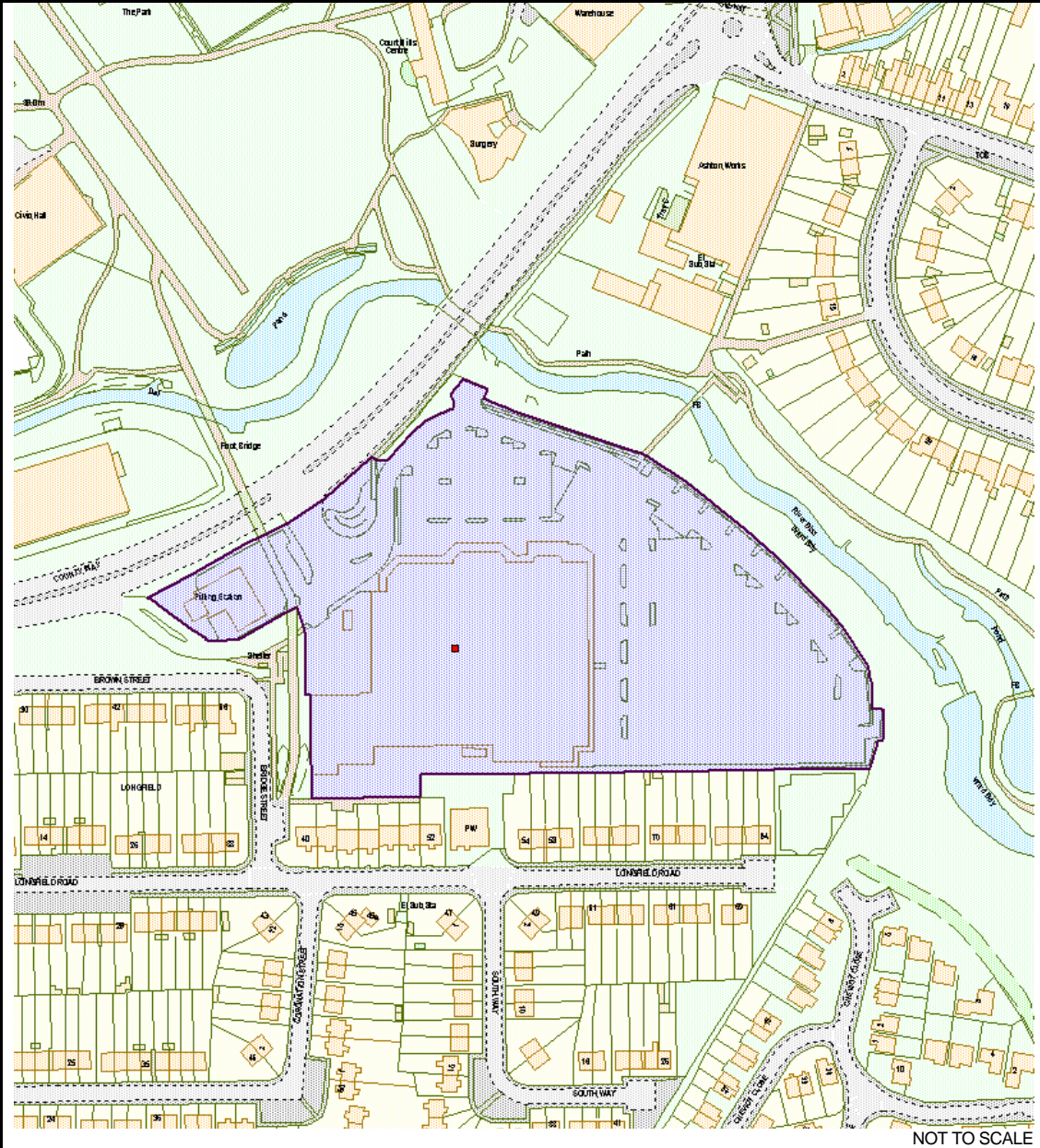
PLANNING COMMITTEE

8 March 2007

ITEM NO: 18

APPLICATION NO: 06/02756/ADV

LOCATION: Tesco Stores Ltd County Way Trowbridge Wiltshire
BA14 7AQ



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SLA: 100022961

18 Application: 06/02756/ADV

Site Address: Tesco Stores Ltd County Way Trowbridge Wiltshire BA14 7AQ

Parish: Trowbridge Ward: Drynham
Grid Reference 385965 157528
Application Type: Advertisement
Development: Car park signage and shop sign at entrance to store
Applicant Details: Tesco Stores Ltd
C/o Development Planning Partnership F A O Stephanie Smith 1
Fitzroy Square London W1T 5HE
Agent Details: Development Planning Partnership
F A O Stephanie Smith 1 Fitzroy Square London W1T 5HE
Case Officer: Mrs Jane Sanger
Date Received: 07.09.2006 Expiry Date: 02.11.2006

REASON(S) FOR CONSENT:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and any planning objections have been overcome by conditions.

RECOMMENDATION: Consent

Condition(s):

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This is an application for advertisement consent for a variety of advertisements within the car park of Tesco's store in County Way, Trowbridge.

The application site comprises a retail supermarket, with surface level car parking for 652 customers and a petrol filling station on land to the south of County Way, Trowbridge.

The details of the advertisements, which include replacements to existing signage are as follows:

- 1) 1 x 7m tall gantry signage displaying "Tesco extra" in white, red and blue to be located on grass verge at the main vehicle entrance to site. This will replace existing gantry signage at the site. This sign will be illuminated and has been considered and permitted under another application
- 2) 1 x predominantly red disabled parking signage to be located at the disabled parking area to the north of the entrance to the store
- 3) 2 x predominantly blue parent and child parking signage to be located to the east of the main building within the car park
- 4) 1 x predominantly red set down point to be located to the immediate north of the main building
- 5) 7 x flag pole style signs
- 6) New signage for bus shelters on site.
- 7) 1 x predominantly red trolley signage
- 8) 1 x predominantly red welcome and goodbye signage on the County Way boundary of the application site.
- 9) 2 x 2.8m tall predominantly red welcome and goodbye signage on the County Way boundary of the application site.
- 10) 1 x predominantly red welcome and goodbye signage on the County Way boundary of the application site.
- 11) 7 x predominantly white directional signage stating "petrol" and "exit" to be located within the car park of the supermarket
- 12) 2 x predominantly white directional signage stating "Disabled Parking" and "Set down point".
- 13) 1 x predominantly white directional signage stating "petrol" and "exit" to be located within the car park of the supermarket
- 14) 1 x predominantly white directional signage stating "petrol" and "exit" to be located within the car park of the supermarket
- 15) 1 x predominantly white directional signage stating "petrol" , "exit" and "staff and visitors reception"
- 16) 1 x predominantly white directional signage stating "Tesco deliveries" to be located at the exit from the petrol station to the west of the site.
- 17) 2 x predominantly blue Petrol filling station signage stating "Air and Water" and "Car Vac"
- 18) 2 x predominantly blue directional signage to be located to the south west of the main building.
- 19) 2 x predominantly blue directional signage to be located to the west of the main building
- 20) 1 x predominantly white directional signage to be located on the main access road to the site.
- 21) Clock tower signage to be amended to read "Tesco Extra". (already permitted under another application).
- 22) Re-cladding of existing air barrier signage for ATM machines to the immediate west of the main entrance to the store.
- 23) 1 x predominately white disclaimer signage to be located within the car park on the eastern side of the main building.
- 24) 1 x red coated sign which would frame the entrance to the store reading 'Welcome to TESCO extra Trowbridge'
- 25) 3 x freestanding signs in navy blue with white writing which comprise directional signage
- 26) 1 x fascia sign in navy blue with white writing reading 'exit'
- 27) 1 x freestanding in red and white with navy blue and white writing reading "Welcome to Tesco, Open 24 hours and its hours of opening Monday to Saturday and Sundays."

These advertisement signs have already been erected and the application is therefore retrospective.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: The committee considers this to be an excessive level of signage, which can be confusing to drivers, particularly where there are large numbers of pedestrians.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection.

PUBLICITY RESPONSES

A site notice was erected and neighbouring properties were consulted. As a result no representations were received.

RELEVANT PLANNING POLICY

06/01822/FUL - Alterations to existing car park layout - Approved 27.07.06

RELEVANT PLANNING HISTORY

West Wiltshire District Plan 1st Alteration (2004)

C24 Advertisements

C31A Design

C38 Nuisance

PPS1 Delivering Sustainable Development

PPS6 Planning for town centres

PPG19 Outdoor Advertisement Control

KEY PLANNING ISSUES:

The main considerations relating to this application are the impact of the development on highway safety and public amenity.

PLANNING OFFICER COMMENTS:

Policy C24 of the West Wiltshire District Plan 1st Alteration (2004) states:

"Applications for advertisements will be considered with regard to the interests of amenity and public safety. The size, form and location of advertisements will therefore be required to:

A Respect the appearance of a building or the visual character of the local environment, including any features of historic, architectural or cultural interest;

B Avoid distracting or confusing passers-by thereby impeding the safe operation of any form of traffic movement

It is considered that the signs would be sensitively designed and sited and would not present a hazard to public safety. It is understood from the agents that the majority of this signage involves the re-branding of existing signs. The majority of these are directional signs essential to reduce confusion in the car park area and will assist motorists and pedestrians to navigate the area

The layout and design of the car park has been designed to reduce the speed of vehicular traffic, resulting in drivers travelling at a slower speeds, which in turn minimises the risk of these signs causing a distraction to or impeding, the safe operation of any form of traffic movement either vehicular or pedestrian.

The majority of the signs proposed would be confined to the car park area, except for a smaller number in the area of the filling station and two small flags on the entrance to Tesco from County Way. These signs, except for the flags on the entrance, would be a sufficient distance from the highway, not to cause significant harm to slow moving traffic/stationary traffic in the car park or at the traffic lights of County Way. Although some of the signs would be visible from the footbridge linking the Tesco site with the park to the north of County Way, the signs would not be seen to confuse passers-by, due to the distance from the signage.

The signs proposed are not illuminated, except the gantry sign that was approved under a separate application.

CONCLUSION

The proposals are in accordance with the Development Plan and Planning Guidance and would not be seen to have a negative impact on highway safety or public amenity, and as such there is no reason why consent should not be granted.