

PLANNING COMMITTEE

12 JULY 2007

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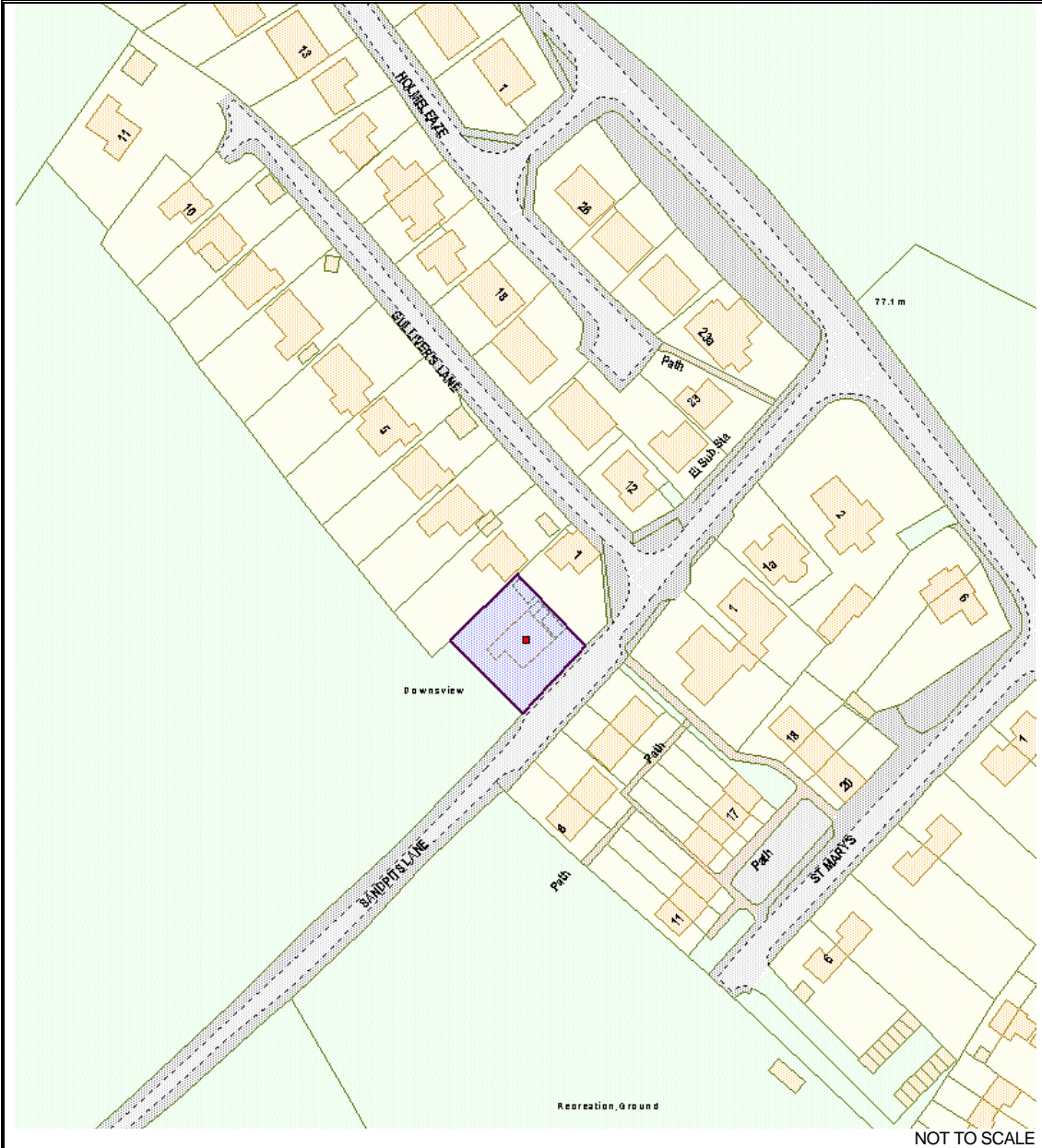
PLANNING COMMITTEE

12 July 2007

ITEM NO: 01

APPLICATION NO: 07/00702/FUL

LOCATION: Downsview Sandpits Lane Steeple Ashton Wiltshire
BA14 6BP



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SLA: 100022961

01 Application: 07/00702/FUL

Site Address: Downsview Sandpits Lane Steeple Ashton Wiltshire BA14 6BP

Parish: Steeple Ashton Ward: Summerham
Grid Reference 390306 157174
Application Type: Full Plan
Development: Erection of single storey extensions for conservatory, utility/family rooms
Applicant Details: Mr And Mrs S Carr
Downsview Sandpits Lane Steeple Ashton Wiltshire BA14 6BP
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Mr Peter Westbury
Date Received: 26.02.2007 Expiry Date: 23.04.2007

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 was deferred at the meeting of the Planning Committee on 21 June 2007 to enable a Members' site visit to take place.

This application is brought to Committee because Steeple Ashton Parish Council object contrary to Officer's recommendation.

This is an application for full planning permission for two single storey extensions to an existing detached bungalow on the western side of Sandpits Lane at its junction with Gulliver's Lane, Steeple Ashton.

The first extension is a proposed conservatory to the south western side of the building. The plans indicate that it would occupy an area of 28.4 square metres and would be 3.6m tall. This proposal would replace an existing smaller sun lounge.

The second extension would be for a pitched roof extension to the north eastern side of the main property. It would occupy a floor area of 27.3 square metres and would be 5m tall. The proposed extension would replace an existing smaller playroom.

In support of their application the Applicants have provided a plan indicating the distance from nearby development and in response to the objection from the Parish Council state:

"The Parish Council mentioned that the new extension on the field side of the house would have an "adverse visual impact upon the character and setting of the area", we believe this to be a poor excuse because how can a extension with a tiled roof have more of a visual impact than the white UPVC conservatory with a clear polycarbonate roof, which a night time when the lights are on stick out a sore thumb when approaching the village from Sandpits Lane. The other reason for changing this conservatory is to save money on the heating costs and we believe it would improve the look of that side of the house.

The Parish Council and neighbour (1 Gulliver's Lane) also feel that the extension are too big for the ploy of land; we again would like to point out that today builders would be allowed too build at least four houses on a plot of land our size! With regards to it having an overbearing impact on the neighbouring dwelling you just have to look up Gulliver's Lane all these bungalows have had extension and are a lot closer to each other than our extensions would be to any of our neighbours!"

CONSULTATION REPLIES:

- STEEPLE ASHTON PARISH COUNCIL: Object

"i) The adverse visual impact that these extensions will have upon the character and the general setting of the area, particularly the view of the village from Sandpits Lane as stated in the Steeple Ashton Village Design Statement page 17, recommendation 9: "The fine inward views of the village on its approaches from should be protected

ii) The size of the extensions . They feel that it is contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) and the SPG Planning Design Guidance by reason of its scale and mass, creating a form of development that would be overly dominant and which would have an overbearing impact on the neighbouring dwellings.

We would like to point out to officers that this site has been subject to retrospective planning application. If, in the wisdom of the councillors they are minded to allow this application could they please ensure that detailed dimensioned plans are available and that they are adhered to. Further the council wish that all responses received from neighbours to the Planning Authority be taken into account prior to the determination of this Application."

PUBLICITY RESPONSES

Neighbouring residents were consulted and as a result two representations from the same neighbour were received both objecting to the proposal on the following grounds:

- The proposed extension severely compromises the level of light to the main garden of my property and more importantly closes off a large element of light into my garden floor.
- "It is of note to me that the level of light has already been compromised by the applicants in their previous extension works by the significant raising of the roof line to accommodate a loft conversion. These works were undertaken without proper planning permission which was then only approved by a retrospective planning application to yourselves.
- Design, appearance and layout: The proposed development would represent overdevelopment of the site.
- Proposal more in keeping with an urban conurbation than a village environment.

RELEVANT PLANNING POLICY

West Wilts District Plan 1st Alteration 2004
 C31a - Design
 C38 - Nuisance

SPG - Planning Design Guidance (House alterations and extensions)
 Steeple Ashton Village Design Statement

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh this policy.

PLANNING OFFICER COMMENTS

Policy C31a of the District Plan states that proposals for new development will be required to respect or enhance the quality of architecture of surrounding buildings. In the context of Steeple Ashton, an in particular approaches to the village, this means that proposals should protect the views of the church. This proposal would have no impact on this important view.

The SPG on House alterations extensions states that side extensions may well represent the most appropriate way of extending a property. In this case the proposal has been design so that neither extension would detract from the street scene.

It is considered that the proposals would be in scale and character with this and surrounding properties and is consistent with Policy C31a and supplementary planning guidance.

The application proposal is at a sufficient distance to prevent any detrimental impact on the amenity enjoyed by neighbouring properties. Single storey extensions are unlikely to result in a significant loss of amenity to neighbouring properties unless there is a significant difference in levels from one site to another. In this case, there is no such difference. It is not accepted that the proposal will result in a loss of amenity to neighbouring properties. The proposal is therefore consistent with Policy C38 of the District Plan.

Other material considerations

The Applicants reference to other properties in the vicinity of the site is of no relevance to the consideration of this application.

The representation received refers to the loss of light resulting from this proposal. This is not accepted by virtue of the distance from the proposal to the neighbouring property to the application proposal.

That earlier building work required retrospective planning permission has no relevance to this application.

For development of this scale, no distinction is drawn between an "urban conurbation" and village setting.

The proposal by virtue of its scale, height and relationship with the existing buildings on the site, would not represent an overdevelopment of the site. That the site may or may not be suitable for redevelopment for housing is irrelevant.

CONCLUSION

On balance, the proposals are considered acceptable within Council policy.

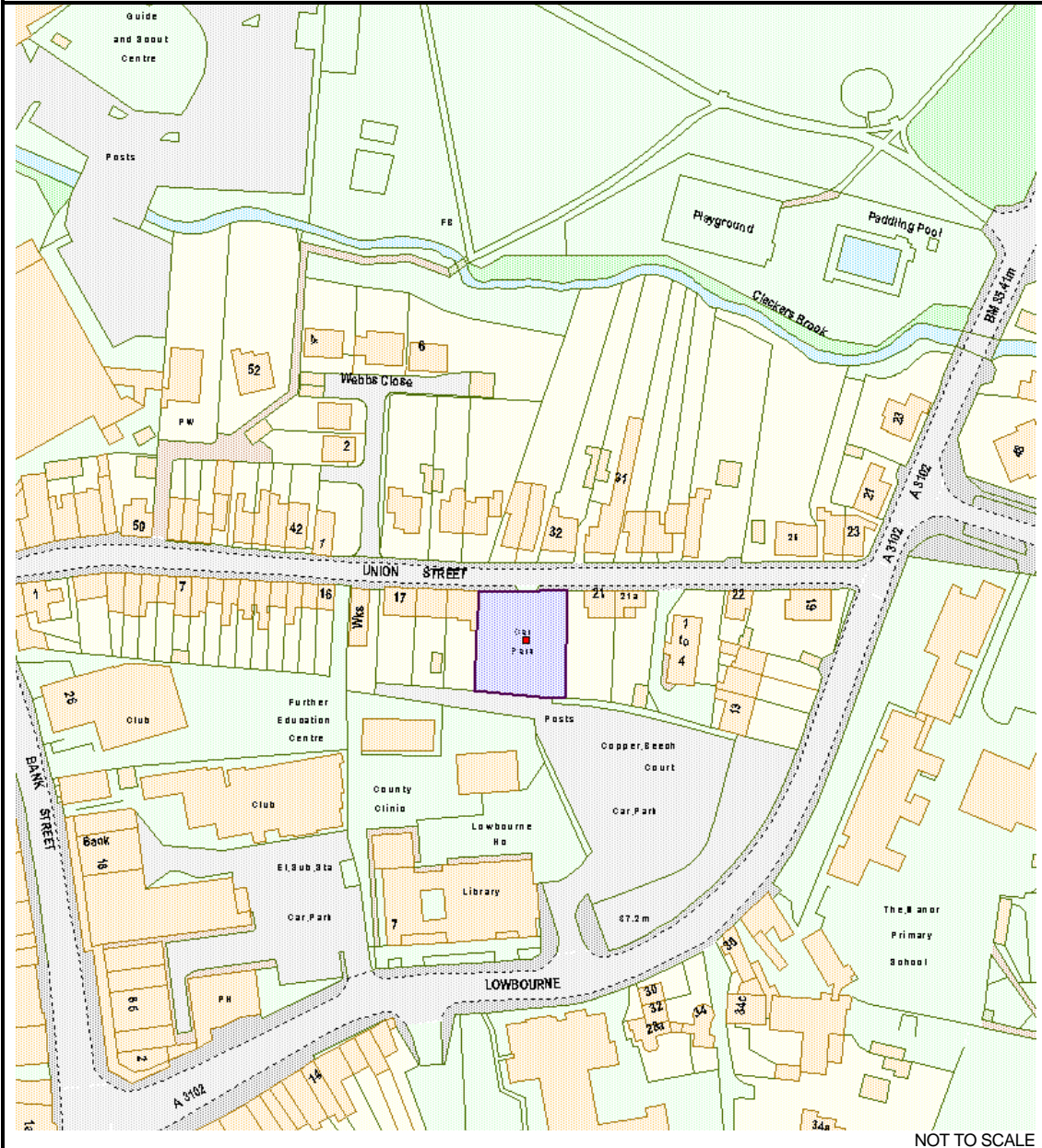
PLANNING COMMITTEE

12 July 2007

ITEM NO: 02

APPLICATION NO: 06/03773/FUL

LOCATION: Union Street Car Park 20 Union Street Melksham
Wiltshire SN12 7PR



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SLA: 100022961

02 Application: 06/03773/FUL

Site Address: Union Street Car Park 20 Union Street Melksham Wiltshire SN12 7PR

Parish: Melksham (Town) Ward: Melksham East
Grid Reference 390610 163968
Application Type: Full Plan
Development: New 2 storey development of 4 no. flats and 2 no. houses with 6 car parking spaces
Applicant Details: West Wiltshire District Council
Bradley Road Trowbridge Wiltshire BA14 0RD
Agent Details: Quattro Design Architects Ltd
1 Great George Street Bristol BS1 5RR
Case Officer: Mr Mark Reynolds
Date Received: 13.12.2006 Expiry Date: 07.02.2007

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 - Policy C31A.

- 3 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, walls, fencing and other means of enclosure and any changes 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 occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with 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; 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 in accordance with Policy C32 of the West Wiltshire District Plan First Alteration 2004

POLICY: in accordance with Policy C32 of the West Wiltshire District Plan First Alteration 2004.

- 4 A minimum of 3No tree(s), supplied as semi mature stock ,planted in a location to be agreed in writing with the Local Planning Authority and in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428 in the earliest planting season following implementation of this permission. These trees shall be medium to large species, not ornamental and small. The trees shall be thereafter maintained for a period of no less than five years. This will include the replacement of any tree(s), or any tree(s) planted in replacement for it, which die, are removed or become damaged or diseased within this period with tree(s) of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

Reason: In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice.

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

- 5 Prior to the first occupation of the dwellings the accessway shall incorporate visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.4m by 2.4m which shall be kept free of obstruction above a height of 600mm.

REASON: In the interests of highway safety

- 6 Prior to the first occupation of the dwellings, visibility splays of 33m with a 2m setback should be provided and shall be kept free of obstruction above a height of 600mm.

REASON: In the interests of highway safety.

- 7 The development hereby permitted shall not be occupied until the sewage disposal works proposed as part of the development scheme have been completed in accordance with the submitted and approved plans.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

- 8 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 9 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate. The parking spaces shall remain unobstructed and available only for the parking of vehicles in perpetuity.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

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

- 10 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 and E of the Order shall be carried out at the houses hereby permitted without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable.

- 11 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 of the houses hereby permitted 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 proposal is brought to Planning Committee because the applicant is West Wiltshire District Council and Melksham Town Council object to the proposal contrary to Officer's recommendation.

This application forms part of the Council's housing private finance initiative to deliver at least 400 new affordable homes throughout the district.

This is a full planning application for a new two storey development of 4 no. flats and 2 no. houses with six car parking spaces. The proposed development forms an L-shape with a frontage width of 20.5m, extending 8m to the rear in its two storey form with a rear projecting wing of 18m in length and 5.4m in width.

The proposed dwellings would be 7.2m in height along the road frontage. The proposed site for development is an existing public car park site of 25 spaces at 20 Union Street, in Melksham. The application site is currently an area of hardstanding that is accessed from Union Street. Union Street is characterised by two storey linear residential development closely bordering the public highway on both its north and south flanks.

CONSULTATION REPLIES

MELKSHAM TOWN COUNCIL

The Town Council object to the application raising the following issues;

- Contrary to Policies C38, H1, C18, T10
- Access for emergency vehicles
- Anti-social behaviour caused by footpath from Lowbourne car park to Union street
- Breach of Council's own planning regulations regarding driveway at 21 Union Street

The Council also advised that the background to the Council's reasons for the objections are as follows:

- The viability of the local businesses with removal of parking
- Union Street car park was instrumental in granting of permission for 'chicken hut'
- Decision to permit 16a Union Street was influenced by the close proximity of parking in Union Street
- Additional on-street car parking will hinder emergency vehicles
- Height of archway would not allow access of emergency vehicles
- Concern about access for disabled persons to the vets because of loss of parking

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

Recommend refusal of the application for the following reason:

'The access by reason of its restricted width and sub-standard junction with Union Street is considered unsuitable to serve as a means of access to the proposed development.'

WESSEX WATER

No objections

ENVIRONMENT AGENCY

Have no comments to make on the application

INTERNAL CONSULTEES

DRAINAGE AND CIVIL ENGINEER

No objections

LANDSCAPE OFFICER

'There are no landscape or arboricultural constraints with or surrounding this and for this reason no objections'. Conditions are however suggested

HERITAGE DEVELOPMENT OFFICER

No objections to the revised proposals

HOUSING SERVICES

'I can confirm that there is a demonstrable need for affordable housing Melksham, with the current priority need being in the region of 296 households. The proposed mix of units also meets the current need'

I note that the application is being made by West Wiltshire District Council and I would therefore assume that the proposal is for 100% affordable housing. As such we would support this application.'

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, by site notice and in the local press. 18 letters were received raising the following objections;

- The area is used by children playing football
- More cars would cause congestion
- Overdevelopment of site
- Traffic problems
- Shops financially effected by the proposal
- Harm to conservation area
- Loss of parking
- General highway safety
- Vandalism of cars may occur when parked elsewhere and antisocial behaviour in the pedestrian thoroughfare
- Loss of property value
- Access for emergency vehicles
- Contrary to planning policy
- Loss of neighbouring amenity
- Development would cut off level access
- Overlooking and loss of light of 21 Union Street

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable development

DP7 - New housing in towns and main settlements

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further housing development within towns

H24 - New housing design

C17 - Conservation Areas

C18 - New development in conservation areas

C31a - Design

C32 - Landscaping

C38 - Nuisance

T10 - Car parking

RELEVANT PLANNING HISTORY

96/01298/FUL - Change of use of part of public car park to domestic curtilage and erect 1.8m high wall/fence - Permission - 25.11.1996

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of policy, highway safety, conservation area impact and impact on neighbouring amenity.

PLANNING OFFICER COMMENTS

Policy

The application site is located within the town policy limit for Melksham. Where further residential development will be permitted subject to a number of criteria.

In this case the proposal is for six dwellings incorporating four flats and two houses. The proposal makes an efficient use of land calculated at approximately 95 dwellings per hectare. This relatively high density, is partially contributed to by the fact that the proposal involves flat development as well as housing. This is a thoroughly sustainable location sited in close proximity to employment opportunities, services and facilities and therefore represents a site where high density development may be considered acceptable. PPS 3 advises that 'more intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area'.

Union Street is characterised by linear development fronting onto the highway in a mixture of detached, semi-detached and terraced formats. This proposal to introduce a block of development in a similar format would be in keeping with the grain of development in the area. The proposed rear wing projecting to the south would also be in keeping with the spatial character of the area which exhibits a number of buildings orientated in a similar fashion.

Design

The proposed units have been designed to front onto Union Street. The two storey form of development proposed would match the eaves height of the immediately neighbouring property to the west. The ridge height would exceed the ridge height of this neighbouring property this is necessitated because of the deeper plan form of the building and the desire to retain a similar 25 degree roof pitch. The variance in building height would act to add interest to the street scene. The proposal to use render as the dominant construction material is acceptable and the use of reconstituted stone plinth, cills, copings and surrounds would reflect local design features. The roofing materials proposed are slate and terracotta pantiles which reflect locally used materials. The number of materials proposed has been reduced and simplified during negotiations on the design of the development which now represents a simple development in common with the prevailing 19th century dwellings which border Union Street.

The proposal involves a break in the frontage of the development at ground floor level which provides an opening into a courtyard behind. This break in the frontage helps to break up the mass of the development whilst the first floor accommodation which continues above the opening preserves the continuity of the Union Street terraces. The proposed accommodation forming a courtyard has been designed to allow surveillance of the thoroughfare through the site. The design of the proposal is considered acceptable in this case.

Conservation Area:

The application is located within a conservation area of Melksham. 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. Likewise Policy C18 of the West Wiltshire District Plan 1st Alteration 2004 advises that proposals for new development within conservation area will not be permitted unless the development will preserve or enhance the character or appearance of the conservation area. This proposal involves the infilling of a significantly sized gap in the frontage of Union Street. The current open space does not add value to the conservation area and this proposal would not therefore result in the loss of an important visual gap. It is considered that the proposal to develop this site would act to enhance the appearance of the conservation area. The Heritage Development Officer has been consulted on the application and raises no objections to the revised plans.

Highway safety:

A number of concerns have been raised regarding highway safety issues. The loss of car parking is sited as a major concern. A car park study of Melksham was commissioned by the applicants and this has been provided in support of the application. This study involved the undertaking of detailed survey work regarding the usage of car parks and on-street car parking within the vicinity of the site. The survey work demonstrated that the existing car park at Union Street which would be lost is currently under utilised and that the adjoining Copper Beach Car Park is also under-

utilised. The survey also demonstrated that there is also existing unused capacity for on-street parking at Union Street/Lowbourne.

The report then goes on to consider the impact of the development on parking. There would be 111 spaces retained comprising Copper Beach car park and on-street parking at Union street/Lowbourne. Maximum weekday demand was shown to be for 80 vehicles, with weekend parking demand being for 82 vehicles. The existing parking alternatives within the immediate vicinity of the site would therefore be able to cope with displaced parking arising from the development. This proposal may therefore result in a rationalisation of car parking and help to ensure that existing car parking is utilised more fully. The Highway Authority have been consulted on the proposal and they have raised no objections to the proposal in terms of displaced car parking or the level of car parking provision provided for the development. The provision of six spaces for six modest sized units in this highly sustainable location is considered adequate.

Access and egress from the site onto Union Street is raised as a concern by respondents to the public consultation. The Highway Authority have objected to the proposal on the basis that the entry width of the shared private drive should be a minimum of 4.5m in width for at least the first 5m of the access to allow two vehicles to pass. Whilst the concerns of the Highway Authority are noted in this regard it is the Officer's view that proposal will not jeopardise highway safety. The current proposal would allow access by one car with a dedicated pedestrian access. Were the access to be widened to 4.5m this would still be inadequate in that whilst two cars may pass there would be no room for pedestrians. In reality then the access would need to be widened to approximately a minimum of 5.5m for the access to work safely for two cars and pedestrians. This would lead to an overly large gap in the building which it is considered would detract from the design of the proposals.

The proposed situation is considered acceptable for the following reasons. It would provide a dedicated strip of land for pedestrian thoroughfare. Given that Union Street is a one-way street It would prove problematic for two cars to pass each other with one leaving and one entering the site given that an arriving vehicle would necessarily have to cross the path of any exiting vehicle. What would be more likely to happen is that the driver waiting to enter the site, and realising that another vehicle was emerging would allow the emerging vehicle to exit the site. This is a current arrangement witnessed in other parts of Union Street. Reducing the width of the entrance to one car should have the effect of reducing the speed at which cars approach this access. The scale of the development should also be considered in this case. This proposal for six units with only six spaces within the courtyard will inevitably limit the number of cars entering the courtyard to park. The number of units is not large and it is not therefore anticipated that incoming traffic will meet outgoing traffic very frequently and the views of the Highway Authority regarding the width of the access are not supported.

Concern has been raised regarding emergency services being unable to enter the courtyard area. However, the Highway Authority's only concern was the width of the access.

Neighbouring amenity:

The proposal raises issues regarding neighbouring amenity. There are no windows proposed at first floor level in the west elevation of the rear projecting wing of the development. There would not therefore be any overlooking of the neighbouring property 19 Union Street. The rear projection would be sited a minimum of 4m from the boundary with this neighbour. There are a number of buildings in the rear of this neighbouring property and although there would be some impact in terms of overshadowing from the proposal this would not be sufficient to support refusal in this case.

In the east elevation of the rear wing windows would overlook the courtyard area but these would be approximately 14m from the garden of No. 21 and an unacceptable level of overlooking would not occur of this property.

The flats have been designed internally so that similar rooms are found at first floor level above similarly used ground floor rooms. This should minimise nuisance caused in the flats. The flats do not have dedicated amenity space but recreation areas are available in the wider locality. The houses would have a dedicated garden area each.

There exists an office building to the south of the site and there would be no loss of amenity considering that this is an office building.

The proposal would not harm neighbouring amenity to an extent that planning permission should be refused.

Other issues

Concern has been raised regarding the viability of local businesses particularly those in Union Street were this proposal to proceed. As has been mentioned above the existing car park and on-street car parking have capacity to hold any displaced cars from the loss of the Union Street car park. It is not therefore considered that the proposal would harm the existing shops in the locality. Indeed the addition of six further dwellings may in fact benefit these shops.

Concern has been raised about the loss of car parking and the impact this may have on disabled people trying to access facilities in Union Street. These concerns are understood however it should be noted that a pedestrian access would be retained from the Copper Beach car park which adjoins the Union Street car park through to Union Street.

Possible anti-social behaviour has been cited as an objection to the proposal. The site would, were this proposal to proceed, be made more publicly visible with the dwellings providing surveillance of the site. It is hoped that this should reduce the possibility of anti-social behaviour at the site.

The area has been highlighted as a recreation area for children. The suitability of a car park for this use aside, there exists other recreational areas within the locality.

Concern has been raised about level access being provided to the site. This is a matter which the Building Control department will consider when an application for building regulations approval is made.

A neighbour has objected to the proposal on the basis of a loss of property value this is not a material planning consideration.

CONCLUSION

The proposal represents the opportunity to develop an underused site within the conservation area for an affordable housing development. The proposal would accord with development plan policy and permission is recommended.

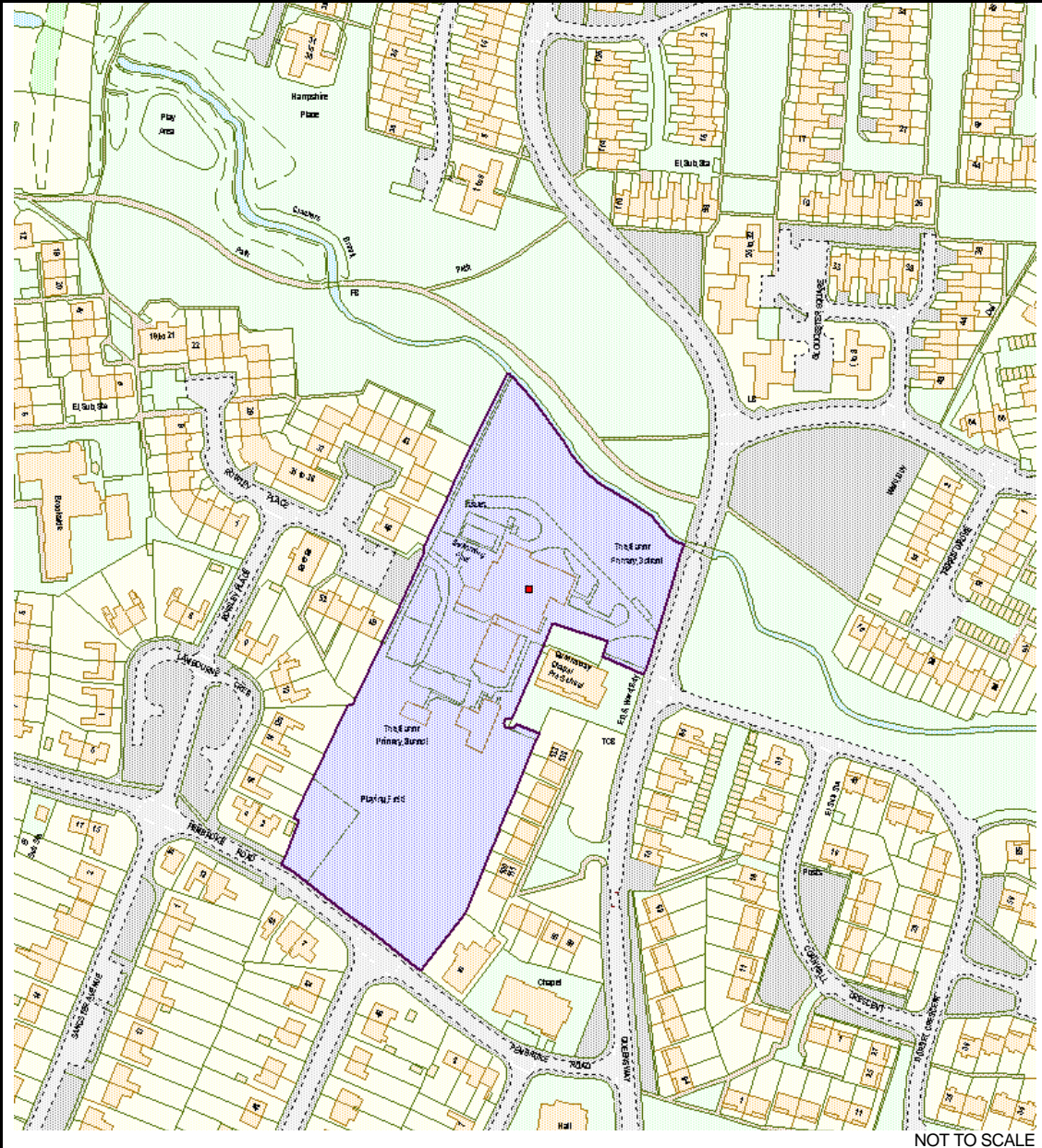
PLANNING COMMITTEE

12 July 2007

ITEM NO: 03

APPLICATION NO: 06/03047/OUT

LOCATION: Manor Primary School Queensway Melksham
Wiltshire SN12 7LQ



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SLA: 100022961

03 Application: 06/03047/OUT

Site Address: Manor Primary School Queensway Melksham Wiltshire SN12 7LQ

Parish: Melksham (Town) Ward: Melksham East
Melksham Spa

Grid Reference 391012 163820

Application Type: Outline Plan

Development: Residential development of 50-70 dwellings (outline)

Applicant Details: Wiltshire County Council
C/o Barton Willmore Planning Partnership Western 25 Marsh Street
Bristol BS1 4AQ

Agent Details: Barton Willmore Planning Partnership Western
25 Marsh Street Bristol BS1 4AQ

Case Officer: Mrs Judith Dale

Date Received: 04.10.2006 Expiry Date: 03.01.2007

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 following: -

- (a) Provision of 30% affordable housing on site on a nil subsidy basis in accordance with policy;**
- (b) To off-set the loss of existing open space on the site**
 - (i) The provision of a pedestrian footbridge to an agreed standard and design and the provision of associated footpath links, and**
 - (ii) A financial contribution of £25,000 towards a detailed Management Plan for Clackers Brook and the implementation of works identified in that plan;**
- (c) A financial contribution of approximately £49,000 for the provision of off-site open space facilities on the north side of Clackers Brook. In the event that the number of dwellings delivered by this permission exceeds 70, this figure shall be increased proportionately.**
- (d) A financial contribution of £57,500 to secure improvements to the Town Cycle Network, bus and cycle shelters and an annual payment for bus passes for residents of the development.**

Condition(s):

- 1 Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site ("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 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 Notwithstanding the illustrative nature of the plan incorporated within the Design and Access Statement, the development shall broadly be carried out in accordance with that plan.
- REASON: In the interests of securing a satisfactory development.
- 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 - Policy C31A.
- 6 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C31A.
- 7 The first submission of reserved matters shall include a full tree survey, Arboricultural Implications Study and, where necessary, an Arboricultural Method Statement, taking account of the trees on site and on adjoining sites.
- REASON: To safeguard the potential impact of the development on trees both on the site and adjoining sites that are protected by a Tree Preservation Order.
- Policy: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32
- 8 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.
- 9 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.

- 10 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete

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

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

- 11 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.

- 12 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.

- 13 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with 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 methods of construction shall be submitted to the Local Planning Authority.

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

- 14 The proposed roads, including footways and footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway in accordance with the details approved pursuant to Condition 13.

REASON: To ensure that the development is served by an adequate means of access in the interests of amenity and highway safety.

- 15 Prior to construction work commencing on the site, visibility splays shall be formed and the area between the nearside carriageway edge and the lines shown on the plans shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

- 16 The parking areas to be provided and to be shown on the detailed plans shall not be sited otherwise than in the positions to be shown on the approved plans and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

REASON: In the interests of amenity and highway safety.

- 17 The gradient of any proposed driveway shall not be steeper than 1 in 15.

REASON: In the interests of highway safety.

- 18 Notwithstanding the provisions of the Town & Country Planning General Development Order 1988 (or any Order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

REASON: To safeguard the amenities and character of the area and in the interests of highway safety.

- 19 No doors, including garage doors, or window openings at ground floor level shall be permitted to open over the highway.

REASON: In the interests of highway safety.

- 20 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 be submitted to and approved in writing by the Local Planning Authority before works start on site. The works shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

- 21 The development shall not commence until a Residential Travel Plan which meets the current required standard and is in accordance with the Department for Transport publication 'Making Residential Travel Plans Work: Good Practice Guidelines' and Supplementary Planning Guidance 'Development Related Travel Plans in Wiltshire', has been submitted to and approved in writing by the Local Planning Authority.

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

- 22 No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to and approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.
- REASON: To ensure that the development is subject to minimum risk of flooding.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy U3
- 23 No new buildings, structures (including gates, walls and fences) or raised ground levels shall be constructed or take place within: -
- (a) 8 metres of the top of any bank of watercourses, and/or;
- (b) 8 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise by the Local Planning Authority.
- REASON: To maintain access to the watercourse for maintenance or improvement and provide for overland flood flows.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy U3
- 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 constructed in accordance with the approved details.
- REASON: To ensure that flood risk are not increased.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy U3
- 25 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.
- REASON: To prevent the increased risk of flooding.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy U2
- 26 Before any development hereby permitted is commenced, including any demolition works, a Construction and Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority, outlining how the watercourses will be protected from pollution both during and post construction. The development shall be carried out in accordance with the approved plan.
- REASON: In order to protect wildlife habitats
- POLICY: West Wiltshire District Plan 1st Alteration - Polcy C7
- 27 Before any development hereby permitted is commenced, a scheme for the management and enhancement of the area of open space (including the bank side areas) for wildlife shall be submitted to and approved in writing by the Local Planning Authority. 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 C7

28 Notwithstanding the illustrative nature of the plan incorporated within the Design & Access Statement, no dwellings shall be sited within the identified flood plain.

REASON: To ensure that the development is subject to minimum risk of flooding.

POLICY: West Wiltshire District Plan - 1st Alteration, 2004 - Policy U3.

Note(s) to Applicant:

1 The applicant is advised to consult with Wessex Water regarding the existing foul sewerage and water supply systems, any required easements, and the need for onsite pumped storage for buildings in excess of two storeys.

2 It is recommended that the developer investigate the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include: -

- (a) Interception and reuse;
- (b) Porous paving/surfaces;
- (c) Infiltration techniques;
- (d) Detention/attenuation;
- (e) Wetlands.

The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and bringing in electrical services into the building at a high level so that plus are located above possible flood levels. Additional guidance, including information on kite marked flood protection products can be found on www.environment-agency.gov.uk.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Decoy Rhyne, designated a 'main river'.

3 The applicant is advised that in order to meet the required efficient density standards in PPS3, a minimum of 40 dwelling units per hectare shall be delivered as part of the approved development.

4 Further to the details required by Condition 2 above, the proportion and siting of any three-storey dwellings shall take full account of the existing pattern of development, the overall character of the surrounding area and existing residential amenity.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because of the Town Council's comments contrary to that of the Planning officer's recommendation.

This is an outline application for the redevelopment of the Manor School, Melksham. The site is very generally rectangular in shape, measures approximately 1.7 hectares, and occupies a mainly level area of land south of Clackers Brook. Its northern boundary fronts onto Pembroke Road and its western and eastern boundaries abut the rear gardens of predominately semi-detached properties in Queensway, Lambourne Crescent and Rowley Place. Currently the existing school buildings occupy the central part of the site, with the playing fields lying to the south, and an area of open space separating the developed area from the heavily screened Clackers Brook. A large, separate and recently constructed pre-school building at the Queensway frontage to the site shares the existing entrance with the main school, but does not form part of the current application.

This application proposes the demolition of the school buildings and the residential development of the majority of the site with 50 to 70 dwellings. The accompanying Design and Access Statement proposes an illustrative scheme for a linear spine road through the site from Pembroke Road, terminating in a cul-de-sac with a buffer zone of open space beyond. The existing pedestrian access through the western boundary into Rowley Place is to be retained while the main entrance onto Queensway will be retained for access to the pre-school building for emergency vehicles only.

The application was originally accompanied by a Design and Access Statement, a Planning Supporting Statement, a Bat Survey and Habitat Survey. A Sustainability Check List, Flood Risk Assessment and Transport Assessment have since been submitted as requested.

All matters are reserved for subsequent approval.

CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL: Councillors stated their concern with regard to the insufficient information provided on (i) number of dwellings on this site and (ii) the future of the playing fields and felt unable to support the application. Councillors requested more information on size of the houses, the number of dwellings and amenities proposed for residents.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: You will be aware that the application has been held in abeyance pending the submission of a Travel Statement. This has now been received and is acceptable and supports the outline application as now submitted although the statement has looked at a development of up to 90 dwellings.

I am therefore recommending permission to be granted subject to our standard conditions for a development of this size including a Residential Travel Plan and we will also be seeking contributions for monitoring the plan (£2,500). We will also be looking at the developer to fund bus passes for a year for each dwelling and this will be at a cost of £25,000.

Contributions will also be required for the provision of a covered cycle shelter at the local primary school and a covered pedestrian waiting shelter at a total cost of £10,000.

As this development is within Melksham we will be seeking a contribution of £20,000 for the town centre cycle network which is being progressed.

Nine conditions are recommended including details of the estate roads and footpaths, approval of a Travel Plan, the retention of parking areas and garages, maximum gradients of driveways, provision of visibility splays and drainage.

- ENVIRONMENT AGENCY: The Environment Agency originally objected to the development on the grounds that no Flood Risk Assessment had been submitted. Following the submission of this document in March, the Environment Agency withdrew its objection but commented as follows: -

'However we are concerned that the proposed layout shows the development partly within the floodplain. Even though the applicant is providing flood compensation storage we believe it would be simpler to relocate the development further inland so that it is located outside of the floodplain area in its entirety. This would then avoid the need for creating a flood compensatory storage area. We would welcome discussion from the developer to progress this matter further.'

Four conditions of approval were recommended.

- SPORT ENGLAND: From the information available, it appears that the application site does not encompass at least one playing pitch of 0.4 hectare or more, and as such does not constitute a playing field as defined in the GDPO 1996, number 1817. In view of this, Sport England's Playing Field Policy does not apply, and we do not therefore wish to comment on this application.

- SOUTH WEST REGIONAL ASSEMBLY: "It seems unlikely that the SWRA, as regional planning body, would need to look at the application unless you think there is a reason for it being of strategic importance".
- WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE: Notes that there are Water Voles reported at/near this site and advises a Survey to indicate whether there are any protected species present and to include any avoidance or mitigation measures where necessary.
- NATURAL ENGLAND: No objection to the development, but comments that any changes in hydrology and drainage could impact the water bodies and a change in management may alter the reptile areas. In view of this the following have been requested:
 - the use of sustainable drainage to maintain current surface water drainage levels
 - a Construction Environment Management Plan outlining how the watercourses will be protected during and post construction
 - a management and enhancement plan for the area of open space for wildlife
- WESSEX WATER: Comments that a surface water sewer crosses the site and an 8m easement must be maintained; the existing foul sewerage and water supply systems are adequate to serve the development; a water main skirts the eastern boundary and requires a 10m wide easement; onsite pump storage may be needed for buildings of more than two storeys.
- LOCAL EDUCATIONAL AUTHORITY: No education contribution required.
- DISTRICT ECOLOGIST: 'This development site backs onto Clackers Brook which contains Water Voles. The habitat of this species is protected by the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to damage, destroy or obstruct access to any structure or place used by water voles or disturb water voles while they are using such a place.

If there is any risk that any aspect of the development, including for example landscape works, flood defence works, discharge pipes or any temporary works such as set down areas will affect land within 10 metres of the brook, the full planning application will need to include the results of an ecological survey for this species. The survey report should explain what the likely significant effects of the development will be and include proposals to avoid any adverse impacts, ie a mitigation scheme.

Alternatively the application will need to demonstrate that there will be no risk that any aspect of the development will affect land within 10 metres of the brook. Details must be submitted to demonstrate how personnel associated with the development will be prevented from accessing land within 10 metres of the brook during the construction period.'

- DIRECTOR OF PRIMARY CARE WILTSHIRE PCT: 'I assume from your letter that the 50 to 70 dwellings are in addition to the 750 proposed last year. If this is the case then the resultant increase in population is likely to be in the region of 2050 people (using 2.5 people per household as the proxy). I can confirm that at present we have one of the three General Practices in Melksham actively looking to register more patients in the area and could accommodate and increase of 2000 patients to their list size.'

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY:

Loss of Community Facilities

I consider this to be the key policy consideration. The District Council accepts that from time to time land and buildings in community uses become surplus. Rather than allowing their condition to deteriorate, the District Council will encourage effective re-use or redevelopment of these sites in the interests of the community. It is reasonable for the District Council to request a clear and explicit audit trail to demonstrate this position. This should be fairly easy to produce given the assertions made by the County.

Additionally, the one area of evidence that appears to be lacking is any indication of how the redevelopment of the site for commercial open market housing will benefit the community. Either socially (in terms of creating a balanced sustainable community), or through reinvestment of the financial gain raised through the redevelopment of the site. Again, it is reasonable that the District Council seeks clarification on this matter.

Loss of Open Space

District Plan Policy R2 seeks to protect against the loss of identified recreation open space, in this case the southern half of the proposal site, which is allocated due to status as a school playing field. The recent District-wide Leisure & Recreation Needs Survey identified an overall deficit in open space provision across the district. Melksham community identified the lack of the following facilities; Outdoor sport/recreation areas with changing facilities, Community Centre north east of town (large population), Water sports facilities, Teenage facilities and Astroturf areas. The L&RN Survey identified the proposal site as being poor performing site. Current planning policy demands that proposals either only redevelop part of the site - in order to improve open space provision, or alternative provision of equivalent benefit be provided in the immediate locality. I note that the applicant is not seeking to provide replacement provision. No reference is made to the proposed development facilitating any qualitative improvements to open space provision, either on site or within the immediate locality.

Affordable Housing Provision

The proposal will require an appropriate mix and supply of affordable housing provision. I note that the applicant acknowledges this policy position. I suggest that both Housing Service Officers and the District Council PFI Project Manager are consulted on this matter. I note that the County Council did not offer this site as a PFI site.

Recreation Open Space Provision

In addition to the loss of recreation provision, the redevelopment of the site requires an appropriate level of new open space (directly associated with the new housing). This matter will need careful consideration, in terms of quantity and quality, in conjunction with the issue of loss.

Housing Density

The current proposal identifies a density range between 29 and 41 units per ha. This is a fairly low density range when considered against, national, regional and even the County Council's own policy (Policy DP7). The proposal site is not located within a conservation area (or any other sensitive area designation), so strict adherence to existing density levels is not a constraint. Analysis of surrounding residential block densities reveals a current range between 20 - 42 units per ha. In order to help facilitate the transition towards future higher densities within urban areas, I suggest that the proposal seek to achieve a density range between 40 - 50 units per ha. This is a realistic density range that would not be jarringly out of character with the surrounding residential developments.

Accessibility

The scale of development triggers the need for a transport impact assessment (TIA). This has not been provided. The increase of traffic onto Spa Road needs detailed examination. Given the site's urban location I would expect the TIA to pay close attention to maximising the sustainable transport links and encouraging sustainable travel patterns. Also, I would refer the applicant to the County Council's guidance on preparing travel plans. The District Council encourages the adoption of residential travel plans.

Education Provision

There is a requirement for the proposal to negotiate an appropriate contribution towards local education provision. The applicant needs to speak with the LEA.

- PFI MANAGER: It would appear that the proposal is potentially at odds with Wiltshire County Council's Cabinet decision (1712/2004) of "giving West Wiltshire District Council, or its preferred Private Finance Initiative Provider, first refusal, for a specific period of time, at open market value on properties in the District that have potential for residential development and become surplus to County Council requirements".

In my view, this would be a highly sustainable location for affordable housing on land that has been clearly identified as surplus to requirements. The County Council has not, to date, offered first refusal on the land as required by the Cabinet decision. I will take this up with the relevant officers, but in the meantime I recommend that the site should only be considered for 100% affordable housing provision.

- LEISURE MANAGER:

'1. The issue of whether meeting the DfES standards at the retained sites sits well with our policy is more of a policy issue so I'll leave that to the Policy Section. My only comment on this is that the existing space, although apparently not used by the community, still has value as open space habitat, outlook etc.

In leisure terms I don't have an issue with the loss of this space at this site as the site is situated adjacent to Clackers Brook which offers informal open space, however as I previously said I feel it does have a value and I would imagine that our policy agrees with this. I would therefore be looking for an off site contribution to offset the loss of this space.

I would also add that the proposed extension to Clackers Brook open space within the new development is something I would support.

2. As part of the play strategy lottery bid I have 45k to spend in Melksham that I am proposing to spend in Clackers Brook open space. There is an existing low quality play area which we would replace, and considering the close proximity to Clackers Brook I would like to see the proposed new LAP to be located within the existing open space next to the play strategy play area. The proposed site for the new play area at Clackers Brook is approximately 100 metres away from the boundary of the development. If this were possible then I would want to ensure the LAP is provided by the developer to our specification - one that compliments the surrounding open space.

3. Informal recreation in this area is generally well catered for as Clackers Brook open space is a good quality facility, and King George VI park is also within close proximity. In terms of formal provision the proposed school at Woolmore Farm will provide sports pitches and indoor leisure facilities, which fall within a reasonable distance from the Manor School site.

- LANDSCAPE OFFICER: 'The proposed development in principle is fine, however, it is paramount that during the delivery of the project that all physical constraints are recognised. Although this is an outline application, the open space to the north of the site is a fixed constraint that has been highlighted in item 2.17 of the Planning supporting statement.

With regard to the requirement to provide a Local Area of Play (LAP) on site, it is the Council's request that this facility be provided on the adjacent Public Open Space, by the developer. The proposed site for the LAP is on Local Authority land and within 100 metres of the development in Clackers Brook. A footpath and bridge should also be provided to Clackers Brook via the Northern most point of the site. This is to provide access to play facilities without the need for toddlers to venture out on to the main road to walk around to Clackers Brook. This will impact on the development site in a way that the housing layout could be adjusted to provide a better network of incidental open space throughout the site.

No off-site commuted sum would be required with the exception for the maintenance costs for the LAP. The developer would be required to undertake the design in agreement with the LPA and implementation of these off-site requirements.'

- HOUSING: "I confirm that we would be seeking 30% of the total number of units to be provided on this site for affordable housing on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's preferred development partnership".

PUBLICITY RESPONSES

The application was advertised by a Site Notice attached in three different locations and in the local press, and 37 neighbours were notified of the proposal. Four letters of objection were received on the following grounds: -

- There is conflicting information between the 50 and 70 dwellings stated on the application, and the 50 to 87 properties referred to in the supporting documentation;
- A 30% provision of affordable housing based on this variation in figures would also result in variable numbers, and no location for these units has yet been identified;
- Three storey properties would give rise to overlooking;
- Increase in noise and light pollution;
- Any recycling station containing food waste may attract rats;
- Additional traffic in an already congested area;
- Additional road-side parking would create greater congestion;
- Potential for area to developed into a "rat-run";
- Inadequate visitor parking;
- Loss of green land and Green Belt;
- Overdevelopment of the area;
- Existing Youth facilities already inadequate;
- Existing roads and footpaths already in a poor state of repair;
- Government strategy is for schools to keep their grass areas to improve sport and fitness.

RELEVANT PLANNING POLICY

RPG10/RSS

Wiltshire Structure Plan 2016

- DP3 Development Strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable housing
- DP9 Reuse of land and buildings
- T3 Public Passenger Transport
- T6 Demand management

West Wiltshire District Plan - 1st Alteration 2004

- C7 Protected species
- C31a Design
- C40 Tree Planting
- R2 Protection of recreational space
- R4 Open space in new housing developments
- H1 Further housing development within towns
- H2 Affordable housing within towns and villages
- T3 Transport provision for new developments
- T9 Bus services
- T10 Car parking
- T11 Cycleways
- T12 Footpaths and bridleways
- CF2 Reuse of community facilities
- S1 Education contribution
- U3 Flooding

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPG13 Transport
- PPG17 Planning for Open Space, Sport & Recreation

- SPG - West Wiltshire Residential Design Guide
- West Wiltshire Leisure and Recreational Needs Assessment
- Emerging West Wilts Leisure and Recreational DPD

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The key issues considered to be raised by this development are: -

- Loss of community facilities;
- Loss of open space;
- The principle of housing development;
- Ecological considerations;
- Design and amenity considerations;
- Contributions including affordable housing, public open space and education.

PLANNING OFFICER COMMENTS

Loss of Community Facility

This is one of two key policy areas that require to be fully addressed by this proposal. Policy CF2 requires that where land or buildings in community use become surplus to requirement, then either an alternative community use is found, or that resources freed by the development are used by some form of community benefit.

In this case, the site has become surplus to educational needs following a consolidation of the Primary School facilities within the town. The Manor School was formed in 2005 by a consolidation of Lowbourne Primary and St Michael's Schools, following a decision by the County Council in September 2004 to concentrate education provision on one of the two sites. The Manor "Ruskin" site has been identified as the best to meet the needs of local pupils, and its existing facilities will be expanded and improved to serve this wider catchment.

The applicant has confirmed that funds from the sale of the St Michael's site "will be invested to improve existing facilities and fund new classrooms and sports playing pitches". This rather generalised statement has not been quantified in any way but has been expanded in a subsequent letter as follows: -

"The proposed works to the improved Manor Ruskin site will accommodate a larger number of pupils and all of the play facilities required to support them. This will include sufficient playing pitches, soft play areas, games courts etc to meet the requirements of Department of Education Design Bulletins for the combined number of pupils that are currently located on the two sites. There will therefore be no need for any additional land to meet playing pitch provision etc on the Manor Queensway site. That site will be surplus to requirements and will not be available for any other form of "public" recreation or leisure provision. The Manor Queensway site is a County Council asset which needs to be disposed of in order to fund the amalgamation of the two school sites and the related educational improvements that will result from that initiative."

In itself, it could be argued that the existing community investment is really being "transferred" with its pupils to an alternative site, and that the resources "freed" by the sale of the site for predominately private market housing, not specifically available for Melksham residents, would not obviously result in any local community benefit. In addition, while the stated education provision may be geographically local, there is no supporting evidence to clearly demonstrate that it is genuinely available to the local community.

Notwithstanding these concerns, Members may consider the following to be relevant points: -

- While there may be no evidence regarding future admissions to the consolidated school, the LEA admissions policy is based on local catchment criteria which would primarily serve local need;

- The County Council has confirmed that receipts from the sale of the application site will go towards enhancing educational facilities at the consolidated Ruskin site and at Kings Park Primary School.
- Information provided by the applicant confirms that there is little community use of the Manor School beyond the school day - no sports clubs use the existing playing field and no other groups, such as evening classes use the school buildings;
- The proposed development would deliver 30% affordable housing, which by definition, would predominately serve a local housing need;
- In order to address other policy objectives, the applicant has agreed to a contribution which will secure recreation and other ecological benefits for the immediate community. (see following section).

While each of these considerations may be relatively limited, their "sum" amounts to an overall level of community benefit deemed to comply with relevant policy.

Loss of Open Space

The proposed application will result in a net loss of safeguarded open space. Policy R2 requires that "the loss of existing playing fields, play space and other recreational land, whether publicly or privately owned" must be met by appropriate measures to offset this loss. This can either be on the basis of like-for-like provision elsewhere in the locality, or alternative provision of equivalent community benefit, also within the immediate vicinity.

In this particular area, Clackers Brook has been identified as an important ecological site which provides a unique opportunity for nearby residents to interact with the countryside and wildlife on their doorstep. There are clear opportunities for further investment to improve and expand the ecological objectives and quality of the area, and in conjunction with the District Ecologist and the Council's Leisure Manager and Landscape Officer, a programme of works has been drawn up to achieve this. This includes: -

- The provision of a pedestrian footbridge across Clackers Brook from the application site to access the existing open space and future play area on the north side of the Brook (£25K);
- The provision of footpaths linking the bridge to the existing network on the north side of the Brook with the proposed housing development (£10K);
- A detailed Management Plan to be drawn up for Clackers Brook from its road frontage with Queensway as far as the site of the redundant play area to the northwest of the application site (approximately 300 metres) (£5K);
- A financial contribution to any works identified in that plan (£20K).

Clearly the individual figures have not been fully costed but a total figure of £60,000 is considered a reasonable maximum when set against the cost of providing a replacement playing field elsewhere. In order to ensure that the footbridge and footpath links are provided concurrently with the development, the applicant is being required to provide these two elements as part of the scheme with the remaining elements as a financial contribution.

In policy terms, this proposal is considered to address the loss of open space issue while contributing to an important ecological objective which directly benefits residents in the immediate area. It has been agreed by the applicant subject to the overall 'contribution' being "an absolute maximum".

Principle of Residential Development

The redevelopment of a previously developed urban site within town boundary limits is acceptable in principle, providing it: -

- Adequately addresses water supply and drainage issues;
- Provides safe and convenient highway links;
- Protects and conserve important ecological interests;
- Does not result in the loss of an open area important for recreation or amenity reasons.

Following the submission of a Flood Risk Assessment, the Environment Agency has withdrawn its earlier objection, although retains some concern about the layout showing development partly within the floodplain. Since this plan is illustrative only, as part of an outline proposal, this issue can be address at detailed submission stage.

With regard to supply and drainage issues, Wessex Water have raised no general concern and the illustrative layout accommodates existing lines of infrastructure within proposed rear garden areas.

Following the submission of a Transport Statement, which assess the development of up to 90 dwellings on this site, the Highway Authority raises no objection. Total contributions of £57,500 are being requested towards a range of sustainable improvements including the expansion of the town cycle network, provision of bus and cycle shelters, and the funding of bus passes for residents of the proposed development. These have been agreed by the applicant.

The previous section has outline the ecological and community benefits which will compensate for the loss of this open recreational space and requires no further clarification.

Design and Amenity Considerations

Since the application is in outline form only, these matters are predominately for consideration at the detailed stage. However, the accompanying Design and Access Statement incorporates the following: -

"A development form is proposed that responds to the surrounding street pattern and that retains the majority of existing planting and provides a small focal green space. It is proposed that dwellings will be largely of two storeys, with some two and a half and three storey units at key locations such as along Pembroke Road and overlooking areas of open space. The architectural style will be influenced by the existing character of Melksham.

The key features of the proposal include access from Pembroke Road, 4 parking spaces for the Queensway Chapel pre-school, open space adjoining Clackers Brook, central space to act as a focus for the development, linear development along the spine road backing onto existing gardens with planted front gardens to "create a green link between the focal space and Clackers Brook open space."

As a broad concept, this is a logical development pattern for this site, although care will be required over the number and location of any three-storey dwellings. Surrounding development is generally two-storey and due to the shape of the site, overlooking is likely to be an issue.

With regard to density, the Planning Policy Manager comments that the proposal of 50 to 70 dwellings reflects a density of 29 to 41 units per hectare which is at the lower end of advised scale. A recommended density is between 40 and 50 per hectare, equating to between 68 and 87 dwellings. The lower of these figures would generally accord with both the terms of the application and advised density standards.

Ecological Considerations

As identified previously, Clackers Brook is an ecologically important area with opportunities for enhancement but with potential for damage to the natural environment, particularly voles and reptiles, as a result of changes in hydrology, drainage and overall management brought about by the proposed development. While objections to the development have not been raised by any of the ecological consultees, potential concerns can be addressed through appropriate conditions.

CONTRIBUTIONS

Affordable Housing

Policy H2 requires a 30% provision of affordable housing on site to meet local need and the submitted Planning Statement confirms that the development will deliver this requirement.

It is unfortunate that in this highly sustainable location, and on land that is surplus to requirements, that first refusal has not been offered to the District Council for development under its PFI scheme. This would have resulted in a 100% affordable housing provision. However, this is a separate issue from the planning process and since the basic policy is being met, cannot be resisted on these grounds.

Education

The Local Education Authority confirms that no education contribution is required.

Public Open Space

The redevelopment of this site requires an appropriate level of new open space to provide for the proposed residents (Policy R4). The Design and Access Statement proposes a buffer of approximately 0.5 hectare of public open space adjoining Clackers Brook, and a central open square within the body of the development to include a formal play space (LAP).

While this would normally be required to be delivered on site, in this case, the Leisure Manager supports the principle of a financial contribution to add to the £45K play strategy Lottery bid already won and identified for the Clackers Brook open space immediately opposite the application site. The combined monies would enable an existing low quality, underused play area to be replaced with a considerably improved play facility to serve both the existing community and residents on the new site. The footbridge across the Brook and footpath links will provide immediate access and its development as a single project will ensure an overall design to compliment the wider open space surrounding the application site.

A required contribution of approx £49K has been agreed by the applicants.

CONCLUSION

This scheme would ultimately secure an appropriate and efficient new development of a surplus educational site. It would further deliver significant benefits in terms of existing recreational facilities, wider ecological objectives for the area, sustainable highway improvements and possible 21 units of affordable housing. While it is disappointing that this figure is not ultimately higher, it nonetheless accords with policy and is recommended for permission.

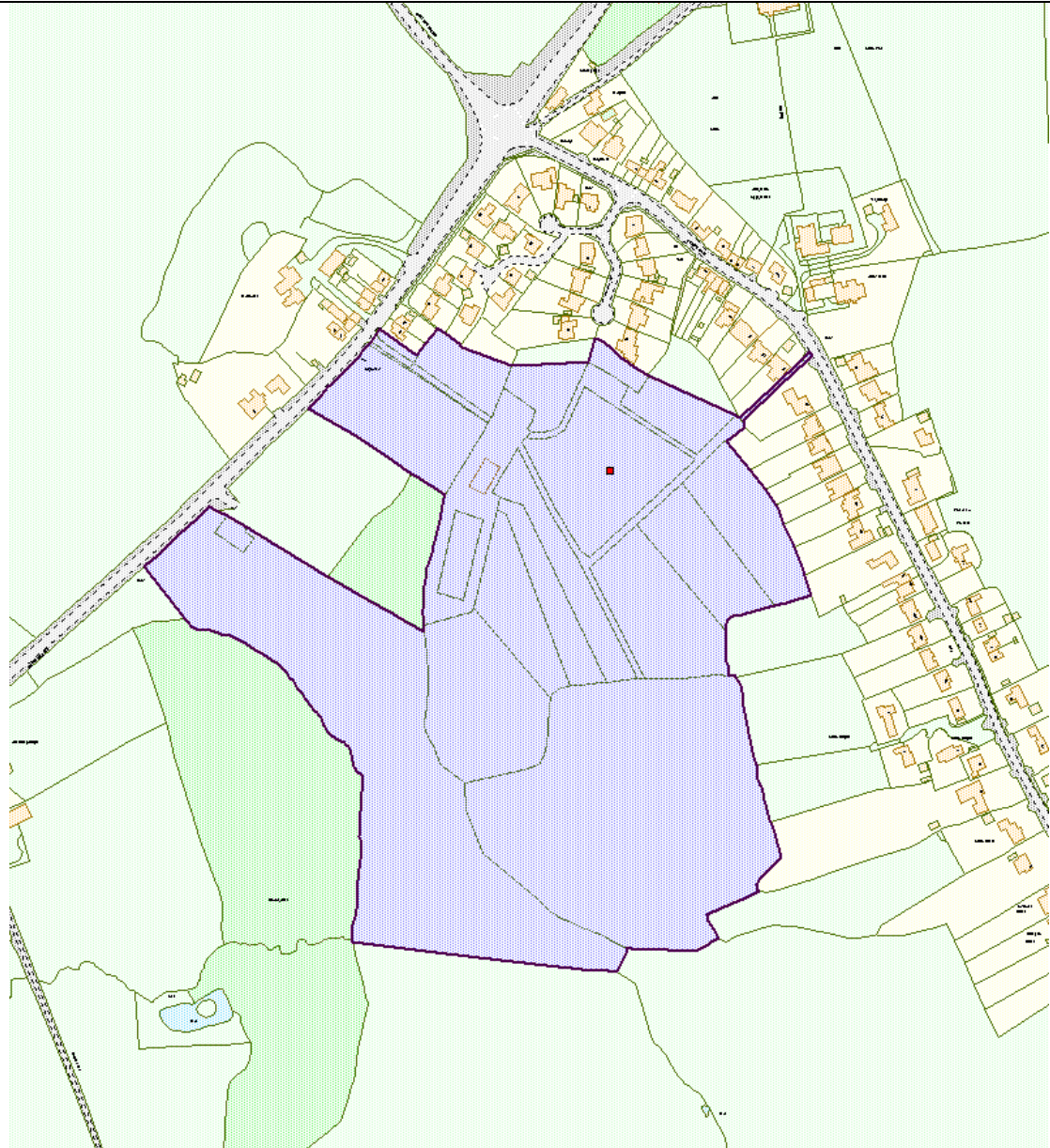
PLANNING COMMITTEE

12 July 2007

ITEM NO: 04

APPLICATION NO: 07/01375/FUL

LOCATION: Land West Of Bratton Road West Ashton Wiltshire



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SLA: 100022961

04 Application: 07/01375/FUL

Site Address: Land West Of Bratton Road West Ashton Wiltshire

Parish: West Ashton

Ward: Summerham

Grid Reference 387771 155570

Application Type: Full Plan

Development: Change of use from agriculture to mixed use of agriculture and livery/breeding of horses including the provision of a menage, the established barn and three mobile field shelters

Applicant Details: Anne Strickland
Lifely Farm 10 Orchard Close West Ashton Wiltshire BA14 6AU

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 19.04.2007

Expiry Date: 14.06.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed development derives direct access from a National Primary Route, outside a built up area, and no justification or evidence of an over-riding national or local need for the development has been submitted. The proposal as such, is contrary to Structure Plan Policy T8 and West Wiltshire District Plan 1st Alteration 2004 Policy T3.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee at the request of Councillor Fortescue in the interests of public debate.

This is a full planning application for the change of use from agriculture to a mixed use of agriculture and livery/breeding of horses including the provision of a menage, the established barn and three mobile field shelters. This application is retrospective because all of the works have taken place already.

CONSULTATION REPLIES

WEST ASHTON PARISH COUNCIL

Comment as follows;

* The councillors are concerned about the additional traffic entering and leaving the site onto the A350.

* There is a container lorry back parked at all times on the site and causing an eyesore to the cottages opposite, this is not mentioned in the application

* We are also told by the neighbours that a large horse-box of the sort with sleeping quarters, is parked behind a mound in the field, and has lights in it every night and is presumably being used as living accommodation. We would therefore like a planning officer to visit the site and make sure that the application is being complied with.

* Under no circumstances should access be given via Orchard Close or from the lane between No. 32 and 30 Bratton Road.

* The application has been on and off since March 2004 with the business being run without permission, councillors are concerned that the matter should be resolved as quickly as possible'.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

'You will be aware of my objections to the previous application W05.1121. The applicant has addressed my objections regarding the increased use of a sub-standard access however the policy of limiting new development onto the National Primary Route Network is still in place (Policy T8 of the Wiltshire and Swindon Structure Plan 2016).

For the reason above I feel bound to recommend refusal of this application for the following highway grounds:-

The proposal is contrary to Structure Plan Policy T8 since the proposed development derives direct access from a National Primary Route outside a built up area and no over-riding national or local need for the development has been substantiated'.

ENVIRONMENTAL HEALTH

No comments received

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties and by site notice, no comments were however received.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016
DP1 - Sustainable development
T8 - Transport provision for new developments

West Wiltshire District Plan 1st Alteration (2004)
C1 - Countryside protection
C31a - Design
C38 - Nuisance
E10 - Horse related development
T3 - Transport provision for new developments

RELEVANT PLANNING HISTORY

01/01478/FUL - Erection of agricultural building for livestock shelter and storage - Permission

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of impact on the countryside, amenity and highway safety.

PLANNING OFFICER COMMENTS

The application site was previously in use for agricultural purposes before a change of use of some of the land has occurred. The principle of the change of use to the livery/breeding of horses may be acceptable in a countryside location. Policy C1 of the West Wiltshire District Plan 1st Alteration 2004 states that development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation. The proposed use would comply with this section of the policy. Policy C1 further states that the rural economy should expand and diversify to ensure and facilitate the management of the countryside. It is considered that the uses of the land which are taking place may help to facilitate the continued stewardship of this piece of land.

Policy E10 of the West Wiltshire District Plan 1st Alteration 2004 states that all horse related developments should have special regard to siting, design materials, and construction to ensure they blend in with their surroundings. The works do not detract from the appearance of this countryside location. The field shelters are modest in size and would not harm the appearance of the countryside surroundings. The manege is sensitively located, landscaped from the main road by dense tree vegetation to the north west. The uses which are currently taking place do not harm neighbouring amenity and no objections are raised in this respect.

Highway safety is a key consideration in this case. The Highway Authority has objected to the proposal on the basis that the proposal would intensify the use of the existing access out onto a National Primary Route. Policy T8 of the Wiltshire and Swindon Structure Plan 2016 and Policy T3 of the West Wiltshire District Plan 1st Alteration 2004 restrict access for new developments onto the primary route network outside built up areas, unless an over-riding need can be demonstrated. This proposal does not have an over-riding national or local need. In order to maintain the strategic and local role of such roads, it is important that the ability of the network to carry traffic flows is not impeded. The Highway Authority consider that the additional traffic would have a detrimental impact on the network and correspondingly recommend refusal. The views of the Highway Authority are supported in this case.

The Parish Council have raised enforcement issues which may be investigated further by the planning enforcement team.

CONCLUSION

The proposal without justification is unacceptable and refusal is recommended.

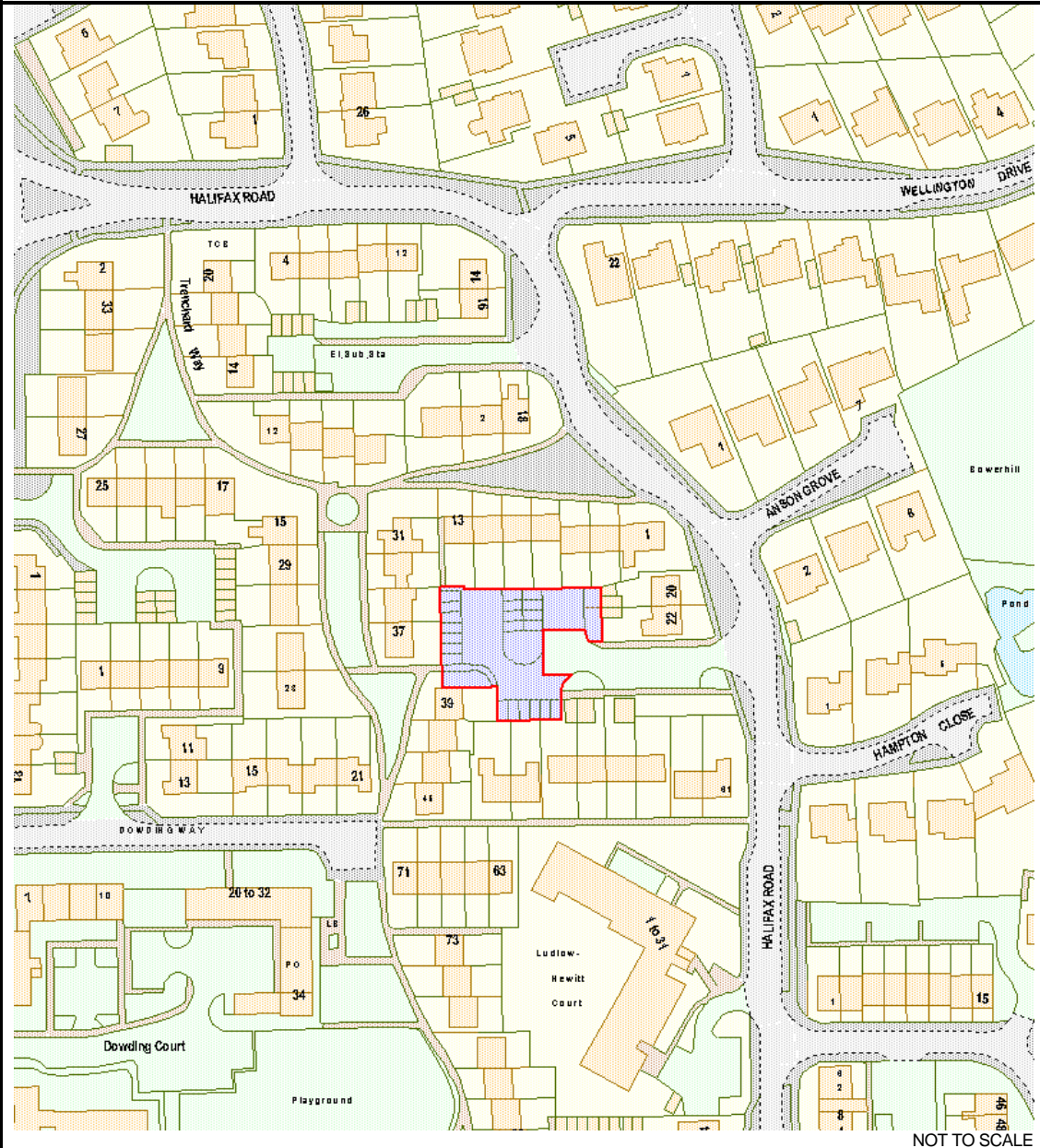
PLANNING COMMITTEE

12 July 2007

ITEM NO: 05

APPLICATION NO: 07/00996/OUT

LOCATION: Garage Block Adjacent To 22 Halifax Road Bowerhill Wiltshire



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SLA: 100022961

05 Application: 07/00996/OUT

Site Address: Garage Block Adjacent To 22 Halifax Road Bowerhill Wiltshire

Parish: Melksham Without Ward: Melksham Without
Grid Reference 391324 162246
Application Type: Outline Plan
Development: Re-develop existing garage courtyard to provide two new bungalows (outline)
Applicant Details: West Wiltshire Housing Society
Bryer Ash Business Park Bradford Road Trowbridge Wiltshire BA14 8RT
Agent Details: BBA Architects Ltd
Henrietta Mews Bath BA2 6LR
Case Officer: Mr Matthew Perks
Date Received: 21.03.2007 Expiry Date: 16.05.2007

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 would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

- 1 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.

- 2 Application for approval of the reserved matters (design, external appearance and landscaping) 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 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 - Policy C31A.

- 4 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.

- 5 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.

- 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 The area allocated for parking 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 amenity and road safety.

- 8 The access, driveway and parking areas 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."

- 9 The approval of drawing no: 2793/002 relates only to the siting of the dwellings whilst the elevational details are purely illustrative.

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

POLICY: H1 of West Wiltshire District Plan 1st Alteration 2004.

- 10 The dwellings hereby approved shall be single storey only with no accommodation in the roofspace.

REASON: In order to define the terms of this permission and in the interests of neighbouring amenity.

POLICY: West Wiltshire District Plan - 1st Alteration, 2004 - Policies C31A & C38.

- 11 The dwellings hereby granted shall be retained as affordable within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan - First Alteration 2004 for so long as the dwellings remain on site.

REASON: To accord with the terms of the application and to secure the delivery of affordable housing on the site.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy H2.

- 12 No development shall commence on site until a minimum of nine (9) alternative car parking spaces/garages for existing garage tenants together with any access thereto, have been provided to the satisfaction of the Highway Authority and the Local Planning Authority.

REASON: To ensure that an adequate area for parking is available in the interests of highway safety.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy H1.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Melksham Without Parish Council recommends refusal and officers recommend Permission.

This is an application for outline planning permission for the erection of two bungalows on the garage block adjacent to 22 Halifax Road, Bowerhill. The proposal forms part of the PFI housing project. Siting and means of access are applied for at this stage. All other matters are reserved for consideration at a later date. The site is some 1000m² in extent (including public pathways and some retained garaging).

The site plan shows a semi-detached pair of bungalows, the retention of 6 garages and the provision of four parking spaces. An illustrative elevational drawing shows a building with a roof ridge height of 5.1m. The dwellings would be within an existing garage block site containing 21 garages. Supporting documentation indicates that 6 of the garages are void, with the remaining 15 being rented. It is stated that ten locally available garages, together with the six retained garages would be offered to the displaced garage tenants.

The proposed dwellings would have two car parking spaces each, and would have private rear garden spaces of between approximately 105m² and 125m² in extent to the western side of the building.

CONSULTATION REPLIES

MELKSHAM WITHOUT PARISH COUNCIL

The Parish comments as follows:

"The Parish Council objects in the strongest possible terms to this application which is considered to be absolutely crazy in view of the fact that it will remove a valued residential amenity and that there is an overwhelming need for the existing garages and parking area. The Council strongly objects for the following reasons:

1. The proposed development is contrary to the original design concept of this area, which provides a purpose-built vehicular area with pedestrian link to the properties. The garages and hardstanding area are part and parcel of the property ambience.

2. The proposed application will remove an essential garage/parking residential amenity for residents who live in this area, which cannot be replaced elsewhere in the immediate vicinity. The attached photos clearly show how the area is fully used and needed for parking. All the garages are in use and some have been occupied by the same residents for many years.

3. If this area is developed there is nowhere else for these residents to park safely. Indeed at a local Meeting, the Police expressed concern about the traffic hazard which will ensue. The only place left to park will be on the main Halifax Road. The main straighter section of Halifax Road has just had a complex chicane traffic-calming system installed, so that only leaves parking Q on the blind corner, just past the Wellington Drive turning.

4. While the Housing Society has indicated that replacement garages may be provided elsewhere on Bowerhill, sites are at an inconvenient distance from the dwellings. This will cause unnecessary hardship to occupants who have young children or who are elderly.

5. Several properties only have pedestrian access from this car park area and if this area is removed, residents will have no way in for furniture delivery, removals, ambulances etc

6. The plans show a block hardstanding area which is supposedly for wheelie-bins. This runs into the footpath area which will be blocked when the dustbin lorries come. The hard standing will almost certainly be used for parking when existing parking is removed as there is nowhere else to go. The Council is very concerned that refuse collectors will end up abandoning bins in the open area because collecting and returning them will become too onerous and awkward.

The Council trusts that, in view of the unanimous strong objections from residents in this area, the Planning Committee will have the courage and wisdom to reject this application. However should the Committee be minded to approve, no access should be given to developers other than via existing roads. As this is a dense residential area, working hours should be restricted to 8 a.m. - 5.00 p.m. only, Monday to Friday I am also enclosing a copy of a letter received from resident Mr Lawson which the Parish Council fully supports."

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

The authority has no objections, and states as follows:

"The garages at this site are all owned by the housing association and currently 15 are rented. The rental agreements for these garages could be terminated at any time by the housing association without alternative parking being made available. As this development requires planning permission it allows an opportunity to ensure alternative parking and garaging is made available to the current garage tenants.

The supporting information states that 6 of the existing garages are to be retained and 10 garages are available locally which will be offered to the 9 tenants, therefore all existing garage tenants will have alternative parking made available.

Concerns have been, raised by local residents regarding parking being displaced onto the nearby roads as a result of this development. Providing the existing tenants have alternative parking made available, accommodating any displacement, I would not foresee a problem to this regard; the proposed dwellings will each have two parking spaces and the area of highway joining Halifax Road that serves the existing garages will not be changed so any casual parking that occurs here currently will not be displaced.

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

1. Alternative parking shall be provided for the existing garage tenants to the satisfaction of the Local Planning Authority.

2. The area allocated for parking 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 amenity and road safety.

3. The access, driveway and parking areas 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."

WESSEX WATER

No objections.

INTERNAL CONSULTTEES

PLANNING POLICY

No comments received.

HOUSING SERVICES

There are 50 households in need of Affordable Housing in Bowerhill.

PUBLICITY RESPONSES:

The proposal was advertised by public notice and letters to neighbours. 42 responses were received, plus a petition requesting deferral of consideration in order to allow residents to obtain legal opinion. Objections are:

- Loss of garaging and associated parking problems;
- impact on access for disabled;
- unwanted dust emissions;
- overlooking of new dwellings and amenity space which is unacceptable for future occupants;
- proposed dustbin area would harm amenity of resident of nearby house;
- layout will encourage or worsen anti-social behaviour;
- no consultation with residents;
- potential animosity towards new owners;
- lack of vehicular access to frontages of properties surrounding the site;
- not in keeping with surrounding area;
- no access for emergency vehicles;
- loss of value of neighbouring properties;
- unacceptable outlook from existing houses;
- departure from the purpose of the layout of the estate with open plan to front and vehicular access to rear

PLANNING POLICY

West Wiltshire District Plan 1st Alteration

C38 - Nuisance

H17 - Village Policy Limits

PPS 3 - Housing

KEY PLANNING ISSUES

The main issues in this case are whether the principle of new dwellings on this land are in accordance with policy H17 of the West Wiltshire District Plan 1st Alteration 2004, and highway safety and neighbouring amenity considerations.

PLANNING OFFICER COMMENTS

The application site is located within the Village Policy Limit area for Bowerhill where the principle of further residential development is acceptable subject to a number of criteria contained in Policy H17 of the West Wiltshire District Plan 1st Alteration 2004.

The proposal is for two dwellings on plots of approximately 200m² each. This would equate satisfactorily with property sizes in the vicinity where residential development is of either terraced housing or terraced bungalows. The proposed type of dwelling and property size would not be out of keeping with the surrounds and would be an appropriate addition to the mix of available accommodation in the area. On this aspect PPS3 (the current Government guidance on residential development) states that the specific outcomes that the planning system should deliver are, inter alia, a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas and a sufficient quantity of housing taking into account need and demand and seeking to improve choice.

The significant local opposition evidenced by the number of objections received raises a number of issues, with access, loss of garaging and parking forming the most common theme. However, the Highway Authority does not object, correctly noting that the garage leases could be terminated at any time. The authority is of the view that this allows an opportunity to ensure alternative parking and garaging is made available to the current garage tenants. An examination of a diagram reflecting the leasing shows that only six of the garages to be demolished are leased by residents immediately surrounding the site, with the remainder further afield. Two of the six garages being retained on the site are vacant and would be available. The supporting documentation includes proposals for the allocation of locally available void garages to all of the displaced garage tenants. The alternative garage courts are within 250m or less of the site. It is considered that a Grampian condition would be appropriate as a means of ensuring that alternative parking is provided in the vicinity.

The rear garden areas abutting the site to the north and west, where double storey dwellings have rear elevations facing the proposed bungalows and their garden spaces, are approximately 10m and 8m in depth respectively. The properties to the east and south are either further distant or do not have nearby overlooking windows. The distance between the rear elevation of the proposed bungalows and the upstairs habitable rooms to the west would be approximately 22m, which is an acceptable separation distance. There would be a degree of overlooking from the properties to the rear since the distance between these dwellings and the boundary to the amenity space to the proposed dwellings would be 8m. On balance however, given the 13m - 14m depth of the proposed rear gardens and the potential for planted screening, this relationship is considered to be acceptable.

A pedestrian access to surrounding properties would be provided, and the existing pedestrian route over the garage block area would be retained.

The proposal would remove the ageing garage blocks, generally improving the appearance of the area.

CONCLUSION

On balance, and in the light of the above, the application should be granted permission.

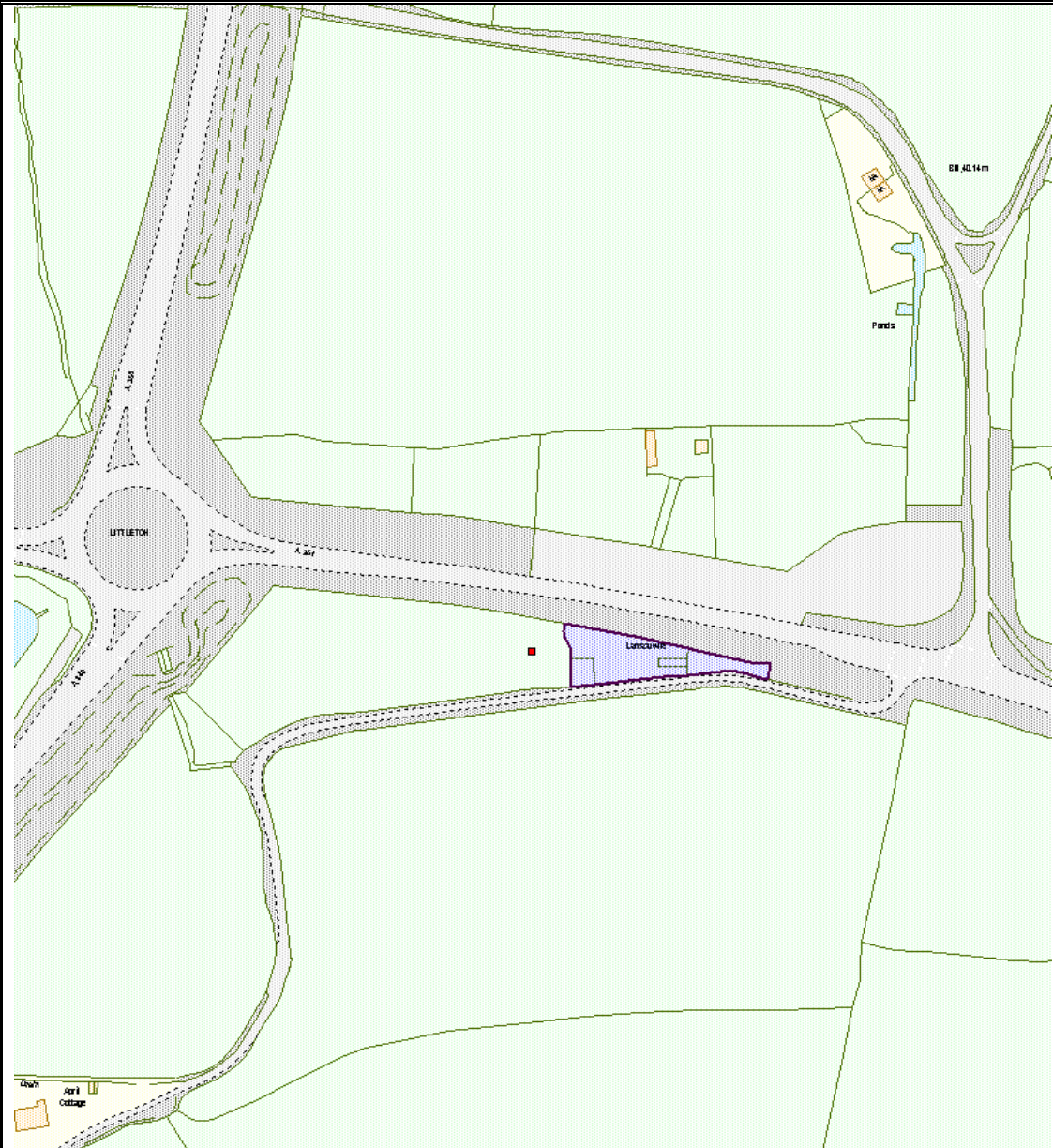
PLANNING COMMITTEE

12 July 2007

ITEM NO: 06

APPLICATION NO: 07/01107/FUL

LOCATION: Lansdowne Littleton Semington Wiltshire BA14 6JJ



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SLA: 100022961

06 Application: 07/01107/FUL

Site Address: Lansdowne Littleton Semington Wiltshire BA14 6JJ

Parish: Semington

Ward: Summerham

Grid Reference 390543 160134

Application Type: Full Plan

Development: Change of materials to day room as part of single family unit

Applicant Details: Suzanne Sherrad
Lansdowne Littleton Semington Wiltshire BA14 6JJ

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 28.03.2007

Expiry Date: 23.05.2007

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 - Policy C31A.

- 3 The building hereby permitted shall be used only in conjunction with the use of the site for the stationing of the two gypsy mobile homes. Within one month of the cessation of mobile home use of the site, the building hereby permitted shall be demolished and all resultant materials removed from the site.

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

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

Note(s) to Applicant:

- 1 This permission should be read in conjunction with the planning permission for and conditions attached to Application 02/01145/FUL which included the following condition:

"In accordance with DP16 of the Wiltshire Structure Plan 2011, and Policy CF12 of the West Wiltshire District Plan - First Alterations (Revised Deposit including Pre-Inquiry Changes) when the mobile homes hereby permitted ceased to be occupied by persons with a gypsy status no further occupations of the mobile homes shall take place. The mobile homes and anything brought on to the land in connection with their occupation shall then be removed from the land within one month to the satisfaction of the Local Planning Authority."

COMMITTEE REPORT**APPLICATION DETAILS**

This application is brought to Committee because Semington Parish Council object contrary to your Officer's recommendation.

The application site is located on the southern side of the A361 close to its junction with the A350. The site extends to an area of 0.92 hectare.

This is an application for full planning permission for the change of materials for a day room previously approved in 2002. The application details for application 02/01145/FUL indicate that originally the day room was to be a permanent prefabricated building. This proposal seeks to change the materials the proposed day room is to be constructed in to brick. The details of the siting of the building has not changed. Work has commenced on the construction of the day room approved in 2002.

In support of their application, the Applicants have stated that the building will be constructed in:

Floor Construction

- 150 mm of compacted scalping
- Sand blinding
- Polythene Membrane
- Insulation 100mm Polystyrene
- 100mm concrete
- Self Levelling Screed

Wall Construction

- 100mm Red Facing Brick
- 80mm Cavity
- Isowool Cavity Wall Batts
- 100mm Celcon Solar Inner Blocks

Roof Construction

- Purpose Made Roof Trusses Designed for Building
- Felt
- Batten
- Redland Reknown Tiles

CONSULTATION REPLIES:

- SEMINGTON PARISH COUNCIL: Object

"It represents incremental development and the development is for a permanent brick built dwelling. The original application 02/01145 that was permitted was for a Gypsy Mobile Home and Day Room. The development represents a permanent building.

The application is contrary to the West Wiltshire Planning Policy. There erection of a permanent building in an area of unspoilt rural countryside will have a significant, lasting and deleterious impact on both the rural area and the local environment. As such it is contrary to a number of policies of the West Wiltshire District Plan."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection

"I understand that there are no alterations to vehicular access therefore I do not wish to raise a Highway objection."

- WILTSHIRE RACIAL EQUALITY CENTRE: Support the Application

- WESSEX WATER: No comments received.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: No comments received.

- BUILDING CONTROL MANAGER: No comments received.

PUBLICITY RESPONSES

A site notice was erected. As a result one representation was received objecting to the application on the following grounds:

"A) There has been no formal neighbour notification used for this application

B) There is no precise site plan provided nor are the construction materials stated

C) The original planning application for development at the Lansdowne site was extremely contentious and retrospective planning permission was granted only after considerable pressure from the Gypsy Council who invoked various emotional aspects of the Human Rights Act. Great care should no be taken that the original planning consent for mobile homes is not now circumvented by the construction of permanent structures.

D) The current application for a permanent structure contravenes WWDC planing policy since it represent unnecessary permanent residential construction in a rural environment, beyond the village boundary.

E) The granting of planning permission now for a permanent structure would be a dangerous precedent should future spurious development be sought in the future."

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP15 Accommodation for Gypsies and Travellers

West Wiltshire District Plan First Alteration

C31A Design

C38 Nuisance

CF11 Gypsy Caravan Sites

RELEVANT PLANNING HISTORY

02/01145/FUL - "Two gypsy mobile homes and day room as a single family unit (Permission granted 19 December 2002).

KEY PLANNING ISSUES

The key issue in the determination of this application is whether the change of materials from wood to brick is appropriate for the approved permanent day room on this identified site for gypsies.

PLANNING OFFICER COMMENTS

In planning terms, the application site is no longer open countryside. When planning permission was granted for the development of the site in 2002 (02/01145/FUL), it confirmed that the site outlined in red is a gypsy site. The application site would remain as a gypsy site as is confirmed by the conditions attached to the permission for 02/01145/FUL.

It is also incorrect to interpret the proposed change in materials as achieving a permanent building on this site. The day room approved in 2002 was a permanent structure. The application details and the Report presented to the meeting of the Central Area Committee on 28 November 2002 confirm that the proposed day room was permanent. The report to Committee states within the Application Details that:

"A prefabricated day room to accommodate a washing machine and drying area would also be required."

A prefabricated building is a permanent building. It is not a mobile caravan.

The plans submitted with this application indicate that the internal layout is identical to the internal layout approved in 2002.

The change in materials would have a minimal impact on the character of this site and is therefore considered to be an appropriate change.

The representations of the Parish Council and other can therefore not be supported.

Other material considerations

The formal neighbour notification took the form of a Site Notice being located at the site. The isolated nature of the site means that there are no neighbouring properties to be consulted. However, the adequacy of the neighbour notification is confirmed by the receipt of the representation.

CONCLUSION

The change in materials for this approved permanent building represents an appropriate change and can be supported.

PLANNING COMMITTEE

12 July 2007

ITEM NO: 07

APPLICATION NO: 07/01656/FUL

LOCATION: 9 Shetland Close Westbury Wiltshire BA13 2GN



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SLA: 100022961

07 Application: 07/01656/FUL

Site Address: 9 Shetland Close Westbury Wiltshire BA13 2GN

Parish: Westbury Ward: Westbury Ham
Grid Reference 386182 150634
Application Type: Full Plan
Development: To construct a single storey rear extension and to convert the garage into a bedroom
Applicant Details: Mr And Mrs T McDonald
9 Shetland Close Westbury Wiltshire BA13 2GN
Agent Details: Mr R Towler
4 Rosenheim Rise Bratton Westbury Wilts BA13 4SU
Case Officer: Mr Clive Miller
Date Received: 14.05.2007 Expiry Date: 09.07.2007

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 would not significantly harm any interests of acknowledged importance.

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, the main dwelling and it shall not be let, sold or occupied as separate accommodation.

REASON: Because the creation of a separate dwelling unit in the manner proposed without a separate curtilage and inadequate parking provision for an additional dwelling would be contrary to planning policy for the area.

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

COMMITTEE REPORT

APPLICATION DETAILS:

This application is brought to Committee because the Town Council objects contrary to officers recommendation.

This proposal is for an extension to a 2 storey detached house with linked garage set in a recently constructed residential area on the south west side of Westbury. It involves the conversion of the existing garage into a bedroom and the erection of a single storey extension at the rear of the garage to provide a study.

The extension would have a pitched and tiled roof and would be 2.5 metres long by 2.6 metres wide. Matching external materials would be used.

CONSULTATION REPLIES:

WESTBURY TOWN COUNCIL: Members object to this proposal, the effect of which will be displacement parking on to the paved area of Shetland Close, which has been designed as a 'home zone', resulting in obstruction to other vehicles.

STATUTORY CONSULTATIONS:

None

PUBLICITY RESPONSES:

Neighbours have been notified by letter to which no response has been received.

RELEVANT PLANNING POLICY:

West Wilts District Plan 1st Alteration 2004

C31A Design

C38 Nuisance

SPG House extensions and Alterations

RELEVANT PLANNING HISTORY:

None

KEY PLANNING ISSUES:

These are the impact on street scene and host dwelling, neighbouring amenity and on site parking provision.

PLANNING OFFICER COMMENTS:

The replacement of the existing garage door with a window and walls would change the appearance of the front elevation of the host dwelling. If approved it could set a precedent for similar developments elsewhere on this estate which would change the somewhat uniform appearance of the street scene. However it is not considered that such change is sufficiently major or harmful to justify a refusal of permission, and the use of the garage for additional residential accommodation including the replacement of the garage door would be permitted development.

The design of the rear extension complements the host dwelling. It would have no adverse impact on the amenity of the occupiers of the adjoining dwelling.

Although the comments of the Town Council are appreciated there will still be enough room to park two cars on the existing driveway if this development is implemented. There may be a greater propensity to park on the paved area of Shetland Road but it is not considered that this is sufficient reason to refuse the application.

CONCLUSION:

This which could set a precedent for similar developments on the estate but each application must be considered on its own merits and there would be insufficient reason to justify a refusal.

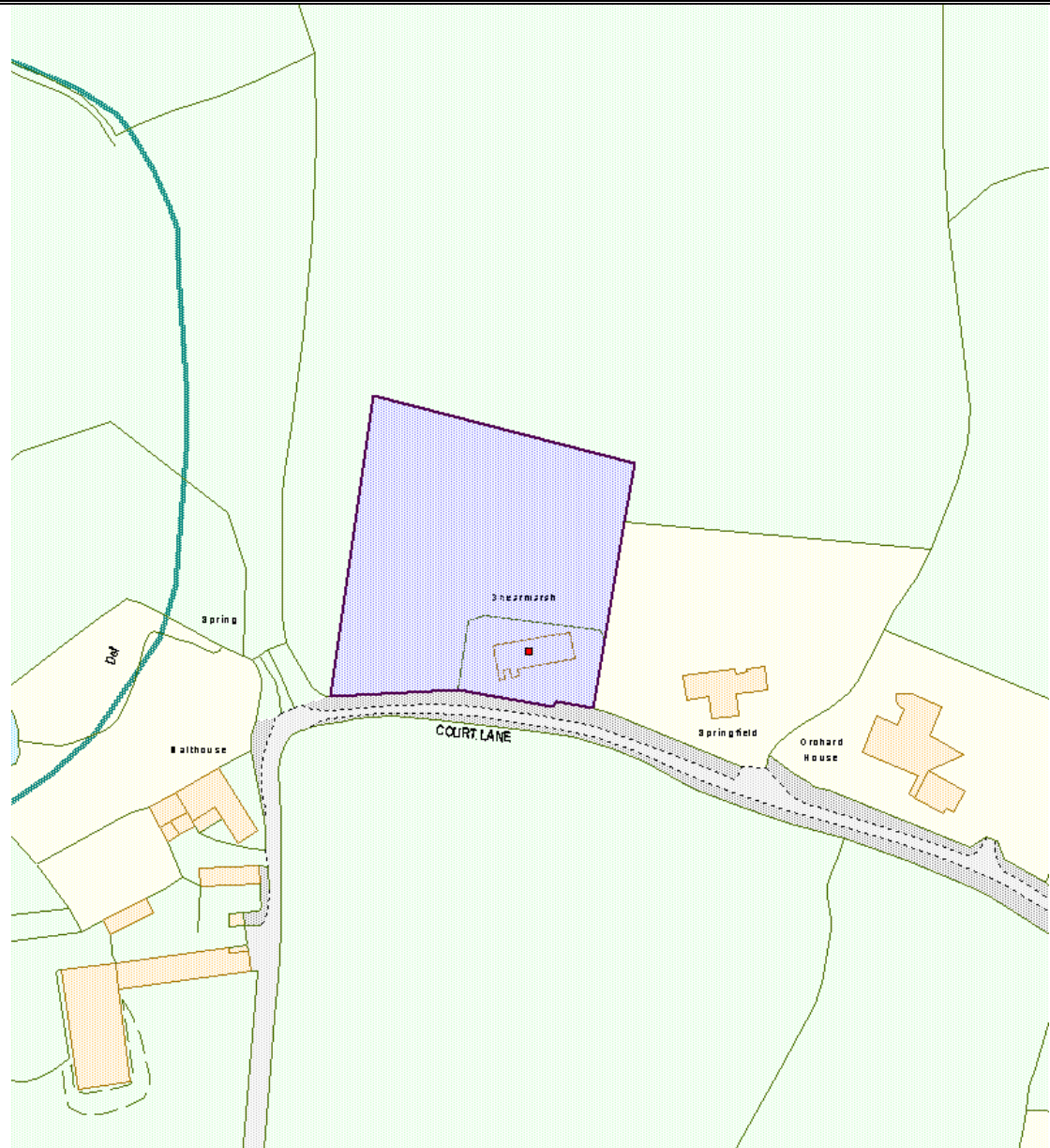
PLANNING COMMITTEE

12 July 2007

ITEM NO: 08

APPLICATION NO: 07/01297/FUL

LOCATION: Shearmarsh Court Lane Corsley Wiltshire BA12 7PA



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SLA: 100022961

08 Application: 07/01297/FUL

Site Address: Shearmarsh Court Lane Corsley Wiltshire BA12 7PA

Parish: Corsley

Ward: Shearwater

Grid Reference 381565 146290

Application Type: Full Plan

Development: Erection of timber stables

Applicant Details: C A Cooper
Shearmarsh Court Lane Corsley Wiltshire BA12 7PA

Agent Details:

Case Officer: Mr James Taylor

Date Received: 13.04.2007

Expiry Date: 08.06.2007

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 - Policy C31A.

- 3 Full details of the proposed storage of manure on site including the siting of manure clamps, drainage and means of disposal from site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development on site. No waste, including manure, shall be burnt on site.

REASON: In order to minimise nuisance.

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

- 4 The development hereby permitted shall not be used for commercial purposes, including the keeping of horses at livery or as a riding school.
- REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy E10.
- 5 Before the building hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn between a point 2 metres back from the carriageway edge along the centre line of the access and the extremities of the site frontage shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.
- REASON: In the interests of highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy E10.
- 6 Details of any 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.
- 7 Details of any access track, including materials, between the highway and the stables shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development on site.
- REASON: In order to preserve the character of the special landscape area and protect the countryside.
- POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policies C1, C3 and E10.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because the Parish Council objects contrary to your officer's recommendation.

This is a full planning application for the erection of a complex of stables in open countryside. The stables proposed would be constructed from horizontal shiplap timber and black onduline roofing. They would be arranged in a U-shape with a central courtyard facing north. The whole complex including courtyard hardstanding would occupy a footprint approximately 14.5 metres by 12 metres. The building would be 2.4 metres high to the eaves and 3 metres high to the ridge of the pitched roof. Access would be via an informal grass track off of the existing agricultural access to the west of the site. The hardstanding would be to the courtyard area only.

The land is currently in use as part of an extensive garden, which was granted planning permission in 2000 subject to conditions.

CONSULTATION REPLIES:

CORSLEY PARISH COUNCIL: Objects to the proposal of the following grounds:

- Size and scale, height, materials and proposed stable block are unacceptable.
- Detrimental to the landscape
- Increased traffic
- Possible run-off of manure to spring - stables and manure dump less than 50 metres from spring
- Unclear if any removal of trees on boundary would occur
- Unclear if hardstanding on the whole of the area within the red line would occur
- No mention of a lighting scheme

Following receipt of additional information from the applicant the parish objection remains as detailed earlier but they also commented on:

- The position of the manure clamp and storage in a trailer. No guarantee that the local farmer will continue to remove the manure.
- Concerned about access track proposed.

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY: No objection subject to conditions.

INTERNAL WWDC CONSULTATIONS

ENVIRONMENTAL HEALTH: No objection subject to a condition regarding burning.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties. One letter of objection received raising the following issues:

- Size of the stables is objectionable and the consequent impact on the special landscape area.
- Would be clearly visible from the footpath and positioned on top of the escarpment with a footprint equating to a bungalow thus having an unacceptable visual impact.
- Currently permission for garden extension with landscaping and restrictions on buildings.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

- C1 Countryside Protection
- C3 Special Landscape Area
- C31a Design
- C38 Nuisance
- R11 Footpaths and Rights of Way
- E10 Horse Related Development

- PPS1 Delivering Sustainable Development
- PPS7 Sustainable Development in Rural Areas

RELEVANT PLANNING HISTORY

00/00044/FUL - Change of use of agricultural to domestic land - Permission - 23.03.2000

KEY PLANNING ISSUES

The key issues to consider with this application are whether the proposal would impact on the special landscape character of this locally designated special landscape area, design, amenity and highway safety.

PLANNING OFFICER COMMENTS

It is acknowledged that the stables would be relatively large in terms of their footprint, however they would be positioned adjacent to a substantial hedge on the boundary. This would help obscure them from view on the road and would act as a backdrop to view the stables against to the south, east and west, including views from the public right of way. The height of the stables is in keeping with the proportions of stables generally with a nominal pitched roof and low eaves level. It is considered that the design of the stables is typical of such development including the use of timber materials. Equestrian use is typical of West Wiltshire's Countryside and such development is suitable in the countryside generally.

Government guidance in Planning Policy Statement 7: Sustainable Development in Rural Areas states at paragraph 32 that equestrian activities are popular forms of recreation in the countryside that fits well with farming activities. This is reflected and detailed in the development plan Policy E10. This highlights that proposals for equestrian facilities and changes of use will be required to have regard to minimising their effects on the appearance of the countryside and to highway implications; they should blend with their surroundings and do not have an adverse impact on the countryside. It is not considered in light of the scale of the proposals and the context of the site that any harm would occur to the countryside from the development.

In regards to the access and highway implications of the development it is noted that no highway objection is raised subject to the proposals being for personal use. The limitations of the country lanes are recognised and therefore a commercial activity would not be appropriate. The applicant's also accept this and have only personal use intended for the site. A condition is suggested in order to control these issues and clarify the terms of permission. Further the access to the site is an existing agricultural access that is in use at present and its intensification has raised no objection from the highway authority. The applicant has clarified that they intend to have only an informal track to the stables from this point, but in order to retain control of this point a condition is recommended.

It is noted that the application site is not only countryside but also a locally designated landscape and should therefore be afforded addition protection. Government guidance in Planning Policy Statement 7: Sustainable Development in Rural Areas states at paragraph 24 that landscapes outside nationally designated areas can be valued locally and afforded protection. The development plan Policy C3 seeks to protect such local landscape areas. This states that proposals for development that facilitates the enjoyment of the area's amenity will be permitted subject to the environment considerations. As stated above, although large in terms of footprint it is not considered that the stables would be out of keeping in terms of their materials, form, scale or siting. They would be positioned close to the existing and established hedge. Also it is noted that the proposal would be located on domestic curtilage and would therefore be a change of use back to a use more in keeping with the countryside.

The objections of the parish council have been noted and addressed in the above considerations. Further however it is necessary to address the issue of the collection, storage and disposal of manure from the site. The applicants propose to collect waste and store it on a trailer for disposal by a local farmer on a fortnightly basis. It is considered that this is an acceptable arrangement and the Environmental Health department raises no objection to the proposals subject to a condition to ensure that no burning takes place on site. The manure storage would be located over 30 metres from any residential dwelling and therefore is not considered to cause any harm to amenity. Further it is noted that if this were to be an issue at a later date then control of the issue could be achieved through other legislation.

CONCLUSION

Whilst the footprint of the proposed stables is relatively large, it is not considered to cause any harm to the character of the countryside, locally designated special landscape, highway safety, amenity or any other planning interests. The application with appropriate conditions is in accordance with policy.

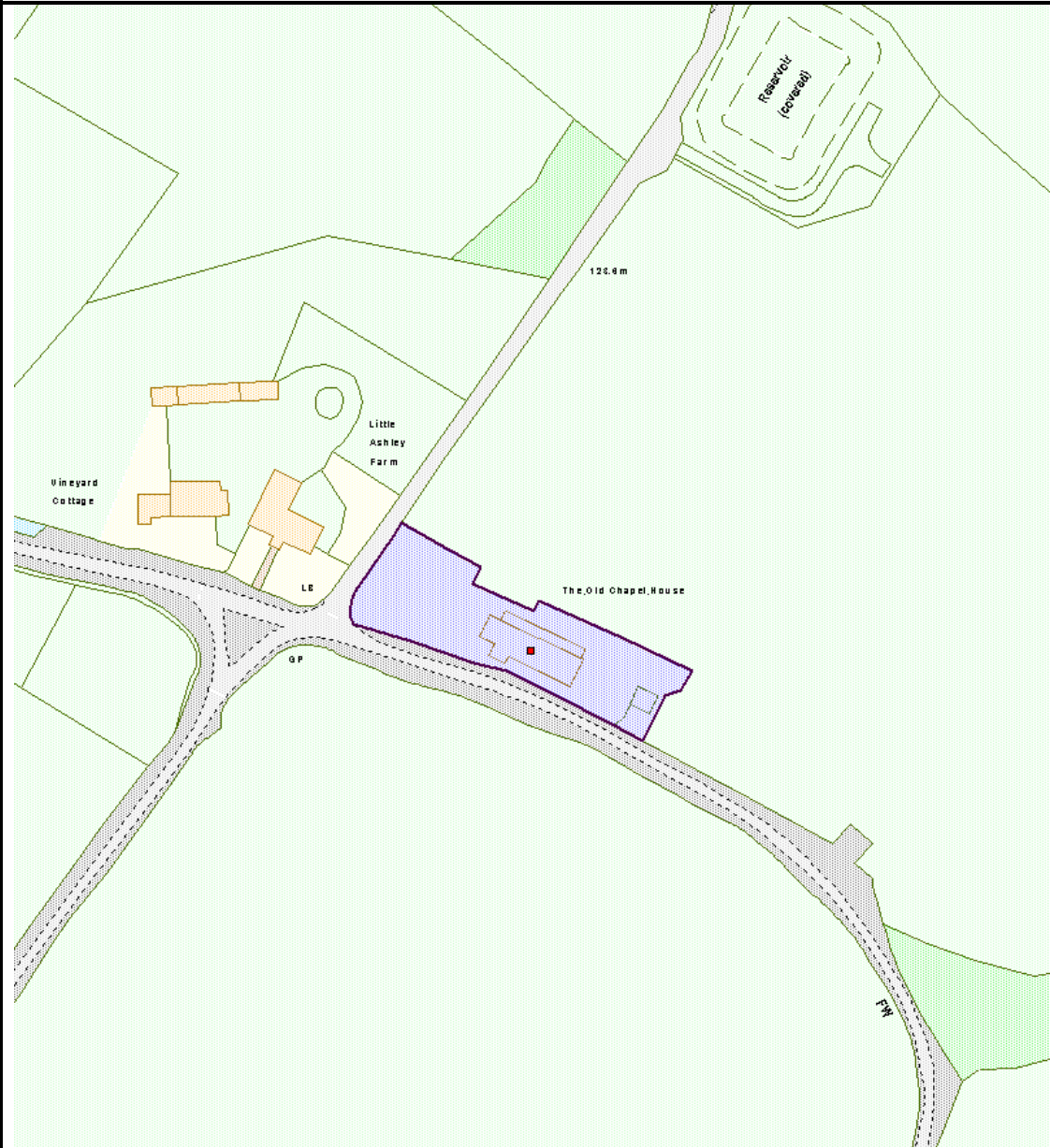
PLANNING COMMITTEE

12 July 2007

ITEM NO: 09

APPLICATION NO: 07/01591/FUL

LOCATION: Old Chapel House Little Ashley Winsley Wiltshire
BA15 2PN



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SLA: 100022961

09 Application: 07/01591/FUL

Site Address: Old Chapel House Little Ashley Winsley Wiltshire BA15 2PN

Parish: Winsley

Ward: Manor Vale

Grid Reference 381524 162397

Application Type: Full Plan

Development: Demolition of sections of existing house erection of new extensions and alterations

Applicant Details: Mr And Mrs R Smolarek
Old Chapel House Little Ashley Winsley Wiltshire BA15 2PN

Agent Details: Bennett Dlugiewicz Date Architects
90 Walcot Street Bath BA1 5BC

Case Officer: Mr Mike Muston

Date Received: 08.05.2007

Expiry Date: 03.07.2007

JUSTIFICATION REASON:

The proposal represents inappropriate development in the Green Belt, in that it would result in disproportionate additions over and above the size of the original building. However, the replacement of the existing extensions with those proposed is considered to amount to an improvement in the design of the building and an enhancement of the character and appearance of the area. These factors are considered to amount to very special circumstances, such as to outweigh the harm done to the openness of the Green Belt.

RECOMMENDATION:

Planning Permission be granted at a future date in the event of the Development Control Manager being satisfied that the application has been advertised as a Departure from Policy and that following referral, the Secretary of State remits the application to the Council for a decision.

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 Planning Committee because it represents a Departure to the Development Plan.

This application proposes the demolition of unsightly single-storey extensions to the front, side and rear of the house, and the erection of a two storey extension to the front, a two storey extension to the side (with the first floor within the roof space) and a part two storey and part single storey extension to the rear.

STATUTORY CONSULTEES

WINSLEY PARISH COUNCIL: No specific objection but notes the conclusion set out by the architect in this application and believes the planning authority should rigorously apply Green Belt policy when determining this application.

PUBLICITY RESPONSES

The application was advertised by site notice and neighbour notifications have been carried out. No letters have been received in response.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP12 - The Western Wiltshire Green Belt
C9 Special Landscape Areas

West Wiltshire District Plan 1st Alteration (2004)

GB2 Green Belts
C3 Special Landscape Areas
C31a Design

PPG2 Green Belts

RELEVANT PLANNING HISTORY

06/01998/FUL Demolition of sections of existing house, erection of new extensions and alterations and alterations to garage Refused by Committee 25/01/07

KEY PLANNING ISSUES

The main issue in this case is whether the proposal amounts to inappropriate development within the Green Belt and, if so, whether there are any very special circumstances sufficient to outweigh any harm to the openness of the Green Belt.

PLANNING OFFICER COMMENTS

Whether Inappropriate Development

The single storey extensions to the front, side and rear of the house are not considered to be part of the "original" dwelling, for the purposes of Green Belt policy. Whilst it is not known when they were built, and no planning records exist regarding them, the applicant has not demonstrated that they were constructed prior to 1948. The original house is therefore the main two-storey dwelling, comprising three elements, with the central section taller than the two to the sides. These amount to some 764 cubic metres. The existing extensions measure approximately 390 cubic metres, meaning that the house is already about 51% larger than it was originally.

A previous application to demolish these extensions and replace them with other, larger ones, was submitted to the Council and considered by Committee in January 2007. These proposals would have amounted to a nearly 89% increase in the size of the original building. The application was refused on Green Belt grounds, as well as on detailed design grounds.

The current application has been submitted following the consideration of that application, and taking into account members' comments made during the January meeting. The extension to the eastern elevation has been reduced in length from 5.8 to 4.8 metres, and no longer includes a turret feature on the roof. The previously proposed two storey front extension has been replaced by a single storey porch. The dormers on the front elevation have been removed. The two storey extension to the rear remains but the single storey element has been reduced in size. No alterations are now proposed to the garage.

The resulting dwelling would now be much closer in size to the original than the previously refused scheme. It would result in a house with about 360 square metres of external floorspace, compared to 352 square metres in the existing property. In volume terms, it would result in an increase over the current house of 104 cubic metres, which amounts to an increase of 494 cubic metres from the "original" building. This translates to a 65% increase in volume over and above the original dwelling.

This increase is much less than the nearly 89% increase in volume in the previous application, but still amounts to more than a limited extension to the original house. It must still be regarded as resulting in a disproportionate addition to the original building, which in turn means that it represents inappropriate development in the Green Belt.

By definition, inappropriate development is harmful to the Green Belt (PPG2 makes this clear). However, the fact that the footprint of the building is actually reduced means that the effect on the openness of the Green Belt would be much more limited.

Very Special Circumstances

The proposal now before Committee is considered to be a considerable improvement on that previously refused. It is much simpler, the dormers have been removed and the overall scale reduced. More significantly in terms of Green Belt policy, it is also considered to be an improvement in terms of its design and the way it relates to the existing building, compared to the existing collection of single storey additions. The house is in an exposed and prominent location, within a Special Landscape Area. It is considered that the proposed improvements to the design and appearance of the house within the landscape are capable of amounting to very special circumstances, such as may outweigh harm to the Green Belt.

Furthermore, in making the recommendation on this Application, Officers are mindful of the comments made by Members at the Meeting of the Planning Committee in January 2007 in which they expressed their view that they would like to see appropriate improvements to the application site.

CONCLUSION

The proposal only represents a small increase in volume over the existing building, and only increases the amount the original building would be extended from 51% to 65%. In these circumstances, the proposal now before Committee is considered to represent an improvement in visual terms such as to amount to very special circumstances, sufficient to outweigh the harm to the openness of the Green Belt. On balance, permission is recommended.