

PLANNING COMMITTEE

2 AUGUST 2007

Planning Applications for Determination

Item No	Application No	Location	Parish	Page No
01	06/03845/FUL	New pavilion, changing rooms, spectator stand and floodlighting to sports field and removal of existing pavilion - Bradford On Avon Sports And Social Club Trowbridge Road Bradford On Avon Wiltshire	Bradford On Avon	03
02	06/03662/FUL	Change of use to provide 3 residential units - Tinhead Methodist Church Salisbury Hollow Edington Wiltshire	Edington	15
03	07/00115/FUL	Erection of 25 dwellings with associated roads, parking and open space - Area R1d Westbury Leigh Westbury Wiltshire	Westbury	29
04	06/03847/OUT	New development of 6 houses with 6 car parking spaces - Land East Of Blenheim Park Bowerhill Wiltshire	Melksham Without	45
05	07/00580/FUL	Construction of a car park - Land Opposite 1 Monastery Road Edington Wiltshire	Edington	55
06	07/00859/FUL	Erection of a one and a half storey detached house with garage - Land Adjacent 12 And 12a Holbrook Lane Trowbridge Wiltshire	Trowbridge	65
07	07/01055/FUL	Erection of two dwellings and associated works - Land Adjacent 31 Downavon Bradford On Avon Wiltshire	Bradford On Avon	73
08	06/03876/FUL	Provision of granny accommodation, first floor side extension and addition of three rear dormers - 358B Snarltan Lane Melksham Wiltshire SN12 7QW	Melksham Without	79
09	07/01185/FUL	2 storey and single storey extension to side and rear - 29 Methuen Avenue Melksham Wiltshire SN12 7AJ	Melksham (Town)	85
10	07/00473/FUL	Removal of conditions attached to planning permission of 14 March 2002 (application 01/00444) - Equine Stud And Stables New Road Melksham Wiltshire SN12 7AX	Melksham Without	89
11	06/01723/FUL	Removal of existing double garage and construction of a detached three bedroom cottage (revised application) - Land Rear Of 65 High Street Heytesbury Wiltshire	Heytesbury Imber & Knook	95
12	07/00237/FUL	Detached dwelling - Land Adjacent Kings Farm Little Common North Bradley Wiltshire	North Bradley	101
13	07/02200/FUL	Single storey rear extension to replace existing conservatory - 40 St Marys Gardens Hilperton Wiltshire BA14 7PQ	Hilperton	111
14	07/01276/OUT	Erection of three dwellings (outline) - Garage Block Adjacent Priory Close Bradford On Avon Wiltshire	Bradford On Avon	115
15	06/03598/OUT	Development of 23 no. new dwellings and 35 no. car parking spaces - Land Adjoining Hilperton Drive And Ashton Road Hilperton Wiltshire	Hilperton	121
16	07/01404/FUL	Change of use from retail shop A1 to A2 use - Shop 2 10 The Shambles Bradford On Avon Wiltshire BA15 1JS	Bradford On Avon	133

17	07/00035/FUL	Refurbishment of existing bays, extension to the southwest corner and rooflights to the north east roof pitches - Priory Lodge Market Street Bradford On Avon Wiltshire BA15 1LH	Bradford On Avon	137
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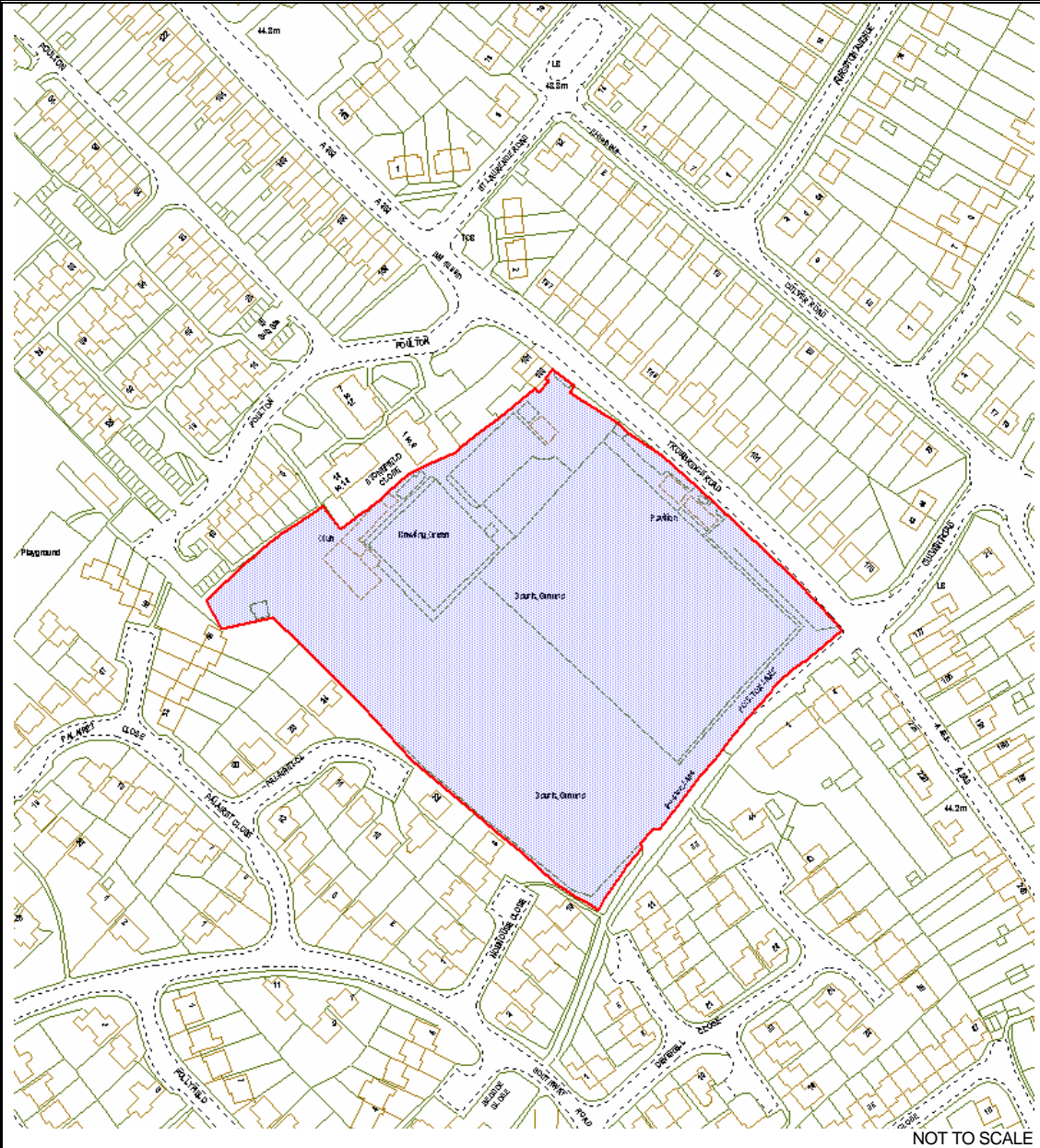
PLANNING COMMITTEE

2 August 2007

ITEM NO: 01

APPLICATION NO: 06/03845/FUL

LOCATION: Bradford On Avon Sports And Social Club
Trowbridge Road Bradford On Avon Wiltshire



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SLA: 100022961

01 Application: 06/03845/FUL

**Site Address: Bradford On Avon Sports And Social Club Trowbridge Road
Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 383000 160094
Application Type: Full Plan
Development: New pavilion, changing rooms, spectator stand and floodlighting to sports field and removal of existing pavilion
Applicant Details: Dajam Ltd
6 Longs Yard Bradford On Avon BA15 1DH
Agent Details: Bradford Town Football Club
FAO Mike Burbidge 6 Longs Yard Bradford On Avon BA15 1DH
Case Officer: Mr Mark Reynolds
Date Received: 20.12.2006 Expiry Date: 21.03.2007

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 pavilion and the spectator stand hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- 3 The lighting hereby permitted shall be used only between 18.00 hours and 21.00 hours on Mondays to Fridays and between 15.00 hours to 18.00 hours on Saturdays.

REASON: In order to minimise nuisance to neighbours.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C35 and C38.

4 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, 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 U1A.

5 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.

6 The floodlighting shall be installed and operated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These details shall include rear louvres for the four floodlight units directly adjacent to Trowbridge Road, details of the finish of the floodlights and details of the inclination of the lanterns. Development shall then take place in accordance with the approved details.

REASON: In the interests of highway safety and amenity.

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

7 During the construction phase of the development no plant machinery or equipment shall be operated outside the hours of 0730 to 1900 Mondays to Fridays and 0800 hours to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays.

REASON: In the interests of neighbouring amenity.

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

8 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought back to committee following its deferral from the planning committee of the 7th June 2007. The application was deferred by the committee in order to seek justification/reduce the hours when the lighting will be used; to investigate/explore the use of retractable lighting columns and to consider whether the lux levels can be reduced.

The applicant's have submitted additional information which addresses the issues relating to the floodlighting. The applicants have advised that they will be able to accept a more restrictive planning condition limiting the hours of operation. They have investigated the use of retractable floodlights but the applicant's lighting engineer has advised against this and the cost of alternative options is prohibitive. The lux levels associated with the floodlighting cannot be reduced any further. The Council's response to this additional information is found within the officer's comments under the heading 'Floodlighting and impact on local amenity'.

This is a full planning application for the redevelopment of Bradford on Avon sports and social club. The proposals involve a new pavilion building, spectator stand, changing rooms and the installation of eight floodlights surrounding an existing sports pitch.

The proposed pavilion would be 28.3m in length, 9.5m in width, 6.9m in height to ridge level sloping to 2.8m at eaves level. The pavilion building would incorporate changing rooms, showers, equipment store, club room and committee room. The pavilion would be constructed in reconstructed random stone, stained timber boarding on the sides and brown concrete roofing tiles.

A new spectator stand is also proposed to provide thirty seats. This structure would be constructed in black prefinished RHS steel. The structure would be clad in grey metal sheeting. The structure would be 6.6m in length and 2.7m in width standing 2.8m in height. The proposed floodlights would be 15m in height sited at the fringes of the playing field.

The application site is an existing sports and social club facility located on Trowbridge Road, which is the main access road into Bradford on Avon from the south. The site is bordered by residential areas on all sides

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

The Town Council recommends refusal.

The proposals relate to the building a new pavilion and the installation of floodlights in a residential area where houses are close to the pitch or the practice area. It also impacts on views from the conservation area and the design and appropriateness of structures, also apply. The Town Council welcomes efforts to upgrade sports and recreational facilities within the town and the principle of the proposals submitted here, but is not satisfied with important aspects of this submission. We divide our detailed comments into two parts.

Pavilion

The Town Council considers that the design of this building is satisfactory, indeed attractive, in most respects. It is however concerned that the rear, that is street, elevation is uninspired, presenting a vista of roofing tiles unrelieved by any features, both to the Trowbridge road residents and pedestrians on the east footway. It is also on an important entrance to the town.

The Town Council recommends refusal of permission for the building until this aspect of the design is rectified.

Floodlighting

Three aspects are relevant here.

- a. The potential nuisance and loss of amenity to residents caused by light spill.
- b. Whether the designs of the pylons and light arrays are satisfactory.
- c. The impact of the pylons and illumination on the view from higher elevations of the town conservation area.

The Town Council believes that there has been inadequate consultation on this sensitive issue with local residents, and none since a non-specific public meeting about two years ago. The light spill on residents is not discussed and light measures at residential boundaries are difficult to infer from the data provided. No drawings or other design details of the structures are provided beyond a statement that the football authorities require 15m (around the height of a three-storey house). This is however, not specified in the Football Associations' guidelines presented.

It goes without saying that the use of lights in all circumstances would be need to be restricted (eg to 3 hours no more than 3 times a week). In this event the adverse impact of distant views from higher ground would probably be acceptable.

We recommend refusal of the lighting proposals unless and until agreed conditions can be imposed to protect the amenity of local residents following consultation with them, and satisfactory designs of pylons and arrays are forthcoming. Serious consideration should be given to the use of retractable pylons.

The Town Council believes that a bat survey in Poulton Lane should be also considered as one of the implications of the development.

The Town Council acknowledges receipt of the new designs of the pylons and recommends that they be hydraulically raised when they are needed. The Planning and Town Development Committee would like to ascertain the exact positioning of the floodlighting and how it is beamed to surrounding neighbours.

The Planning and Town Development Committee welcomes the statement that the use of the floodlights will be restricted but this needs to be a planning condition and details given of how it will be enforced.

It is possible to have retractable lighting.

STATUTORY CONSULTTEES

WESSEX WATER

Comment as follows;

'Water supply - we anticipate that the demand will be similar to the current site usage, and therefore should not be an issue.

Surface water drainage - The applicant proposes to dispose of surface water to soakaways such that we have no further comment.

Foul drainage - we do not anticipate any significant increase in foul flows from the site, such that the existing public sewerage system should be adequate'.

NATURAL ENGLAND

Is now able to withdraw the objection to the proposed development. They had previously commented that they objected on the basis that there was insufficient survey work to demonstrate that the development would not harm legally protected species.

HIGHWAY AUTHORITY

The application is for the replacement of existing facilities, therefore no highway objection is raised.

A street lighting engineer at the Highway Authority has suggested some modifications to the floodlighting.

INTERNAL CONSULTTEES

ENVIRONMENTAL HEALTH

'This proposal is to upgrade an existing ground to meet new standards not for approval of a new facility. The sports ground is adjacent to residential properties on all sides of the site. The properties on the Trowbridge Road, Stonefield Close and Poulton Lane are most likely to be affected should any negative issues arise as a result of this proposal.

Any illumination installed as part of the proposal should be so designed to prevent a loss of amenity to residential properties adjacent to the site. The details submitted with the application are considered satisfactory.

Recommendation: Approval'.

BUILDING CONTROL

As this is a new building we would await the Building Regulations submission/consultation prior to checking plans for compliance with the Building Regulations in all respects.

HERITAGE DEVELOPMENT OFFICER

The proposals are approximately 100m from the Conservation Area and no objections are raised.

LEISURE SERVICES

No comments received

PUBLICITY RESPONSES

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

- Light pollution/spillage resulting in a loss of amenity
- Existing lights causing a nuisance
- Pylons are too high
- Attitude of club not acceptable
- Club are being dishonest in their statement of usage of the floodlights
- Floodlights to be telescopic?
- Failure to notify neighbours
- Floodlights will be unsightly
- Excessive lighting
- Need condition limiting hours of operation
- Increased noise, cars, crowd
- Harm to views from the conservation area
- Bat roosts in Poulton Lane and bats fly across the football field
- Loudspeakers should not be installed
- Loss of privacy from rooflights
- More use of the premises
- Philips drawings are not accurate or scaled
- Loss of a view
- Need to safeguard the countryside
- Lights may sway
- Lights not shown on plans

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

RLT1 - Recreation, sport and leisure

West Wiltshire District Plan 1st Alteration (2004)

C30 - Skylines

C31a - Design

C35 - Light pollution

C36 - Noise

C38 - Nuisance

R1 - Recreational space
T10 - Car parking
U1 - Infrastructure
U1a - Foul water disposal
U2 - Surface water disposal

PPS 1 - Delivering sustainable development
PPG 15 - Planning and the historic environment
PPG 17 - Open space, sport and recreation

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key planning issues in this case are planning policy, design of pavilion and spectator stand, highway safety, floodlighting and its impacts upon neighbouring amenity, protected species and impact on the setting of the Conservation Area.

PLANNING OFFICER COMMENTS

The application site is currently operating as two sports pitches including one football pitch, bowling green and car parking area. The site includes a clubhouse building adjacent to the bowling green. There exists two single storey buildings on site which would be removed to make way for the new pavilion building.

Bradford Town football club currently play in the Toolstation Western League - Division 1. When the club was allowed entry to this league they were advised that from the 2007/2008 season grading requirements were changing and to continue to play in the Toolstation Western League Division 1 the facilities would need to be upgraded at the club. The league have advised that as of the 31st March 2008 ground grading criteria must be complied with. This must include separate dressing rooms for each team of a minimum size, changing rooms for match officials, internal male and female toilets, floodlighting to an advised lux reading of 180, and seated spectator accommodation. The proposals have been designed to meet these requirements of the Football Association (FA) under its 'Grading Category G' document which is supplied in support of the application. Any club who fails to meet the required standard will be unable to retain membership of the Toolstation Western League - Division 1.

Planning Policy:

The site is an existing recreational facility. Policy R1 of the West Wiltshire District Plan 1st Alteration 2004 advises that the maintenance and improvement of formal and informal outdoor recreational facilities in the plan area will be sought. The current proposal to enhance the facilities at Bradford on Avon sports and social club is therefore broadly in line with the District Council's policy emphasis on safeguarding and enhancing the districts recreational spaces. PPG 17 likewise seeks to promote the enhancement of existing open space and sport and recreational facilities. On this basis there are no in principle policy objections to the enhancement of this recreational facility.

Design of pavilion and spectator stand:

The proposed pavilion would replace two existing single storey buildings which are of no visual merit and the removal of these buildings is to be welcomed. The proposed pavilion building would be a large building constructed in reconstructed random stone as the predominant building material with stained timber sidings. A concrete interlocking tile roof is proposed. These materials are characteristic of this part of Bradford on Avon and no objections are raised in this respect. The pavilion building would back onto Trowbridge Road. The road is raised above the level of the sports field. This would result in only the roof of the pavilion being visible from the road although the building is one and a half stories in height it would not therefore detract from the character of

the area. Rooflights would be incorporated in the elevation facing Trowbridge Road at first floor level, which has caused concern that overlooking may occur of properties fronting onto Trowbridge Road. The rooflights would however be high level additions and would not facilitate overlooking of Trowbridge Road. Furthermore there exists a gap of approximately 20m to the front of these properties. These rooflights would also help to break up the mass of the roofscape.

The pavilion has been designed with a ground floor and first floor balcony to allow viewing of the sports pitch. The design is functional and would introduce a more aesthetically pleasing and permanent structure in place of two existing buildings which are of little merit.

The proposed spectator accommodation would be low profiled and would not be visible from beyond the site. The stand would be positioned adjacent to an existing spectator stand. The spectator stand has been designed to match the existing stand and there are no objections raised to the design of the stand.

Concerns have been raised regarding a potential loss of amenity that may result from increased use of the sports facility. This application is required to bring the facilities up to standard to allow Bradford football club to continue to play in the Toolstation Western League - Division 1. Notwithstanding this, Policy R1 of the West Wiltshire District Plan 1st Alteration 2004 promotes the enhancement of existing facilities and there would be no objections raised to the increased use of the existing facilities for recreational purposes.

Objections have been received that there may be increased use of the facilities for social functions. There exists a clubhouse adjacent to the bowling green and this already provides a function as a social club at the site. It is common to find sporting clubs operating social facilities and it should be remembered that this is an existing sports and social club. Further this is a central and sustainable location accessible by a variety of transport modes other than the private car and therefore represents an acceptable location for such uses. Neighbouring dwellings are a reasonable distance from the pavilion and there exists parking facilities within the site. Notwithstanding this the applicant has indicated that the premises are not licensed and that there is no intention at this stage to make an application to license the premises. The building's use for social functions will, the applicant advises be very limited.

Highway safety:

There exists adequate parking levels within the application site and the access arrangements to the site are considered satisfactory. The Highway Authority have been consulted on the application and have raised no objections to the proposals. It is noted that the works are required to bring the existing facilities up to date and not to increase traffic levels to the development. Given the above there are no objections raised on grounds of highway safety.

Floodlighting and impact on local amenity:

The application was deferred from the previous committee so that reduced hours of operation of the floodlighting could be considered. The applicants have accepted that the hours of operation be restricted further than was previously proposed by planning condition. The hours of operation were previously suggested to be only between 15:00 and 22:00 hours on Monday-Friday and between 15:00 and 21:00 hours on Saturdays, Sundays and bank holidays. It is proposed here to further restrict hours to be only between 18:00 and 21:00 hours on Monday-Friday and between 15:00 and 18:00 hours on Saturdays. The lights would not be used on Sundays or bank holidays.

The agent advises that they would in all likelihood only use the lights on Saturdays between 15:00-18:00 on a bi-weekly basis. Usage on weekdays would be approximately one night per week 18:00-21:00 on a bi-weekly basis. The condition proposed restricting hours of operation will control the overall hours of operation but allows the applicant an element of freedom in the timing of the use of the floodlights.

The applicants have further investigated the possibility of the use of retractable lighting instead of fixed columns in line with the Committee's resolution. The applicant's Senior Lighting Engineer indicates however that the use of retractable lights and the continuous lowering and raising of them may cause the fitting alignment and calibration of the lights to be altered. This would result in the lights not performing as designed which could result in the surrounding areas experiencing overspill of light, glare and extensive light pollution. The Senior Lighting Engineer further advises that these type of columns are used for luminaire and lamp maintenance only and are not designed for the purpose envisaged in this case.

The applicants also advise that retractable lights require a considerable period of time to be raised and lowered and that they have inadequate staff to undertake this. The agent's Senior Lighting Engineer has also provided details of a quote for the floodlighting which indicates that raise and lower floodlights would be approximately £1000 more expensive per floodlight. The agent has confirmed that the Football Club has insufficient funds for these floodlights. The agent has also looked at the possibility of telescopic columns which may be lowered from a height of 15m to 7.5m. The cost however for this floodlighting option is between £5000-6000 per column. Clearly this level of expenditure would also be beyond the means of the Football Club. On the basis of the additional information it is considered that fixed columns are an acceptable option.

The lighting lux level of the proposed floodlights has been investigated also as part of the Council's resolution to defer the application. The Football Association provide grading guidelines to football clubs regarding the requirements to enter different football leagues. Floodlighting is required in the league in which Bradford on Avon participate to provide an average lux level for new installations or improved installations of 180 lux and 120 lux in all other instances. In this case an average of 151 lux would be provided. Given that the proposed lux level is below guidelines issued by the Football Association for new installations there is not therefore considered to be any scope to reduce the lux levels to be provided by the proposed floodlights. The applicant's Lighting Engineer also advises that lux levels may depreciate by as much as 25% per annum. The Football Association will check lighting levels and it is therefore important to ensure that initial lux levels exceed the minimum guidelines to account for an inevitable depreciation in lux levels. A further consideration is the safety of players on the field and if lux levels are reduced too far then the safety of players may be jeopardised.

Concerns have been raised that the proposed floodlights would be too large and that they would appear as unacceptably large additions to the site. The floodlights are required to be 15m in height in order to help to minimise light spillage from the site. Floodlights are commonly required to be 15m in height as have been provided at Bradford on Avon rugby club under permission Ref: 04/01553/FUL. There exists tall trees within the area bordering the sports ground in places. There are telegraph poles and lighting columns adjacent to the site along the Trowbridge Road. There is therefore a number of tall vertical structures within the area. The proposed floodlights would be 20cm in width for the first 7.7m in height and 15cm in width for the remainder of the column. Foot brackets would be required for maintenance of the flood lights. The monopole structures would not have an adverse impact on the local skyline and represent features which you would commonly expect to witness at a sports ground.

Considerable concern has been raised regarding the impact of the floodlighting on neighbouring amenity. The site exhibits residential properties on all four sides of the development. The floodlighting is proposed to surround the existing football pitch which is surrounded by a barrier. The floodlights would be 35m from housing to the north east, within 20m of housing to the south eastern boundary of the site, 70m from properties to the south west and 45m from properties to the north west of the site beyond the car park.

In support of the application floodlighting light pollution calculations have been submitted with the application. The light pollution calculations indicate that light spillage would be nil lux for properties to the north, west and south west of the site. The properties to the south east of the site may experience lux levels above this. There does however exist a dense vegetative boundary with properties to the south east of the site of approximately 3m in height. This would help to mitigate any limited light spillage which may occur to these properties. It should however be emphasised that light spillage to these properties would be limited in any event.

Policy C35 of the West Wiltshire District Plan 1st Alteration 2004 advises that proposals which include a lighting scheme will be permitted only where the minimum amount of lighting necessary to achieve its purpose is proposed; glare and light spillage from the site is minimised; there is no adverse impact on the amenity and safety of neighbouring uses and on transport users, including pedestrians. It is considered that the proposal accords with these guidelines. The Environmental Health department have been consulted on this application and have recommended approval of the application on the basis of the submitted information. The Highway Authority have suggested that the details of the floodlighting should be conditioned to ensure that a minimum of glare occurs for neighbouring properties and the Trowbridge Road. This is to be secured by condition to avoid an unacceptable loss of amenity from light spillage.

The pitch will of course be illuminated and correspondingly the pitch will be more visible when the floodlights are on and this ought to be recognised. Notwithstanding this the lights have been designed to minimise light spillage and the alterations to the visibility of the pitch from beyond the site are not strong amenity considerations. It should also be recognised that the proposed floodlights are only to be used on limited occasions for relatively short periods during the winter months.

The fallback position for the applicants were this application to be refused is that they may install mobile floodlights which would be impermanent development. Were this to happen then the planning authority would be unable to control any aspect of the floodlighting whereas because permanent floodlights are proposed at present this gives the Council the opportunity to control the extent and usage of the lighting.

Objections have also been received that the lights are not shown on the plans. They are however marked on the 1:500 site plan showing the new pavilion and floodlights.

Protected species:

Objections were received regarding the presence of bats on and near the site. Following this the applicants employed an ecologist who considered the presence of protected species. The findings of the ecologist were forwarded to Natural England who have now withdrawn their objection to the proposals. On the basis of the ecologists comments Natural England have advised that the intended timing and level of use of the floodlights should not have any additional impact upon bats foraging in the area. The changing facilities were also found to be of low potential for roosting bats.

Impact on the setting of the Conservation Area

The sports and social club are approximately 100m from the conservation area boundary. The area within which the application site is located is largely characterised by post war residential developments typically constructed in re-con-stone with concrete tiled roofs. Within this context the development is considered acceptable. The proposed pavilion building and additional spectator stand should have no impact on the setting of the conservation area. The floodlights may be visible from certain aspects within the conservation area however they have been designed to minimise impact and given the separation distances involved to the conservation area it is not considered that any harmful impact will occur. The Heritage Development Officer has been consulted during the processing of the application and raises no objections to the proposed scheme.

Other issues:

Concern has been raised that there is a need to safeguard the countryside. The application site is however located within the built up area of Bradford on Avon and not in the countryside.

The potential for a loss of view has been raised in representations received. Loss of a view is not however a material planning consideration.

An objection has been received noting that the lights may sway or represent a hazard to neighbouring properties and participants playing football on the sports pitches. Each application is considered on the planning merits of the case. Issues controlled by other legislation are not therefore part of this consideration. References to the safety of the floodlight structures are matters for Building Control or the Health and Safety Executive.

A neighbour has suggested that controls over noise from the site should be put in place. It is important to note here that the facility will continue to run as it currently does. It would not be reasonable to now condition noise emissions from operation of the site on match days because the Council cannot currently control this and no intensification of use is proposed.

CONCLUSION

The proposal is considered acceptable and with an amended condition the proposal is recommended for permission.

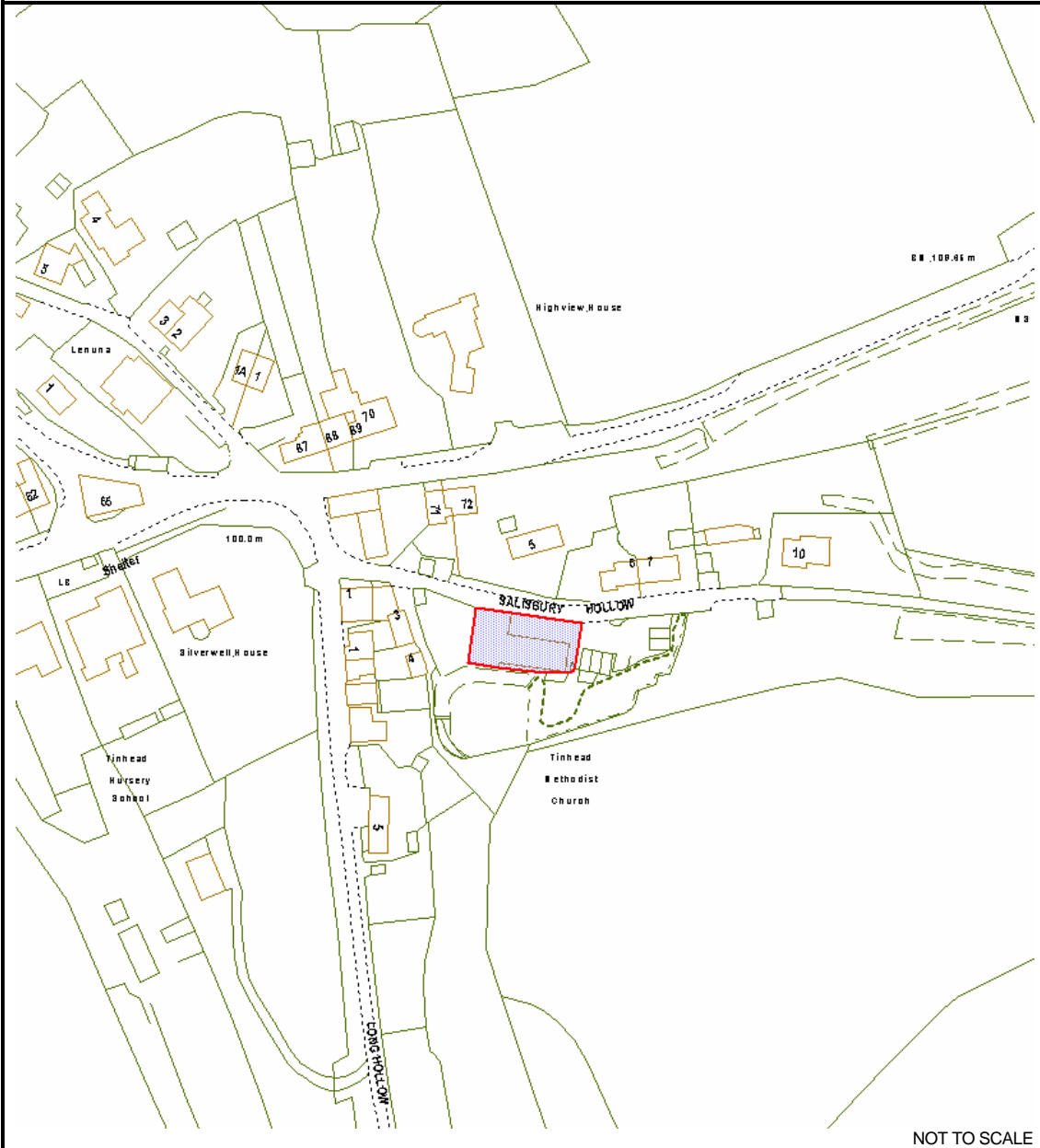
PLANNING COMMITTEE

2 August 2007

ITEM NO: 02

APPLICATION NO: 06/03662/FUL

LOCATION: Tinhead Methodist Church Salisbury Hollow
Edington Wiltshire



NOT TO SCALE

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SLA: 100022961

02 Application: 06/03662/FUL

**Site Address: Tinhead Methodist Church Salisbury Hollow Edington
Wiltshire**

Parish: Edington Ward: Ethandune
Grid Reference 393422 153278
Application Type: Full Plan
Development: Change of use to provide 3 residential units
Applicant Details: Messrs Shaw & Buxton
C/o LPC (Trull) Ltd Trull Tetbury Gloucestershire GL8 8SQ
Agent Details: LPC (Trull) Ltd
Trull Tetbury Gloucestershire GL8 8SQ
Case Officer: Miss Julia Evans
Date Received: 01.12.2006 Expiry Date: 26.01.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C14 & C15.

- 3 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.

- 4 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
- REASON: In the interests of highway safety.
- 5 Before the development hereby permitted is first occupied, details of the parking spaces shown on the approved plan shall be provided and shall be surfaced with a properly consolidated surface (not loose stone or gravel), details of which shall be submitted to and approved in writing by the Local Planning Authority, and maintained as such thereafter.
- REASON: In the interests of highway safety.
- 6 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.
- 7 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.
- 8 Details of the elevations of all new or replacement external windows, replacement glazing, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 9 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.
- 10 The recommendations of the Chalkhill Environmental Consultant's Report dated 24 November 2006, shall be implemented, details of which shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C7.

- 11 Details of storage areas for wheeled refuse bins, designed so as to minimise their impact on the appearance of the street scene shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the appearance of the street scene.

- 12 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 there shall be no additions or alterations or extensions to the dwellings, or any other development normally permitted under Schedule 2, Part 1, Classes A – H and Schedule 2, Part 2, Class A of the aforementioned Order without the grant of further planning permission by the Local Planning Authority.

REASON: In order to protect the character and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C17, C18, C19 & C31a.

- 13 Details of the removal of the extension to the eastern elevation and the making good of the new wall shall be submitted and approved by the Local Planning Authority prior to the commencement of development. The works shall be undertaken in accordance with these approved details.

REASON: In order to protect the character and appearance of the Conservation Area and the building.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C17, C18, C19 & C31a.

Note(s) to Applicant:

- 1 You are advised to contact Wessex Water as regards organising points of contact onto their apparatus.
- 2 You are advised that planning permission does not absolve the developer from the statutory protection of protected species on the site.

COMMITTEE REPORT

APPLICATION DETAILS

Members initially considered this application on 19th April 2007 whereby the Committee deferred making a decision to allow further consideration of the following matters:

- highways issues, and the sustainability of the location;
- investigation into the legal position with regard to affordable housing and the application of Policy H2; and
- the exploration of alternative uses.

The responses to these points have been detailed under the "Planning Officer's Comments" section.

This application was originally brought before the Committee at Councillor Swabey's request in the interests of public debate.

This is a full application for the change of use of Tinhead Methodist Church to three residential units. The church lies on the southern side of Salisbury Hollow, Tinhead, Edington, and is a large red brick and clay tiled L-shaped building lying in an elevated position above the level of the lane. To the north and west lie residential properties, whilst to the east lies a parking courtyard and associated garages. Agricultural land lies to the south. To the front of the building lies a sloping area of grass enclosed by a dwarf wall and railings. To the rear of the church is a narrow pathway than a very steeply sloping vegetated hillside. The L-shaped building has a lean-to extension on its eastern side, with corrugated cladding to the roof.

The proposal is to change the use of the building to three residential units. It was originally for live/work units, but was revised during the processing of the application to be three residential units. This would require the installation of internal partitioning and a new floor, which would result in the loss of the existing internal fittings. To the front of the chapel part of the area of grass would be levelled to provide four car parking spaces. This would necessitate the loss of part of the boundary wall and railings. External works to the chapel itself include the removal of the flat-roofed side extension and the addition of rooflights to the western part of the building.

The applicant has provided the following reports and statements with the application:

- Design & Access Statement;
- a Structural Report;
- a Traffic Statement;
- a Protected Species Report; and
- a Marketing Statement.

The building lies within the Edington (Tinhead) Conservation Area within the Salisbury Plain Special Landscape Area, and on an Area of County Archaeological Interest.

CONSULTATION REPLIES:

- EDINGTON PARISH COUNCIL: state "The Parish Council felt that the proposal was a significant improvement and would support the application." In response to further consultations they state: "Thank you for your letter of 23rd February and I can write to confirm that the suggestion of the proposed development giving rights to an affordable housing requirement is not something that was mentioned in any of the discussions that Representatives of the Council had in seeking to advance a resolution of the planning issues relating to this development. It is clear that the most recent Housing Needs Survey has not thrown up any particular housing need in the village."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY state: "I refer to the amended plan(s) and revised description of this application in respect of the above planning application received on 03 February 2007.

"You will be aware of my previous objections to the proposed live-work units as set out in my letter dated W06.3662.

"Being in a village location, where reliance on the private car is likely to be higher than in a town I would normally advise the parking provision should be two spaces per dwelling (especially for dwellings with two or more bedrooms) however the former use would have required a much higher level of parking to be available therefore I do not feel I can sustain an objection on the grounds of insufficient parking.

"The proposed use of the site as residential would be expected to generate in the order of 168-210 trips per week (8-10 per day). The traffic statement previously submitted estimates the present permitted use generates 80 trips per week, it is likely that many of these trips would be from elsewhere in the village. The residential use would generate more trips than the current use and it is expected that the occupiers would travel further, to access employment and services not available within the village, than those visiting the church.

"Previously an objection was raised to the insufficient frontage available to allow a satisfactory access to be laid out, the parking layout is now further to the east than previously and a greater level of visibility can be achieved. It is still below the normal requirement for a 30mph speed limit however traffic volumes and speeds are low in the vicinity of the site therefore the visibility available would be sufficient in this instance. I am however concerned that the width of Salisbury Hollow will make manoeuvring into and out of the spaces difficult.

"In view of the above I recommend that this application be refused on highway grounds for the following reason(s):-

"The proposal, located remote from services, employment and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

"Salisbury Hollow by reason of its restricted width is considered unsuitable to accommodate the increase in vehicular trips generated by the proposed development.

"The site has insufficient frontage to enable a parking area to be satisfactorily laid out which is essential in the interests of highway safety.

"Whilst two of the above reasons for refusal could be overcome by reducing the number of units proposed, it does not appear a satisfactory parking arrangement can be achieved."

The highway authority have commented further as follows following the earlier deferral of the decision on this application

"Being outside the village policy limits of Edington I would feel bound to raise a sustainability objection for the proposed conversion to a residential use. I would anticipate the current use would attract local people with the majority, arriving from the village. Edington is lacking in schools, employment and local services therefore any resident would need to travel out of the village to access these; it is very likely most, if not all, these journeys would be carried out using a private car which is contrary to the guidance set out in PPG13. However, I am aware your authority may have overriding policies towards this proposal.

"With regards to the objection to the increased use of Salisbury Hollow, I would only be able to withdraw my objection if the number of trips were not expected to exceed the level which the current use generates. The supporting information supplied with the planning application states the current use generates 80 trips per week this should be compared with the estimated 56-70 trips per week that the TRICS database suggests (a single dwelling generates, on average, 8-10 trips per day). Therefore I would only withdraw the objection on the grounds of increased use of Salisbury Hollow if the conversion was restricted to a single dwelling.

"If one dwelling unit was proposed, I would recommend two parking spaces be provided on site together with a satisfactory means of access. The main issue to address regarding the parking objection is whether two vehicles can be accommodated on site with sufficient room to turn into and out of the parking spaces with ease, I would need to see evidence of this to withdraw the objection on this ground.

"Unless the application is amended as suggested above, and a satisfactory parking layout achieved, I feel bound to maintain the objections previously raised."

- LIBRARY & HERITAGE: No objection subject to the undertaking of an archaeological watching brief during any groundworks associated with the project in accordance to a brief set out by this office.

- WESSEX WATER state: "The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to 'existing.' As there are no existing public surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure."

- WILTSHIRE WILDLIFE TRUST state: Holding Objection - "Further to our recent conversation, and the receipt of the protected species survey, I can confirm that the Wiltshire Wildlife Trust withdraws the holding objection, and has the following comments:

Ecological survey We are pleased that a bat survey has been carried out (Chalkhill Environmental Consultants, June 2006), and agree with all recommendations.

- NATURAL ENGLAND state: "Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal. We endorse the recommendations submitted by Chalkhill Environmental Consultants. However, if any other information such as representations from other parties highlights the possible presence of a protected or Biodiversity Action Plan species, the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of Circular 06/2005.

"The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005."

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY state: "The proposal seeks to redevelop an existing building used for worship, which is located on the south eastern periphery of Edington, as four live/work units. The building lies within open countryside designated as being within the Salisbury Plain escarpment special landscape area, the Edington village conservation area and an area of higher archaeological potential. The proposal site is immediately adjacent to a SSSI, a site of nature conservation interest and Salisbury Plain Training Area.

"The proposal site was the subject of a similar application under W06/00329. The Planning Policy comments for that application expressed concern over the loss and lack of marketing of the site for community uses, the demand and practicality of the proposed live/work units and the potentially negative impact of the proposal upon the historic fabric of this important (albeit currently unlisted) local building. The Planning Policy comments sought further information to clarify these issues.

"I understand that since initial submission, the scheme has subsequently been revised and now proposes to convert this community building to purely residential use with no employment element.

"Loss of Community Facility. This remains an area of concern. Planning policy (Policy CF2) seeks the re-use of a redundant community buildings for alternative community uses for the benefit of the local community. If no alternative community uses can be found for the building, other uses can be considered but the applicant must demonstrate how these alternative uses will benefit the local community, either in their own right or through the reinvestment of monies gained through the redevelopment of the site.

"I note the marketing information submitted as part of the new proposal. Unfortunately this does not demonstrate the process the applicant went through in establishing the continued need (or otherwise) for a community use of the building. As stated above this policy requirement was made clear to the applicant during the course of the original application.

"In terms of alternative uses for the building; it is unclear how market housing will actively benefit the local community. Policy clearly states that an applicant has to demonstrate potential benefits before we can consider alternative (non-community) uses.

"Rural Conversions. Planning policy (through Policies H21 and E6) promotes the redevelopment and reuse of rural buildings for employment, recreation / leisure and tourist uses. The reuse of rural buildings for housing is very much a final solution position to be taken once the potential reuse for employment, recreation / leisure and tourism uses has been fully explored. The applicant has not presented any information demonstrating these uses have been explored.

"I have spoken with our colleagues in Sustainable Communities who state that there is significant evidence of demand for rural workspace within the district - particularly in the form of converted rural buildings.

"Affordable Housing. I understand that the District Council's Housing Services Team are likely to object to this proposal on the grounds that it neither provides 100% affordable housing on-site, or an appropriate contribution towards delivering provision off-site.

"Design. The proposal site is in a sensitive location. Whilst there are no obvious external alterations, the proposal does seek the substantial internal sub-division of the building. As stated above, although this isn't (currently) a listed building, it is a prominent and important building with local value. The proposed internal sub-division will have a significant and irreparable impact upon the building. There is no substantive evidence to justify this sub-division. It is my view that a more appropriate scale of development would equate to a single use (employment) or a shared single - use such a 50-50 split employment and living space IE a studio / workshop. Fundamentally, a smaller scale / intensity of development would allow the preservation of the large internal space, which is an integral part of this buildings character. I understand that the Conservation Officer has been approached with a view to promoting the building for listing.

"Conclusions: The proposal fails to demonstrate how the redevelopment of this community building for market housing will benefit the local community. It is unclear how market housing, by itself, will contribute to a mix of uses within Edington helping to develop, maintain and enhance this important rural community.

"There is no evidence that other, more appropriate uses (in policy terms) have been fully explored.

"I suspect (having discussed this site with them) that the District Council's Housing Services department will object to the proposal as neither provides on-site provision, nor an off-site contribution towards afford housing.

"Policy Recommendation: Unacceptable in policy terms."

No response has been received from the Policy Section as regards the request from Members to explain the affordable housing requirement.

- CONSERVATION OFFICER - no comments received

- HERITAGE DEVELOPMENT OFFICER – no comments received.

- ENVIRONMENTAL HEALTH – no comments received.

- BUILDING CONTROL – no comments received.

- HOUSING SERVICES state: "I can confirm that Edington is regarded as rural and as such the usual AH policy applies - 50% AH provided on site, preferably rented, on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's Preferred Development Partnership. In this case, that will result in one whole unit plus 'half a unit' for which we would take a commuted sum in lieu.

"There are 8 households in priority need in Edington. The needs are supported from the waiting list and the housing needs survey. The WL indicates that 54% of households require 1 beds, 35% of households require 2 beds and 11% of households require 3 beds. The Housing needs Survey confirms that the greatest desire is for 2 beds across all tenures.

"We would be seeking 50% of a commuted sum based on a 2 bed house for the 'half a unit'. In Edington this figure would be in the region of £36,048, however, this is an indicative sum and we would encourage the applicant to contact us to discuss the commuted sum in more detail. Of course, if the applicant is unable to afford to make a contribution due to the viability of the scheme, provision exists for the applicant to enter into an open book appraisal which will test whether the viability of the scheme is prejudiced by the contribution and, if so, enables a reduced contribution towards affordable housing provision to be made.

"However, in the absence of an agreement with the applicant as to the amount of the commuted sum, the application should be refused on the following grounds:- The application fails to meet the requirements of policy H2 Housing in that no contribution towards the provision of affordable housing has been included within the application, nor has an open book exercise been undertaken which might justify a reduction of policy requirements."

No response has been received from the Housing Services Section as regards the request from Members to explain the affordable housing requirement.

PUBLICITY RESPONSES

The application has been advertised with a Public Notice site notice and neighbour notifications have been undertaken. Seven responses have been received making the following comments:

- creates parking, servicing and highway and pedestrian safety issues;
- Salisbury Hollow's restricted width allows no turning;
- poor public transport links;
- work part will be detrimental to neighbouring amenity;
- the chapel never generated much vehicular traffic;
- conversion has a residential and domestic appearance;
- loss of parking for existing residents;
- Salisbury Hollow is not a dead-end, but leads to a byway;
- loss of privacy to neighbouring residents;
- detrimental to character of conservation area;
- there is a covenant on the land around the chapel;
- allegations as regards the applicant bribing councillors; and
- increased car parking will be detrimental to the Special Landscape Area.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP8 Affordable housing
- DP9 Reuse of land and buildings
- DP14 Housing, employment and related development in the open countryside
- T6 Demand management
- C1 Nature conservation
- C3 Nature conservation
- C5 The water environment
- C9 Special Landscape Areas
- HE2 Other sites of archaeological or historic interest
- HE7 Conservation areas and listed buildings

West Wiltshire District Plan - 1st Alteration, 2004

- C1 Countryside protection
- C3 Special Landscape Areas
- C7 Protected species
- C14 Archaeological field evaluation
- C15 Archaeological assessment
- C16 Archaeological investigation and recording
- C17 Conservation areas
- C18 New development in conservation areas
- C19 Alterations in conservation areas
- C20 Change of use in conservation areas
- C23 Street scene
- C27 Listed buildings
- C31A Design
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- H2 Affordable housing provision in towns and villages
- H21 Conversion of rural buildings
- T10 Car parking
- CF2 Reuse of community facilities
- CF3 Villages and rural areas
- U1 Infrastructure
- U1A Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Area

National Guidance

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS7 Sustainable Development in Rural Areas
- PPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- PPG15 Planning and the Historic Environment
- PPG16 Archaeology and Planning

RELEVANT PLANNING HISTORY

06/00329/FUL - Change of use to provide four live/work units - Refused 23.03.06

KEY PLANNING ISSUES

This application raises the following planning matters:

- planning history;
- impact on the conservation area;
- rural conversions;
- highways and parking issues;
- impact on the Special Landscape Area;
- impact on the water environment and public infrastructure;
- impact on protected species;
- archaeological impact;
- neighbouring amenity;
- affordable housing provision;
- neighbour allegations.

PLANNING OFFICER COMMENTS

Members initially considered this application at the Planning Committee meeting of 19th April 2007, whereby a decision was deferred to investigate the following issues:

- highways and sustainability matters;
- affordable housing provision; and
- alternative uses for the chapel.

This is a resubmission of a previously refused application for the change of use and extension of the chapel to provide four live/work units, at Tinhead Methodist Church, Edington. The current scheme now proposes the conversion to three residential units, and seeks to address the previous reasons for refusal. The previous application 06/00329/FUL was refused for the following reasons:

- detrimental impact on the conservation area;
- unsustainable location;
- inadequate parking;
- inadequate access;
- inadequate visibility splays;
- no structural report;
- inadequate marketing for alternative uses;
- no protected survey report;
- no archaeological evaluation; and
- unacceptable impact on amenity.

Dealing with each of these issues in turn, the chapel forms a dominant building in this edge of village location. The proposal involves the demolition of the flat-roofed extension on the eastern elevation, and the conversion of the remaining building into three units. Four parking spaces would be provided, two on the area occupied by the flat-roofed extension and two adjacent to it. An area of walled grass to the front of the chapel would be retained. The change of use of buildings in the conservation area is acceptable provided they do not require any changes that would be detrimental to the special character or appearance of the area. It is considered that the demolition of the existing extension is acceptable as it restores the chapel to its original form, and the location of the parking to the eastern edge of the site allows the retention of some of the existing grassed area along with its retaining wall and railings. Apart from the inclusion of rooflights, no other exterior alterations to the building are proposed. It is felt that as currently proposed, the works would be acceptable as regards the impact on the conservation area. Conditions could be attached as regards materials, landscaping, surfacing and boundary treatments to retain the conservation area's character.

Policy H21 of the West Wiltshire District Plan - 1st Alteration, 2004 allows the conversion of rural buildings subject to a number of caveats. In addition to retaining the building's original character, the policy requires satisfactory highways arrangements, structural surveys, reuse efforts, and no harm to the natural environment. The impact on the building's character has been addressed above, and conditions could be attached preventing further extensions and alterations. However, the application raises objection from

The Highway Authority considers this an unsustainable location and expresses highway safety concerns about the increased use of Salisbury Hollow which has restricted width the junction of Westbury Road with Long Hollow and Salisbury Hollow and insufficient parking. However, this committee must decide as to whether greater weight is given to the highway issues or the need to find a viable long term use for this building. If another use is not found for the chapel it will remain vacant and will deteriorate further. The chapel is a significant building in terms of the character, appearance, and historical functioning of the village. Its current lawful use as a place of worship is also capable of generating traffic movements not all of which will be generated in Edington and the need for parking significant numbers of vehicles albeit for short periods of time. The building is important in terms its context within the village within the Conservation Area and greater weight should be given to the retention of the building than to the highway concerns subject to conditions concerning parking, drainage and surfacing provision. The scheme as amended strikes an appropriate balance between the setting of the building and the provision of car parking.

Policy H21 also requires a structural report to demonstrate that the building can be converted without extensive alterations and rebuilding. This has been provided and although no comment has been received from Building Control, it is not felt that the report proposes any substantial alterations detrimental to the character of the building. Conditions could be attached to control any such changes.

Members required further clarification was the applicant's efforts to secure alternative uses (business, tourism, sport or recreation) for the chapel other than residential.

The applicant has commented that this application was accompanied by a marketing report, prepared by Atwell Martin, local land and property agents and that this report confirmed the low level of interest received when the building was sold in April 2004. They go on to comment that the scheme was amended the current resubmission to remove the work element of the live/work development as requested. This change recognised the site's historic use, the wider Conservation Area designation and limited off street parking, combined with the restricted immediate road widths capable of accommodating deliveries by large vehicles. It was considered that the building's commercial re-use will have a detrimental local impact. The intended residential use is in keeping with the prevailing land use in this area, and achieves the positive re-use of the existing built resource in keeping with the areas wider character and appearance. Additionally, the proposed reuse, by comparison with the site's historic use, will not represent an intensification of comings and goings as could of course result if a new commercial chapter in the sites use were to be pursued. Finally they draw attention to the Council's comparable decision at The Old School, in Edington which addressed a very similar set of circumstances and, concluded that reuse of the existing building in this sustainable village location represented an appropriate new development. Tinhead Chapel is served by the same public bus service, which was described by the Parish Council as a good village service.

The Planning Policy Section expressed concern that the proposal has failed to demonstrate how the redevelopment of this community building for market housing is of benefit to Edington, and states that this is unacceptable in policy terms. The application was originally submitted as live/work units, but was changed due to the impact of the alterations on the conservation area and the highway requirements. It is now felt that the issues concerning the conservation area have been addressed. The highways concerns remain (and are addressed elsewhere in this report) but the removal of the work space element of the scheme reduces these concerns considerably

The conversion of such properties needs to be supported with a protected species report. This has now been provided, and Natural England has raised no objection to the proposed development, subject to conditions concerning mitigation measures.

The site lies within a Special Landscape Area. The proposal is not considered detrimental to the designation in view of its location and surroundings.

Wessex Water have raised no objection, subject to satisfactory connection to their apparatus and protection of their infrastructure. This could be addressed by conditions and informatives.

The site lies over an area of County Archaeological Importance. The County Archaeologist is happy to condition an archaeological investigation to be undertaken in the event of planning permission being granted.

Neighbouring residents are concerned as regards loss of amenity. The proposal now makes no changes to the chapel's existing windows. The chapel currently has green obscure glazed windows, and subject to the retention of this glazing, it is felt that the current scheme is acceptable in terms of amenity.

The Housing Enabling Officer and Planning Policy would like to see a contribution towards affordable housing from this development in the form of have objected to the lack of on and off-site affordable housing provision in the form of one dwelling on site and a commuted payment to the equivalent of 50% of a second unit as the site lies within the village of Edington. As part of the earlier deferral of an application on this site officers were asked to seek clarification of the district plan policies relating to affordable housing on this site.

Although the site is within the built up area of the village, it is outside the Village policy limits of Edington. In the vicinity of the site Westbury Road is the southern boundary of the VPL with smaller groups of buildings to the south of this road excluded. Policy H2 specifically refers to sites within one of the district's five towns or within defined village policy limits. As the site is outside the VPL there is no planning policy requirement for affordable housing as part of this development.

CONCLUSION

The conversion of the chapel to residential use is acceptable in terms of the impact it has on the Conservation Area. The building is important to both the village and the Conservation Area, and negotiations have resulted in the removal of an unsympathetic extension, and part of the grassed area to the front has been retained. External alterations have been kept to a minimum, and the removal of the existing flat roofed extension is beneficial in restoring the building's original form.

The Highway Authority considers this an unsustainable location and expresses highway safety concerns about the increased use of Salisbury Hollow which has restricted width the junction of Westbury Road with Long Hollow and Salisbury Hollow and insufficient parking. The current lawful use of the building as a place of worship is also capable of generating traffic movements not all of which will be generated in Edington and the need for parking significant numbers of vehicles albeit for short periods of time. The building is important in terms its context within the village within the Conservation Area and greater weight should be given to the retention of the building than to the highway concerns subject to conditions concerning parking, drainage and surfacing provision.

The applicants have carried some marketing of the site for alternative uses and this combined with the greater highways impact of a proposal for a commercial or community use than for a residential use leads your officers to the conclusion that a residential redevelopment of this building is acceptable.

There is no planning policy requirement for this scheme to generate affordable housing.

In view of the material circumstances with this proposal, on balance the application is now recommended for permission, subject to the conditions suggested above.

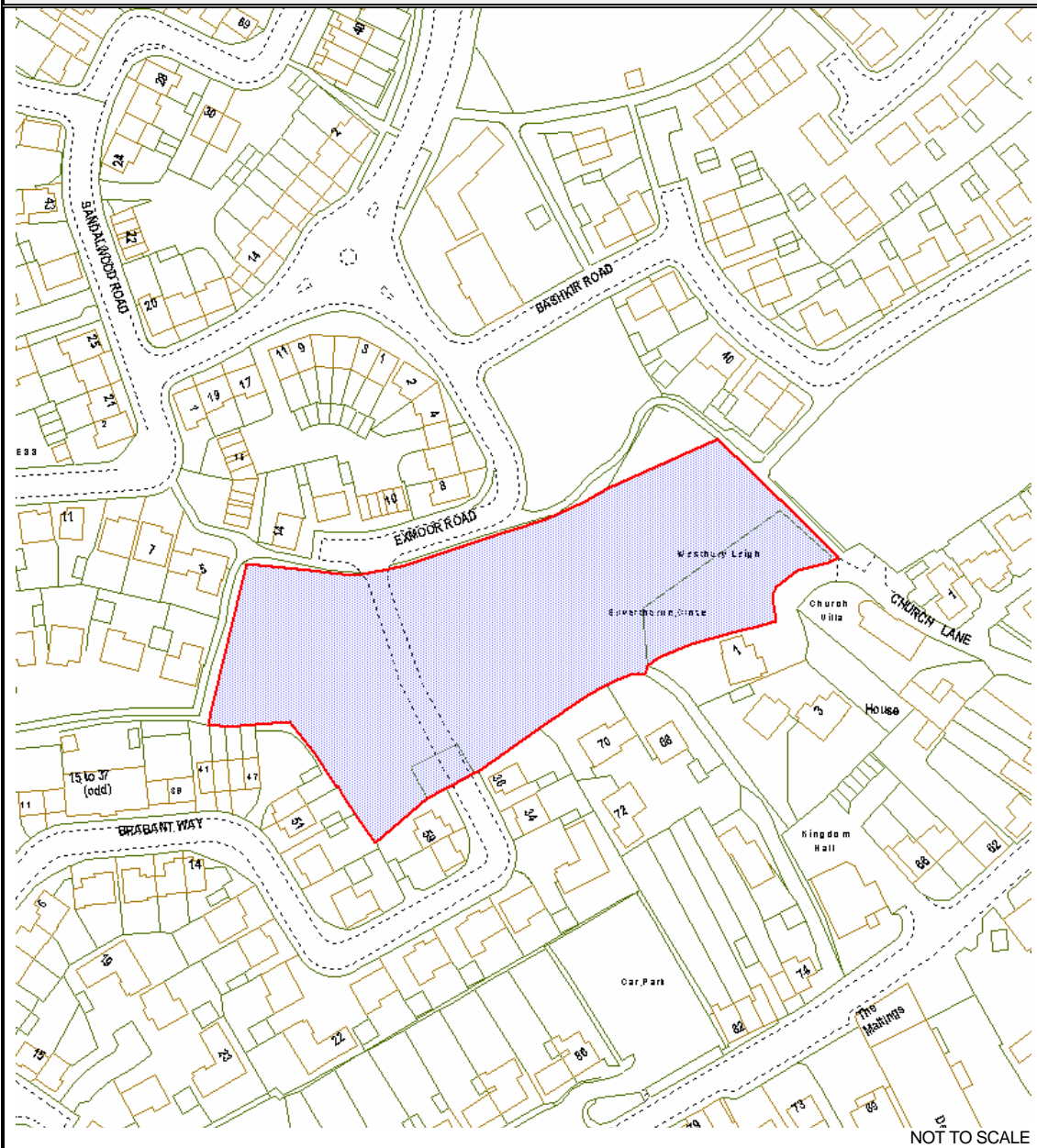
PLANNING COMMITTEE

2 August 2007

ITEM NO: 03

APPLICATION NO: 07/00115/FUL

LOCATION: Area R1d Westbury Leigh Westbury Wiltshire



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655 Ext 602
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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 07/00115/FUL

Site Address: Area R1d Westbury Leigh Westbury Wiltshire

Parish: Westbury Ward: Westbury Laverton
Grid Reference 386181 150147
Application Type: Full Plan
Development: Erection of 25 dwellings with associated roads, parking and open space
Applicant Details: Persimmon Homes (Wessex) Ltd
C/o Pegasus Planning Group 6-20 Spitalgate Lane Cirencester
Glos GL7 2DS
Agent Details: Pegasus Planning Group
6-20 Spitalgate Lane Cirencester Gloucestershire GL7 2DE
Case Officer: Miss Julia Evans
Date Received: 10.01.2007 Expiry Date: 11.04.2007

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date subject to conditions and to the prior satisfactory completion of Legal Agreements to secure the following: -

The provision of 30% affordable housing provision to be delivered under the nil subsidy arrangement;

The provision of public open space together with a management plan and financial contributions for future maintenance;

A financial contribution towards education provision, as identified by the County Education Officer; and

A financial contribution towards bus service provision for the area.

Condition(s):

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A, H13 and H24.

- 3 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A, H13 and H24.

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

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 5 The development hereby permitted shall not be occupied until details for the disposal of sewage and foul water have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

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

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

- 6 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 7 The proposed garages shall be used only for the accommodation of private sector vehicles and not trade or business shall be carried on therein.

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

8 The parking areas to be provided and shown on the plans hereby approved shall not be sited otherwise than in the positions 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.

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

REASON: In the interests of highway safety.

10 Any planting within the parcel of land in the northern area between the driveway to the garage of Plot 7 and the adjacent footpath shall only be permitted to reach a height of 600mm and shall thereafter be maintained at that level.

REASON: In the interests of highway safety.

11 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.

REASON: In the interests of highway safety.

12 The proposed roads, accesses, 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.

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

13 No doors, including garage doors, or window openings at ground floor level shall be permitted to open over any area which is likely to become part of the public highway.

REASON: In the interests of highway safety.

14 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.

15 A landscaping scheme for the public open space and amenity areas, including a programme for their implementation, shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in accordance with the approved programme, and the landscaping shall be maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy R4.

- 16 Before any development is commenced on site, including site works or storage of any description, all trees and hedges 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.

- 17 No development shall take place until full details of both hard and soft landscape works including the size, species, position or density of all trees and proposed time of planting 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.

- 18 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.

- 19 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, including details of all new retaining walls. The boundary treatment shall be completed before the buildings 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.

20 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

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

21 Building and construction work on the development hereby permitted shall not take place outside the hours of 07.30 hours to 18.00 hours Monday to Friday and 08.00 hours and 13.00 hours on Saturdays, and at no time on Sundays and Bank Holidays.

REASON: In order to safeguard the amenity of the area

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

22 Details and drawings of the location of the site office and storage compounds, and any such other areas, including restoration measures, shall be provided in writing before the commencement of any development on site. The works shall be undertaken in accordance with the approved details.

REASON: to protect the protected trees and neighbouring amenity.

POLICY: West Wiltshire District Plan - First Alteration – Policies – C32, C38 and C40.

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

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

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

Note(s) to Applicant:

- 1 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- 2 Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.
- 3 You are advised to contact Wessex Water to agree points of connection to and protection of their apparatus.
- 4 In relation to condition number 19 in cases of sites where there is a need to soften the impact of new development it may be appropriate to require trees of a semi-mature standard.
- 5 The applicant's attention is drawn to the draft Code for Sustainable Homes published by the Department for Communities and Local Government.

- | | |
|---|--|
| 6 | The applicant is advised that the site is within 250 metres of a landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of ground contamination. |
| 7 | The applicant is advised that this site contains trees which are the subject of a Tree Preservation Order. |

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee because Westbury Town Council object to it and your officers are recommending permission.

This is a full application for the erection of 25 dwellings with associated roads, parking and open space at land between Exmoor Road and Bryant Way (ie Area R1D), Westbury Leigh, Westbury. The site is approximately 0.783 hectares in size, and lies surrounded by the modern Westbury Leigh housing estate. To part of the northern boundary lies an area of existing public open space, whilst the rest is adjacent to housing. The site is currently overgrown grassland and is also used as a store for building materials. A dilapidated tin shed lies approximately half way along the southern edge of the site. Two areas of trees lie in the northern-most and easternmost corners of the site. Hedgerows form the existing boundaries to the north, east and south, with timber boarded fencing in addition to and filling the gaps. A road across the site links Exmoor Road with Bryant Way, although fencing across the latter prevents use. The site slopes gently towards Exmoor Road.

The application proposes 25 dwellings across the site, with the existing woodland areas being left as landscaping. The link road between Exmoor Road and Bryant Way would be completed, and the following type of units would be provided along it and the cul-de-sac spur coming off it: -

- 9, three-bedroomed terraced houses;
- 2, five-bedroomed detached houses;
- 3, four-bedroomed detached houses; and
- 11, two-bedroomed flats.

The flats would be provided in 1, three-storey block overlooking the existing public open space, with 11 parking spaces located to their rear. Details of materials are to be agreed.

The application has been supported with a Design and Access Statement that concludes: "The proposed development will provide an attractive housing scheme, with a variety in built form and house types that responds appropriately to surrounding development. The scheme has been determined by the constraints and opportunities offered by existing vegetation, surrounding development and fixed points of access."

A Tree Survey Report has also been provided by the application which concludes: "Recommendations for future management - TPO G1(TPO 2000) - This group of trees is likely to be proposed for retention due to its contribution as a landscape feature and its protection by Tree Preservation Order. For the group to be retained safely, the trees require works to improve their form and structural stability.

"WOODLAND PLANTATION TPO G1 (2006) - This group of trees is likely to be proposed for retention due to the quality and potential age contribution of the individual trees, to its contribution as a landscape feature, and its protection by Tree Preservation Order.

"To maximise the potential of the woodland, and to promote healthy, vigorous, high quality growth of the individual trees within it, management operations are required.

“The large Populus alba T14, in the south west corner of the plantation, is currently in a dangerous condition. The tree is a re grown coppice and the large unbalanced limbs generating from ground level require removal to prevent splitting. Ideally this tree should be coppiced to ground level.

“Of the mature trees T29 - T32, along the north eastern boundary, T30 is dead and should be removed. T31, a Salix alba which is forked at 1.0m above ground level should be re pollarded at 1.0m.”

Revised plans were received that included the provision of five affordable housing two-bed flats and an off-site contribution for another 2.5 affordable housing units, as requested by Housing Services.

The site lies within Westbury’s Town Policy Limit (Policy H1), within the H13 Housing Land Allocation, and over an Area of High Archaeological Interest (Policy C15).

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: State: - “The Committee still objects to this application on the grounds of overdevelopment and loss of privacy to existing properties. Should eventual permission be granted, extra care should be taken regarding existing TPO’s and further, West Wiltshire District Council establish a long-term management policy to safeguard the copse.”

No response has been received for the latest revisions.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - “The application, if approved, will complete a link through the Westbury Leigh development and promote permeability for vehicles (including cycles) and pedestrians alike through the area.

“There are a number of opportunities which the developer, in the first instance and then subsequently by the residents, can make towards sustainable means of transport for this new development. These are:

1. The setting up of a residential travel plan with an on-site co-ordinator and to also include £750 per annum for 5 years as a contribution towards the provision of Wiltshire County Council’s officer time in monitoring the plan at a total cost of £3,750.

2. A financial contribution of £12,500 towards sustainable travel by the provision of an enhanced bus service for the area.

3. A £5000 contribution towards cycle parking facilities at Matravers School.

“There is a link shown at the east of the site adjacent to the bin storage area and this will need to be adopted so as to provide a continuous link from this estate into Church Lane for both pedestrians and cyclists. People will find their way through this link in any event, but it will be preferable if it is formalised.

“I am concerned that there is insufficient car parking for the flats development at the east of the site. There are 11 units and only 11 parking spaces. These are 3 and 4 bed units and there will be a shortfall of parking here leading to occupiers of the flats and their visitors having to park on the approach roads and outside adjacent dwelling houses; this will lead to neighbour conflict. I consider that at least 18 spaces should be provided at this location to accord with our adopted policies of 1.5 spaces per unit in grouped parking areas; the additional parking could be located in the area to the east of the parking area already shown.

"No doubt, the contributions which I am requesting will need to be included within a S106 or Unilateral Agreement and I look forward to your assistance in this matter.

"I recommend that this application be approved subject to the following conditions:"

1. No business use of the garages;
2. Parking only for the use of the residents;
3. Driveway gradients;
4. Planting heights;
5. Disposal of surface water;
6. Surfacing;
7. Structures overhanging the highway;
8. Design of the highway;
9. Residential Travel Plan;

No response has been received for the latest revision.

- LIBRARIES & HERITAGE: State: - "Nothing of archaeological interest is likely to be affected by the proposed development and therefore I have no issues to raise."

- CHIEF EDUCATION OFFICER: States: - "Thank you for sending us a copy of the above full planning application for the construction of 25 dwellings. We have estimated the pupil product from the development, as detailed below, and assessed whether it can be accommodated in the local school(s), taking into account other known developments in the area. The Authority uses figures of 0.31 and 0.22 pupils per dwelling of 2+ bedrooms to assess the likely number of primary and secondary pupils respectively. On the assumption of 25 dwellings, we would derive a pupil product of 8 primary and 6 secondary age pupils. Currently in the foreseeable future, these pupils could not be accommodated in the designated area schools (Westbury Leigh Primary and Matravers Secondary).

"Please note that we have been unable to apply our standard discount of 30% on any social housing element, as we do not have details of the extent if any, of this element of the application. Please supply the relevant information, enabling us to refine our assessment and requirements accordingly.

"The current DfES building cost multipliers are £10,372 per primary and £15,848 per secondary place. The contributions required are therefore £82,976 for primary and £95,088 for secondary, places. However, these figures are only valid for S106s signed by 31 March 2007, after which the 2007/08 DfES cost multipliers will apply. The County Council requires contributions to be secured by way of a Section 106 Agreement to which it will be party, with Bonding and indexation as per our standard terms. I am therefore copying this letter to our Legal Services team for their information."

No response has been received for the latest revisions.

- ENVIRONMENT AGENCY: State: - "The Environment Agency has no objections in principle to the proposed development but wishes to make the following comments. Developments on this scale (ie. less than 1 ha) within Flood Zone 1 fall outside the scope of formal Standing Advice. The following is offered to aid Local Planning Authority's and developers in managing the surface water runoff issues for information purposes only as a pointer towards best practice for surface water disposal:

"Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements.

“Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. Further information on SUDS can be found in PPG25 paragraphs 40-42, PPG25 appendix E, in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems.

“The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk.

“Consideration should be given to any possible impact on groundwater recharge, flows and levels.

“If detrimental consequences to the water environment are likely then agreed mitigation measures would be necessary.

“The applicant should bear in mind that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. Local water interests in the area such as wells, springs, etc, and private abstractions must not be adversely affected either.

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

“The District Council's Technical Services Department should be consulted regarding the proximity of, and impact on, any local watercourses on the site.”

- WESSEX WATER: State: - “Foul Sewerage - The site is surrounded by new development sites that have either a S104 Sewer Adoption Agreement in place, or pending. Subject to the agreement of details, a new foul connection may be made.

“Surface Water Drainage - Subject to the approval of design flow calculations, on-site storage, with an outlet flow control device may be required, prior to a connection to an existing sewer.

“Water Supply - The existing mains system is adequate to serve the proposed development. A connection can be made to the existing 180mm diameter water main in Brabant Way, to the south of the site.”

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: State: - “Key Issues: The proposal seeks the comprehensive development, for residential use, of one of the residual sites that comprise the wider Leigh Park urban extension to the west of Westbury. The proposal site is firmly within the Leigh Park housing allocation area, to the immediate north of Westbury Leigh, consequently, the principle of housing development on this site is established.

“Open Space Provision. The provision of open space across the entire Leigh Park has proved to be a key issue in determining the individual sites that comprise the wider allocation. This has been witnessed through recent applications at R11, R12 and R14 sites. The problem encountered by all parties involved in the process has been the changing position of site densities. In all recent cases increases in site development density has resulted in a commensurate increase in open space requirement. This has been comprehensively proved by a desk top study carried out by Planning Policy.

“In this case, the proposal seeks a development of 25 dwellings, which is five dwellings over and above original calculations for the site. To date, all open space calculations for R 1 d (and its related impact on the wider Leigh Park allocation) have the site generating 20 dwellings. Based on this evidence, I can conclude that the current proposal is short in on-site open space provision, which also means that the global open space provision for Leigh Park is also short.

Affordable Housing. Although the proposal (by itself) falls below the threshold set out in Policy H2, this proposal falls within the larger Leigh Park allocation. Planning policy is very clear in stating that larger sites will not be sub-divided and that affordable housing provision needs to be examined in totality.

“I am aware that the affordable housing needs of Leigh Park have been examined in detail. Any historic affordable housing provision now needs to be re-examined in the light of this proposal, with particular attention paid to the increase in housing density from 20 to 25 units. This is critical, as I assume any previous affordable housing contribution will have identified Area R1 d as providing 20 units not 25!

“I note that one element of the scheme provides what can be described as market affordable housing. Whilst the genuine affordability of this housing type is open to question, it is nevertheless welcomed as a contributing towards the mix of housing types available through the Leigh Park site.

“Design. I note the proposed density of about 39 dwellings per ha. I am satisfied that this is appropriate for this location. I also note the limitations imposed upon the site layout by the existing road layouts, the awkward shape of the site and the on-site constraints of existing and proposed planting. I note that the housing design types follow the 'style' set for the Leigh Park development.

“Landscaping. Given the site's location along the southern boundary of the Leigh Park development, landscaping is considered important in terms of softening the impacts of Leigh Park upon the historic village setting of Westbury Leigh and the sensitive built environment around the church (to the south east).

“Planning Policy (Policy C40) seeks the retention of those trees with a visual amenity value. Trees with TPOs will also be protected/ retained. Policy also encourages the planting of native trees. I suggest that the District Council's Tree Officer is involved in resolving this issue.

“District Plan Policy C6a also seeks to protect important landscape features - such as hedges, which may have either a wildlife habitat value, or be of local nature conservation interest. Given the level of correspondence referencing the southern boundary hedge, I suggest that both the applicant and District Council consider this matter with due care.

“Conclusions: The primary policy issue revolves around the quantitative level of open space being provided by this site (for both on-site needs and the wider Leigh Park requirement). An increase of five units (from original calculations) suggests that more open space is required. I am ambivalent as to whether this is physically provided on-site or offsite. Equally, the applicant may seek to off-set this shortfall through contributions, or qualitative improvements (again either on-site or off-site). Whilst not identified as open space, the heavily planted area in the site's south eastern quarter will have some open space value; this needs to be clarified. I suggest that the Leisure Service Manager be involved in resolving this issue.

“A similar situation exists in terms of affordable housing and this issue needs to be resolved. I consider that the current application does generate an increased level of provision for Leigh Park as a whole. Any existing affordable housing contribution (for Leigh Park as a whole) needs to be re-examined in the light of the increase in housing density from 20 to 25 units.

“Policy Recommendation: - More information required.”

Further negotiations between Local Plans and the applicant resulted in the following comments:
“Firstly, I am satisfied that the applicant has broadly addressed the issues relating to public open space provision.

“Secondly; unfortunately the applicant has failed to address the issues relating to affordable housing provision. The key points are: -

* Area R1d is part of the larger Policy H13 allocation. Therefore, Policy H2 requires up to 30% affordable housing subject to negotiation.

* The fact that this site falls outside of the original outline permission or masterplan area is completely irrelevant.

* Consequently the number of dwellings on the site (either now, or as originally anticipated) is irrelevant in applying this policy.

* I have spoken with our Housing Services Team and they have informed me that they have negotiated affordable housing provision at Leigh Park on a site by site basis. This is borne out by the applicant's own statement but that this negotiation has sought to address the Leigh Park affordable housing need in its totality.

* Building upon this position, housing services has not negotiated any affordable housing provision to account for Area R1d. Consequently, we must consider 30% affordable housing of 25 dwellings.

* I understand that Housing Services will open negotiation at 5 dwellings provided on site with two and half provided as an off-site contribution. This position will be subject to negotiation.”

No response has been received for the latest revisions, which include the required amount of affordable housing provision.

- DRAINAGE ENGINEER: States: - “I have no comment on the application as land drainage is unaffected.”

- TREE AND LANDSCAPE OFFICER: Has not commented.

- HOUSING SERVICES: States: - “Pegasus originally argued that this site was not included in the original Master Plan for Westbury Leigh and therefore should not provide any affordable housing, their letter dated 8th March 2007 then suggests that affordable housing should only be provided on the uplift of 5 units on the site. However, Pegasus counter their own argument on this subject in paragraph 5 of their letter under the sub heading Affordable Housing:- With regards to the comments from the Housing Section, the additional housing sites at areas R11/R12 and R14, for which 30% affordable housing was required were not included in the original master plan for Westbury Leigh and therefore would not of formed part of historic affordable housing calculations”

“Each area at Westbury Leigh has been looked at with regard to affordable housing on its own merits, regardless of the original Master Plan, and the number of units within the planning application. A total of 30% has been provided for each application, although on the latter applications the mix has been spread over the three sites due to design issues.

“Therefore, we are still of the opinion that 30% of the 25 units should be provided on site under Policy H2. This would equate to 7.5 units. However, we have looked at the design of the site and the mix of units to be provided and note that all the houses are either large 'traditional' style units or three storey three and four bedroom units which would be unsuitable for affordable housing. As provision of the required amount of affordable houses on site would require a re-design of the layout and units we would therefore suggested that 5 of the two bedroom flats that have their own entrance and internal staircase (possible the right hand block) be provided for affordable housing and that the 2.5 units are provided for by way of a commuted sum for off site provision, an estimate of this sum would be in the region of £120,000.

“To summarise, we would require 5 units for affordable rent to be provided on site on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's Preferred Development Partnership and a commuted sum in lieu of 2.5 units.”

No response has been received for the latest revisions, which include the required amount of affordable housing provision.

PUBLICITY RESPONSES

The application has been advertised with a Public Notice Site Notice and neighbour notifications have been undertaken. Six responses have been received raising the following comments: -

- Boundary matter, and reinstatement of planting;
- Loss of privacy of gardens from the block of flats, and should be limited to two storey high;
- The copse of trees to the southeast corner of the site is a TPO, and it and its wildlife should be protected;
- Three-storey block of flats would have a dominant visual impact;
- Land is liable to flooding; and
- Increasing levels of traffic within Westbury Leigh.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable housing
- T5 Cycling and walking
- T6 Demand management
- T8 Transport provision for new development
- C1 Native conservation
- C5 The water environment
- HE2 Other sites of archaeological or historic interest
- RLT1 Recreation, sport and leisure

West Wiltshire District Plan – 1st Alteration 2004

- C7 Protected species
- C15 Archaeological assessment
- C31a Design
- C32 Landscaping
- C33 Recycling
- C34a Resource consumption and reduction
- C37 Contaminated land
- C38 Nuisance
- C40 Trees
- R4 Open space in new housing developments
- R11 Footpaths and rights of way
- H2 Affordable housing
- H13 Leigh Park, Westbury
- H24 New Housing design
- T4 Distributor roads
- T9 Bus services
- T10 Car parking
- T11 Cycleways
- T12 Footpaths and bridleways
- S1 Education
- U1 Infrastructure
- U1a Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas
- I1 Implementation

SPG

Open space Provision in New Housing Development (Adopted August 2004)

Design Guidance – Principles (Adopted July 2004)

Residential Design Guide (Adopted June 2004)

Affordable Housing (Adopted August 2005)

National Guidance

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPG16 Archaeology and Planning

PPG17 Sport and Recreation

RELEVANT PLANNING HISTORY

n/a

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Principle of the development;
- Design and layout;
- Highways, sustainable transport and associated contributions;
- Amenity issues;
- Protected trees and landscaping;
- The water environment;
- Archaeological protection;
- Public open space and contributions;
- Affordable housing provision; and
- Education contributions.

PLANNING OFFICER COMMENTS

This site lies within the Leigh Park housing allocation (Policy H13), whereby the principle of housing development on this site is established, subject to complying with the caveats in policy.

Principle of the Development

This site is an additional residential site to the outline permission covering much of the rest of the Westbury Leigh area, and is, therefore, included within the H13 policy area. The principle of the development of the site for residential uses has been accepted by this allocation. The current proposal for 25 dwellings, is therefore, considered acceptable.

The density for the scheme is approximately 32.5 dwellings per hectare, which just falls within the ranges required by PPS3 – Housing. Consequently, the principle of the residential development of this site has been established through the Development Plan.

Design and Layout

The site is surrounded by modern residential development, including the development of the Westbury Leigh estate. Both Development Plan Policy and PPS3 require new residential development to have a mix of sizes and types of dwellings that overlook public areas, that are in keeping with their surroundings, and which accommodate all means of transport. Policies C31a and H24 of the West Wiltshire District Plan – 1st Alteration, plus the supporting Supplementary Planning Guidance, attempt to ensure that new housing development is integrated into its local

environment. The proposed development uses the new housing types that have already been approved on the rest of the Westbury Leigh estate. The proposal has a mix of sizes of unit, and the provision of the road link joins the existing estate roads together. It is felt, therefore, that the application is acceptable subject to conditions requiring details of materials, gardens and boundary treatment and landscaping.

Neighbours have raised concerns as regards overlooking, particularly from the block of flats. The nearest properties are over 30 metres away from the flats, which directly overlook areas of open space, one of which is woodlands. With the other properties, the applicant has provided revisions to improve amenity. It is not felt that the proposal results in a significant loss of amenity to neighbouring properties. In view of the sloping nature of the site sectional drawings and finished floor level condition has been suggested.

Neighbours have also raised concerns as regards boundary ownership and hedgerow removal. Ownership disputes are not a matter for the planning system to arbitrate over, and a boundary treatment condition has been recommended.

Highways and Sustainable Transport Matters

Government guidance and Development Plan Policy require new residential developments to overlook public areas and have road layouts which are determined by the buildings. The current application has replicated the layout pattern of the Westbury Leigh estate, and has been revised to include a footpath link to the wider network. The Highway Authority have raised no objections to the proposal subject to the following conditions and legal agreement requirements being attached: -

- No business use of garages;
- Parking only for residents;
- Driveway gradients;
- Planting heights;
- Surface water disposal;
- Surfaces of highway;
- Structures overhanging the public highway;
- Design of the highway;
- Residential travel plan;
- A contribution for monitoring the residential travel plan;
- A contribution towards a bus service for the area; and
- A contribution towards cycle parking at Matravers School.

Concerns as regards the provision of 1 space per flat have been addressed by revised plans which have reduced the number of bedrooms. To date, however, no response has been received as regards these revised plans.

Policies H13 and T4 also requires the completion of a distributor road linking Station Road with the A3098. However, neither the Planning Policy Section nor the Highway Authority have required this site to contribute, so no request has been made.

The Highway Authority have asked for a condition and financial contribution for a residential Travel Plan and monitoring officer. However this is a small site within a much larger residential area for which no such requirement has been imposed. It is therefore unreasonable to impose such a provision on this particular part of the development.

Similarly, they seek a financial contribution towards cycle parking facilities at Matravers School. However, the Education Authority are also seeking a financial contribution towards education provision and it is considered unreasonable to seek both.

The education contribution and one for the provision of an enhanced bus service are recommended as part of the Section 106 Agreement.

Protected Trees and Landscaping

There is a group of protected trees in the eastern corner of the site, which have been proposed for retention as public open space. The Planning Policy Section is satisfied that the public open space provision is acceptable, and in accordance with the requirements of Policy H13. Subject to a Legal Agreement requiring provision of the public open space and conditions for landscaping within the remainder of the site, no objection is raised. Tree protection conditions have been attached to protect the trees and hedgerows.

The Water Environment

Neighbours have raised concerns that the site is subject to flooding. However, neither the council's Drainage Engineer, Wessex Water, nor the Environment Agency have raised concerns as regards this matter. Subject to conditions concerning foul and surface water drainage plus informatives concerning points of attachment and water pollution prevention measures, no objection to the proposal is raised.

Archaeology

The site lies within an Area of Archaeological Interest. No requirements have been received from the County Archaeologists.

Affordable Housing

Policy H13 of the West Wiltshire District Plan – 1st Alteration requires provision of an appropriate level of affordable housing for the development. Policy H2 requires sites of 25 dwellings or 1 hectare or more to provide up to 30% affordable housing provision. Initially the proposal included no provision, but has subsequently been revised to include 5 affordable two-bedroomed flats on site with a financial contribution towards 2.5 further units off-site. Although these were the requirements of the Housing Services Section, to date no comments have been received as regards confirming their acceptability. Consequently, the proposal is considered acceptable subject to satisfactory completion of a Legal Agreement.

Education Contributions

Policy S1 of the West Wiltshire District Plan – 1st Alteration requires a planning obligation to be provided where the residential development gives rise to the need for additional education provision. The Education Authority, Wiltshire County Council, have identified a need based on the requirement for 8 primary and 6 secondary school age pupils needing places. The comments from this section as regards the revised scheme have not been received, but the applicant was agreed to enter into a Legal Agreement to secure the appropriate contribution.

Recycling Facilities

Policy H13 also requires the provision of a recycling mini-bank station to make recycling convenient to the local community. Policy C33 requires residential development of over 50 or more dwellings to provide a recycling station of approximately 10 metres square, unless adequate and convenient provision already exists in the locality. The original outline permission and associated Section 106 makes provision at Leigh Park Local Centre. In addition, council policy is to provide and promote kerbside recycling so it is not felt appropriate to provide a small onsite facility in addition to this and the Local Centre provision.

CONCLUSION

The proposal is considered to be in accordance with Development Plan policies, and subject to the satisfactory completion of the required Legal Agreements and the attachment of the suggested conditions, no planning objections are raised.

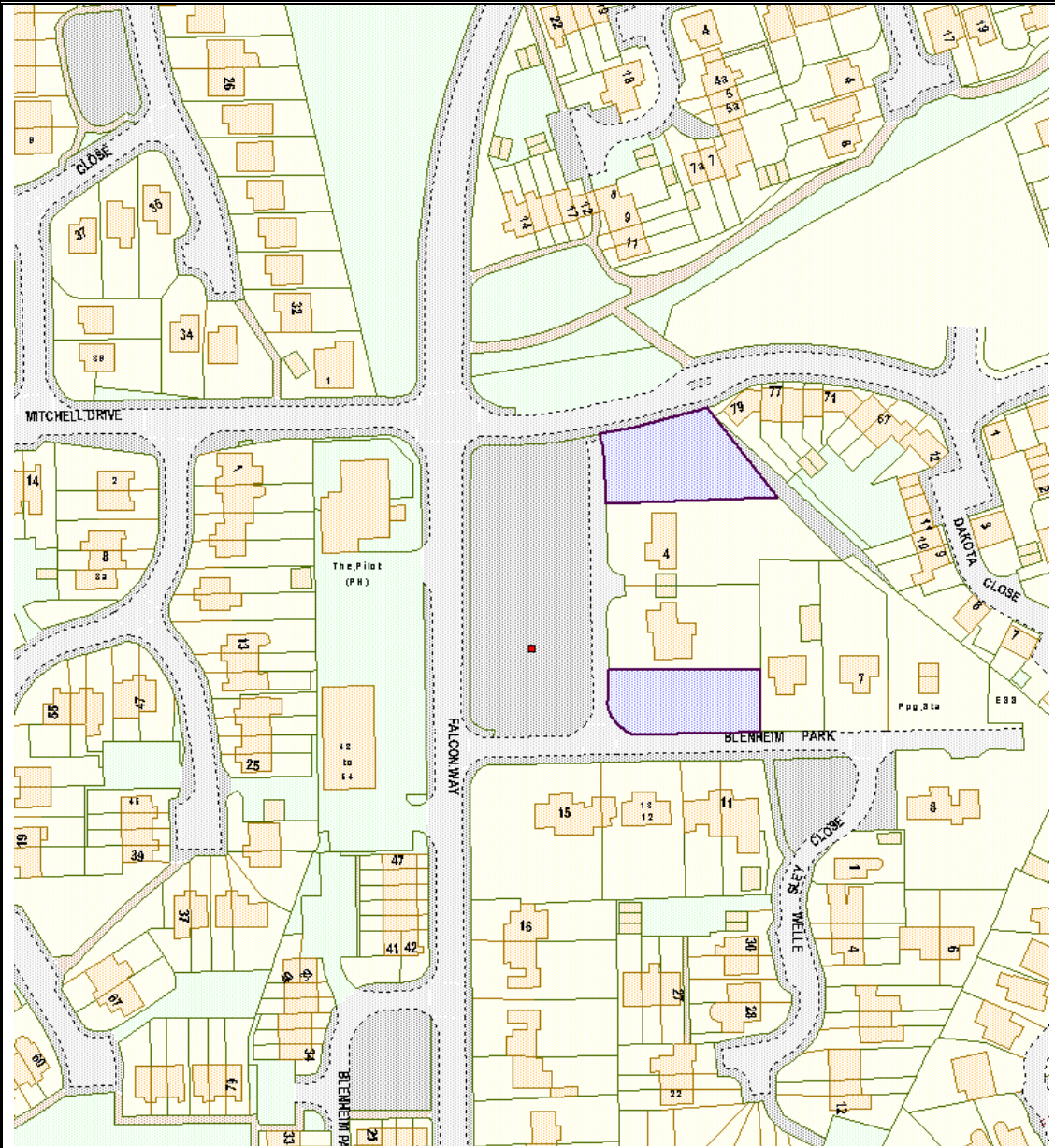
PLANNING COMMITTEE

2 August 2007

ITEM NO: 04

APPLICATION NO: 06/03847/OUT

LOCATION: Land East Of Blenheim Park Bowerhill Wiltshire



NOT TO SCALE

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SLA: 100022961

04 Application: 06/03847/OUT

Site Address: Land East Of Blenheim Park Bowerhill Wiltshire

Parish: Melksham Without Ward: Melksham Without
Grid Reference 391633 161786
Application Type: Outline Plan
Development: New development of 6 houses with 6 car parking spaces
Applicant Details: West Wiltshire District Council
F A O Chris Trowle Bradley Road Trowbridge Wiltshire BA14 0RD
Agent Details: Quattro Design Architects Ltd
1 Great George Street Bristol BS1 5RR
Case Officer: Mr Peter Westbury
Date Received: 19.12.2006 Expiry Date: 13.02.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

6 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, 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 U1A.

7 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.

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

REASON: In the interests of pollution prevention.

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

9 Details of the proposed footpath shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

- 11 The dwellings hereby granted permission shall remain as affordable units within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan 1st Alteration 2004 and for local need as defined in Policy H22 (a) and (b) of the West Wiltshire District Plan 1st Alteration 2004, for so long as the dwellings remain on site.

REASON: The site is in an area where residential development is not normally permitted unless justified as an exemption for affordable housing.

- 12 Prior to the commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

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

Note(s) to Applicant:

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because West Wiltshire District Council is the applicant. In addition, Melksham Without Parish Council object to the application contrary to your officer's recommendation.

This is an application for outline planning permission to establish the principle of 6 dwellings on two parcels of land on the southern side of Hornchurch Road and on land to the east of the green close to the junction of Blenheim Park and Falcon Way, Bowerhill. Initially the proposal was for the provision of 8 dwellings on three parcels of land, but has been amended following discussion with the applicant and in the light of consultation responses received.

The application site is divided in two. Both are in a predominantly residential area close to a small retail area, which includes The Pilot Public House. For ease of reference throughout this report they are identified as sites A and B.

Site A

Site A is located on the northern side of Blenheim Park close to the green at its junction with Falcon Way. The boundary of this part of the application site is marked by Blenheim Park road to the south, two storey residential development to the north and east and an access road to further residential development and open grassland to the west.

Although Blenheim Park slopes gently down from west to east, the site itself is generally level. There are 4 trees on site, one of which is surrounded by a hedgerow.

The land is currently used as informal public open space.

Site B

Site B is to the north of Site A. The boundaries of this site are marked by two storey residential development to the south and east, the end of the same access road identified above and open grassland to the west and Hornchurch Road to the north.

Similar to Site A, this part of the application site is grassland with four mature trees, two of which are the subject of a Tree Preservation Order. It too is used as informal public open space.

The siting, design, external appearance, means of access to and landscaping for the proposed residential development are all reserved for subsequent approval. The Applicants however have submitted an indicative plan which provides an indication of how the buildings will be set out on the site.

In support of their application, the Applicants provided:

- A copy of the Affordable Housing PFI Site Planning Brief
- Minutes of the Meeting of the Cabinet on Wednesday 28 June 2006
- Initial Tree Assessment subsequently supplemented by an Arboricultural Survey

The application was amended as part of the consultation process to remove a third part of the site at the junction of Blenheim Park and Falcon Way. Accordingly the number of dwellings on site has been decreased from 8 to 6. In addition the originally proposed 12 car parking spaces has been reduced to 6 parking spaces.

The application proposal also includes the improvement of the public open space on the eastern side of Falcon Way opposite The Pilot Public House. However, this land is outside the boundary of the application.

CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL: Object.

Objected to the original application and then made the following comments on the revised application for the development of two parcels of land.

“While the Council noted that the number of proposed dwellings has been reduced, there are still very strong objections because:

- a) Almost all of the proposed dwellings are outside the established building line, which, up until now the District Council has rigorously enforced.
- b) The proposed new houses are incongruous with the existing substantial mature houses, in terms of style, design and overall density. They will spoil a well-established and attractive street scene this area is historically recognised as the original RAF Officers’ quarters and the new houses will be out of context.
- c) The Parish Council deplores the unnecessary loss of mature trees which have been in situ, along with the houses, since RAF Melksham days – over 50 years. It is inconsistent for the District Council, on the one hand, to be destroying well-loved mature trees while purporting to be encouraging more tree-planting in the Melksham area.
- d) The development does not allow for sufficient car parking spaces, probably because there is not enough room on site for them. However, these days, most households have two cars, so where will the extra cars park? Already Blenheim Park is up to capacity with parking so any extra cars there will cause a lot of friction. Local residents attended on 15th March to express their worry that an already difficult parking problem is going to be exacerbated.

e) As stated in comments for the original application, the District Council has signed a Section 106 Agreement with Persimmon Homes for this area to be protected as public open space. The Scheme includes more planting on the left-hand side plot which will not be possible if the new houses go ahead. Surely WWDC should honour its own Section 106 Agreement.

f) There is a storm water drain running right across the left-hand plot from Falcon Way.”

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Raise no objection to both of the elements of the proposal and make the following detailed comments:

“3 Dwellings off Blenheim Park (Site A): Visibility splays of 2m by 33m would be necessary, I am not convinced that the required splays can be achieved from the single driveway due to the neighbouring boundary hedge. It may be that the access needs to be located to the western edge of the plot to achieve satisfactory splays. I would expect a provision of two parking spaces, or 1.5 at the very minimum, for the residential unit. The two semi-detached properties are acceptable subject to the visibility splays shown above.

3 Dwellings off Hornchurch Road (Site B): “I would have no highway objection to the proposal for 3 dwellings with 6 parking spaces at this location. I would accept visibility splays of 2m by 33m in view of the speeds of traffic in the vicinity of the site. To create the access the kerb should be dropped and a back edging provided.”

- NATURAL ENGLAND: Object.

“Our concerns relate specifically to the likely impact upon bats and birds which may be roosting in the trees recorded on the site. It is also not clear whether the rest of the site has any potential to support protected species.”

- WILTSHIRE WILDLIFE TRUST: Retain a holding objection pending the receipt of further information.

- WESSEX WATER: Make the following comments:

“The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal.”

Wessex Water confirm that there is a public foul sewer crossing the site, and it is recommended “that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site. The developer is advised to seek the advice and agreement of Wessex Water prior to undertaking any infrastructure works.

The developer has proposed to dispose of surface water to ‘existing’. As there are no existing public surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways).”

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: Acceptable in policy terms.

- HOUSING: No objection.

"I can confirm that Bowerhill is regarded as rural and as such the usual AH policy applies - 50% AH provided on site, preferably rented, on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's Preferred Development Partnership. In this case that would result in 4 houses.

There are 22 households in priority need in Bowerhill.

The needs are supported from the waiting list and the housing needs survey. The WL indicates that 47% of households require 1 bed, 30% of households require 2 beds, and 23% of households require 3 beds.

The Housing Needs Survey confirms that the greatest desire is for 2 beds across all tenures.

I note that West Wiltshire District Council is making this application for the PFI scheme and would therefore provide 100% affordable rented accommodation in perpetuity. It is therefore unlikely that the scheme will be viable to provide 50%, ie 4 units, at nil subsidy but we would expect this to be tested via an open book exercise in the same manner as any other applicant.

However, in the absence of an agreement with the applicant as to the amount of the commuted sum, the application should be refused on the following grounds: -

"The application fails to meet the requirements of policy H2 Housing in that no contribution towards the provision of affordable housing has been included within the application, nor has an open book exercise been undertaken which might justify a reduction of policy requirements"

I note that West Wiltshire District Council is making this application for the PFI scheme and would therefore provide 100% affordable rented accommodation in perpetuity. It is therefore unlikely that the scheme will be viable to provide 50% at nil subsidy but we would expect this to be tested via an open book exercise in the same manner as any other applicant."

- TREE & LANDSCAPE OFFICER: No objection subject to conditions.

"There is no arboricultural or landscape reason to refuse this application. Any consent should be subject to the aforementioned conditions."

NON-STATUTORY CONSULTATIONS

- BOWERHILL RESIDENTS ASSOCIATION: Object.

"The Resident Association strongly objects to any housing development on this open space amenity which formed part of the open space provided by RAF Melksham in the war and which has been used by the community as informal recreational space since the opening of the RAF station over 60 years ago. Both plans are over development of a small site."

PUBLICITY RESPONSES

The occupants of neighbouring properties were sent notifications that this application had been received. As a result 36 representations were received, 35 objecting to the application on the following grounds:

- The site is too small for the proposed development;
- There are already too many houses in this area;
- The proposal will stand out like "carbuncles";
- The three houses planned to the south of 5 Blenheim Park "will seriously compromise our daylight and privacy";

- Question whether the District Council is not breaking its own planning rules by allowing houses to be built outside the existing building line;
- It is noted that 500 trees are about to be planted in Melksham and yet WWDC wants to remove existing mature trees at Bowerhill to remove existing dwellings;
- Loss of valuable green space used by children who lack adequate areas in which to play;
- Loss of mature trees;
- It does not keep to the established building lines thereby creating a precedent for anyone who wishes to building their front gardens;
- Inadequate water supply;
- Detrimental impact on wildlife including protected wildflower and small birds;
- Damage to a sewer pipe has already occurred and the proposal will exacerbate this further;
- Inadequate parking provision;
- Why could the dwellings not be incorporated into the new estate?;
- Concern about access to Wellesley Close;
- There has been insufficient publicity on this application.

One further representation states:

- We are not objecting “but request additional planting in other parts of the Bowerhill Estate.

RELEVANT 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

R2 - Protection of Recreational Space

T10 - Car parking

SPG – Affordable Housing

Leisure and Recreation Needs Assessment

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main issue in the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh that policy.

PLANNING OFFICER COMMENTS

Principle of Residential Development

The application proposal seeks to redevelop vacant urban land for affordable housing. The comments of the council's Housing Services Section underlines the overwhelming urgency for the provision of affordable housing in this part of the District. This is reflected in the Care Priorities of the District Council.

The application site is identified within the Village Policy Limits of Bowerhill. Therefore the principle of residential development in this area is accepted. Furthermore the site is located within the centre of Bowerhill which is a large suburban village. The addition of further residential development in close proximity to existing services (shops and public house) is consistent with the legal requirement for Local Planning Authorities to achieve sustainable development.

The application proposal seeks to establish the principle of developing land which is identified in the Leisure and Recreation Needs Assessment as being of low value. There is no provision for the replacement of this low value land, although the indicative plans do refer to the improvement of open space immediately adjacent, but outside the application site. This application proposal can therefore not secure replacement improvement provision. It is therefore inconsistent with Policy R2. This though has to be weighed against the benefits to the community of delivering more affordable housing.

The development of this site for affordable housing would play a vital role in providing affordable housing in an area of need.

Highway Considerations

The Highway Authority were invited to comment on the suitability of the accesses shown on the indicative plans and while not objecting, have made comments on what will be required. The details of the means of access to the site are reserved and will have to be improved in detail at a later stage.

The provision of car parking will also be considered in detail at a later stage. Nevertheless, should a detailed proposal be submitted including 6 spaces the comments of the Highway Authority indicates that this would be acceptable in principle.

Impact upon Ecology

It is noted that Natural England object to the proposal on the grounds of insufficient information having been submitted. In order to address this issue a condition is proposed requiring that an ecological survey of the site be undertaken prior to development commencing on the site. An informative is also attached.

Impact upon Trees

The consideration of trees on the site will be considered as part of the siting plan which would be submitted at reserved matters stage. However, the advice of relevant key experts has been sought and they raise no objection to the proposal.

The representation of the Parish Council refers back to a Section 106 Agreement completed at the time of the original permission for existing housing on the site. Should Members be minded to approve this proposal, it would supersede that earlier agreement. A Section 106 Agreement is not a tool for retaining land in a certain use in perpetuity.

CONCLUSION

It is clear from the representations received that residents are concerned about the details of this proposed development. The detailed design will be a matter for a reserved matters application at a later date. Nevertheless, your officers are satisfied that a suitable scheme can be achieved on this site, which will not have a detrimental impact on the amenity enjoyed by neighbouring residential occupiers.

The principle of residential development is acceptable on this site and there are no grounds to resist this application.

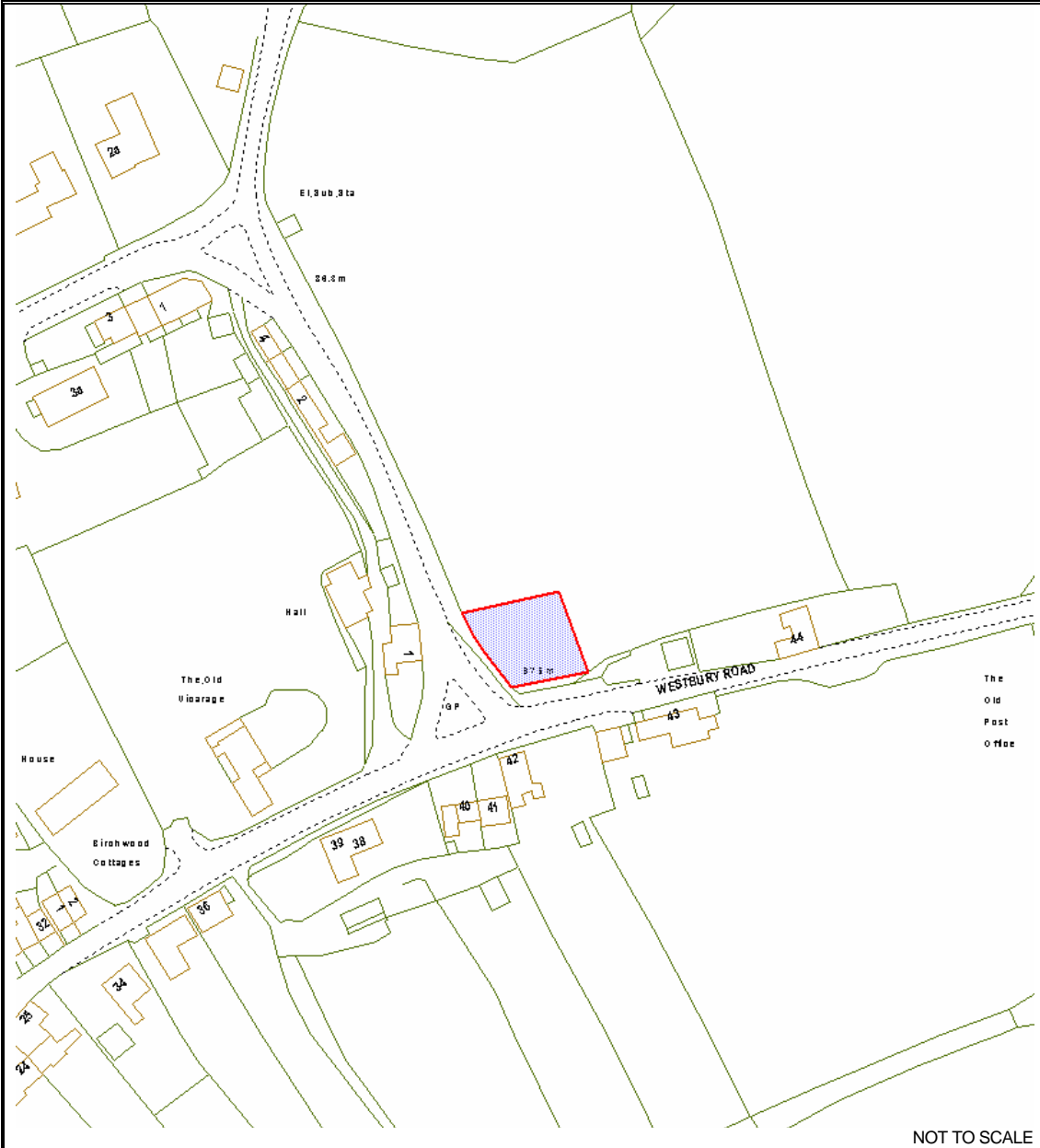
PLANNING COMMITTEE

2 August 2007

ITEM NO: 05

APPLICATION NO: 07/00580/FUL

LOCATION: Land Opposite 1 Monastery Road Edington Wiltshire



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 07/00580/FUL

Site Address: Land Opposite 1 Monastery Road Edington Wiltshire

Parish: Edington

Ward: Ethandune

Grid Reference 392696 153096

Application Type: Full Plan

Development: Construction of a car park

Applicant Details: Edington Parish Council
FAO Mr M R Wieck (Clerk) Sandy Lane Cottage 12 Westbury Road
Edington Westbury

Agent Details:

Case Officer: Mr James Taylor

Date Received: 16.02.2007

Expiry Date: 13.04.2007

REASON(S) FOR PERMISSION:

After lengthy deliberations and consultation with the Development Control Manager it is concluded that on balance the community benefit outweighs the countryside, landscape and Conservation Area concerns and justifies the development. Further appropriate conditions can overcome any planning concerns in relation to the development.

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 Details of the surface finishes for the car park and access thereto shall be submitted to and approved in writing by the Local Planning Authority, of which the first 5 metres from the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel).

REASON: In the interests of visual amenity and highway safety.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies CF1, C3, C17 & C18.

- 3 Before the access 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 points on the carriageway edge 20 metres to the south (to the junction) and 90 metres to the north from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 0.9 metres above the nearside carriageway level and thereafter free of obstruction at all times.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy CF1.

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

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy CF1.

- 5 Notwithstanding the submitted plans, any gates erected in the development, details of which shall be submitted to and approved by the Local Planning Authority, shall be hung at least 4.8 metres back from the edge of the carriageway and hung to open away from the highway only. The works shall be carried out strictly in accordance with the approved details prior to the car park being first brought into use.

REASON: In the interests of highway safety and visual amenity.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C3, C17 & C18.

- 6 No development shall take place within the area of the application until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect heritage interests.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C16.

- 7 The site shall be landscaped in accordance with a landscaping scheme which shall be subject to the prior approval of the Local Planning Authority. The approved scheme, which shall include the retention of the existing hedgerows and trees within it, together with new native hedgerows on the north and east boundaries, shall be implemented in the first appropriate planting season using trees and shrubs of approved species and height and maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.

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

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

- 8 The existing hedgerows on the highway frontages shall be retained in perpetuity at a height of not less than 2 metres measured on the highway frontage side of the hedge.

REASON: To ensure a satisfactory landscape setting for the development within a Special Landscaped Conservation Area.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C3, C17, C18 & C32.

- 9 The access to the site shall not be altered or extended beyond that specified on the approved plans without the prior and written approval of the Local Planning Authority via the submission of a formal planning application.

REASON: To protect the rural and historic character of the area.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C1, C3, C17 and C18.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Committee in the interests of transparency of decision making. This is because it is a Parish Council application which they have promoted, in light of the local and split interest in the application and considering the finally balanced nature of the relative planning merits of this case.

This is a full planning application by Edington Parish Council for the change of use of agricultural land to, and construction of, a car park on the edge of the rural village of Edington.

It is a resubmission of a previously withdrawn application and has been amended prior to resubmission.

The proposed car park would be used in connection with the Parish Hall which has no vehicular access, and parking for which is currently on street or on an existing lay-by which is situated where the proposed access is. The access would therefore be on the west side of the application site onto the junction of Westbury Road and Monastery Road. The proposed car park would have an access recessed by approximately 4.4 metres, 4.5 metres wide with wooden gates. The surface of the car park is proposed to be 200mm thick compacted aggregate, and it is proposed to enclose it on the north and east sides by post and stock mesh fence 1.2 metres high. Further landscaping is proposed described as an indigenous hedge and 6 trees. The application nominally indicates parking for up to 15 vehicles over an area approximately 20 metres by 18 metres.

The application site is located outside the village policy limits and therefore must be considered as in open countryside. It forms part of a locally designated special landscape area, and is within the village Conservation Area. The site is currently part of an enclosed agricultural field with natural hedgerows to its south and west sides running adjacent to the highways.

CONSULTATION REPLIES:

- EDINGTON PARISH COUNCIL: The Parish supports this application (NB: This is Edington Parish Council's own application).

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Recommend that no highway objection be raised subject to condition(s) being attached to any permission granted.

- LIBRARY AND HERITAGE: No objection subject to condition for archaeological watching brief.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: Recommend refusal. This is a prominent site within the Conservation Area of Edington. The site forms the corner of a junction and as such is a focal area of this part of the village.

A key element of the character of this part of the Conservation Area is the interaction between the built environment and the rural environment as the village is divided into east and west parts by a central rural gap. This site is considered to be a crucial visual gap in the built form of the village as it is the eastern boundary of the western part of the village.

The introduction of development into this area, such as the proposed scheme, would destroy the hedged frontage and result in an encroachment of built form into the rural environment. This would be detrimental to the historically important layout and boundary that forms part of the special character and appearance of the Conservation Area.

The proposed car park would have a significant and adverse effect on the special character and appearance of the Conservation Area as it would be highly visible both from the western approach and the northern approach due to the visibility splays, metal gates and hard surfacing.

In addition, the parked vehicles themselves would constitute a visual intrusion into the special character and appearance of the Conservation Area, resulting in the rural ambience being lost in this important area.

For the above reasons the proposal would be detrimental to the special character and appearance of the Conservation Area.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. 11 letters and emails have been received in response to this application. 4 objecting to the proposal and 7 supporting the scheme.

Objections have been raised on the following grounds:

- Additional car park will encourage an increase in car use, exacerbating traffic problems
- Totally detrimental to the village
- Not in keeping with the character, appearance or spatial form of the existing area
- Maintenance costs
- Provide an area for youth to congregate and indulge in vandalism
- Increase highway safety problems on the junction
- The existing lay-by has no specified use, but the car park may be limited to users of the village hall only?
- No pedestrian crossing therefore hazardous to pedestrians
- Harm to birds, rabbits and foxes from a loss of habitat
- may become a site for dumping waste and old cars
- Use of hall could increase leading to noise nuisance as people walk over to car park.
- may set a precedent for further development
- Harm to visual amenity of the area – which is a designated Conservation Area.
- Archaeology issues
- destroying a large area of outstanding countryside
- If the church hall closes down can the land be returned to agriculture?
- There is an adequate car park existing only 150 metres away

Support for the proposal made the following comments:

- Car park will alleviate on road parking issues
- Increase pedestrian safety
- Car park will be virtually invisible
- Car park will support the existing community hall function
- Existing parking is too remote for elderly or infirm
- Would be a significant and valuable asset to the village
- Improvement on the first submission

RELEVANT PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

- C9 Special Landscape Areas
- HE2 Other Sites of Archaeological or Historic Interest
- HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan – 1st Alteration 2004

- C1 Countryside Protection
- C3 Special Landscape Areas
- C6a Landscape Features
- C15 Archaeological Assessment
- C17 Conservation Areas
- C18 New Development in Conservation Areas
- C31a Design
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- CF1 General (Community Facilities and Services Aim)
- CF3 Villages and Rural Areas

- PPS1 Delivering Sustainable Development
- PPS7 Sustainable Development in Rural Areas
- PPG15 Planning and the Historic Environment
- PPG16 Archaeology and Planning

RELEVANT PLANNING HISTORY

79/00116/HIS - Extension of existing store and provision of parking space for plumbing and heating engineer - Refusal - 10.04.1979

06/03052/FUL - Construction of car park – Withdrawn - 04.12.2006.

KEY PLANNING ISSUES

The main issues in this application are the potential impact on the character and appearance of this rural area, which has been designated locally for its special landscape character and its historic and architectural merit as a Conservation Area. In addition highway safety implications and community facility provision must be considered.

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.

PLANNING OFFICER COMMENTS

It must be stressed that this is a very finely balanced case, which is reflected by the local consultation responses with several letters of support and several objections. The proposed car park would represent a community asset, which may help maintain the existing parish hall as a viable facility important in the function of village life. Alternatively, there are concerns in regards to the impact on the character and appearance of the Conservation Area and the countryside which is locally designated as a Special Landscape Area. Despite the very reasonable comments from the Council's Heritage Development Officer, it is concluded that permission can be recommended due to the community benefit that would be derived and because any harm could be mitigated in part by use of conditions. However it is stressed that a reasonable case for refusal could equally be made, and it is a finely balanced judgement.

At this stage it is worth pointing out that the scheme has been amended so that the landscaping has been increased, the hedgerows retained and extended on all boundaries, the width of the access to the car park has been reduced from 8 metres to less than 5 and the gates would be wooden rather than galvanised metal. Further it has been demonstrated that the visibility splays that the highway authority require can be achieved. The previously withdrawn scheme has therefore clearly been improved.

The Countryside and Special Landscape Character

Policy C1 of the West Wiltshire District Plan 1st Alteration (2004) states that in order to maintain the quality and variety of the countryside, the water environment, the rural landscape and wildlife will be protected, conserved and enhanced through the control of development and positive planning measures.

The proposed change of use would introduce the built environment into the countryside. A very large hard standing would be created for the parking of vehicles and this built form could compromise the quality of the countryside in this location as an incongruous feature in a rural environment. However, it is considered that with appropriate landscaping, that can be secured by condition, that the scheme would not be so prominent as to warrant refusal since no structures are proposed. Further the access gap in the hedge would be minimal and with a timber gate would have a rural appearance. On balance it is considered that the countryside and landscape would be preserved with use of appropriate conditions.

Conservation Area

It is noted that the proposal is in a prominent location within the village and would be visible on approach from the north and west. However the small width of the access opening with landscaping would minimise its visual impact on the Conservation Area, indeed when there are no vehicles parked it is unlikely to be evident. The Council's Heritage Development Officer (full comments detailed above) has objected to the proposal and their views are reiterated by several of the letters of objection that have been received.

In addition the Heritage Officer notes that the parked vehicles themselves would constitute a visual intrusion into the Conservation Area resulting in the rural ambience being lost in this important area. This is the hardest element of the proposal to consider acceptable especially in light of the heritage advice. However, with the improvements made to the scheme and appropriate landscaping the development proposed would preserve the character and appearance of the Conservation Area. Certainly in the context of no structures being erected and only a well screened hard standing with a rural narrow gate entrance this would be the case.

Highway Safety

It is noted that the proposed access to the car park is located very close to the junction between Monastery Road and Westbury Road. The Highway Authority has raised no objections to the proposal subject to conditions in regards to visibility splays. These conditions would require the applicants to create 90-metre long visibility splay to the north and 20 metres to the south up to the junction.

The applicants have satisfied the highway authority that such a condition can be achieved and therefore no objection is raised. Based on the expert advice of the highway authority it is not reasonable to refuse this application on any highway grounds, this includes issues of pedestrian safety.

Community Facility

Policy CF1 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for the development of land for community facilities will be permitted provided the proposals are acceptable and having regard to scale, sitting design and other environmental considerations. In light of the proposed development not causing demonstrable harm to the special landscape character, countryside or Conservation Area then the improvement of community facilities must be given considerable weight.

Therefore, even though there are concerns in relation to its potential impact, these can be outweighed by a combination of the community facility enhancement and appropriate use of conditions.

Currently there is only limited lay-by parking for the village hall and remote parking some 150 metres away. It is clear from the consultation responses that some users of the hall find this walk very intimidating and it is perceived to be dangerous. This discourages use of the village hall for some people. By making parking available much closer to the hall it is considered that the facility would be enhanced improving accessibility to the hall and inclusion in village life and activity.

Noise, Nuisance and Amenity

Several letters have raised concern regarding noise generation from traffic, possibility of people congregating on the site and fly tipping. It is not considered that the proposal is likely to cause an increase in traffic movements as the actual village hall and church would remain unchanged. Although there may be a more focused and intense level of traffic in this specific location as opposed to the existing on-road parking; it is not considered that this would have a sufficiently detrimental impact on the neighbouring properties to merit refusal. There is no reasonable means in the planning system to address the potential for anti-social behaviour or fly-tipping in relation to conditions. However it is not considered that the potential for congregation or fly-tipping would cause demonstrable harm, indeed people could congregate or fly-tip in the existing field and routes from the hall to current on-street parking.

Archaeology

The County Archaeological team have taken interest in the site which is located within a defined area of archaeological potential under Policy C15 of the West Wiltshire District Plan 1st Alteration (2004). They have raised no objection to the proposals subject to the imposition of condition to ensure an archaeological watching brief.

Planning History

It is noted that there is no recent history on the site. However in 1979 planning permission for the parking in relation to a plumbing business on this site was refused. However this would not have lead to any community benefit.

Other material considerations and comments from consultation

Inadequate surface drainage. The plans indicate the means of drainage for the proposal; further appropriate conditions can ensure that discharge does not go onto the highway.

Maintenance costs of the car park are not a planning consideration.

It is understood that the existing lay-by was put in place for users of the village hall, and as such its replacement with the car park and therefore the creation of additional facility is seen as a positive aspect. There are no on-street limitations for parking so other neighbouring users can use park on the street as necessary and prior to the lay-buy construction. They may be able to use the car park, however this is a civil issue.

CONCLUSION

In summary this is a very finely balanced case.

Whilst this report recommends permission it must be noted that the Council's Heritage Officer has expressed strong concerns in relation to the proposal's impact on the Conservation Area and the wider rural countryside which is designated locally as a Special Landscape Area.

However, on balance the combination of the enhancement to community facilities, by providing car parking in close proximity to the village hall, and the use of conditions is sufficient to outweigh these concerns.

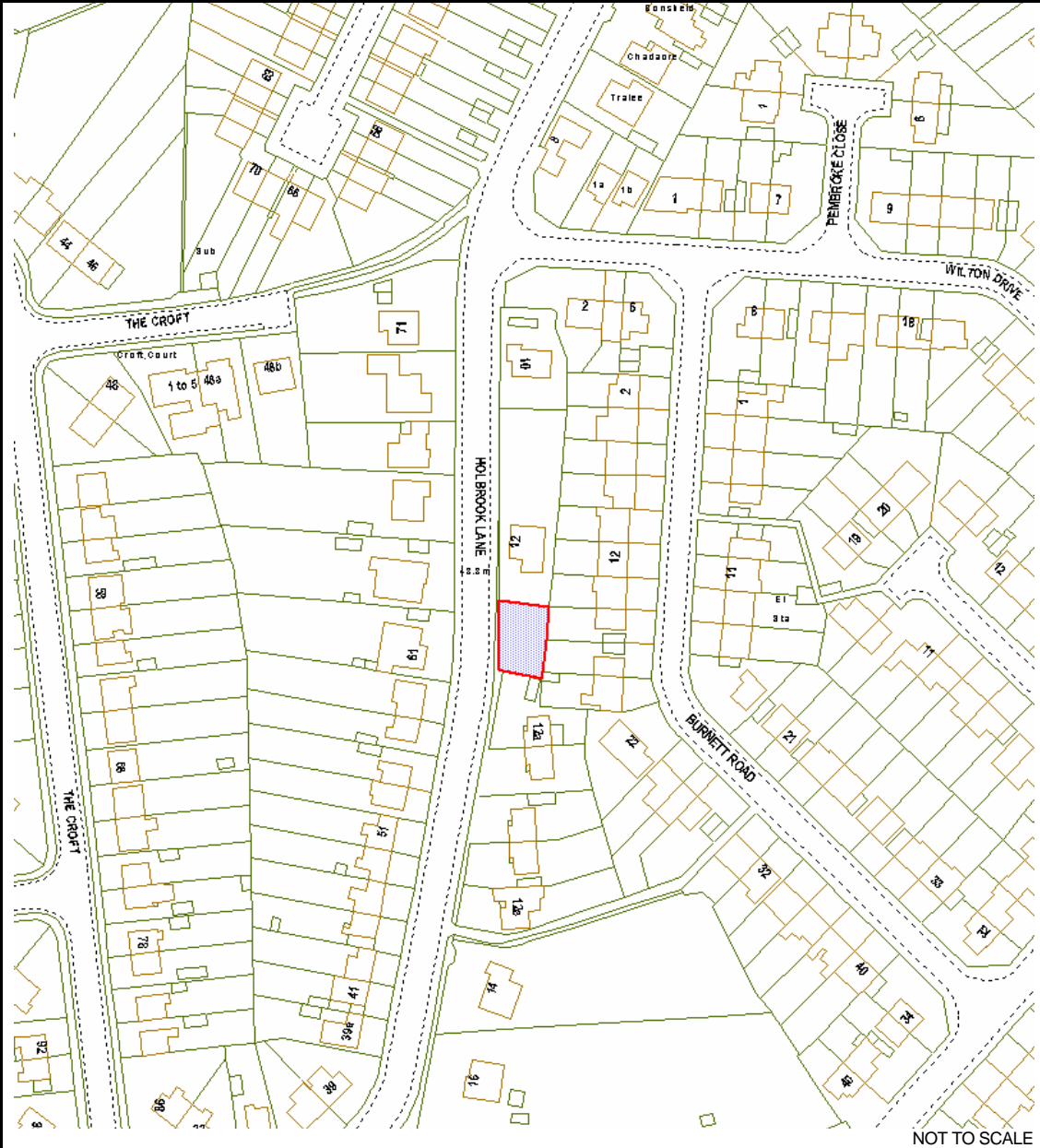
PLANNING COMMITTEE

2 August 2007

ITEM NO: 06

APPLICATION NO: 07/00859/FUL

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



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SLA: 100022961

06 Application: 07/00859/FUL

**Site Address: Land Adjacent 12 And 12a Holbrook Lane Trowbridge
Wiltshire**

Parish: Trowbridge Ward: Trowbridge Central
Grid Reference 385629 156744
Application Type: Full Plan
Development: Erection of a one and a half storey detached house with garage
Applicant Details: Richard G Wiltshire Ltd
Roundponds Farm Shurnhold Melksham SN12 8DF
Agent Details:
Case Officer: Mr James Taylor
Date Received: 02.05.2007 Expiry Date: 27.06.2007

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

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

4 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, rooflights or doors, other than those hereby approved, shall be added to the north and south elevations at first floor and/or the east elevation roof slope of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

5 Notwithstanding the plans hereby approved further detailed plans shall be submitted to and approved in writing by the Local Planning Authority showing the proposed access incorporating splays on both sides to the rear of the existing footway based on co-ordinates of 2.4 metres by 2.4 metres. These shall then be incorporated into the final development and shall be kept free of obstruction above a height of 600mm at all times.

REASON: In the interests of highway safety.

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

6 Notwithstanding the plans hereby approved further detailed plans shall be submitted to and approved in writing by the Local Planning Authority showing 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 to the north and 8 metres to the south clear of obstruction to visibility at and above a height of 0.9 metres above the nearside carriageway level. This must be implemented prior to the first occupation of the approved development 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 H1.

7 Notwithstanding the plans hereby approved prior to first occupation of the development a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed for the first 5 metres from the carriageway edge, details of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

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

8 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.

REASON: In the interests of highway safety.

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

9 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, the garage(s) shall at all times remain available for the garaging of cars, and shall not be converted for use as living accommodation.

REASON: To ensure that adequate provision is made for parking.

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

- 10 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.

- 11 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.

- 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.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a revised scheme following planning Committee's decision to refuse planning applications 06/02099/FUL in September 2006 and 06/03471/FUL in March 2007.

This is a full planning application for the erection of a single 1 ½ storey dwelling constructed from red brick to the walls and farmhouse red double roman tiles to the roof. It would have two small dormers to the front elevation with rendered cheeks. It is proposed to have a single garage attached to the north side elevation made of matching materials to the host building with hard standing to the front of this.

The proposed dwelling would be approximately 10.6 metres long, 6.6 metres wide, with a height of 2.9 metres to eaves and 6.4 metres to the ridge. It would have a large front porch projecting approximately 1.5 metres and a width of 3.5 metres. The attached garage would be set back from the frontage by 4 metres with a footprint of 6 metres by 3 metres; a height of approximately 4 metres. The two dormer windows to the front elevation would be evenly spaced above the ground floor fenestration, measuring approximately 800mm in width. To the rear there would be a single high level rooflight to the first floor bathroom only.

The application site is currently domestic garden area to the side of an existing dwelling 12 Holbrook Lane. It is densely vegetated with high natural hedges to the south, east and west. It is proposed to clear the small trees and shrubs on the site, open the frontage and fell a 10 metres high Ash. There is planting proposed including 2 new Silver Birch trees. The frontage would be opened up to an extent to allow access and visibility, the boundary denoted by a low picket fence. Otherwise the boundary proposed is natural vegetation.

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

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: No objection.

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No highway objection subject to imposition of conditions.

- WESSEX WATER: No objection in principle.

- ENVIRONMENT AGENCY: Have not been consulted as they did not wish to comment on recent previous applications on the site as detailed in the planning history section of this report.

INTERNAL WWDC CONSULTATIONS

- HOUSING SERVICES: No comments received.

PUBLICITY RESPONSES

Neighbours were notified and 3 letters of objection have been received raising the following concerns/points:

- Inaccuracy of the height and location of the ash tree to the south of the plot, omissions of extensions to the rear of 16 and 18 Burnett Road and inaccurate information on supporting statement.
- Would like retention of the existing trees and boundaries as they are at present to protect wildlife, privacy and security – condition requested to ensure that works to boundary hedge must be agreed by neighbour.
- Alters the character of the area and increases density to the detriment of the area.
- Room for two cars in the confines of the property looks implausible
- Possible waterlogging of gardens in area
- Continued development of garden sites harming infrastructure

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

H1 Further Housing Development Within Towns

H24 New Housing Design

C31A Design

C38 Nuisance

T10 Car Parking

Supplementary Planning Document - Residential Design Guide.

PPS1 Delivering Sustainable Development

PPS3 Housing

RELEVANT PLANNING HISTORY

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

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

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

06/03471/FUL – Erection of two, 2-bedroom houses with car standings – Refused – 08.03.2007

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Principle

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

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

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

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

Planning History

The previous application that was refused in March of 2007 reference 06/03471/FUL was refused for 2 reasons. It is stressed that this and the previous application as detailed in the planning history section of this report were for a pair of semi-detached dwellings over 2-storeys. This application is fundamentally different in that it is for a single dwelling over 1 ½ storeys. As such it is considered reasonable to consider it on its own merits but with some consideration for the previous reasons for refusal which were based around issues of cramped development that failed to respect the spatial character of the area and the street scene and harm to the amenity of neighbouring occupiers.

Design/Street Scene

Many of the existing properties in the area are single storey, or one and a half storeys in height, with only the existing dwelling at number 12, which is set in a very spacious garden being the exception. The current proposal is for a 1 ½ storey development which would be in keeping with the street scene and would be in keeping with the current development to the north of 12 Holbrook Lane. It is accepted that the garden area for the proposed dwelling and the existing dwelling would be relatively small for the area however the density of this would be in accordance with the national guidance in PPS3. Indeed the density would be the lower end of this range and therefore

is relatively sympathetic whilst making more efficient use of land in built up areas. The detailed design of the development would be of a scale and form that is acceptable, the dormer details are very modest and sympathetic and the proposed materials are typical of the locality. No objections in terms of the design, street scene or character of the area can be made, especially in light of the landscaping proposed, which can be reasonably secured through conditions.

The Council's Residential Design Guide SPD states that it is often desirable for vernacular design details such as doors and windows to represent those that are characteristic of the locality and that they can add interest and activity to building elevations. Furthermore, the scale of individual buildings should also have regard to how they relate to existing buildings. The proposal meets this guidance, indeed the proposed porch whilst rather large is reflective of the gable ends evident elsewhere in the street scene.

Amenity

The proposal includes no windows at first floor level to the side or rear elevation with the exception of one high level roof light to a bathroom; as such no overlooking would occur. However conditions are necessary to ensure that side windows and rear dormers in particular are not added, but also further rear rooflights would not be desirable.

The scale and relative orientation and position of the proposed building to neighbouring properties is not such that it causes any concerns in terms of overbearing or loss of light. It has a total height of 6 metres to ridge level and would be separated from the main building to the north by approximately 12 metres and the boundary by approximately 3 metres. It is noted that there is a conservatory at this point, but it is not considered that the development would cause significant harm in this regard. To the rear the boundary would be 4 metres away from the proposed dwelling and the dwellings are further 8-12 metres approximately. In light of the orientation and position of these buildings with the scale of the development proposed then no significant harm would be caused.

Highway Safety, access and parking

The highway authority has raised no objection to the proposals in principle however detailed attention to the surfacing of the access and visibility splays needs to be made. This can be achieved with appropriate use of conditions. In this location 2 parking spaces would be requested and with the garage this can be achieved, turning cannot be insisted upon considering that Holbrook Lane is an unclassified highway. Highway issues have not formed a reason for refusal in the other higher density applications.

Other Material Considerations

The issues of flooding raised in the consultation process were investigated in applications 06/02099/FUL and 06/03471/FUL. The site is not considered to be at flood risk as defined by data supplied by the Environment Agency, nor would there be any harm to the water environment. The comments of a neighbour regarding a subterranean spring have been noted and as a result the Environment Agency was consulted previously. They have no knowledge of the 'White Horse Spring' and Wessex Water raises no objection to the proposal.

The comments in the consultation process have been given due consideration and have been generally addressed by the comments above and where appropriate and reasonable conditions are suggested.

CONCLUSION

On balance it is considered that the proposal has overcome all previous reasons for refusal and that there are no objections to it on planning grounds. As such it should be recommended for permission.

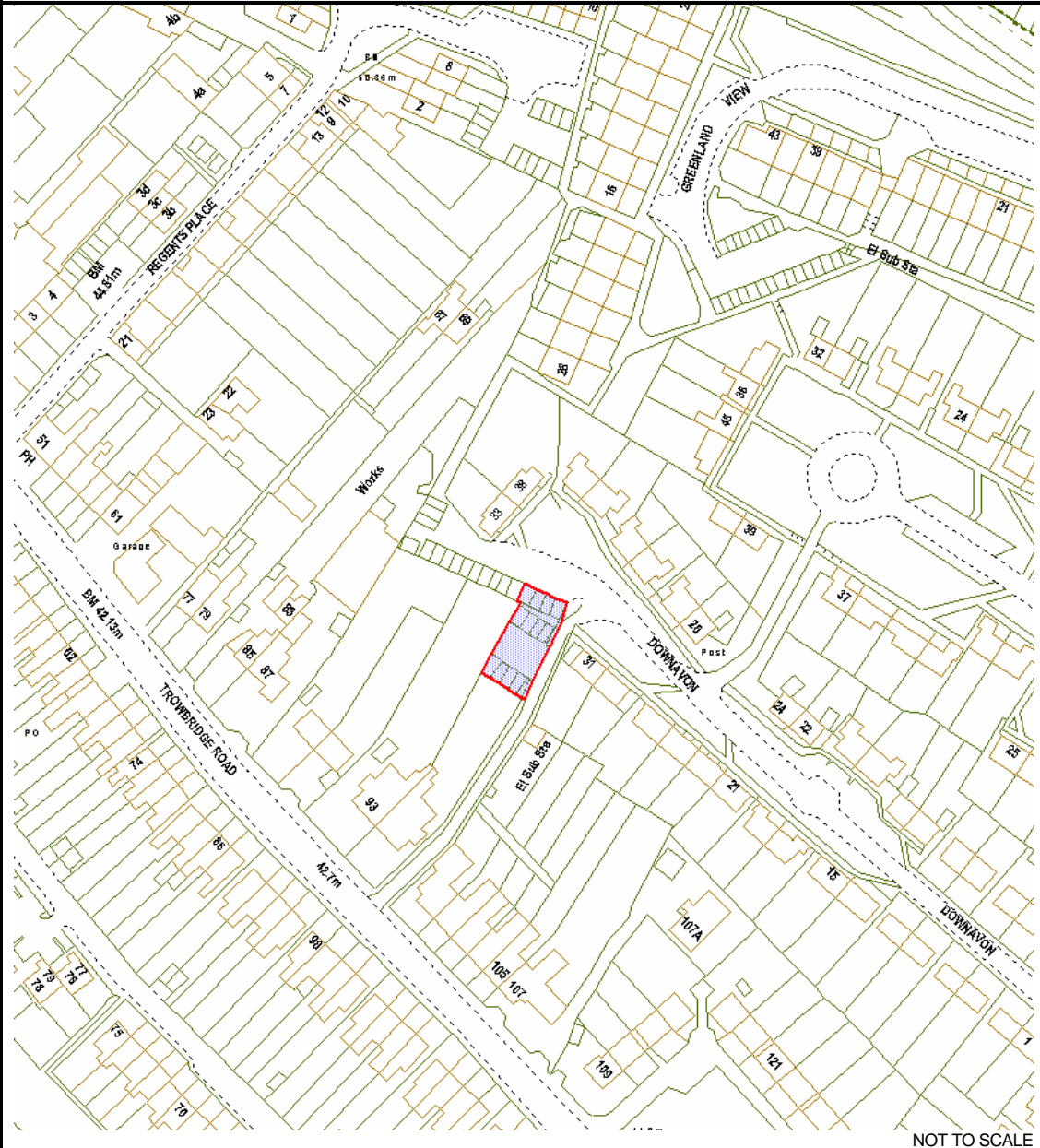
PLANNING COMMITTEE

2 August 2007

ITEM NO: 07

APPLICATION NO: 07/01055/FUL

LOCATION: Land Adjacent 31 Downavon Bradford On Avon
Wiltshire



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SLA: 100022961

07 Application: 07/01055/FUL

Site Address: Land Adjacent 31 Downavon Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382930 160416
Application Type: Full Plan
Development: Erection of two dwellings and associated works
Applicant Details: West Wiltshire Housing Society
C/o Willis And Co 30 The Causeway Chippenham Wiltshire SN15 3BD
Agent Details: Willis And Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Matthew Perks
Date Received: 23.03.2007 Expiry Date: 18.05.2007

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 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. The materials shall accord with those used in the surrounding residential development within Downavon.

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 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.

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

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

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

- 5 The parking areas indicated on the approved plans together with the means of access thereto shall be completed and made available for use before the premises are occupied and shall be maintained as such thereafter.

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.

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

REASON: In the interests of highway safety.

- 7 Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 8 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, 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 U1A.

- 9 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.

Note(s) to Applicant:

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to the protection of existing infrastructure and in respect of connection to Wessex Water facilities.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Bradford on Avon Town Council recommends refusal and officers recommend permission.

This is an application for full planning permission for the erection of a pair of semi-detached dwellings on an existing garage block site on land adjacent to No.31 Downavon, Bradford on Avon.

The proposal is for a modest pair of two bedroom, double storey dwellings occupying a footprint of $\pm 10.9\text{m} \times 8.2\text{m}$. The proposal includes two car parking spaces to each of the dwellings. The application site currently accommodates 12 dilapidated garages arranged in three blocks of four. There is a row of ten further garages to the west of the site.

This part of Downavon is characterised by a mixture of double storey semi-detached pairs and terraces. The site falls within the Conservation Area and within Bradford on Avon Town Policy limits.

A public right of way passes the site on its eastern side.

CONSULTATION REPLIES

- BRADFORD ON AVON TOWN COUNCIL: The Town Council recommends refusal on the following grounds:

- "1. There are local concerns about the loss of street parking as parking is oversubscribed on this estate.
2. The Town Council is dissatisfied that the application is incomplete, notably no materials defined.
3. The Town Council is very concerned about the design of the proposed buildings and finds them deeply depressing and inadequate in design contrary to PPS3."

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: Initially objected because of the locality of parking, but satisfied with a revised parking arrangement submitted. No objections subject to conditions in relation to parking, surface water disposal and driveway surfacing.

- WESSEX WATER: No objections raised, but there will have to be an agreement regarding the protection of water infrastructure and water connection. Diversion may be required for a sewer on the site.

- ENVIRONMENT AGENCY: No comment. The application falls outside of the scope of matters where the Agency needs to be consulted.

INTERNAL CONSULTEES

- HERITAGE DEVELOPMENT OFFICER: No comments received.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties and by a site notice. Three letters of response were received, one of which included a petition containing 33 entries. Objections are as follows:

- the garages have been allowed to become derelict, despite applications for their use;
- traffic hazards, danger to pedestrians and inadequate parking in the area;
- walkways will become unusable during development of the site;
- Inadequate emergency service access;
- loss of garaging;
- locality of parking spaces forward of adjacent garages;
- overdevelopment within the cul-de-sac;
- lack of parking leading to neighbour disputes;
- existing sewage system is inadequate and will be further affected;
- building is within conservation area;
- the application form does not indicate that there is a public right of way to the east of the site.

The Bradford on Avon Preservation Trust has also commented, objecting on grounds of parking, materials and design.

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
C31a - Design
C38 - Nuisance
T10 - Car parking

Supplementary Planning Guidance - Residential Design
PPS 1 - Delivering Sustainable Development
PPS 3 - Housing

RELEVANT PLANNING HISTORY

06/03609/FUL: Erection of two dwellings and associated works: Withdrawn

KEY PLANNING ISSUES

The main issues in this case are whether the principle of one new dwelling on this land is in accordance with policy H1 of the West Wiltshire District Plan 1st Alteration 2004.

PLANNING OFFICER COMMENTS

The application site is located within the town policy limit for Bradford on Avon, where further residential development is accepted in principle subject to the criteria applicable in terms of Policy H1 of the West Wiltshire District Plan 1st Alteration (2004). This policy states that proposals will be permitted provided that, inter alia, siting layout and design considerations are satisfactory and that they are in keeping with the character of the surrounding area.

In this case the proposal is for two dwellings. These modest two bedroom homes would be in a setting which relates closely to the Downavon residential area as opposed to the development within the Conservation Area fronting onto Trowbridge Road. Downavon is characterised by double storey semi-detached and terraced development arranged in an elongated linear form to either side of the roadway. Dwellings have a mixture of gabled and hipped roof forms. The site currently has a derelict and wholly unappealing appearance. The erection of new dwellings in the proposed gable-ended building would significantly enhance the appearance of this particular site. In this particular locality and, notwithstanding the Conservation Area status, a modern building designed to be more in keeping with the Downavon setting than the older buildings fronting Trowbridge Road is appropriate.

Government guidance in the form of PPS 3 advises 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 proposal would provide two modest dwellings for the affordable housing stock.

The development would be at a fairly high density of ± 62 units per ha., but the plots are surrounded by generous open neighbouring garden spaces to the west and south, and the dwellings would be some 28m from the dwellings to the north and would be separated from the dwellings to the east by a gap of over 6m, occupied by the public right of way. The nearest dwellings to the south are ± 50 m distant. The south facing rear amenity spaces would be some 15m in depth.

It was noted during the site visit that parking is at a premium at this end of Downavon. This is the predominant concern of neighbours who have commented on the application. The fall-back position in respect of the garaging is that any rental of units is subject to private treaty that can be terminated at any time. Two parking spaces per each of the dwellings would be provided. Importantly, the Highway Authority does not object to the proposal. Two on-site parking bays would be provided to the front of each of the new dwellings. Vehicles parked in the proposed spaces would be aligned approximately with position of the entrances to four of the garages to be demolished.

The Town Council have raised concerns regarding parking, materials and design. The Highway Authority is satisfied with the proposal subject to conditions. The submitted elevational plan proposes materials in keeping with surrounding properties. For the reasons discussed above, these modest dwellings relate more closely to the Downavon setting than the character of the Conservation Area. The development would represent a significant improvement to the appearance of this corner of the Conservation Area. In this context the design is considered acceptable.

CONCLUSION

The development of two modest dwellings on a sustainable site within Town Policy Limits would be a desirable, efficient and appropriate use of land providing affordable housing accommodation in accordance with the Council's adopted policy framework.

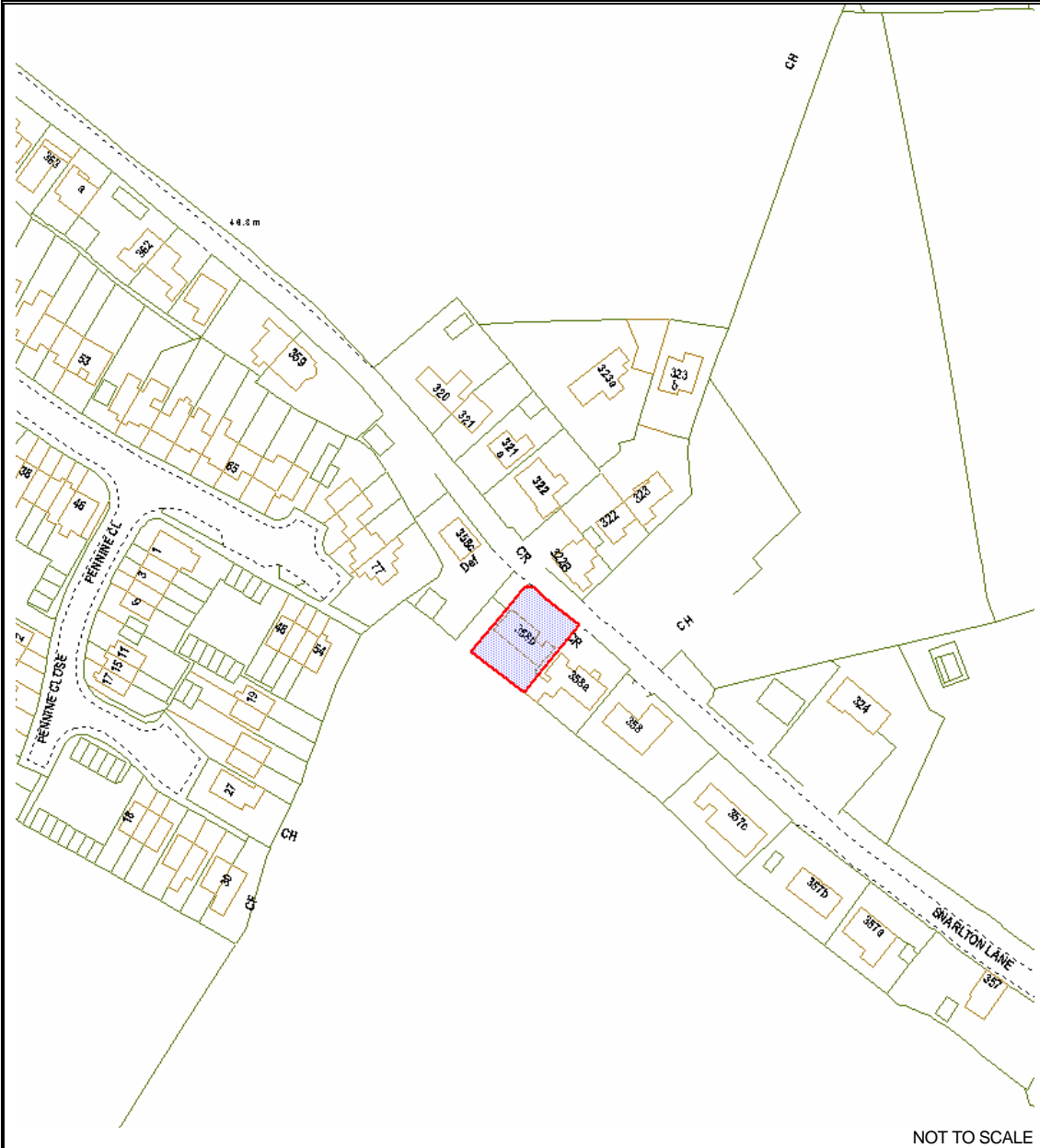
PLANNING COMMITTEE

2 August 2007

ITEM NO: 08

APPLICATION NO: 06/03876/FUL

LOCATION: 358B Snarlton Lane Melksham Wiltshire SN12 7QW



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SLA: 100022961

08 Application: 06/03876/FUL

Site Address: 358B Snarlton Lane Melksham Wiltshire SN12 7QW

Parish: Melksham Without Ward: Melksham Without
Grid Reference 391744 163989
Application Type: Full Plan
Development: Provision of granny accommodation, first floor side extension and addition of three rear dormers
Applicant Details: Mr And Mrs J Bannister
358B Snarlton Lane Melksham Wiltshire SN12 7QW
Agent Details: Paul Heath Planning And Building Consultant
Roseacre St Ediths Marsh Bromham Chippenham Wiltshire
Case Officer: Mr Peter Westbury
Date Received: 28.12.2006 Expiry Date: 22.02.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The driveway to the new double garage from the edge of the public highway 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.

- 4 Provision shall be made within the site for the disposal of surface water so that none drains onto the adjoining public highway; details of the drainage shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 5 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 would be contrary to planning policy for the area.

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

COMMITTEE REPORT

APPLICATION DETAILS:

This is a full application for a first floor side extension together with the addition of three rear dormer windows at 358B Snarlton Lane, Melksham. The application site is a two storey detached property on the western side of Snarlton Lane, within a predominantly residential area.

The application form describes the proposal as being for the provision of "granny accommodation and improvement to existing garage for parking". The plans however have been amended to remove the alterations to the front garage. The application form refers to "granny accommodation" and the plans indicate that the proposal will provide accommodation which is dependent on the main dwelling.

The proposal has been amended to include the following:

- A First floor extension over the existing garage. The first floor extension incorporates a pitched roof set at a lower ridge height than the main dwelling.
- A Front extension to increase the size of the existing garage. The proposal would increase the height of the existing side element by three metres.
- Three dormer windows to the rear elevation to replace two existing rooflights.

CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL: Object.

"The Council objects to the height and very large footprint of this extension, which will affect the light amenity of 358a. There is also concern that the garage is being moved much closer to the road, preventing off road turning. As you will be aware, there is already a serious parking problem in Snarlton Lane as the lane is very narrow. "

- HIGHWAY AUTHORITY: No Objection.

"I do not have any objections to the principle of development proposed. However, I note from my site visit that there is a gravel drive at present and this is spilling out onto the highway; I would therefore recommend that one of our standard conditions be imposed which relates to the provision of hard surfacing of the access.

I recommend that this application be approved subject to the following conditions:

- 1 The driveway to the new double garage from the edge of the public highway 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.
- 2 Provision shall be made within the site for the disposal of surface water so that none drains onto the adjoining public highway; details of the drainage shall have been submitted to and approved in writing by the Local Planning Authority. "

PUBLICITY RESPONSES

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

PLANNING POLICY:

West Wilts District Plan 1st - Alteration 2004

C31a - Design

C38 - Nuisance

H1 - Town Policy Limits

SPG - Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY

88/01627/OUT - New two bedroom bungalow - Permitted 08.11.1988

97/00729/FUL - Erection of one detached house, garage and associated siteworks - Permitted 18.09.1997

97/01659/FUL - Detached house and garage on adjacent land – Permitted - 26.01.1998

KEY PLANNING ISSUES

The main issue in the determination of this application is whether the proposal complies with Development Plan policy and whether there are any material considerations to outweigh the policy.

PLANNING OFFICER COMMENTS

In this case key Development Plan policy is Policy C31a and C38 relating to design and neighbouring amenity.

Design

Policy C31a states that proposals for new development will be required to respect or enhance the quality of surrounding buildings. The application proposal has been designed to be similar in scale and character to neighbouring properties. The proposal is subservient to the main dwelling. The proposed rear dormer windows are in keeping with the main dwelling.

The SPG planning design guidance highlights that side extensions to dwellings should be subservient and sympathetic to the host building. The proposed side extension would be set back from the front building line of the host dwelling and as such it would be subservient and to scale with the host building. In addition the proposed extension would have a roof form to match the host building.

The application proposal is therefore consistent with Policy C31a of the Development Plan.

Neighbouring Amenity

The objection of the Parish Council in respect of light amenity cannot be supported. Permission will not normally be granted for an extension that significantly affects the amount of daylight or sunlight enjoyed by the neighbours. In this case, due to the orientation of the property there would be minimal loss of light to no 358a as a result of the proposed development.

The proposed front extension would not appear as an over dominant. It would not be visually intrusive in this location. There would therefore no be a conflict with Policy C38 of the District Plan.

The location of the proposed balcony to the rear may also impact on the privacy of the neighbouring dwelling to the south east. Due to its location there may be some issues of overlooking of the rear garden of the neighbouring property. However the location of the extension to the rear of the neighbouring property would mitigate any loss of privacy.

Material Considerations

There are no material considerations to outweigh the compliance with Development Plan policy.

The Town Council are concerned that the garage is being moved much closer to the road, preventing off road turning. The plans have been amended to overcome this concern. There is now no alteration proposed to the existing garage. Furthermore, the Highway Authority has been consulted and has raised no objection to the proposal subject to conditions.

CONCLUSION

The proposed development would have no adverse impact on the host dwelling, the neighbouring amenity or the street scene and can therefore be supported.

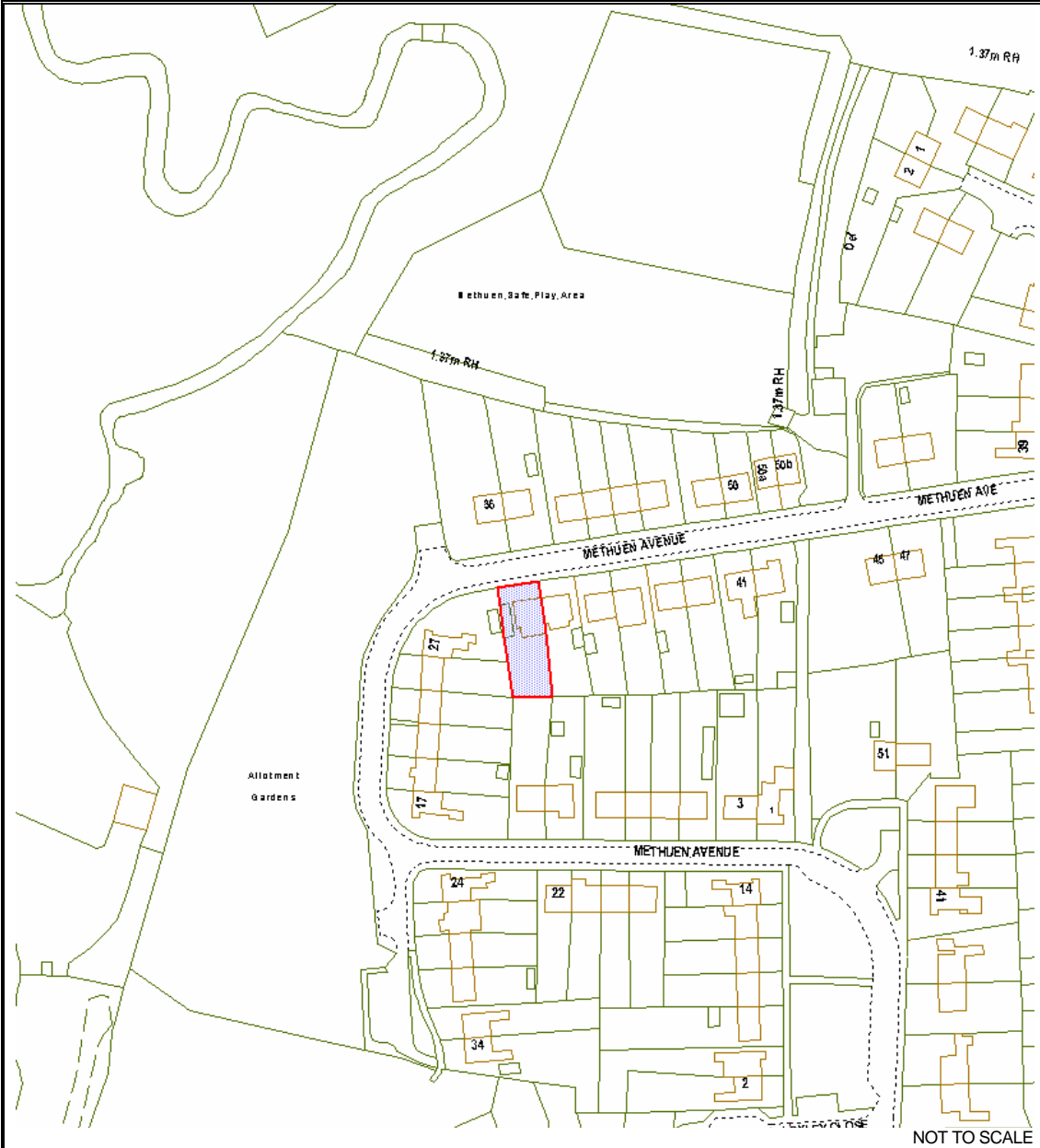
PLANNING COMMITTEE

2 August 2007

ITEM NO: 09

APPLICATION NO: 07/01185/FUL

LOCATION: 29 Methuen Avenue Melksham Wiltshire SN12 7AJ



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SLA: 100022961

09 Application: 07/01185/FUL

Site Address: 29 Methuen Avenue Melksham Wiltshire SN12 7AJ

Parish: Melksham (Town) Ward: Melksham East

Grid Reference 390937 164959

Application Type: Full Plan

Development: 2 storey and single storey extension to side and rear

Applicant Details: Mr Walker
29 Methuen Avenue Melksham Wiltshire SN12 7AJ

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 02.04.2007 Expiry Date: 28.05.2007

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Melksham Town Council object and your Officers recommend permission.

This is an application for full planning permission for a two storey side and single storey rear extension to 29 Methuen Avenue, Melksham. The proposed two storey extension will be a subservient element to the main dwelling. The plans indicate that the two storey extension would be 6.4m tall.

The application site is a two storey semi-detached property is set in a predominantly residential area. The application proposal will replace an existing detached garage.

CONSULTATION REPLIES:

MELKSHAM TOWN COUNCIL: Object:

"The Town Council object to this application on the following grounds:

- Over development of the site
- On a corner with Littlejohn Avenue, concern cars parking on this junction and blocking motorists view.
- Planning Policies H1, C31a and C38 apply.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection

"The proposed extension maintains the current parking spaces of one garage and a parking space in-front of the garage. On the basis of the above, no objection is raised."

PUBLICITY RESPONSES

Neighbouring properties were consulted and a result no representations were received.

RELEVANT PLANNING POLICY

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

Supplementary Planning Guidance - House alterations and extensions

RELEVANT PLANNING HISTORY

There is no relevant planning history.

KEY PLANNING ISSUES

The main considerations relating to this application are the impact of the development on the host building, neighbouring amenity and the street scene.

PLANNING OFFICER COMMENTS:

Policy C31a states that proposals for new development should respect the quality of architecture of surroundings.

The SPG planning design guidance highlights that extensions to dwellings should be subservient and sympathetic to the host building.

The proposal would reflect the design references on the host building, particularly the existing roof alignments and would result in a sympathetic extension, which would not be considered to upset the proportion and symmetry of the host building.

Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by or cause nuisance to neighbouring properties. This proposal by virtue of its scale and design would have no detrimental impact on the amenity enjoyed by neighbouring residents. This is underlined by the absence of any objection from neighbouring residents.

The proposal is therefore consistent with Policies C31a and C38.

The objection of the Town Council cannot be supported. The proposal by reason of the area it will occupy will not represent overdevelopment of this site. The proposal will also not effect the amount of parking which is available at the site. There is no evidence to support the view that it will result in increased parking in the area. This is reflected in the absence of an objection from the Highway Authority. Policy H1 is concerned for proposals for further housing development and not for extensions to existing housing.

CONCLUSION

The application proposal complies with Development Plan policy and there are no material considerations to outweigh the policy and the recommendation is framed accordingly.

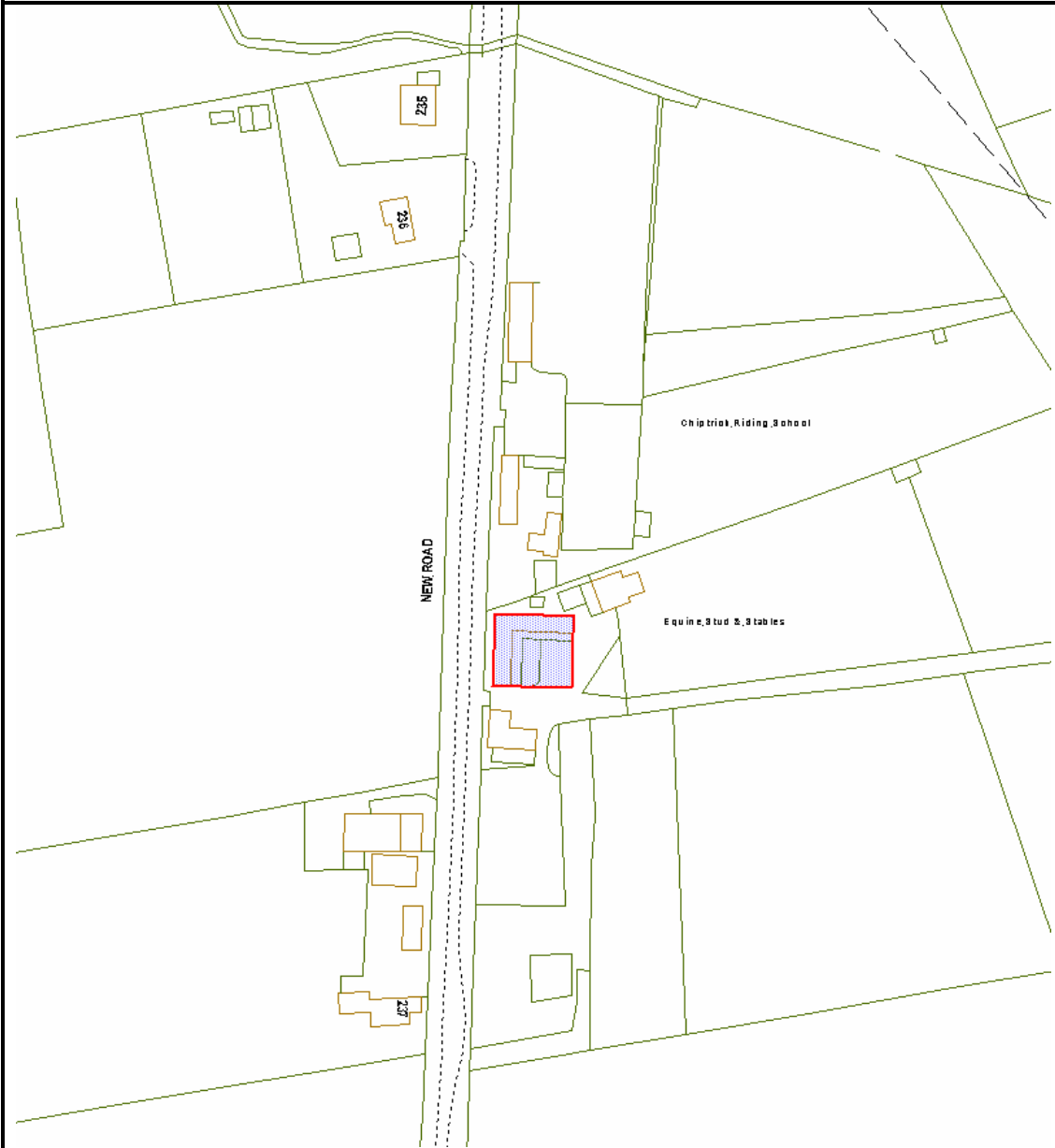
PLANNING COMMITTEE

2 August 2007

ITEM NO: 10

APPLICATION NO: 07/00473/FUL

LOCATION: Equine Stud And Stables New Road Melksham
Wiltshire SN12 7AX



NOT TO SCALE

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SLA: 100022961

10 Application: 07/00473/FUL

Site Address: Equine Stud And Stables New Road Melksham Wiltshire SN12 7AX

Parish: Melksham Without Ward: Melksham Without
Grid Reference 392239 165280
Application Type: Full Plan
Development: Removal of conditions attached to planning permission of 14 March 2002 (application 01/00444)
Applicant Details: J & J Gamble
The Stables New Road Melksham
Agent Details: Christopher Pound
11 Manvers Street Bath BA1 1JQ
Case Officer: Mr James Taylor
Date Received: 09.02.2007 Expiry Date: 06.04.2007

REASON(S) FOR PERMISSION:

The proposed development and its special justification as established by planning history, represent an exceptional case and the conditions attached to it overcome any objections on planning grounds.

RECOMMENDATION: Permission

Condition(s):

- 1 The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in connection with the business for the specialist treatment of horses at the site as indicated by the land edged in red and blue on the submitted site plan reference 415:02A or a widow or widower of such a person, or any resident dependants; otherwise the residential use shall cease and the building shall be returned to its original state for the keeping of horses within 6 months of the cessation of the residential use.

REASON: In order to protect the quality and variety of the countryside and to prevent unsustainable development without special justification.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 - Policies C1, H19 and E10.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because the Melksham Without Parish Council requests that the 2 original conditions be imposed again for a period of 5 years, contrary to your officer's recommendation for the removal of these conditions and imposition of an alternative condition.

This is a planning application for the removal of conditions attached to planning permission reference 01/00444/FUL. These were:

1. In view of the justification for a dwelling where the treatment of sick horses are involved, the use hereby permitted shall be carried on only by Mr J A Gamble whilst carrying out his business of the specialist treatment of horses and shall be for a limited period of 5 years from the date of this permission, or the period during which the premises are occupied by Mr J A Gamble, whichever is the shorter.

2. In view of the justification for a dwelling where the treatment of sick horses are involved when the premises cease to be so occupied or at the end of the period of 5 years, whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought onto the premises in conjunction with the use shall be removed.

A supporting document has been submitted to justify the removal of the conditions.

CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL: 'The Council supports the imposition of these conditions for a further five years to ensure that the dwelling remains linked to agricultural use and is not sold off as an unconnected dwelling.'

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, to which no comments were received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan – 1st Alteration 2004

C1 Countryside Protection
C31a Design
C38 Nuisance
H19 Development in Open Countryside
E10 Horse Related Development

PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas

Circular 11/95

RELEVANT PLANNING HISTORY

95/14113 and 96/1411 (Enforcement Notice)

T/APP/C/97/F3925/648048-9 - Appeal of enforcement notice allowed subject to conditions - 26.03.1998

98/01146/FUL - Upgrading of change of use to form extension to domestic accommodation - Permission - 11.11.1998 (NB Subject to temporary conditions).

01/00444/FUL - Permanent permission for present living accommodation - Permission - 14.03.2002 (NB Subject to conditions detailed above which made this a temporary permission.

KEY PLANNING ISSUES

The key issue to consider in relation to this application is the planning history, including the planning appeal decision in March 1998, and the impact on the open countryside.

PLANNING OFFICER COMMENTS

Policy H19 states that new dwellings in open countryside will only be permitted where it is justified in connection with the essential needs of agriculture or forestry. PPS7 makes it clear that certain other rural occupation type dwellings may also be acceptable beyond agriculture or forestry subject to justification.

Planning permission for the use of stables for residential accommodation was granted at appeal in 1998 due to the special justification of the applicant. The applicant is specialised in the acupuncture treatment of sick horses and it was concluded that this justified the granting of a temporary and personal permission for Mr Gamble to live on site. It was temporary to allow the applicant opportunity to consider other suitable options, and give the Council opportunity to consider how to deal with the situation in the longterm.

A minor extension to the accommodation was granted on the same terms later in the year and then in 2002 an extension of the temporary and personal permission was granted. It is noted however that circular 11/95 makes it clear that the continued use of temporary permissions in perpetuity is not appropriate. If the development is not acceptable on a permanent basis then refusal should be considered. A further temporary permission would be inappropriate. The applicant has a well-established use on the site for 10 years and in this time the applicant has explored their options and retained their business operation on the site and the Council has had time to review the case.

Both this and previous applications and the enforcement appeal made clear that special justification exists in that Mr Gamble operates a business on site for the treatment of sick horses. This kind of justification is similar in nature to an agricultural justification, which may make an application for a dwelling in this location acceptable. The conditions have previously referred specifically to Mr Gamble due to his special skills in the treatment of sick horses. The means to address this issue have been considered at length and in discussion with the legal department.

PPS7 allows for the creation of permanent dwellings in the countryside as long as they are justified in connection with agricultural, forestry or other rural occupations. It is considered that allowing equestrian related dwellings in open countryside would potentially set a precedent for similar applications and this should be avoided. Planning history of this site and in particular the Inspector's conclusion that a special justification exists means that the dwelling in connection to the treatment of sick horses by Mr Gamble has been established as acceptable.

It is considered, given the planning history of the site and the Inspector's decision that the best option available is to continue to employ the Inspector's original wording in an agricultural tie type of condition but alter it to reflect the 'specialist treatment of sick horses'. Further a specific 'reason for permission' on the decision notice is considered to be a useful tool to reiterate the special justification demonstrated to the Inspector by the applicant in the planning history. It must be noted that in allowing the appeal the inspector heard evidence that Mr Gamble's expertise were 'in demand not only locally but in many parts of the world. He is known to individual owners and also horses are referred to him by vets'.

The issue of making sure that the dwelling is also tied to the surrounding land is also considered to be an important factor. Obviously it is established that Mr Gamble has a special justification with the treatment of sick horses. However, key to this is being on hand to carry out the treatment. There is no need to live in a rural location to then treat horses away from the site, so conditions must also be applied to tie the dwelling to both the treatment of sick horses and the land. This is possible since the applicant is in control of the land adjacent to the application site. This land is the paddock where Mr Gamble keeps the horses in connection to the business.

This approach reflects the unique nature of the case and is in accordance with government guidance at paragraph 101 of circular 11/95. This states that exceptionally conditions tying the occupation of dwelling like this may be acceptable e.g. where a dwelling has been allowed on a site where permission would not normally be granted'. It goes on to highlight that an unconditional permission would mean that the dwelling could be sold off for general use thus undermining the established countryside policy. Conditions are used here to prevent exactly this and reflect the exceptional circumstances of the case.

Finally it is noted that the existing situation is well screened within the landscape and does not cause any significant harm to the character of the countryside. This is consistent with the Inspector's view in 1998, and nothing has changed substantially in terms of the nature of the application site since this time.

On balance it is considered that the application to remove the existing conditions is acceptable and in accordance with national guidance and reasonable planning considerations given the exceptional planning history. It is reasonable that the Council imposes a varied condition to make sure that it retains control of the site and that future use does not contravene planning guidance at a national level or local planning policy. Attempts have been made to discuss the case with the applicant's agent, however no response has been forthcoming.

CONCLUSION

On balance it is considered that this is an exceptional case. In light of the planning history of the site, development plan policies and national government guidance then the best course of action is to allow a permanent dwelling but tie its occupation to the land and the 'specialist treatment of horses'. This conclusion has been reached in consultation with the legal department, based on the individual planning merits of the case.

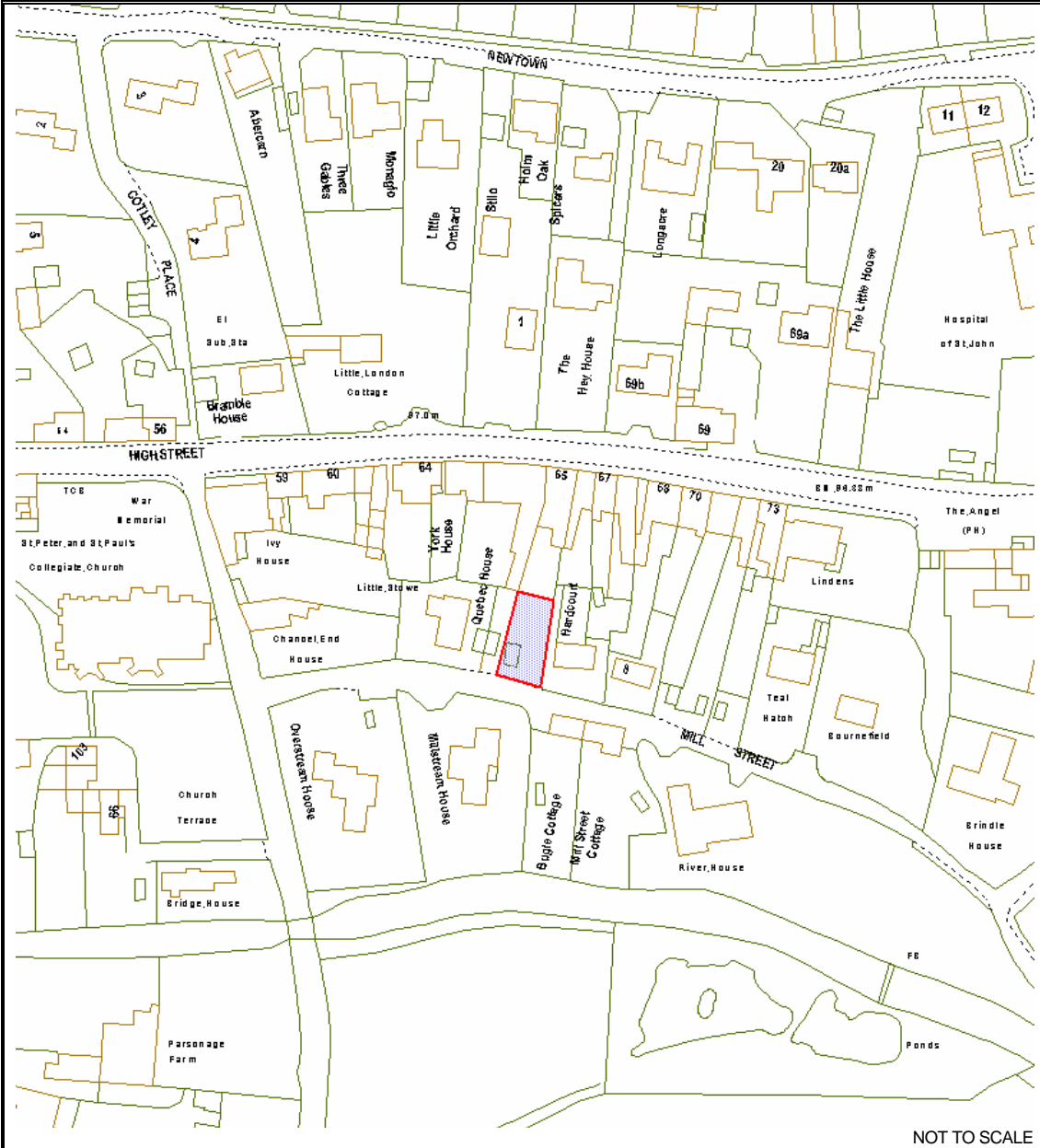
PLANNING COMMITTEE

2 August 2007

ITEM NO: 11

APPLICATION NO: 06/01723/FUL

LOCATION: Land Rear Of 65 High Street Heytesbury Wiltshire



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SLA: 100022961

11 Application: 06/01723/FUL

Site Address: Land Rear Of 65 High Street Heytesbury Wiltshire

Parish: Heytesbury Imber & Knook Ward: Mid Wylve Valley

Grid Reference 392606 142556

Application Type: Full Plan

Development: Removal of existing double garage and construction of a detached three bedroom cottage (revised application)

Applicant Details: Heytesbury Properties
Charity Farmhouse Longstock Stockbrisdge Hampshire SO20
6EE

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 24.05.2006

Expiry Date: 19.07.2006

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement to secure the reassessment of the viability of the development at practical completion and the provision of any resulting commuted sum towards an affordable housing contribution in accordance with the council's supplementary planning guidance - Affordable Housing.

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 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

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

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

3 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.

4 The parking spaces 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.

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

REASON: In the interests of Highway Safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Heytesbury, Imber and Knook Parish Council object and your Officers recommend permission.

This is a full planning application for the removal of a garage and the erection of a two-storey detached dwelling on land to the rear of 65 High Street. The plot of land would front onto Mill Lane but is currently part of the domestic curtilage of 65 High Street.

The proposed dwelling would be L shaped pitched roof house. The plans indicate that the proposed house will have a frontage width of 7.8 metres and a total depth of 9 metres. The property would have a pitched roof at a height of 7.3 metres to the ridge and sloping to 4.6 metres at eaves.

The site plan indicates four parking spaces, three for the proposed dwelling and one retained for use by the existing dwelling. The landscaping of the site includes the removal of a hedge along the boundary with the adjacent dwelling to the east, Harcourt.

CONSULTATION RESPONSES:

- HEYTESBURY, IMBER AND KNOOK PARISH COUNCIL: Object.

Members object due to the prejudicial impact on highway safety the street is very narrow and the erection of an additional dwelling would lead to a material increase in vehicle movements gross over-development of the site would adversely impact on the character and appearance of the Conservation Area, together with over-density of development should another dwelling be given permission in Mill Street. The PC requests that a site visit be made in order to appreciate the impact on the area."

- HIGHWAY AUTHORITY: No objection subject to the imposition of conditions.

- HOUSING SERVICES: No objection.

"I confirm that we have undertaken an Open Book Exercise with the Applicant and have agreed, as a result of that process, that the application site is not capable of supporting a contribution towards AH. However we have requested that the Applicant enters into a 'clawback' S106 to enable the actual costs of development to be assessed at Practical Completion of the site."

- WESSEX WATER: No objections.

PUBLICITY RESPONSES

Neighbouring properties were consulted and as result no representations were received.

RELEVANT PLANNING HISTORY

05/02988/FUL - Removal of existing double garage and construction of a detached three bedroom cottage - Refused on 17/02/06 for the following reasons:

1 The proposed dwelling by reason of its layout, including parking across the frontage, form, scale and siting would result in a cramped form of housing development not in-keeping with the character, appearance and distinctive spatial form of Heytesbury, as such the proposed development is contrary to Policy H17 of the West Wiltshire District Plan 1st Alteration 2004.

2 The proposed dwelling by reason of its plot, layout, scale and form would result in a cramped form of housing development which would not preserve nor enhance the character or appearance of the Heytesbury Conservation Area. As such the proposed development is contrary to Policies C17 and C18 of the West Wiltshire District Plan 1st Alteration 2004, Policy HE7 of the Wiltshire Structure Plan 2011 and the guidance contained Planning Policy Guidance Note 15 (Planning and the Historic Environment).

3 The application does not include any affordable housing provision in an area of acknowledged local housing need, contrary to policy H2 of the West Wiltshire District Plan 1st Alteration 2004 and the Supplementary Planning Guidance - Affordable Housing.

RELEVANT PLANNING POLICY

West Wiltshire District Plan First - Alteration 2004

C3 - Special Landscape Area

C17 - Conservation Areas

C18 - New development in Conservation Areas

C27 - Listed buildings

C31a - Design

C38 - Nuisance

H2 - Affordable housing within towns and villages

H17 - Village policy limits

T10 - Car parking

U1a - Foul Water disposal

Supplementary Planning Guidance - Affordable Housing

PPS1: Delivering sustainable communities

PPS3: Housing

KEY PLANNING ISSUES

Key to the determination is whether the earlier reasons for refusal have been overcome.

PLANNING OFFICER COMMENTS

The first reason for refusal related to the layout, including parking across the frontage, form, scale and siting not being in-keeping with the character, appearance and distinctive spatial form of Heytesbury. In response to this the applicants have reduced the proposal in size. The applicants have also indicated that height of the leylandii hedge to the east of the proposed dwelling will be reduced.

Policy H17 states that limited development within the defined village policy limits of Heytesbury will be permitted if in keeping with the character, appearance and built environment. The applicants have provided plans to illustrate the levels of the site and the relationship of the proposed dwelling to surrounding residential development. This has served to demonstrate that the proposal will not result in a cramped form of development on this site. Indeed, it is noted that the site is of a similar size to no.8 Mill Street, which your Officer considers to have been a success. Therefore it is considered that with the reduction in width and the alterations to the boundary treatment the first reason for refusal can no longer be overcome.

The second reason for refusal related to the impact of the proposal on the Conservation Area. The Heytesbury Conservation Area derives much of its special character from its stock of period houses based around the High Street, which is the most densely developed part of the Conservation Area. Towards the periphery development is typically less dense, thereby serving to ease the transition from the village centre to the surrounding countryside. In recent years there has been new development in Mill Lane and this has served to alter its character. There is now a mixture of traditional and modern two storey dwellings surrounding the application site. The proposed marginally smaller dwelling now proposed would be consistent with this pattern of development and it is considered that it would not have a detrimental impact on the Conservation Area. Accordingly the second reason for refusal has been overcome.

Since the earlier application was refused the Applicant has entered into negotiation with the Housing Services Section of the Council. As a result, issues relating to the provision of affordable housing have been resolved and the third reason for refusal has been overcome.

Listed Buildings

The properties Mill Street Cottage and Bugle Cottage located almost directly opposite the application site are both Grade II listed buildings. Both properties are brick built with stone detailing and thatched roofs, positioned directly off the lane. The proposed dwelling should not be detrimental to the setting of these properties. The form and proposed materials of the proposed dwelling would be appropriate in proximity to these listed buildings.

Highway Safety

The objection of the Parish Council in relation to highways is not supported in the comments of the Highways Authority.

Amenity of Neighbours

The position of the property in relation to its surrounding neighbours has resulted in no loss of light to either of the adjacent dwellings. As the proposed property is to the north of the existing listed dwellings, it would not cause any loss of light to these properties. The lack of habitable room windows on the side elevations would result in no overlooking of the neighbouring properties.

CONCLUSION

The earlier reasons for refusal have been addressed and accordingly a recommendation for refusing this application can no longer be sustained. Accordingly the application is recommended for permission.

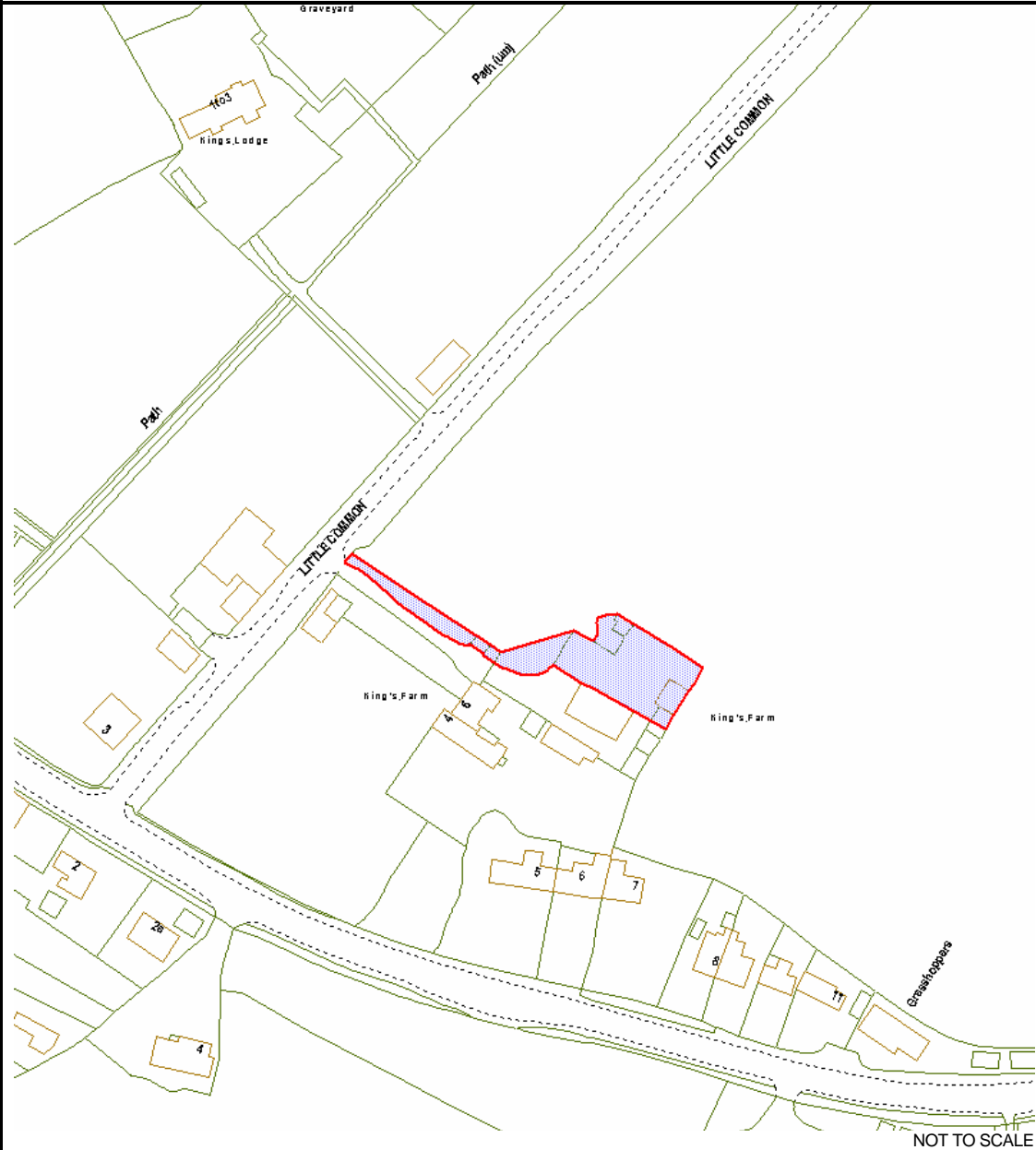
PLANNING COMMITTEE

2 August 2007

ITEM NO: 12

APPLICATION NO: 07/00237/FUL

LOCATION: Land Adjacent Kings Farm Little Common North
Bradley Wiltshire



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Fax: 01225 770314
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SLA: 100022961

12 Application: 07/00237/FUL

**Site Address: Land Adjacent Kings Farm Little Common North Bradley
Wiltshire**

Parish: North Bradley

Ward: Trowbridge And North
Bradley

Grid Reference 386013 155259

Application Type: Full Plan

Development: Detached dwelling

Applicant Details: Mr R Hibbard
7 The Crescent Westbury Wiltshire BA13 3HE

Agent Details: Mr Peter Grist
Furlong House 61 East Street Warminster Wiltshire BA12 9BZ

Case Officer: Mr Russell Brown

Date Received: 22.01.2007

Expiry Date: 19.03.2007

JUSTIFICATION REASON:

The proposed development with regard to the construction of a detached dwelling would not conform to the provisions of the Development Plan, but other material considerations justify the planning permission in this instance:

That the Council has a duty to protect the historic environment, the importance of repairing and restoring the listed building within this context, the fact that the listed building is on the Buildings at Risk Register, and that the proposed dwelling would provide the owner of the listed building with a resource to secure the future preservation of the listed building. There would be no harm to the historic environment and the proposals would not significantly harm any other interests of acknowledged importance.

RECOMMENDATION:

That planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the Secretary of State remits the application to this Council for 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 No work shall be commenced on this development until the listed building has been fully repaired and restored to the satisfaction of the Local Planning Authority and that those works to the listed building have been completed and all planning permissions and listed building consents and associated conditions have been fully complied with.

REASON: This permission is only acceptable in order to ensure the repair and restoration of the listed building at risk.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 and C28.

- 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 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 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 development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, 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 U1A.

Note(s) to Applicant:

- 1 The applicant is advised that the rebuilding of the curtilage structure into a garage also requires listed building consent.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee as it is a Departure from the Development Plan and in addition the parish council have objected and your officer's are recommending approval.

This is a full planning application for a new dwelling in the grounds of a Grade II listed building and would be an enabling form of development. This means that, if approved, the planning permission for this proposed house would be used to raise money to fund the repair and restoration of the listed building.

The existing house is a former farmhouse and is a Grade II listed building that is also classified as a Building At Risk.

The listed building was identified as a Building At Risk as it is in urgent need of structural repair and restoration to prevent the loss of the building through collapse. The applicant has already undertaken some of the repair and restoration works to prevent a collapse, via separate listed building consent applications. Work has now stopped pending the outcome of this current application.

The site is on the edge of North Bradley outside of the Village Policy Limits. The nearest neighbouring property to the proposed dwelling would be the King's Farmhouse itself, the listed building at risk, 40 metres to the south west. The other neighbouring properties are over 40 metres to the south and over 100 metres to the west. To the north and east are agricultural fields.

The site of the proposed new dwelling is the eastern corner of the farmyard where a metal Dutch barn currently sits. The site is bounded by a 2m high wall (approximate as the height varies along the length), with sections of stone and brick. There is evidence on the ground of ranges of earlier buildings being attached to this wall.

The proposed dwelling has been revised to be a building more agricultural in appearance than a standard style of house. This includes a 2 storey section in the corner with single storey wings west and south, the south wing being separate and attached by an open link. The building would utilise the boundary wall as the rear wall of the property.

The fenestration is rural in form and appearance and the building would be built in natural stone, with some timber boarding, and a clay tile roof.

The access to the property would be along the existing drive and the property would have its own parking area. A collapsed historic structure would be rebuilt as a garage.

The driveway exits onto Little Common which is a dead-end road that serves a small number of dwellings. Little Common then exits onto Westbury Road which is a C class road.

There are no planning policies relating to enabling development hence this application is a Departure from the Development Plan. The proposal falls outside of the standard Policy requirements and must be viewed as an exception to the Policies and must be justified accordingly.

The justification that has been submitted in this case is that the repair works to the listed building on site will cost more than the ultimate value of the restored listed building due to the amount of work that needs to be done and the specialist nature of the work involved. A financial appraisal has been submitted to confirm this.

CONSULTATION REPLIES

- NORTH BRADLEY PARISH COUNCIL: Original Comments:

"The Parish Council objects to this proposal on the following grounds:

- a) The proposed dwelling is outside the Village Policy Limits for such development
- b) It intrudes into open countryside
- c) Concern is expressed over the additional traffic onto the A363 in Westbury Road both for accessing the property and egression on to the highway
- d) That if the dwelling were approved, this would set a precedence for future development on this side of the village"

Comments on Revised Plans:

"The Parish Council totally object to this application, as it is a new building to be erected in the Rural Buffer Zone, and outside Policy limits, and it is felt that this will open the flood gates for other future developments in this zone."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Recommend refusal on the following grounds:

"The development site is located remote from facilities to meet the employment, education, shopping, leisure and health needs of the future residents. It appears that the site is reasonably well served by a bus service, however there is little opportunity to walk to any facilities. It is likely that the majority of trips will rely on the use of the private car.

Visibility for vehicles emerging from Little Common onto the Westbury Road (C227) is restricted in both directions. I would be concerned to support a development which would result in an increased use of the substandard junction. The C227 in the vicinity of the site is subject to a 40mph speed limit and splays of 2.4m by 120m would be necessary."

- ENVIRONMENT AGENCY: "...we have no comment to make on this application."

- WESSEX WATER: No objections subject to satisfactory drainage arrangements.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: "The application site is located outside adopted village policy limits within countryside and is therefore, in planning policy terms, located in an area where a new dwelling would not be acceptable.

Listed building policies allow, in special circumstances, for the possible relaxation of other planning policies to secure the retention of a listed building provided that the proposal would not be detrimental to the local environment or to the character of the building.

In this case I cannot see that there are special circumstances that justify relaxing such a fundamental local plan policy. Kings Farmhouse has previously been clearly identified as a building at risk requiring substantial investment. The costs should have been properly taken account of in determining the purchase price for the property and I see no evidence that exceptional costs that could not have been reasonably expected at the initial stage have subsequently come to light.

Policy Recommendation:

Unacceptable in policy terms."

- CONSERVATION OFFICER: To be reported on the Late List.

PUBLICITY RESPONSES

The application has been advertised by public notice and as being a departure from the Development Plan both in the local press and by site notice affixed to the site. Neighbour notification have also been undertaken.

There have been no responses.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C27 - Listed Buildings

C28 - Alterations to Listed Buildings

C31a - Design

C38 - Nuisance

H19 - Development in Open Countryside

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

00/00499/LBC - Temporary works including reduce height of chimneys, installation of supports and protection - Consent 03.05.2000

06/02432/LBC - Removal of existing roof tiles and battens (store tiles), dismantle defective boundary walls (store bricks), removal of external render to expose timber frame and walls, removal of internal plaster to all external walls only to expose timber frame and walls - Consent 02.10.2006

06/02946/LBC - Repairs/restoration of timber framed structure and demolition of dangerous single storey structure to rear - Withdrawn 24.01.2007

06/03765/FUL - Mobile home (temporary for 3 years during renovation of house) - Permission 22.01.2007

07/00211/LBC - Restoration and repair of roof and building - Consent 24.04.2007

KEY PLANNING ISSUES

The key issues in this application are:

- the principle of allowing such development as a departure from the Development Plan.
- the effect of the proposal on the setting of the listed building; the character of the countryside; highways implications; and neighbouring amenities.

PLANNING OFFICER COMMENTS

The Principle of this Development

The listed building, King's Farmhouse, has been one of the most critical buildings at risk in this district in the last decade. In 2000 the Council gave a grant for scaffolding and supports for the collapsing building. The building was bought by its current owner, the applicant, in April 2006. At the time the building was in such a dangerous state that parts were inaccessible for inspection due to the risk of collapse.

Listed buildings in need of repair are always very difficult to assess in terms of the cost of the necessary works because by the nature of such works unforeseen problems commonly occur and the extent of the problems may be much worse than first thought. As parts of the King's Farmhouse were inaccessible for safety reasons it was impossible to accurately assess at the time of sale how extensive the problems were and therefore how much it would cost to repair and restore back to a habitable state.

Once work began, following the April 2006 sale, to stabilise the building and make it watertight the full extent of the necessary works became apparent and the works were far in excess of what was previously imagined - and therefore much more costly. This is the nature of such a problematic building and often an unavoidable situation in assessing the extent of the problems.

The financial appraisal shows a deficit between the total cost of the repair project and the final market value of the listed building and that this deficit would be met by the value of this application site with planning permission for a dwelling as proposed.

Setting of the Listed Building

The proposed building has been designed to reflect a rural building, agricultural in nature and in keeping with the form of the previous structures on site. The detailed design of the fenestration and doors, with shallow arches over, contribute to the agricultural feel of the building as does the use of natural materials - stone and clay tiles. Additionally, existing features of the farm yard would be utilised for the construction - the rear boundary walls and the collapsed garage structure.

The scale of the building has been reduced in the revised plans to be more sympathetic to the relationship with the King's Farmhouse and to give the site more of a traditional feel.

With these factors in mind, the proposed dwelling would not result in the setting of the King's Farmhouse being significantly harmed. Notwithstanding this, the benefit to the listed building being brought back from a state of near collapse outweighs any potential impact on its setting.

The Character of the Countryside

In a similar manner as above the character of the countryside would not be harmed. This is a former farmyard site that has not been used as agriculture for many years. The proposed dwelling on this site would not result in any loss of agricultural land as the site is residential curtilage. The agricultural fields to the north and east would not be affected physically and the visual impact would be minimal due to the rural nature of the proposed building.

Highway Matters

Although the Highway Authority has objected on grounds of highway safety and sustainability, the site, although outside village policy limits, is located on the edge of the village and well related to it and to the King's Farmhouse.

Indeed, the access to be used for the development already exists and is in use. Little Common is a dead-end road with little traffic as it serves only few buildings. The junction of Little Common with the C227 is beyond the applicant's control and the traffic on the C227 has been reduced due to the A363 which bypasses North Bradley.

It is considered that the addition of one dwelling on this road would not result in such an increase that would warrant refusal on safety grounds. The Highway Authority's comments in this instance are not supported, especially in view of the urgent need to repair and restore the historic listed building.

Neighbouring Amenities

The proposed dwelling would not result in harm to neighbouring dwellings due to the distances between the relative properties. In addition the first floor windows of the proposed dwelling would be predominantly rooflights due to the reduced eaves height that would not result in overlooking. The only standard first floor window would not overlook any properties directly, and even obtusely the distances are over 100 metres which would negate any effect.

Other matters

To address the other point raised by Parish Council that this proposal would lead to further development, this application is being proposed on the basis of allowing the listed building at risk to be brought back into use and safeguard its future and longevity. This is an individual case with a special justification for allowing a departure from the Development Plan. This would not result in further development as currently the surrounding land is outside the Village Policy Limits and therefore classified as Open Countryside.

The rebuilding of the collapse small curtilage structure into a garage would have a positive effect on the overall site. The existing materials would be reused and would need to be augmented by matching reclaimed materials.

CONCLUSION

The principles are well established within planning legislation that applications should be determined in accordance with the Development Plan.

Although the proposals with regard to the construction of a new dwelling represent development that would be contrary to Council Policy, there are material considerations which your officers consider should be taken into account which would outweigh the policy objections and justify permission.

These material considerations are that the Council firstly has a duty to protect the historic environment and in this case the listed building is on the Buildings at Risk Register and without further investment in the site the listed building would fall into further disrepair and eventually fall down.

The application would need to be referred to the Secretary of State as the proposals do not conform to the provisions of the Development Plan, but there are material considerations which indicate that permission should be granted in these exceptional circumstances.

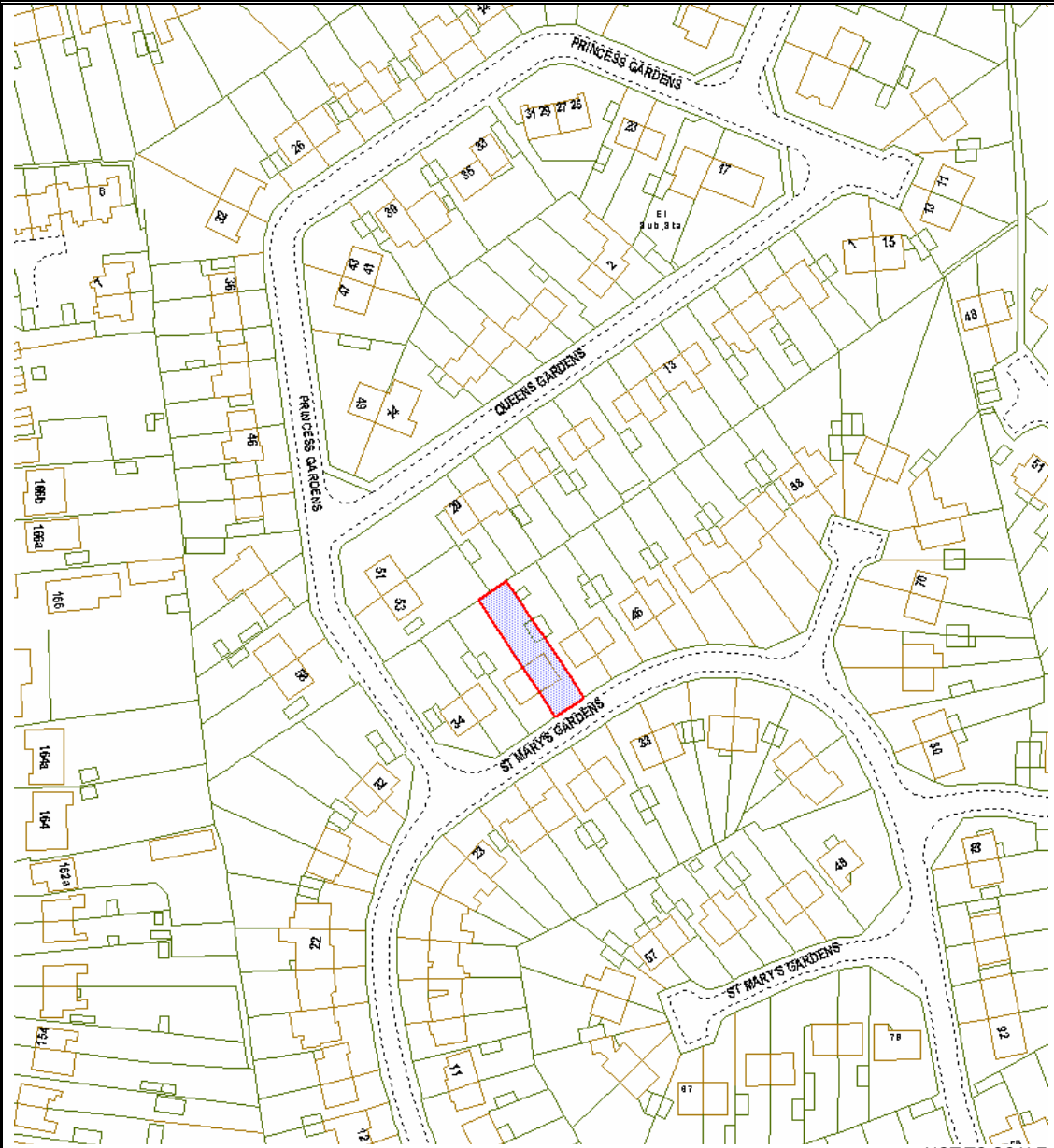
PLANNING COMMITTEE

2 August 2007

ITEM NO: 13

APPLICATION NO: 07/02200/FUL

LOCATION: 40 St Marys Gardens Hilperton Wiltshire BA14 7PQ



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SLA: 100022961

13 Application: 07/02200/FUL

Site Address: 40 St Marys Gardens Hilperton Wiltshire BA14 7PQ

Parish: Hilperton

Ward: Avonside

Grid Reference 386345 159879

Application Type: Full Plan

Development: Single storey rear extension to replace existing conservatory

Applicant Details: Mr And Mrs B Olding
40 St Marys Gardens Hilperton Wiltshire BA14 7PQ

Agent Details:

Case Officer: Mr David Cox

Date Received: 10.07.2007

Expiry Date: 04.09.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION:

Subject to there being no objections from Hilperton Parish Council and adjoining residents - Grant Permission

Condition(s):

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the planning committee because the applicant is an officer of the council.

The replacement of a conservatory with a slightly larger single storey extension and in materials to match the existing dwelling. The extension would be similar in size to that on the adjoining property.

The site is located in an area of 2 storey semi detached properties.

CONSULTATION REPLIES:

STATUTORY CONSULTATIONS

Hilperton Parish Council – comments not received at the time this report was prepared. Their comments will be reported on the late list.

PUBLICITY RESPONSES

Two adjoining property owners have been notified of the proposals. Any comments from them will be reported on the late list.

RELEVANT PLANNING POLICY

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

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

Design / External appearance
Impact on Neighbours

PLANNING OFFICER COMMENTS

Design / External appearance:

- The lean to roof design would improve the appearance of the host building by replacing a conservatory roof that is in effect, flat. There would only be a slight increase in the existing footprint of the host building but would be in-line with the neighbouring properties rear extension.

Impact on Neighbours:

- As the extension would be in-line with the neighbouring properties rear extension no overshadowing would occur. The garage outbuilding and the 1.8 metre tall boundary fence would prevent any overlooking.

CONCLUSION

Subject to no adverse comments being received from Hilperton Parish Council and two adjoining residents, the proposals are acceptable.

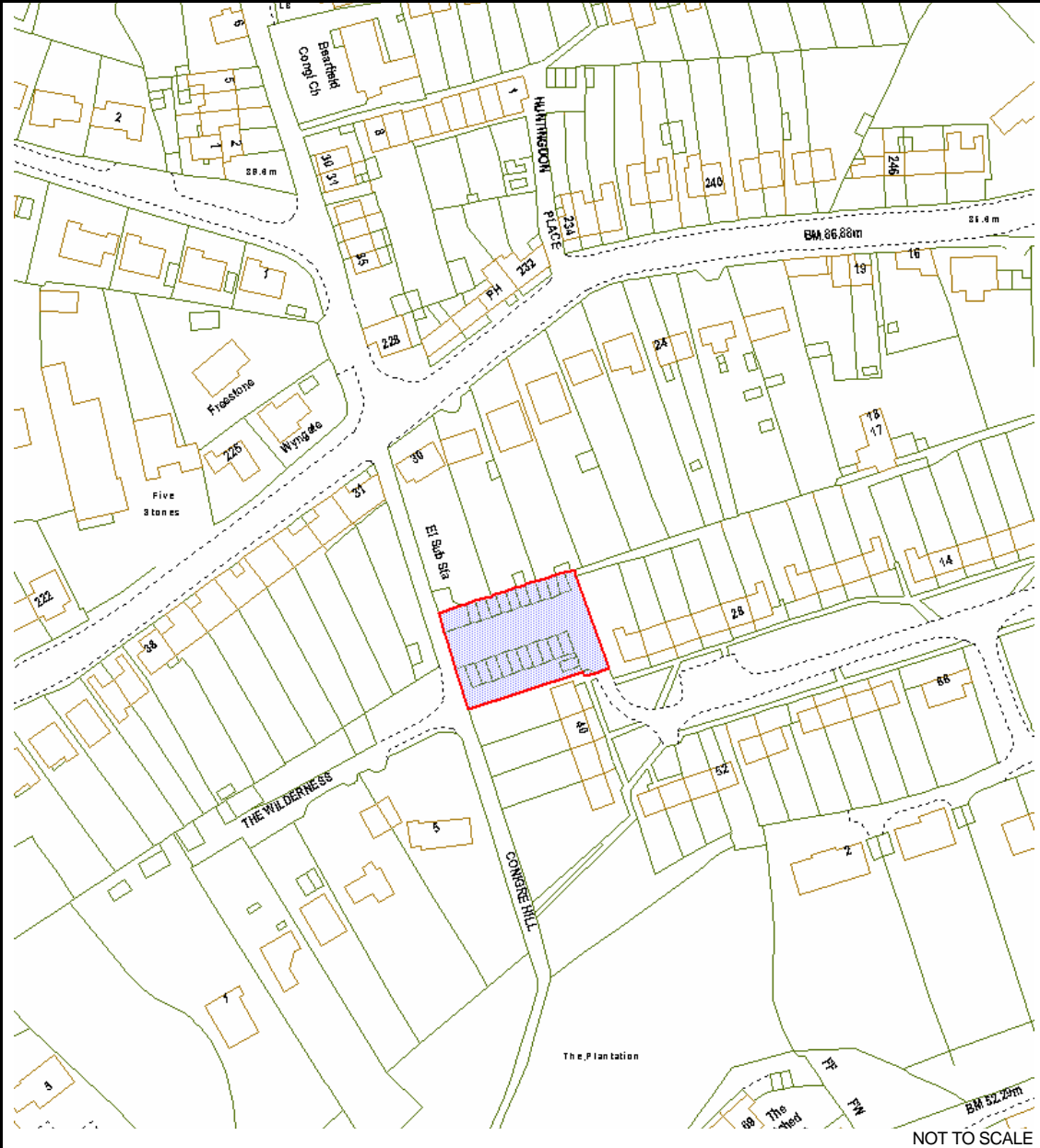
PLANNING COMMITTEE

2 August 2007

ITEM NO: 14

APPLICATION NO: 07/01276/OUT

LOCATION: Garage Block Adjacent Priory Close Bradford On Avon Wiltshire



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SLA: 100022961

14 Application: 07/01276/OUT

**Site Address: Garage Block Adjacent Priory Close Bradford On Avon
Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382428 161260
Application Type: Outline Plan
Development: Erection of three dwellings (outline)
Applicant Details: West Wilts Housing Society
C/o Willis & Co 30 The Causeway Chippenham SN15 3BD
Agent Details: Willis And Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Mark Reynolds
Date Received: 10.04.2007 Expiry Date: 05.06.2007

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 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 (scale, 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 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.
- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors above ground floor level shall be added to the north and south elevation of the development hereby permitted.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.
- 6 Before the development is occupied, the access, driveway and parking areas shall be properly consolidated and surfaced in a bound material (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.
- 7 The proposed parking areas to be provided in Priory Close as outlined in green on drawing no; 1754/O2/AB shall be provided prior to commencement of the development. The spaces shall be retained free from obstruction and available for the parking of vehicles in perpetuity.
- REASON: In the interests of highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy T10.
- 8 Prior to the first occupation of the development two parking spaces shall be provided for each dwelling. These spaces shall be retained free from obstruction in perpetuity and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- REASON: In the interests of highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy T10.
- 9 The approval of drawing no: 1754/01/A relates only to the siting of the dwellings and means of access 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Bradford on Avon Town Council object to the application and Officers recommend permission.

This is an outline planning application for the erection of three dwellings. The application site is an existing garage block site at land adjacent Priory Close, Bradford on Avon.

The application seeks approval of siting and means of access whilst scale, appearance and landscaping are reserved matters. The layout submitted with the application shows three dwellings forming a stepped terrace. The proposal provides six car parking spaces, two for each of the dwellings. The proposal also indicates that ten parking spaces would be created on a grassed area in front of numbers 20-24 Priory Close to cater for displaced traffic from the removal of the existing garages.

The application site currently contains two rows of garages and an area of hardstanding. The site is accessed from Priory Close. It is located within a residential area dominated by two storey terraced dwellings constructed in reconstructed stone with concrete roof tiles.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

Comment as follows;

'The Town Council recommend refusal. The Town Council has no idea how sustainable these dwellings will be for social housing, the heating costs should be kept to a minimum. There will be a loss of parking for nos 1-33 Priory Close and others. The applicant should discuss this matter with the Residents Association's contact Mr Alan Raynes. Further parking arrangements are urgently needed for residents at Priory Close to park nearby their homes. Local neighbours have concerns about a private right of way to the substation. Is this to remain private? Also the footpath to the rear of properties to the east of the site should remain open'.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

Recommend that no objection be raised subject to conditions.

ENVIRONMENT AGENCY

No comments to make

WESSEX WATER

No objections raised

INTERNAL CONSULTEES

HOUSING SERVICES

Confirm that there is a demonstrable need for affordable housing in Bradford on Avon and that the mix of units meets the current need.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, by a site notice and in the local press. Two letters of objection were received raising the following issues;

- Loss of green area unacceptable
- Substation movement would restrict creation of rear access to a property
- Substation become a playground attraction
- Design is nondescript

PLANNING POLICY

RPG10/RSS10 - Regional Guidance for the south west

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

C31a - Design

C32 - Landscaping

C38 - Nuisance

T10 - Car parking

Supplementary Planning Guidance - Residential Design

PPS 1 - Delivering Sustainable Development

PPS 3 - Housing - to be implemented in April 2007

RELEVANT PLANNING HISTORY

06/03610/OUT - Erection of three dwellings - Withdrawn

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

The application site is located within the town policy limit for Bradford on Avon. Where Policy H1 allows for further residential development will be permitted subject to a number of criteria.

In this case the application is for three dwellings. The proposal would make an efficient use of land calculated at a density of approximately 30 dwellings per hectare. The indicative plans demonstrate a two storey form of development could be achieved on site which would be in keeping with the general format of surrounding dwellings. The surrounding area is predominantly characterised by terraced dwellings. The development would respect the overall grain of development in the area. There would be an adequate level of amenity space for each proposed dwelling. The proposal would therefore accord with planning policy H1 of the West Wiltshire District Plan 1st Alteration 2004.

With regard to neighbouring amenity, the proposed dwellings would be located to the north of neighbouring property No.38 Priory Close. The proposed dwellings to the north should not result in any loss of sunlight to this property. A gap would be retained of approximately 3.5m between the southernmost proposed dwelling and No.38. There may be some limited overbearing impact

upon this neighbour's garden however it is not considered that an unacceptable loss of amenity would occur in this instance. A condition is suggested that no windows are placed in the north or south elevations of the development. This would avoid a loss of privacy resulting. A gap is to be retained of 21.5m between the southern most dwelling proposed and a habitable room side window in 36 Priory Close this is sufficient to avoid any loss of privacy.

The proposal makes provision for two spaces per dwelling which is acceptable. It is also proposed to create parking bays in Priory Close to accommodate displaced cars from the garages and there exists on-street car parking in Priory Close. There are four West Wiltshire Housing Society tenants who will have parking accommodated and six additional spaces will be available for non-West Wiltshire Housing Society users of the garages who occupy 14 garages. The proposal is considered adequate in highway safety terms.

The proposal involves the partial removal of a grass verge for car parking in Priory Close. This would not harm the appearance or character of the area and no objections are raised in this respect.

The Town Council have questioned whether a private right of way to the substation would be maintained. The agent confirms that access to the substation in its revised position will be maintained.

An objection was received that the design is nondescript. Design is however a reserved matter in this case. It will therefore be dealt with at a later date in the form of a reserved matters application.

An objection has been received regarding the moving of the substation and the possibility of a rear access. The land to which the neighbour refers is owned by the West Wiltshire Housing Society and the creation of any rear access would need to be agreed with the relevant land owner, this is not however a planning matter.

An objection has been received regarding the moving of the substation and it being used as a playground. It is considered unlikely that the substation would form a playground area for children because it is fenced off. It should also be recognised that this is an existing feature at the site.

CONCLUSION

The general principle of the development of 3 affordable dwellings on a sustainable town centre site would be a desirable, efficient and appropriate use of land in accordance with the Council's adopted policy framework.

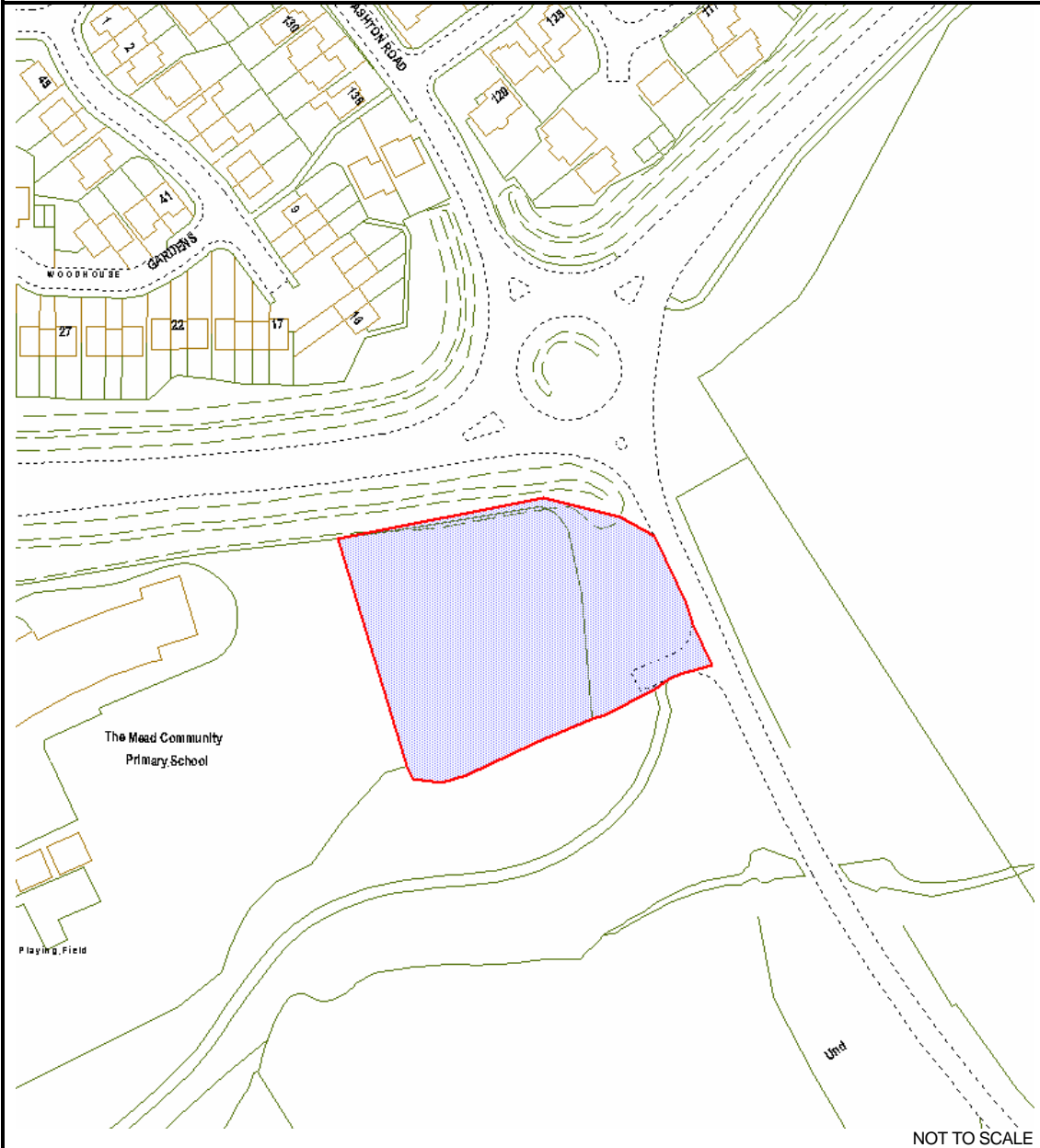
PLANNING COMMITTEE

2 August 2007

ITEM NO: 15

APPLICATION NO: 06/03598/OUT

LOCATION: Land Adjoining Hilpertown Drive And Ashton Road
Hilpertown Wiltshire



NOT TO SCALE

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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655 Ext 602
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

15 Application: 06/03598/OUT

Site Address: Land Adjoining Hilperton Drive And Ashton Road Hilperton Wiltshire

Parish: Hilperton Ward: Avonside
Grid Reference 387688 158513
Application Type: Outline Plan
Development: Development of 23 no. new dwellings and 35 no. car parking spaces
Applicant Details: West Wiltshire District Council
Bradley Road Trowbridge Wiltshire BA14 0RD
Agent Details: Quattro Design Architects Limited
1 Great George Street Bristol BS1 5RR
Case Officer: Miss Julia Evans
Date Received: 23.11.2006 Expiry Date: 22.02.2007

JUSTIFICATION REASON:

The proposal conforms with the proposals and policies in the Development Plan and the suggested legal agreement and conditions address outstanding issues.

RECOMMENDATION:

Planning permission be granted at a future date subject to conditions and to the prior satisfactory completion of Legal Agreements to secure the following: -

A financial contribution towards education provision, as identified by the County Education Officer; and

A financial contribution towards sustainable transport provision for the area.

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 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.

3 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C14 & C15.

4 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, 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 2004 - Policy U1A.

5 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 2004 - Policy U2.

6 Disposal of surface water from the site must be made via positive discharge to the Paxcroft Brook (via existing surface water drainage system).

REASON: to ensure the satisfactory provision of surface water drainage facilities to serve the proposed development.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policies U2.

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

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

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

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

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

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

9 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.

10 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.

11 Prior to the commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. The works shall include measures for the protection of nesting birds and all other protected species. Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.

12 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

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

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy C38.

13 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 in accordance with Council policy.

POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policy H2

Note(s) to Applicant:

1 You are advised that the indicative layout shown on drawing 1727-P-PM-2 cannot be supported.

2 You are advised that substantial landscape belts to the east, west and south elevations of the site will need to be provided in any reserved matters proposal.

- 3 You are advised that planning permission does not exempt the developer from the requirements of the statutory requirements for protected species and their habitats. You are advised to contact Natural England before any works commence on the site, including site clearance.

COMMITTEE REPORT

APPLICATION DETAILS

This is an outline application for 23 new dwellings and 35 car parking spaces at land adjoining Hilperton Drive and Ashton Road, Hilperton. All matters are for approval at the reserved matters stage: ie siting, design, external appearance, means of access and landscaping.

The 0.46 hectare site lies to the south of Hilperton Drive, and is a sloping site down towards Paxcroft Brook. It is currently rough grass, with the road network landscaping forming the north and eastern boundaries. To the west lies The Mead Community Primary School and its playing fields. To the south lies the Country Park that runs alongside the Paxcroft Brook. In the south-eastern corner of the site lies an access that dead-ends along its southern boundary. This also forms the entrance to the cycleway and footpath that runs through the Country Park. Beyond Hilperton Drive to the north lies the residential development of Paxcroft Mead. The land was identified for affordable housing as part of the planning of nearby development at Paxcroft Mead and was acquired by the council as part of the section 106 agreement relating to that development.

This outline application proposes 23 new dwellings on the site, and despite all matters being reserved, has included a proposed indicative layout, showing groups of terraced and semi-detached properties. The application has been supported with a Planning Statement and an Access Statement. The 23 dwellings would be part of West Wiltshire District Council's private finance initiative (PFI) to provide 400 new affordable homes across the district.

Revised information was provided by the applicant. To overcome the archaeological and flooding concerns on the site the applicant has provided an "Archaeological Evaluation" and "Flood Risk Assessment". The former concludes that "The presence of the furrows on site suggests that it had a history of agricultural rather than settlement use. The narrow spacing between the furrows might be suggestive of either late 18th / early 19th century or Second World War ridge and furrow cultivation (Taylor 200) and this is further suggested by the date of the material contained within their fills. This sort of cultivation techniques is well attested on marginal land and could reflect the site's proximity to the Paxcroft Brook (ibid). However, it remains possible that the furrows are earlier, with the modern finds being intrusive."

The "Flood Risk Assessment" concludes: "The site was identified as the Local Authority Housing Site in the original master plan for the Paxcroft mead major development area, as determined by the District Council. Based on the topographical survey and the predicted flood levels from the Environment Agency for the 1 in 100 year plus 20% this report has determined that the site lies in Zone 1 'low probability' and not Zone 3 'high probability' as was envisaged prior to the commencement of this report. Under PPS25 a site which lies in Zone 1 is appropriate for all land uses including residential. A sustainable drainage strategy, including sustainable drainage systems, in the form of attenuation facilities is proposed for managing the discharge of surface water run-off from the proposed development and in recognition of the Environment Agency's strategy over Paxcroft Brook. This Flood Risk Assessment demonstrates that the proposed surface water drainage measures would ensure that the rate of surface water runoff following development of the site does not exceed the undeveloped rate of runoff for the same event up to the 1 in 100 year event, including an allowance to take account of climate change, and that the peak flood passing downstream would be reduced. This Flood Risk Assessment also demonstrates that the proposed development would have adequate flood protection for extreme events and as such there would be no risk to life in such circumstances."

The site lies within the Trowbridge Town Policy Limit (Policy H1), within a Country Park (Policy R9), and the southern part of the site lies within the 100-year floodplain of the Paxcroft Brook.

CONSULTATION REPLIES:

- HILPERTON PARISH COUNCIL: "The Parish Council has no objection to this outline application but it is suggested that, when a detailed application is submitted, further investigation will be required into surface water run-off and the possibility of introducing porous paving, given the site's close proximity to the flood line".

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY:

"The site was allocated at the time of preparation of the Paxcroft Mead Master Plan and therefore the infrastructure required to support this development is already in place. Whilst the route to the bus stops seems tortuous a footway from the site to the bus stops along side Hilperton Drive would not be a safe alternative therefore I do not feel it is appropriate to ask for the Developer to provide this. In line with other recent developments in this area I will be seeking a contribution towards public transport, this will be in accordance with the nearby sites at Paxcroft Mead. I do have concerns over the internal layout and parking arrangements shown on the submitted plans, however as means of access is not being applied for at this stage I will make my comments to this element of the scheme when consulted on the reserved matters submission.

"I would recommend that no highway objection be raised subject to the following:-

"The Developer should enter into a Section 106 Agreement to secure contributions towards public transport serving Paxcroft Mead".

- COUNTY EDUCATION DEPARTMENT: We have estimated the pupil product from the development as detailed below, and assessed whether it can be accommodated in the local school(s), taking into account other known developments in the area. The Authority uses figures of 0.31 and 0.22 pupils per dwelling of 2+ bedrooms to assess the likely number of primary and secondary pupils respectively. On the assumption of 16 dwellings, (having applied our 30% social housing discount to the whole development), we would derive a pupil product of 5 primary and 4 secondary age pupils. Currently, these pupils could not be accommodated in the designated area primary school (The Mead), but at secondary level, there is sufficient capacity to admit them.

"Based on the current DfES cost multiplier of £10, 372 per secondary place, the contribution required is therefore £51, 860. The County Council requires this contribution to be secured by way of a section 106 agreement to which it will be party, with Bonding and indexation as per our standard terms."

- LIBRARIES AND HERITAGE: As part of the original Paxcroft Mead development archaeological mitigation strategies highlighted several previously unknown sites in the area. To the west of the Proposed Development Area a Romano-British ditch containing large quantities of pottery was discovered adjacent to a Late Bronze Age settlement site. Furthermore, immediately to the east of the PDA linear crop marks have been noted from aerial photography along with a sub circular feature.

Due to the high archaeological potential I would recommend more information should be supplied prior to the determination of the planning application. This information should be collected by means of an archaeological field evaluation carried out according to a brief set out by this office (please find enclosed) by a professional qualified archaeologist.

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

This approach is in line with the advice given in PPG16 and follows policies within the Local Plan".

Following this comment the applicant commissioned an archaeological field evaluation of the site. In response to this the County Archaeologist commented that three trenches were excavated under archaeological conditions. Despite the potential only evidence of post medieval agricultural activity was revealed. In light of these results no further archaeological work will be necessary and no conditions relating to archaeology need to be attached to any approval granted. The report on the archaeological evaluation will be retained by this office as a record of the archaeological work undertaken

- ENVIRONMENT AGENCY - Following the submission of the flood risk assessment. The Environment Agency commented as follows:

"A Flood Risk Assessment (FRA) has been submitted as part of the consultation documents, which identifies that the proposed development lies outside of the 1 in 100 year plus 20% floodplain. The FRA states that attenuation is required to restrict runoff into the Paxcroft Brook. We would argue that providing attenuation in this case may be detrimental, causing the coincidence of peak flow in the Paxcroft Brook and River Biss. In line with the previously agreed principles of the Paxcroft Mead masterplan, the site can positively discharge into the Paxcroft Brook. PFA Consulting have provided an addendum to the FRA to this affect which had been submitted to the Planning Authority and ourselves for reference. Accordingly the Environment Agency can WITHDRAW its flood defence objection to the proposed development, subject to the following condition: Disposal of surface water from the site must be made via positive discharge to the Paxcroft Brook (via existing surface water drainage system) in order to ensure the satisfactory provision of surface water drainage facilities to serve the proposed development."

- WESSEX WATER:

"Foul Water: * There are public foul sewers within the vicinity of the site;
* There is a public sewer crossing the site. Normal stand off distances apply;
* The existing sewerage system should have adequate capacity to receive the foul water.
However, design calculations and discharge rates should be submitted for approval.

"Surface Water. * There are public surface water sewers in the vicinity of the site;
* There is a public sewer crossing the site. Normal stand off distances apply;
* The surface water system may not have adequate capacity to receive the flows from the development. Design calculations and discharge rates to be provided for approval in due course;
* Surface water attenuation may be required for the storage of on-site flows.

"Sewage Treatment. * There is sewage treatment capacity available;
* There is adequate capacity at the terminal pumping station.

"Water Supply. * The existing network should have adequate capacity, subject to details and the demands of the proposed development."

WILTSHIRE WILDLIFE TRUST submitted a holding objection pending the carrying of an ecological survey of the site. Having seen a protected species assessment the wildlife trust has withdrawn its earlier objection subject to appropriate conditions and informatives

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: "Key Issues: The proposal seeks to develop a piece of vacant urban land for affordable housing. The site is located within the Trowbridge town policy limits, within the area covered by the Paxcroft Mead Masterplan. The proposal site adjoins the Paxcroft Mead local centre, which comprises a variety of facilities to the west and the Paxcroft Mead Country Park to the immediate south. The proposal site is bounded by the Paxcroft Mead distributor road network to the immediate north and gives way to open countryside to the east. The proposal forms part of the wider District Council affordable housing PFI project.

"The site is within town policy limits. The site is well related to the existing housing development at Paxcroft Mead and is particularly well related to the facilities, which include a primary school, at the adjoining local centre. Close proximity to the recreation opportunities offered by the Country Park are also considered beneficial. Public transport links into Trowbridge are also relatively good.

Sustainable transport options are also available - most notably the cycle links provided via the Country Park and Green Lane. I consider this to be a sustainable location for new affordable housing. The introduction of affordable housing onto this site will also provide a valuable contribution towards the overall mix of housing types available at Paxcroft Mead - helping to make a more vibrant and sustainable community.

"It is noted that the current District Plan proposal map appears to show part of the site being with the extent of the Country Park allocation. I suggest that this is merely a cartographic error. During my site visit I noted that the real-world position that the proposal site is quite distinct from the implemented Country Park use. Notably, the proposal site is fenced off and has its own separate access arrangements. It is my view that the proposal will have no negative impact upon the Country Park.

"I note the contents of the supplied letter from the Environment Agency. I bow to their judgement that the proposal will have no negative impact upon the adjoining floodplain.

"Conclusions: In conclusion, this is a sustainable location for new affordable housing. I consider that the proposal will make a positive contribution towards the continued development of this sustainable urban community.

"Policy Recommendation: Acceptable in policy terms".

- LANDSCAPE OFFICER: Has not responded.

- HOUSING: State: - "I can confirm that there is demonstrable need for affordable housing in Trowbridge, with the current priority need being in the region of 681 households. The proposed mix of units also meets the current need.

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

- LAND DRAINAGE & CIVIL ENGINEER: no comment on the applications other than to point out that 5 of the proposed houses to the south of the site are situated within the Environment Agency's 100-year flood zone Area associated with the nearby Paxcroft Brook".

PUBLICITY RESPONSES

The application has been advertised with a Public Notice Site Notice and neighbour notifications have been undertaken. Three responses have been received, including an objection from Steeple Ashton Parish Council, raising the following points: -

- Steeple Ashton Parish Council object to the development of land designated as open space, and feel the land should be used for the extension of Paxcroft Mead Primary School;
- Access is very close to the existing roundabout, and is an access risk;
- Proximity of Council low cost housing to the primary school, puts the children at a greater risk of drugs and other crime;
- Incorrect address and complaints as regards registering application;
- Proposed development is not in keeping with the law abiding community;
- The proposed properties will not be maintained;
- Will result in devaluation of existing house prices;
- Site is too small for 23 houses;
- Too many car parking spaces for financially challenged people;
- Proximity to school will make pupils vulnerable to being 'unofficially observed';
- Hedges and trees are protected by a Preservation Order;
- Existing services are already stretched;
- Loss of Green Belt land; and
- Spoiling pleasant rural community.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable Housing
- T3 Public Passenger Transport
- T5 Cycling and walking
- T6 Demand management
- C1 Nature conservation
- C5 The water environment
- HE2 Other sites of archaeological or historic interest
- RLT1 Recreation, sport & leisure
- RLT2 Informal countryside recreation

West Wiltshire District Plan - 1st Alteration 2004

- C7 Protected species
- C9 Rivers
- C14 Archaeological Field Evaluation
- C15 Archaeological Assessment
- C16 Archaeological Investigation and recording
- C31a Design
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- R1 Recreational space
- R4 Open space in new housing developments
- R9 Country Parks
- H1 Further housing development within towns
- H2 Affordable housing within towns and villages
- H24 New housing design
- T9 Bus services
- T10 Car parking
- T11 Cycleways
- T12 Footpaths and bridleways
- S1 Education contribution
- U1 Infrastructure
- U1A Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas
- I1 Implementation

SPG

- Design Guidance - Principle (Adopted July 2004)
- Open Space Provision in New Housing Developments (Adopted August 2004)
- Residential Design Guide (Adopted November 2005)
- Affordable Housing (Adopted August 2005)

National Guidance

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- PPG16 Archaeology and Planning
- PPG17 Sport & Recreation
- PPS25 Development and Flood Risk

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Principle of the development;
- Principle of affordable housing;
- The water environment;
- Nature conservation protection;
- Highways and transport matters;
- Archaeology issues;
- Landscaping and public open space provision;
- Amenity; and
- Issues raised by neighbour notification process.

PLANNING OFFICER COMMENTS

This outline application is for the creation of 23 dwellings and 35 car parking spaces at land adjoining Hilperton Drive and Ashton Road, Hilperton. The outline application has been submitted with an indicative drawing, but all matters are for consideration at the reserved matters stage: ie siting, design, external appearance, means of access and landscaping.

The site forms a physically isolated area, divorced by roads from the rest of the Paxcroft housing. However, the site lies within Trowbridge's Town Policy Limit whereby the principle of residential development will be permitted subject to:

"A Siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area.

B They would not create inappropriate backland or tandem development;

C They provide adequate services for the disposal of surface water, without increase of flood risk to downstream riparian owners;

Ca They provide adequate water supplies, sewerage and sewage treatment, without adversely affecting the environment;

D They do not result in the loss of an open area or visual gap important for recreation or amenity reasons.

E They protect and conserve important nature conservation interests.

F They provide safe and convenient connection to existing and planned pedestrian, cycle and public transport networks, the highway and, where appropriate, rail facilities, without creating transport problems;

G They do not conflict with any other Structure Plan or District Plan 1st Alteration policies."

In addition, Policy H24 of the West Wiltshire District Plan requires new housing development to have:

"A A mix of dwelling sizes and types combined to create visual interest and a varied street scene;

B A layout with dwellings facing onto, and windows and doors overlooking, the street or other public areas. Corner plots should front the street on both sides, be visually dominant and should not be set back from the adjacent building line;

C A scale, massing and height of dwellings which does not detract from the dominance of key landmark buildings, or important views;

D Elevation design which avoids monotonous repetition, and incorporates details, materials and finishes which complement those characteristic of the locality;

E Landscaping and open space which form an integral part of development, with opportunities taken to retain existing trees and shrubs, and for new planting using native species characteristic of the local area;

F Road layouts which are primarily determined by the layout of buildings, which reinforce traditional local street patterns and which produce a hierarchy of road widths with priority given to the pedestrian and cyclists. Layouts should be designed to increase accessibility to public transport. Where possible, a choice of routes and connections through the development should be provided to reduce lengths and numbers of trips. The visual impact of vehicles and parking areas should be minimised."

The Paxcroft Mead Estate is a large area of modern housing of a mix of design and materials, including detached, terraced, and semi-detached houses. The outline application has requested all matters to be reserved, so the indicative drawing provided with the application shows what could be provided on site. The principle of the development is what is for consideration at this stage. Subject to conditions concerning materials, sectional details and finished floor levels, the proposal is considered acceptable as regards the principle of residential use.

However, Development Plan policy makes it very clear that the proposal should be in keeping with the surrounding area and have landscaping as an integral part of the development. Although all matters are reserved, the provision of 23 houses on the site as required by the Council, means that a very high density is proposed (ie 49 dwellings per hectare). Although this density is acceptable in terms of Government Guidance, to achieve this the indicative drawings shows a very cramped layout with little landscaping to the east, south and west elevations. The site is highly visible in the wider landscape, and the lack of landscaping would be to the visual detriment of the wider location of the site, and in addition would increase nuisance to the proposed properties from traffic noise. It is felt that if permission is to be recommended that substantial landscape buffers should be provided, particularly to the east, south and west boundaries.

The site forms part of the Paxcroft Mead Masterplan and is specifically for the provision of affordable housing, and despite its physical isolation is an allocated housing site. Policy H2 of the West Wiltshire District Plan requires affordable housing provision in towns and villages, and no objection is raised to the proposal by either the Planning Policy Section or Housing Services. Subject to a Legal Agreement as regards securing provision, the principle of affordable housing is considered acceptable.

Approximately half of the site (the southern half) is located within the Biss Brook 100-year floodplain . The application was not been supported with a Flood Risk Assessment, but one was subsequently provided on which the applicant undertook their own consultations. The Environment Agency originally objected to the proposal as a result, but have now withdrawn their objection following the submission of a flood risk assessment subject to a condition being attached as regards discharge.

The site is currently overgrown with a mix of native species, and there is anecdotal evidence on site of badgers being present. The presence of protected species and their habitats is a material consideration in the processing of an application Following the comments of reported above the applicant commissioned a protected species assessment which addresses the issues raised by Wiltshire Wildlife Trust. This assessment has revealed no significant ecological issues at the site and recommends measures to be taken in respect of birds, badgers and amphibians in respect of the timing of development, during building works and in the period leading up to the development of the site and ecological measures to be included in any sustainable drainage systems etc at the site. These issues can be covered by conditions and informatives

The application has been submitted with all matters reserved. The indicative layout drawing shows the use of the existing access to the site. The Highway Authority has not commented on the access, layout or parking matters because this will be dealt with at the reserved matters stage. However, they have raised concerns as to the indicative layout and parking proposed, plus they have required a Legal Agreement to provide financial contributions towards public transport.

Following archaeological investigation of the site the County Archaeological has confirmed there is nothing of archaeological significance at the site.

Development plan policy and the supporting Supplementary Planning Guidance requires sites of 10 or more dwellings to provide public open space provision. In this instance the Paxcroft Mead Masterplan provided public open space for the whole of the site. The Planning Policy Section have not raised this as a requirement, so no objection is raised.

Policy S1 of the West Wiltshire District Plan - First Alteration requires the provision of an education contribution where required. The County Council have highlighted that this development requires extra pupil places, so a S106 Legal Agreement has been suggested.

Correspondence from neighbours has raised a number of points as regards the application. In addition to matters discussed above, the processing of the application has been discussed, and concern has been raised as to the type of occupiers of the dwellings. The former matter can be dealt with through the Council's complaints procedure process, whilst who occupies the dwellings and their alleged activities and characteristics is not a planning matter.

CONCLUSION

This proposal is acceptable in principle subject to resolving outstanding matters relating to archaeology and ecology.

16 Application: 07/01404/FUL

Site Address: Shop 2 10 The Shambles Bradford On Avon Wiltshire BA15 1JS

Parish: Bradford On Avon

Ward: Bradford On Avon North

Grid Reference 382635 160999

Application Type: Full Plan

Development: Change of use from retail shop A1 to A2 use

Applicant Details: Sires Property
F A O Warren Jones 142 Bailbrook Lane Bath BA1 7AB

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 23.04.2007

Expiry Date: 18.06.2007

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 This permission relates only to the areas outlined in red on the approved and certified 1:100 plans.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee because Bradford on Avon Town Council object to the application and Officers recommend permission.

This is an application for a change of use from Class A1 to Class A2 of a premises which has a floor area of circa 72 sq.m. The premises to which the application relates forms part of a Grade II listed building. The application site is located within a Conservation Area in Bradford on Avon and within a secondary retail frontage of Bradford on Avon's Town Centre Commercial Area.

CONSULTATION REPLIES

- BRADFORD ON AVON TOWN COUNCIL: Comment as follows:

“These shop premises are in a key position and it is very important to keep the area as retail. The Town Council recommends refusal as the proposal is contrary to Policy SP4 which seeks to maintain active shopping frontages in the town centre.”

STATUTORY CONSULTTEES

- HIGHWAY AUTHORITY: No highway objection is raised.

PUBLICITY

The proposal was advertised by letters to neighbouring properties by site notice and by an advert in a local newspaper. Seven letters of objection have been received raising the following issues;

- Loss of retail element would be regrettable
- A1 uses should always be retained to maintain vibrant retail character
- Contrary to the community plan

RELEVANT PLANNING HISTORY

99/00414/FUL - Change of use of offices to retail - Permission 19.03.99

99/01073/FUL - Change of use of offices to shop and increase in floor areas and layout of two shops - Permission 19.07.99

99/01205/FUL - Conversion to form a shop and three flats - Permission 16.08.99

00/00782/FUL - Change of use from shop to restaurant on ground and lower ground floor - Permission 08.05.00

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C17 - Conservation Areas

C20 - Change of use in Conservation Areas

C27 - Listed buildings

C31A - Design

C38 - Effects of development on neighbouring properties

SP1 - Town Centre Shopping

SP5 - Secondary Retail Frontages

PPS 1 - Delivering Sustainable Development

The Planning System: General Principles

PPS 6 - Planning For Town Centres

PPG 15 - Planning and the Historic Environment

KEY PLANNING ISSUES

The main issue to consider in this application is whether this change of use from A1 to Class A2 is acceptable in policy terms. The application site is located within a Conservation Area and the building itself is a Grade II listed building so the impact of the proposal in this regard will need to be considered.

PLANNING OFFICER COMMENTS

The application site is located within the secondary retail frontage of Bradford on Avon's Commercial Area. Policy SP5 of the West Wiltshire District Plan 1st Alteration 2004 advises that in town centre commercial areas outside of the primary retail frontage 'changes of use from class A1 to A2 or A3 uses will be permitted'. The policy is therefore clear that the proposed A2 use complies with development plan policy.

The Use Classes Order states that under Class A2 - Financial & Professional Services "any other services, including use as a betting office, which is appropriate to provide in a shopping area where the services are provided principally to visiting members of the public".

Circular 03/2005 paragraph 38 advises that Class A2 'is designed to allow flexibility within a sector which is very much a part of the established shopping street scene, and which is expanding and diversifying...while permitting free interchange within a wide range of professional and financial service uses which the public now expects to find in shopping areas'. A2 uses must therefore be understood as integral elements of town centre areas. Further PPS 6 supports the development of mixed use vibrant town centres.

The building itself was previously in use as a section of the Post Office's sorting office in Bradford on Avon. The building has not therefore always been operated as a shop. The existing windows to the building are not of retail form and the building does not lend itself in this respect towards a shop use for the property.

The property as existing has been empty at ground floor level for seven months and mindful of the guidance offered in PPG 15 to the effect that, generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. The continued use of this important Grade II listed property is to be encouraged. An A2 use would accord with development plan policy and would act to bring this element of the building back into a productive use.

Policy C20 of the West Wiltshire District Plan 1st Alteration 2004 states that a change of use of a building in a Conservation Area will be permitted provided that the new use will not require any changes in the appearance or setting of the building which would be detrimental to the special character or appearance of the area. This application makes no provision for alterations which would require planning permission and the special character of the Conservation Area would be unharmed. Likewise the setting of the listed building should be unaffected by this proposal.

CONCLUSION

The proposal is considered to comply with development plan policy and Officers recommend permission.

17 Application: 07/00035/FUL

Site Address: Priory Lodge Market Street Bradford On Avon Wiltshire BA15 1LH

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382486 161033
Application Type: Full Plan
Development: Refurbishment of existing bays, extension to the southwest corner and rooflights to the north east roof pitches
Applicant Details: Mr And Mrs L Clegg
Priory Lodge Market Street Bradford On Avon Wiltshire BA15 1LH
Agent Details: H N Clegg
Fuse Architecture Studio A Foxhole Dartington Devon
Case Officer: Mr Matthew Perks
Date Received: 18.04.2007 Expiry Date: 13.06.2007

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 Prior to the commencement of works an arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details.

REASON: To safeguard the protected tree on the site and to ensure a satisfactory landscaped setting for the development.

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

- 4 The rooflights shall be of a conservation type, details of which shall have been submitted to and approved by the Local Planning Authority.

REASON: To ensure that the character and appearance of the conservation area is conserved.

Policy: West Wiltshire District Plan - 1st Alteration - Policies C17 & C18.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for refurbishment of existing bays, extension to the southwest corner and roof lights to the north east roof pitches at Priory Lodge, Market Street, Bradford On Avon.

The proposal is to slightly enlarge and improve the two existing bays on the south and west elevations of the dwelling. An additional extension is proposed on the south west corner of the building. The two small bays and extension would be of lightweight timber framed construction. The plans include the removal of the external utility area and boiler house.

The agent advises that the existing south elevation to the building has suffered from subsidence over a number of years, with numerous repairs undertaken. Initial investigations have indicated this may still be on going. The proposed design has therefore incorporated underpinning of the south elevation.

The building is situated in the vicinity of the bottom end of Masons Lane, within the Conservation Area and to the south of the Grade II* Listed Priory Barn. The dwelling is partly visual in the distance from the town bridge area, some 180m away.

The building itself is not listed. It is of stone construction, but has nondescript extensions to the south and west elevations. There are two trees subject to protection orders within the garden to the dwelling, but these are not within the immediate vicinity of the proposed extensions.

BRADFORD ON AVON TOWN COUNCIL

The Town Council comments as follows:

"Priory Lodge is tucked away behind an older listed building. It is comparatively modern. No objections to the rooflights as long as they are Conservation Rooflights. However, the two extensions look ultra modern in design in red cedar wood and as the house sits on the southern hillside and is visible from the Town Bridge, the materials are inappropriate for this prominent location. Although sympathetic to the client's need for extra space for a growing family, the Town Council feels that the design of the extensions are not complimentary to the existing building."

STATUTORY CONSULTATIONS

ENGLISH HERITAGE

English Heritage comments in respect of the setting of the adjacent high grade listed buildings. This would only become an issue if the extensions were to impinge significantly on the views to and from those buildings. Since the site appears to be well provided with mature trees this may not be the case but the Council is requested to take this factor into account when determining this application. The design of the extensions is in the view of EH not the most sympathetic architectural treatment of the building.

INTERNAL WWDC CONSULTATIONS

HERITAGE DEVELOPMENT OFFICER

No comments received.

PUBLICITY

Neighbours were notified of the proposal and a public notice was posted. No neighbour comments were received, but the Bradford On Avon Preservation Trust wrote to support the Town Council recommendation for refusal.

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

- C17 - Conservation Area
- C18 - New Development in Conservation Areas
- C27 - Listed Buildings
- C28 - Alterations and Extensions to Listed Buildings

PPG 15 - Planning and the Historic Environment

KEY PLANNING ISSUES

The proposals would not impact on neighbouring amenity. The main issues relevant to the application are therefore design and possible Conservation Area and setting of listed building impacts.

PLANNING OFFICER'S COMMENTS

PPG 15 and the Planning (Listed Building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of the conservation area and the character and setting of listed buildings.

The emphasis in conservation areas is to provide high quality design. Conservation area status however does not preclude good modern design provided that it takes account of the prevailing form of existing development, scale, density, height and massing. Innovative modern design can be successfully integrated into historic areas and can provide vitality and interest.

In this case a highly contemporary design approach has been applied to low-profile extensions to a non-listed building, albeit within the conservation area in the vicinity of listed buildings. The extensions would in part replace existing nondescript elements that currently lend no value to the appearance of the dwelling.

Contemporary modern design is not inappropriate in conservation areas, but proposals should be well designed, use appropriate materials and have good landscaping.

The plans have been prepared by architects specialising in sustainable design. The extensions are contemporary in their design with a strong emphasis on the use of renewable materials. The design also embraces the reduction of heating and lighting requirements through the choice of materials and construction methods, adopting an eco-friendly approach. The materials proposed for the exterior finish to the new elevations is Canadian Red Wood Cedar with an untreated finish. This will allow a weathering down of the timber over time and a blending in with the surrounding background landscape and existing roof cover to the main house.

Importantly, the scale and height of the proposals result in a subservient extension to the existing building, leaving the traditional character intact from the primary elevations. The contrast between the old and the proposed building creates a new focus of interest on the currently nondescript, without being overbearing or having any form of dominance within the wider Conservation Area context. The host building is visual from a distance to public view, but the proposals would have no prominence within the landscape setting. The weathered materials and low profile of the extensions, will further limit any wider visual impact. The landscape impact has thus been kept to a minimum, with the contrast in design and materials providing a new focus of interest locally to the host building. The highly contemporary appearance of the extensions is considered wholly acceptable within this context.

CONCLUSION

The proposal would not be prominent within the conservation area nor harm the setting of the adjacent listed buildings. The modern design approach which would not dominate the non-listed existing building, adding a subservient yet interesting new contemporary element should be supported. Permission should be granted.