

PLANNING COMMITTEE

25 October 2007

Planning Applications for Determination

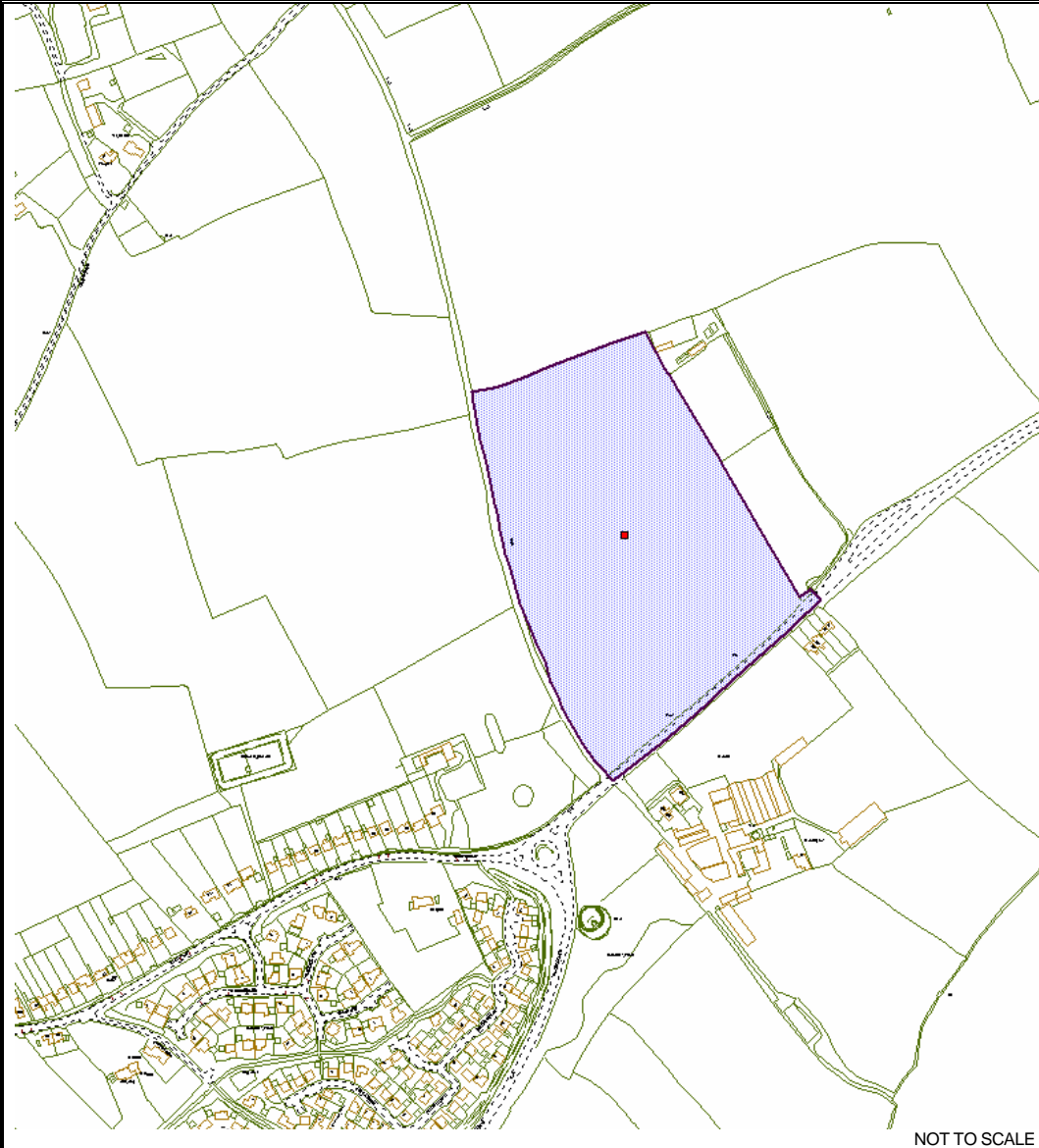
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PLANNING COMMITTEE

25 October 2007

ITEM NO: 01
APPLICATION NO: 05/00822/FUL
LOCATION: Land Opposite Paxcroft Farm Paxcroft Hilperton
Wiltshire



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SLA: 100022961

01 Application: 05/00822/FUL

Site Address: Land Opposite Paxcroft Farm Paxcroft Hilperton Wiltshire

Parish: Hilperton Ward: Avonside

Grid Reference 388227 159528

Application Type: Full Plan

Development: Proposed rugby ground including clubhouse, groundman's store, sports pitches with floodlighting and associated landscape bunding, access and parking

Applicant Details: Trowbridge Rugby Football Club And Caldecotte Consultants
C/o J Flawn Pegasus Planning Group 6-20 Spitalgate Lane
Cirencester GL7 2DE

Agent Details: J Flawn
Pegasus Planning Group 6-20 Spitalgate Lane Cirencester GL7
2DE

Case Officer: Mrs Judith Dale

Date Received: 28.04.2005 Expiry Date: 28.07.2005

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION:

That the Development Control Manager be authorised to grant permission once the parallel application for the redevelopment of the existing rugby ground (ref. 05/00821/FUL) has been resolved and on completion of a Section 106 Agreement to secure the following:-

(1) The implementation of permission 05/00821/FUL shall not be commenced in any part until the application site for this proposal has been acquired by the Trowbridge Rugby Club and a contract has been entered into to secure the implementation of permission 05/00822/FUL.

(2) Off-site highway works to include:

(a) A westerly extension and improvement to the footpath on the northern side of the A361, beyond the western edge of the application site and up to the Hilperton Drive roundabout.

(b) Relocation of the bus stop on the south side of the A361 nearer to the existing bus stop on the northern side of the carriageway.

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 development hereby permitted shall be carried out strictly in accordance with the approved plans and details and no variation shall be made without the prior written agreement of the Local Planning Authority.

REASON: To ensure that the development is implemented in accordance with the overall objectives for this site in the countryside and does not prejudice those material considerations which are required to be safeguarded.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C1, C7 & C14.

- 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 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.

- 5 Prior to the commencement of any development on site, including any site preparation works, details of existing and proposed land levels across the site, illustrated by means spot heights, contours and sections and demonstrating the relationship between proposed development and surrounding land shall be submitted to, and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with the approved details, with no land raising or lowering unless approved by the terms of this condition.

REASON: To ensure that the development is implemented in accordance with the overall objectives for this site in the countryside and does not prejudice those material considerations which are required to be safeguarded.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C1, C7 & C14.

- 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 by the applicant and approved in writing by the Local Planning Authority.

REASON: To protect areas of the site that are of archaeological interest

POLICY: West Wiltshire District plan 1st Alteration 2004 - Policies C14 & C16.

- 7 Further to the requirements of Condition 5, full sectional and topographical details of the proposed bund around the eastern and southern boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall subsequently be carried out in accordance with the approved details.

REASON: To ensure the development is implemented in accordance with the overall objectives for this site in the countryside and does not prejudice those material considerations which are required to be safeguarded.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C1, C14 & C32.

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

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

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

REASON: To prevent pollution of the water environment.

- 10 The site must be drained on a separate system of foul and surface water drainage, with all lean roof and surface water being kept separate from foul drainage.

REASON: To prevent pollution of the water environment.

- 11 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

- 13 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at anyone time, which ever 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.

REASON: To prevent pollution of the water environment.

- 14 The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.

REASON: To prevent pollution of the water environment.

- 15 The development shall be carried out in accordance with the recommendations outlined in the Ecological Appraisal dated November 2004 and updated "Bat Survey and Badger Mitigation Recommendations" dated 19 August 2005 submitted as part of this application.

REASON: To protect and conserve the natural environment.

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

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

Upon approval:

The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

The whole scheme shall be subsequently retained.

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

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C7, C32 & C40.

- 17 The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

All planting shall be carried out in accordance with British Standards.

The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

The whole scheme shall be subsequently retained.

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

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

- 18 Notwithstanding the the requirements of Condition 16, no development shall take place until a scheme of planting to provide a screen for the site along its boundaries has been submitted to, and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented within 6 months of the commencement of development. All planting shall be properly maintained for a period of 5 years. Any plants, which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation. The screen shall be retained thereafter.

REASON: In the interests of the amenities of neighbouring properties and the appearance of the locality.

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

- 19 The existing natural hedgerow along the west boundary of the site shall be retained and reinforced where necessary in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority before any work starts on site. Any such reinforcement shall be carried out during the planting season October-March inclusive, following the first occupation of the adjacent building/s and properly maintained for a period of five years including replacement of any plants which die, are removed or become damaged or diseased within this period with plants of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation, and the approved scheme thereafter retained. The Local Planning Authority shall be advised in writing when the planting has been undertaken so that initial compliance with the condition can be checked.

REASON: In the interests of the amenities of neighbouring properties and to maintain and enhance the appearance of the site.

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

- 20 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas.

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

- 21 No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.

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

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

- 22 Notwithstanding the submitted details of floodlighting, prior to the commencement of any development on the site, details of all external lighting to road, footways, car parks and other areas shall be submitted to an approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved plans.
- REASON: In the interests of nature conservation.
- POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C7.
- 23 The floodlighting hereby permitted shall only be used between the hours of 15.00 and 20.00 on any day.
- REASON: In order to minimise nuisance and protect rural amenities and protected species.
- POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policies C1, C7 & C38.
- 24 No development shall take place until full details of the finish of the floodlight columns hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.
- REASON: In the interests of visual amenity.
- POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C1 & R1.
- 25 The proposed access road, footways, footpaths, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, and car parking 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.
- 26 The development shall not commence until a Residential Travel Plan which meets the current required standard and is in accordance with the Department for Transport publication 'Making residential travel plans work: good practice guidelines' and Supplementary Planning Guidance 'Development Related Travel Plans in Wiltshire', has been submitted to and approved in writing by The Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.
- REASON: In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.
- 27 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C31A.
- 28 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.

- 29 Notwithstanding the provisions of Part 4, Class B of The Town & Country Planning (General Permitted Development) Order 1995, as maybe subsequently amended, no car boot sales or other markets shall be permitted within the application site.

REASON: In the interests of highway safety and to protect residential amenity.

- 30 The development hereby permitted shall be limited to D2 (Assembly and Leisure) and ancillary D1 (Non-Residential Institutions) uses of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification.

REASON: Because the use hereby permitted is acceptable whereas other uses including the same use class may not be.

Note(s) to Applicant:

- 1 The applicant is advised to contact both Natural England and the District Ecologist with regard to protected species before and during construction.
- 2 The applicant is advised to contact the County Archaeologist with regard to the archaeological remains identified in the southeast corner of the site and their protection during, before and after construction.
- 3 The applicant is advised to contact both Wessex Water and the Environment Agency with regard to the overall drainage strategy from this site, including the discharge of sewerage, trade effluent and surface water and the use of SuDs drainage systems.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because its determination is linked to the next application 05/00821/FUL which involves a Departure from the Development Plan.

This is one of two applications submitted concurrently for the relocation of the Trowbridge Rugby Club to a new site in Hilperton and the redevelopment of the existing site for housing. The next item on the agenda (05/00821) considers the proposed development of the existing ground for residential units; this application relates to the relocation of the rugby facilities on the new site.

The application site measures approximately 7.7 hectares, is rectangular in shape, lying approx 100 metres to the east of the roundabout at the junction of the Devizes Road with the Hilperton Bypass. An agricultural field, with its southern edge adjacent to the A361, the site is in a rural setting surrounded by arable fields with farm buildings opposite, and stables beyond its northeast corner. It is generally fairly level, falling approximately 3 metres across its 250 metre width from west to east. Its western boundary is marked by a bridleway and immature hedgerow; all other boundaries are marked by post and wire fencing.

The proposed development incorporates:

- A 1½ storey clubhouse in the southwest corner of the site to provide changing, playing and social facilities. At ground level, it incorporates 6 full size changing rooms, ancillary gymnasium and a physiotherapy area, a bar area and kitchen facilities; at first floor level, within the steeply pitched roof, is a members clubroom, ancillary kitchen and a viewing terrace orientated towards the vertical line of the full size pitch. The building is to be constructed of re-constructed stone under a slate roof.
- The construction and layout of 6 new pitches, including one full size County standard pitch, a junior pitch and an all-weather multi-sport training surface.
- A landscaped car park for approximately 200 vehicles and 6 coaches to the front and west side of the clubhouse, served by a new vehicular access left of centre along the Devizes Road frontage. Alterations are proposed within the existing highway to provide a ghost island, a right turning lane and footway improvements.

- A 1.5 metre high bund along the eastern and frontage boundaries to act as a mitigating vision and sound barrier.
- A 10m by 10m Groundman's shed and store located to the rear of the main car park and adjacent to the western boundary. It is to be constructed of painted blockwork under a shallow metal profiled roof.
- The erection of 12 no. flood lights around those 2 pitches located to the rear of the clubhouse and adjacent to the western boundary.

The application was accompanied by a Planning Supporting Statement (including a statement of public consultation); a Transport Assessment; a Visibility Study/Visual Assessment Statement; an Ecological Appraisal; an Archaeological Evaluation; a Design Statement; and Flood Lighting Report. An updated Ecological Appraisal and Flood Lighting Plan were subsequently submitted in response to consultee responses and considered as additional information.

In conjunction with the following application, it was also the subject of a pre-application public consultation, which took the form of a 2 day public exhibition, a presentation to the Parish Council, a briefing with the Council's then Portfolio Holder for Sport and Recreation, meetings with other relevant local groups and an article in the Bath Chronicle Newspaper.

CONSULTATION REPLIES:

- HILPERTON PARISH COUNCIL:

Original Plans

'Hilperton Parish Council is concerned that the size and prominence of the clubhouse will be visually damaging to the landscape in its present form and setting. However, it is felt that this could be mitigated by specific conditions imposed by the Planning Authority regarding the height of the bund and subsequent planting. The Parish Council would not wish the clubhouse to be visible from the western and southern boundaries and its impact needs to be substantially reduced when viewed from these points.

The Parish Council objects to the application unless the Planning Authority imposes a condition to the effect that the land in question must remain in perpetuity for recreational use only.'

Additional Information

'The additional/amended plans are welcomed but the Parish Council would still wish there to be a formal condition of consent that the height of the bunding and subsequent planting should be such that the impact of the clubhouse is substantially reduced. The Parish Council still objects to the application unless the Planning Authority imposes a condition to the effect that the land in question must remain in perpetuity for recreational use only.'

- TROWBRIDGE TOWN COUNCIL:

Original Plans

Resolved to make no objection to the scheme but to request that this scheme and the redevelopment of the present Rugby Club site are specifically linked to ensure that the new rugby pitches and clubhouse facilities are developed in line with planning application submitted.

Additional Information

No objection and welcomed the additional plan.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY:

Original Plans

No highway objections in principle subject to a number of amendments including an extension to the footpath, relocation of an existing bus stop, amendments to the coach parking layout, provision for cycling parking and the submission of a Travel Plan. An assessment of the lighting details by the County's Lighting Consultant was advised, together with the proposed highway works forming the subject of a Legal Agreement.

Additional Information

A formal response is still awaited, including the comments from the County's Lighting Consultants. It is anticipated they will be available in time for reporting to the Planning Committee.

- ENVIRONMENT AGENCY: No objections in principle subject to conditions relating to a satisfactory scheme for surface water and foul drainage works; separate foul and surface water drainage systems; all surface water drainage to be passed through gullies and an oil interceptor; suitable storage facilities for oils, fuels and chemicals; suitable storage facilities for fertilizers, pesticides and hazardous substances; adherence to the recommendations outlined in the Ecological Appraisal; and recommendations for the use of SuDs drainage systems.

- WESSEX WATER: No formal comment received.

- WILTSHIRE COUNTY ARCHAEOLOGIST: Notes that a Geophysical Survey and Archaeological Field Evaluation have been undertaken within the Proposed Development Area, which identify a number of archaeological features (probable Saxon buildings and prehistoric enclosures) in the southeast corner of the site. Preservation in situ is considered to be the most appropriate mitigation but this requires no ground works in the area. On the basis of the applicant's confirmation that no ground works are required, no objection is raised subject to an appropriate restrictive condition, and a further condition requiring an archaeological watching brief.

- NATURAL ENGLAND:

Original Plans

Comments that mitigation measures will need to be proposed for the badger sett on site, and that any work that impacts on the boundary hedgerow must be timed to avoid the nesting season.

Additional Information

Following the submission of an updated Bat Survey and badger mitigation details, and on the assumption that any flood lighting will be limited to the winter months and will not operate after 10.00pm, "we do not feel that bats are a material consideration for this application." With regard to badgers, the mitigation measures in the additional report are endorsed.

- DISTRICT ECOLOGIST:

Original Plans

Comments that the area to the east of Trowbridge is of particular importance for Bats including rare species such as Greater Horseshoe, Lesser Horseshoe and Bechstein. Although the habitats within the site are likely to be of low value, the boundary hedgerows and grassland to the east are likely to be important as foraging and commuting areas. Some species of bat are sensitive to lighting, and the proposed floodlighting would impact on that population. Recommends (1) a Bat Activity Survey to determine the level of usage by bats (2) mitigation details for badgers (3) the hedgerow along the western is retained. It is advised that this information is submitted prior to the determination of the application.

Additional Information

Following the submission of the requested information, concern is still expressed over the potential effects of floodlighting on bats using the boundary hedges for foraging and commuting, and the site's proximity to the important bat sites at Green Lane and Biss Woods.

- SPORT ENGLAND: Two separate letters were received in response to the consultation.

- 1) No objections subject to the Rugby Club facilities being open to the wider community in perpetuity;
- 2) Requires a planned approach to the provision of facilities and opportunities for sport in order that both the needs of the local community and sustainable development objectives can be met. It is recognised that the size of the proposed facilities may not always make it possible to develop within urban areas but in this case, it is considered that the site and location of the proposed Rugby Ground will suit the needs of the club and surrounding community and Sport England "supports the development".

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: Identifies the key issues as need and supply, site suitability and design.

With regard to need and supply, an interim Recreational Land Supply (2002) identified a district shortfall of playing pitches, while the Summary of Findings in the Recreation Needs Assessment confirms the need for additional pitches at Trowbridge.

In terms of site suitability, the site meets the requirements of the applicants, and is the most appropriate of a number of alternatives. Rural recreation is an appropriate countryside use, supported by local plan policy and PPS7.

The design of the building, although large, is of a comparable size to other similar club facilities, and its location in the southwest corner will avoid archaeological remains and reduce its visual impact on nearby properties and the surrounding countryside. The choice of materials is appropriate subject to the balcony being constructed of timber, and a more imposing entrance-way is suggested.

- DRAINAGE ENGINEER (former): "There are no public surface water sewers nearby, or obvious watercourses to drain storm water to. The matter of storm water disposal will therefore require detailed investigation.

Regarding foul water drainage, there is a public foul sewer at the nearby roundabout but ground level suggests pumping may be required."

With regard to surface water, it is likely that large areas of soakaways will be needed requiring specific design and implicit costs; with regard to foul drainage, the proposal of a 'bio-disc' raises problems as there are no water courses for effluent disposal and the Environment Agency are unlikely to sanction a private treatment plant so close to a sewer. The foul water should be discharged to the public sewer in Devizes Road.

It is recommended that this information is submitted and approved before consent is given.

- LEISURE MANAGER (former): The proposed new Sports Pitches and Club House as shown on the plans represents a significant increase in the provision of rugby facilities for the town of Trowbridge. These facilities are in great demand and have been needed for many years and as a result this application gets my full support.

I have only one small query and that relates to the access into the changing rooms. The plans show access is either directly from outside or through the gym. Access to the changing room through the gym will result in the use of the gym being reduced on match days. I do not see this as a major issue rather a matter of management of the facility.

The provision of 6 pitches/training areas on one site will enable Trowbridge Rugby Club to continue to develop and expand its growing numbers and provide increased opportunities to participate in physical activity and sport.

I do hope that this application is successful and would urge the Council to support this application.”

- LANDSCAPE OFFICER: No comments received.

- ENVIRONMENTAL HEALTH OFFICER: Comments that “the development has a potential to cause a loss of amenity due to noise and light pollution. Lighting aspects have been discussed with a lighting consultant and no concerns have been raised as a result of that. The potential noise that gives me most concern would be from potential use of tannoy announcements”. Recommends an appropriate condition.

PUBLICITY RESPONSES

The application was advertised by site notice and in the local press and neighbours were notified. One letter of objection was received on the following grounds: -

- Increase in traffic use along Devizes Road, particularly at weekends when traffic levels are currently lower;
- In conjunction with the Hilperton Bypass, Devizes Road will become a rat-run;
- Existing calming measures are inadequate, and increase in traffic volumes will add to existing noise and pollution levels;
- Noise and pollution from construction traffic;
- Loss in quality of life for residents on Devizes Road.

In addition, 2 letters of comment were received as follows:-

- Proposed tree planting on the landscaped bund will be too high and obscure views;
- There would be an objection if existing resisting residents opposite the site were prevented from turning right out of their properties;
- There would be an objection to any car boot sales taking place;
- Consultation with adjoining land owners should take place before any building work is carried out or boundaries are erected.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

RLT1 Recreation sport and leisure

Wiltshire Structure Plan 2016

RLT1 Recreation sport and leisure

West Wiltshire District Plan – 1st Alteration 2004

C1 Countryside protection

C7 Protected species

C14 Archaeological field evaluation

C31a Design

C32 Landscaping

C35 Light pollution

R1 Recreational space

R16 Indoor facilities

U1a Foul water disposal

U2 Surface water disposal

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

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

- Policy considerations, including development in the countryside and the overall need and supply of recreational facilities;
- Highway and access considerations;
- Ecological considerations, including the impact of floodlighting;
- Design and amenity considerations, including the visual impact on the landscape;
- Other issues, including drainage and archaeology.

PLANNING OFFICER COMMENTS

Trowbridge Rugby Club was formed in 1931. Having used a variety of grounds in the area from its formation (including Bradley Rd, Silver St Lane and Hilperton Rd), the club moved to its current ground in 1962. The facilities currently comprise two rugby pitches (not to full recommended dimensions), a clubhouse of approximately 510 square metres, two changing rooms and a bar and kitchen.

The playing and support side of the club has prospered over the last 10 years and currently has a membership of around 350. The club plays in the Southern Counties South League and supports three senior teams, 150 in the mini and junior sections and a ladies team.

With the growth of interest in rugby football in Trowbridge, the facilities are now inadequate to support the playing side. Until 2003, the club leased an adjoining 5 acre field for additional playing surfaces, but this land, now the subject of the East of Trowbridge development, is no longer available. Temporary playing surfaces have been used at a local school by the mini and junior sections, but this is not an ideal permanent arrangement, and the club anticipates losing youth members to other clubs or sporting activities.

In addition, the clubhouse is in a poor state of repair and now requires considerable investment. It is regularly used as a community facility by the local playgroup and other local organisations but lack of space and facilities is an increasing limitation.

Against this background, the club has identified an alternative location for its future operation at a new site at Hilperton, with the redevelopment of its existing site for housing.

Planning Policy

The Planning Policy Manager has confirmed that rural recreation facilities are an acceptable form of development in the countryside within the terms of Policy C1 of the District Plan and the advice in PPG17. This 'exception' is also in line with PPS7, which encourages planning authorities to maximise the beneficial use of countryside around urban areas, including the facilitation of appropriate sport and recreation facilities.

The Leisure and Recreation Needs Assessment (2005) identifies an inadequate provision of sports pitches within the District as a whole, and Trowbridge in particular, and a specific shortage of adult rugby pitches. This proposal, which would deliver 6 pitches, predominantly, but not exclusively for rugby, would significantly address this shortage in an appropriate urban fringe location.

Highway and Access Considerations

The accompanying Transport Assessment recognises that the volume of traffic generated by this development is the most important transport consideration, and estimates volumes in excess of 300 vehicles per day. It also recognises that the proposed development will take its access from the A361 which forms part of the National Primary Route network, where there is a policy presumption against new access points unless there is an overriding need. The 'need' for these replacement/additional facilities fundamentally underlies this application and the site at Paxcroft has been selected by the club following an extensive search for an alternative site.

While the principle of the new access is contrary to the Structure Plan, the Highway Authority confirms that the other benefits of the proposed highway improvements would outweigh any harm caused by such a new access. In terms of detail, the proposed road widening proposals, including a right turn lane into the site for traffic approaching from the east (Devizes) and access arrangements into, and within, the site are all considered acceptable. With regard to the proposed offsite works to deliver improvements to the highway and the relocation of the bus stop, the Highway Authority accepts that these can be secured by either an appropriate condition or Section 106 Agreement.

Parking provision for 200 plus vehicles within a car park at the front of the site is considered adequate to accommodate anticipated traffic volume while the construction of a landscape bund behind the site frontage should help to mitigate the visual intrusion.

With regard to wider issues of permeability and accessibility, the existing byway which follows the western boundary is to remain unaffected. However, it is to be linked to the proposed footpath extension along the frontage of the site to facilitate pedestrian and cycle access to and from the development.

Ecological Considerations

The submitted ecological appraisals identify three "areas" of ecological interest and importance – a badger sett in the northeast corner; a mature hedgerow along the western boundary which is important for nesting birds and for foraging bats; the location of the site itself as a destination for commuting bats from Green Lane and Biss Woods, including the rare Bechstein bat.

The badger sett raises no particular concern providing that the submitted mitigation measures are implemented – these include a lowering the proposed bund in the vicinity of the sett to enable foraging, and new hedgerow planting within the site to screen it from any disturbance.

With regard to the existing hedgerow along the western boundary, there is no proposal for this to be removed and its retention can be ensured by appropriate condition.

With regard to the issue of commuting bats, there remains some outstanding concern over the increase in background lighting levels particular in the region of the western boundary hedgerow. The proposal including the erection of 12 floodlighting columns, 12 metres high, around the 2 pitches located closest to this hedgerow. A floodlighting report has been submitted to show the likely amounts of light spillage, which although may be regarded as acceptable in terms of normal light pollution, is considered to have a potentially adverse impact on any protected species. The suggestion has been made that either the floodlit pitches are located further away from the boundary, or that only one pitch is floodlit so that part of the hedgerow might continue to be used for commuting and foraging without too much disturbance. However, this is not practical with regard to the operation of the site, while there appear to be no modifications to the lights themselves which can guarantee no impact on sensitive bats.

PPG9 states that the presence of a protected species is a material consideration when assessing a development proposal which might result in harm to the species or its habitat. The revised Ecological Appraisal addresses this particular issue as follows:

“With respect to floodlighting, given that the applicant has informed us that they intend to cease any use of floodlighting at 10.00pm, and that the majority of the use is likely to take place in the winter, when Bats will be hibernating, as during the summer months it is often light until 10.00pm, we feel that the impacts of floodlighting on any Bat use of the site will be minimal, and that this should not present a major barrier to development of the site.”

This view has since been confirmed by English Nature. In the opinion of the District Ecologist

.....'there remains some potential for impact during April and May when sunset times are several hours before the 10.00pm floodlighting curfew. During these important months maternity roosts are starting to form and bats are building up food reserves for the breeding season. It is possible that the bats will still be able to commute and forage along the western boundary. This hedge is one of two which flank a lane running north-south. Insect numbers along the lane are likely to be high in the shelter of the hedges and to some extent shaded from the effects of floodlighting. The height and width of the western hedge will be important in maximising shade to the lane. As part of landscape proposals for the site, it is recommended the club be required to manage the western hedge to maintain shade along the lane and plant up gaps and thinner sections with native shrub species since this would ensure effects of floodlighting were minimised. New planting on the eastern boundary will provide new bat foraging opportunities within a few years. A condition to continue this planting along the northern boundary would provide connectivity with the western hedge and provide an alternative means for bats to access habitats to the north of the site. Overall, therefore, while bats may experience a short term disruption to their usual flight patterns on nights when pitches are floodlit, in the long term the resources available to them will be enhanced.'

Condition 16 would address this point.

Design and Amenity Considerations

The design of this proposal is primarily a result of the 10 year Development Plan for the Rugby Club which sets out the future playing and community aspirations of the club. This plan identifies 'a 20 acre minimum site, with suitably proportioned dimensions to accommodate a clubhouse, pitches and associated facilities to support the playing of Rugby Union'.

This translates into a requirement for:

- 6 playing pitches of varying sizes and purpose, to include one full size County Standard rugby pitch with surrounding spectator viewing area; 3 other pitches, one of which should be floodlit for training purposes; one junior pitch and one all-weather multi-sport surface with floodlighting.
- A clubhouse to accommodate a doubling in membership to 700 – 4 senior teams of 100 players, a Ladies section of 30, a Youth and Junior section of up to 200, a social membership of 300 to 400 parents and supporters, and 100 associated members from other sports including football, hockey, tennis, basket ball, netball and volleyball.

Other clubhouse requirements are changing facilities for all expected sports use, to minimum RFU and Sport England specifications and including disabled facilities; a fitness gym and physiotherapy room; 2 bars/meeting rooms, one of which would be for the Rugby Club's use and the other available for outside hire and members functions to provide additional income; kitchen and ancillary facilities to cater for both function rooms. In turn, this translates into a building of approximately 14,000 sq ft (1200 sq ms) with car parking facilities for approximately 200 vehicles.

This specification was based on a review of other local clubs playing at a similar League level, including Devizes, Salisbury, Chippenham and Frome. These clubs currently range in size from 4 to 8 pitches, with clubhouses of 10 to 15,000 sq ft supporting memberships of between 600 and 900.

Within this context, the proposed development, although sizeable, is clearly within an acceptable range for a club playing at this level.

With regard to the first floor accommodation which might be regarded as 'commercial' and not strictly for sporting or recreational purposes:

- the first floor of approx 1200 sq ms represents only 25% of the total building area
- although there is a separate entrance to the first floor, the accommodation is also accessed via the main entrance to the clubhouse and is therefore 'psychologically' ancillary to the ground floor recreational use
- the accommodation is predominantly incorporated within the roof area and does not visually appear as a separate commercial facility
- it is generally recognised that a level of commercial activity is necessary within clubs to generate additional income. The existing premises in Green Lane are currently used by a playgroup which is serving a clear community benefit and the opportunity exists as part of the proposed building to extend this to a wider community audience. It is important, however, that the first floor does not become a permanent and separate "income generator" for a general business or other commercial activity, rather than as a facility for genuine community uses, and a condition is being recommended (No. 30) to limit the development to the appropriate 'non-residential industrial' (D1) and 'Assembly and Leisure' uses (D2).

In terms of design detail, the main element is that of the proposed clubhouse. This building is irregular in shape, predominately low profile, with its western half single-storey only, rising to 1½ storeys and a ridge height of 8.5 metres at the eastern end. It extends to a maximum length of 50 metres and a depth of 35 metres, with the main entrance beneath a projecting viewing balcony in the eastern elevation. The mass of the building is relieved by deep individual hipped roofs, slate clad with terracotta ridges, and atrium style window detailing in 3 of the reconstructed stone elevations. As a stand alone building, it combines interest with simplicity and although it is a large structure, its design and external appearance are both considered appropriate in this rural location.

In terms of its visual context and impact on the surrounding landscape, the site lies across a low ridgeline with much of the immediate area comparatively flat and low lying. Consequently, the proposed clubhouse with its associated facilities will be visible from all directions and from some distance from the site. A Visual Impact Assessment submitted with the application, has identified the potential impact of the overall development as 'medium', with areas closest to the site clearly affected to a greater degree than those further afield. Against this background, the Visual Assessment Study concludes that:

"..... visualising the development in the context of the new development at Paxcroft Mead and its associated road lighting, we conclude that the development for Trowbridge Rugby Football Club will only increase the visual impact moderately when facilities are in use during evenings. During daylight hours this impact is considerably reduced."

Overall, this 'medium' impact is not considered to be contrary to the countryside protection policy in the District Plan (C1) which seeks to maintain the quality of the countryside and its rural landscapes. The subtext to this policy states that "acceptable mitigation measures will be required appropriate..... to minimise its impact on the landscape".

Proposed mitigation in this case includes:

- The retention of all hedges, supplemented with new planting where necessary;
- Screen bunds around the south and east boundaries, planted with trees;
- The siting of the building and car park in the southwest corner closest to Hilperon Village;
- New planting within the car park;
- New floodlights with no upward light, similar to existing road columns on the adjacent Paxcroft farm roundabout.

In terms of the impact of the development on existing amenity, it is inevitable that a development of this size and type will have some effect on existing properties, predominately in terms of increased traffic levels and the potential for noise nuisance. The Highway Authority is satisfied that the existing road network has adequate capacity to safely accommodate an increase in volume. With regard to possible noise nuisance, the Environmental Health Officer has identified the use of tannoy announcements, but has recommended an appropriate condition which would prevent such noise being audible beyond the site boundaries. Policy C38 does not permit development which would detract from existing amenities. However, with these mitigation measures in place, it would be difficult to argue that the benefits and opportunities offered by the proposed development do not outweigh any potential nuisance factors, or that these factors can actually be said to “detract” from existing amenity levels.

Other Considerations

Drainage – A number of drainage issues have been raised by the Council’s Drainage Officer, although no formal comments have been offered by Wessex Water in response to original and subsequent consultations. The applicants are aware of these issues and appropriate conditions are recommended to address the detailed aspects.

Archaeology – The submitted evaluation concludes that there is evidence of archaeological remains in the southeast corner of the site. These correspond with the area proposed for the full sized rugby pitch and one of the spare pitches, and a section of the proposed bund.

The County Archaeologist has commented that preservation in situ is the most appropriate mitigation but this requires no ground works to be carried out in the relevant area. This will include landscaping, drainage works, ground levelling, service trenches for floodlights and top soil removal. The applicants have been asked to confirm that this is possible, and in the event that this is received, suitably worded conditions to ensure that any ground works are carried out under the supervision of the Watching Brief are proposed.

CONCLUSION

As set out in the background to both this, and the foregoing report, the driver for this application is the need for the existing Rugby Club to develop new and improved facilities commensurate with their current and potential League position, and with similar clubs within the area. The physical constraints of their existing site require that a new location is sought and developed, and extensive research has identified the application site as being the most appropriate.

As a stand-alone scheme for an individual sports club, there is no doubt that this is a substantial proposal requiring proper assessment and justification against national and local policy on development in the countryside and the provision of new sports facilities. Having regard to the specific tests identified in PPG17 and Policies R1 and C1, such an assessment has been carried out which demonstrates that the proposal will develop a significantly better resource in terms of the size and range of facilities.

The Leisure and Recreation Needs Assessment identified a current shortfall in the provision of sports pitches in the district as a whole and in Trowbridge in particular, and in the provision of rugby pitches. This proposal would help to remedy this shortfall and deliver a facility for which there is clearly a demand and need. The proposed development will be as assessable to both current and potential users as at present, being located just over 2 kilometres from its existing site, and continuing to serve and draw its membership from the area of greater Trowbridge.

Combined with a clear 10 year plan for the club, and confirmation for its willingness to provide for a wider range of community and sporting provision, there is, in principle support for the provision for this recreation facility.

In terms of detail, a number of reports have looked at the key issues arising from the development which have generally demonstrated that the size, location and access arrangements are acceptable. While it is accepted that there will be some visual, archaeological and ecological impact of the development, it is considered that these can be largely mitigated through the use of appropriate conditions.

Notwithstanding the above comments, this application is clearly linked to the wider proposal of redeveloping its existing site for housing. It has been accepted from the beginning of this lengthy planning process that the two individual projects are each part of the larger scheme, that a decision on each cannot be taken in isolation and their deliveries must be closely linked. Subject to confirmation of the proposed archaeological works and the conclusion of the County's lighting consultants, this application is therefore recommended for permission subject to parallel application 05/00821/FUL not being called in by the Secretary of State and a Section 106 Agreement being entered into to ensure the implementation of both schemes on the existing and proposed club sites.

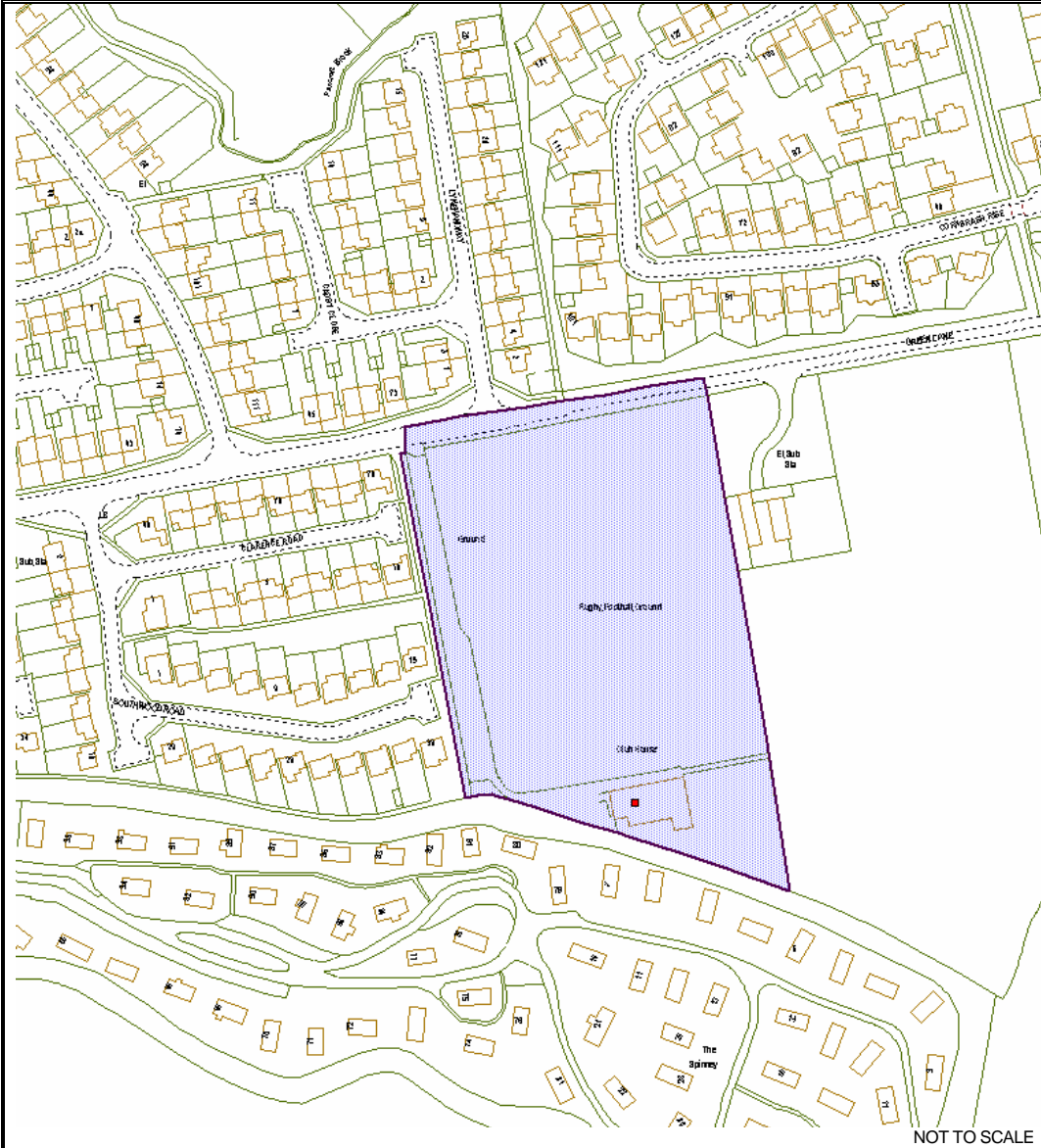
PLANNING COMMITTEE

25 October 2007

ITEM NO: 02

APPLICATION NO: 05/00821/FUL

LOCATION: Trowbridge Rugby Football Club Green Lane
Trowbridge Wiltshire BA14 7DH



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SLA: 100022961

02 Application: 05/00821/FUL

**Site Address: Trowbridge Rugby Football Club Green Lane Trowbridge
Wiltshire BA14 7DH**

Parish: Trowbridge Ward: Trowbridge East
Grid Reference 387054 157643
Application Type: Full Plan
Development: Redevelopment of rugby club to provide 90 dwellings, garaging,
pump station, open space, new access and landscaping
Applicant Details: Trowbridge Rugby Football Club And Caldecotte Consultants
C/O Pegasus Planning Group (J Flawn) 6 - 20 Spitalgate Lane
Cirencester GL7 2DE
Agent Details: Pegasus Planning Group (J Flawn)
6 - 20 Spitalgate Lane Cirencester GL7 2DE
Case Officer: Mrs Judith Dale
Date Received: 28.04.2005 Expiry Date: 28.07.2005

REASON(S) FOR RECOMMENDATION:

Although the proposed development is contrary to the provisions of the Development Plan, this is outweighed by the benefit of securing significantly improved sport and recreation facilities.

RECOMMENDATION:

That the application be referred to the Secretary of State as a Departure which the Council is minded to permit and in the event that it is not "called in", that the Development Control Manager be authorised to grant permission on the completion of the Section 106 agreement to secure the following:

- a) No commencement or implementation of this permission until the applicant(s) have acquired the Hilperton site for the relocation of the rugby club and a contract has been entered into to secure the implementation of permission 05/00822/FUL.**
- b) A contribution to the delivery of affordable housing in the form of 22 affordable units on site, together with an off-site contribution to secure 5 units elsewhere in accordance with policy.**
- c) A financial contribution towards the provision of public open space.**
- d) A financial contribution towards primary and secondary education provision.**
- e) A financial contribution towards highway improvements.**

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 development hereby permitted shall be carried out strictly in accordance with the approved plans and details and no variations shall be made without prior written agreement of the Local Planning Authority.

REASON: To ensure that the development is implemented in accordance with the overall objectives for this site.

- 3 Notwithstanding the requirements of Condition 2 above, the ridge heights of those dwellings fronting Green Lane shall not exceed the ridge levels specified on Drawing 0160/110.

REASON: To ensure that the development is implemented in accordance with the overall objectives for this site.

- 4 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.

- 5 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.

- 6 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.

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

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

- 8 Prior to construction work commencing on the site, the visibility splays shown on the plans hereby approved shall be formed and the area between the nearside carriageway edge and the lines shown on the plans shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and shall thereafter be maintained free of obstruction at all times. There shall also be provided a visibility splay to the east of the 'Foul Pump Station' access measuring 4.5m x 60m or as far as the site boundary to the aforementioned requirements.

REASON: In the interests of highway safety.

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

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

- 10 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.

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

REASON: In the Interests of highway safety.

- 12 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.

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

REASON: In the interests of highway safety.

- 14 The development shall not commence until a Residential Travel Plan which meets the current required standard and is in accordance with the Department for Transport publication 'Making residential travel plans work: good practice guidelines' and Supplementary Planning Guidance 'Development Related Travel Plans in Wiltshire', has been submitted to and approved in writing by The Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

REASON: In order to promote alternative means

- 15 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the drainage proposals in Revision A of the Flood Risk Assessment by PFA Consulting, 22/11/06. The scheme shall be implemented in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding.

- 16 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, 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.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage)(England) Regulations 2001"), a copy of which has been forwarded to the applicant/agent.

- 17 No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewage disposal infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

- 19 The proposed development shall be carried out in accordance with the drainage strategy outlined in the letter from PFA Consulting dated 2 October 2006.

REASON: To safeguard the water environment, to ensure that the development can be adequately drained, and in the interests of public health and safety.

- 20 No development shall commence until an updated and ecological appraisal is submitted to and approved in writing by the Local Planning Authority. This appraisal shall include:

- 1 Hedgerows to be retained.
- 2 Hedgerows to be removed.
- 3 Mitigation for lost hedgerows, including the position and characteristics of the replacement hedgerow, time of removal and planting details for new hedge material.
- 4 Enhancement (including details of species and planting densities for filling up gaps in retained hedgerows).
- 5 Proposals for short-term management/maintenance activities, including confirmation of which proposals in the Vegetation Assessment dated 7 December 2004 will be implemented.
- 6 Long-term management/maintenance.
- 7 Measures to protect birds and bats as described in the ecological Appraisal Report by Cresswell Associates dated 4 March 2005, including where appropriate, additional survey work to inform the need for mitigation.

The development shall be carried out strictly in accordance with the approved terms and recommendations of that appraisal.

REASON: In the interests of protected species.

POLICY: West Wiltshire District Plan 1st Alteration 2005 - Policy C7

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

Upon approval:

- The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

- The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

- The whole scheme shall be subsequently retained

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

POLICY: West Wiltshire District Plan First Alteration 2004 - Policies C32 & C40.

- 22 Notwithstanding condition No 21, no development shall take place until a scheme of planting to provide a screen for the site along its front boundary, consisting of suitable plants capable of growing to a height of 2 metres, has been submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be fully implemented within 6 months of the completion of development. All planting shall be properly maintained for a period of 5 years. Any plants, which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species. unless the Local Planning Authority gives written consent to any variation. The screen shall be retained thereafter .

REASON: In the interests of the amenities of neighbouring properties and the appearance of the locality and in accordance with Policy C32 of the West Wiltshire District Plan First Alteration 2004

- 23 The existing natural tree screen/hedge/hedgerow along the rear boundary of the site shall be and reinforced where necessary in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority. Any such reinforcement shall be carried out during the planting season October-March inclusive, following the first occupation of the adjacent building/s and properly maintained for a period of five years including replacement of any plants which die, are removed or become damaged or diseased within this period with plants of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation, and the approved scheme thereafter retained. The Local Planning Authority shall be advised in writing when the planting has been undertaken so that initial compliance with the condition can be checked.

REASON: In the interests of the amenities of neighbouring properties and to maintain and enhance the appearance of the site in accordance with Policy C32 of the West Wiltshire District Plan First Alteration 2004.

Note: This condition should be used in cases where existing hedges/screen planting forms either an important screen in relation to neighbours or forms an important landscape feature that contributes positively to the character of the area. This may be particularly important in Conservation Areas.

- 24 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas in accordance with Policy C32 and C40 of the West Wiltshire District Plan First Alteration 2004

- 25 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 prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
- A schedule of tree works conforming to BS3998;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy C32 of the West Wiltshire District Plan, First Alteration June 2004.

- 26 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works and in accordance with Policy 32 of the West Wiltshire District Plan First Alteration, June 2004.

27 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.

28 Unless otherwise agreed in writing, the development hereby approved shall include the provision for a pedestrian link through the western boundary of the site, and a cycle link through the eastern boundary of the site for future access into the East of Trowbridge development as indicated on Drawing 0160/0102E.

REASON: To afford permeability through the development in accordance with District Plan policy.

29 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 and protected species.

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

30 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

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

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

31 Before the development hereby permitted is commenced, full details of the pumping station, including its siting, access arrangements where not incorporated in connection with condition 6, and external appearance, and all external boundaries to the installation, shall be submitted to, and approved by the Local planning Authority. The development shall subsequently be carried out in accordance with the approved plans.

REASON: To ensure the development can be adequately drained and in the interests of visual amenity

POLICY: West Wiltshire District Plan 1st alteration 2004 - Policy U1A

Note(s) to Applicant:

1 The applicant is advised to contact Natural England and the District Ecologist with regard to ecological matters and protected species and their protection before, during and after construction.

2 The applicant is advised to contact both Wessex Water and the Environment Agency with regard to the overall drainage strategy for this site, including the discharge of sewage and surface water and the use of SUDS drainage systems.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because it involves a Departure from the Development Plan which has to be referred to the Secretary of State if the Council is minded to permit.

It is one of two separate applications submitted concurrently for the relocation of Trowbridge Rugby Club to a new site in Hilperton, and for the redevelopment of their existing site for housing. The redevelopment of the existing ground is essential to fund the planned new ground and facilities, which proposal, application 05/00822/FUL was the subject of the previous report.

The existing Rugby ground is a 2 hectare, flat rectangular site located to the south side of Green Lane. It currently comprises two single rugby pitches with an existing clubhouse building to the rear, the whole served by an unmade vehicular access along the western boundary. To the west, the site abuts established residential development; to the east, lies the East of Trowbridge site, currently open pasture land but the subject of a resolution to approve residential development subject to a Section 106 Agreement. (04/02105/OUTES). The 120 metre road frontage is marked by a dense hedgerow; the rear boundary comprises a mixture of fencing and mature vegetation, beyond which lies the Trowbridge Lodge mobile home park.

The application, originally for 74 units but revised since its original submission in April 2005, now proposes a total of 90 dwellings on the site. Development will be a mixture of two to three-storey buildings, and one-bedroomed flats through to four-bedroomed detached houses, with 24% delivered as affordable housing.

Vehicular access will be via a single point located centrally on the Green Lane frontage, extending to provide a circular loop within the site; pedestrian links through existing housing to the west and the proposed development to the east, are also proposed. A separate pumping station with its own access onto Green Lane will be located in the northeast corner of the site, adjacent to an existing electricity sub-station.

The application was originally accompanied by a Planning Supporting Statement, Transport Statement, Ecological Appraisal, Archaeological Desk Based Assessment, A Design Statement, and a Vegetation Tree Study. A Financial Appraisal to address the affordable housing aspects of the scheme and a Flood Risk Assessment were subsequently submitted following responses from the relevant consultees.

In conjunction with the following application, it was also the subject of a pre-application public consultation which took the form of a two-day public exhibition, a presentation to the Town Council, a briefing with the Council's then Portfolio Holder for Sport and Recreation, meetings with other relevant local groups and article in the Bath Chronicle Newspaper. The application for the new Rugby ground and clubhouse (05/00822/FUL) which "justifies" this current proposal, immediately precedes this report.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL:

Original Plans

'Resolved to make no objection to the scheme but to request that this scheme and the redevelopment of the present Rugby Club site are specifically linked to ensure that the new rugby pitches and clubhouse facilities are developed in line with planning application submitted.'

Revised Plans (February 2006)

'Resolved to make no objection, welcome the affordable housing and the proposed open green space.'

Revised Plans (December 2006)

No objection.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY:

Original Plans

Although outside the housing policy boundary, no objection in principle subject to:

- 1) A financial contribution to assist with the delivery of pedestrian/cycle improvements to integrate the development into the existing network and to mitigate “the wider impact when seen as an element of the emerging pattern of development on this side of the town”. This required contribution was subsequently confirmed as £5,000 per dwelling.
- 2) Amendments to the proposed layout to address issues of visibility, parking, permeability and general adoptable road standards.

Revised Plans

No objection in principle subject to:

- 1) Minor alterations to the parking arrangements.
- 2) Nine conditions relating to the detailed construction of the road layout, the retention of garages and parking areas, gradients of driveways, disposal of surface water, surfacing of footpaths and carriageways, submission of a residential travel plan, visibility splays and the acceptable positioning of garage doors and windows in relation to the highway.
- 3) A financial contribution reduced to £3,000 per dwelling as identified above.

The comment was also made that despite the Highway Authority’s preference for the access to the pumping station to be taken from the estate road, this was now proposed directly and separately onto Green Lane – as a direct consequence, an appropriate visibility splay will need to be incorporate within the layout.

- WESSEX WATER:

Original Plans

Foul Drainage

- The site is unlikely to drain by gravity and will require an onsite foul pump station. This will require allocation of a sizeable area of land and recommends discussing foul drainage arrangements with the developer of the adjacent East of Trowbridge site.
- There is likely to be a requirement towards improvements to the trunk main system as a result of the cumulative effect of the development in Trowbridge.

Surface Water – Existing surface water sewers are inadequate to serve the development and are likely to have to be upsized at the developer’s expense.

Water Supply – Existing capacity is sufficient to meet expected demand.

Revised Plans (February 2006)

Recommends refusal “in relation to foul and storm drainage proposals, and if possible condition the site such that its development and drainage systems are tied to and form part of the east of Trowbridge site”.

In the latter part of 2006, a drainage strategy was submitted which provided for a separate pumping station to be built on the Rugby Club site (temporary or permanent), with its own access directly onto Green Lane. Wessex Water revised its comments as follows:

“..... following discussions with PFA Consulting, we have been able to agree to the proposals shown in their letter of 2 October 2006 to Wessex Water. Provided that the letter, and the amended plans, have been included in the latest submission to your council, we are able to withdraw our objections to the application on drainage grounds”.

- ENVIRONMENT AGENCY:

Original Plans

Objection to the proposed development on grounds of discharge of surface water to Paxcroft Brook which has insufficient capacity.

Revised Plans (February 2006)

Maintains an objection to the development on the grounds of discharge to Paxcroft Brook and no submission of a formal Flood Risk Assessment as required by PPS23.

The required FRA submitted in July 2006 was rejected by the Environment Agency since it proposed two options for dealing with surface water, neither of which had been fully explored by the applicant. A revised FRA, submitted directly to the Agency in November 2006 enabled the overall objection to the development to be withdrawn subject to a number of conditions. These related to the submission of surface runoff limitation schemes; the storage of oils and chemicals; the provision of adequate sewerage disposal infrastructure before the commencement of development; and discharge of surface water through an oil interceptor.

- WILTSHIRE COUNTY ARCHAEOLOGIST: “..... no further archaeological work is required and no conditions relating to archaeology need to be attached to any permission”.

- LOCAL EDUCATION AUTHORITY:

Original Plans

The assessment shows that neither the designated primary or secondary schools can accommodate the 23 additional primary and 16 secondary places arising from the proposed development and would require developer contributions of approximately £204,000 and £232,000 respectively.

Revised Scheme (February 2006)

Taking account of the increase of dwellings from 74 to 90 and the proposed proportion of “affordable” dwellings, the required contribution would increase to a total of approximately £455,000.

Revised Scheme (December 2006)

The latest reassessment using current capacity and forecasts reiterates the case for 21 primary places, but the secondary case is no longer applicable. The required contribution has nearly halved to approximately £262,000.

- WILTSHIRE WILDLIFE TRUST: No comments received.
- COUNTY PLANNING OFFICER: No comments received.
- SOUTHERN ELECTRIC: No comments received.
- ENGLISH NATURE: (now Natural England)

Original Plans

Comments that in relation to bats, further survey of the existing clubhouse and any roost trees proposed to be felled is required, together with suitable mitigation measures. Due to the proximity of the site to the Bechstein roost in Green Lane Wood, and the fact that eleven species of bat have been recorded nearby, also recommends that the hedgerows around the site are retained.

With regard to birds, recommends planting native trees and shrubs in gaps in the hedgerows to enhance the remaining habitats.

Following the submission of a Bat Emergence Survey of the clubhouse, no concerns were identified with the demolition of the building but a condition of permission was recommended that a Bat Survey is undertaken before any trees are to be felled.

Following in a change in personnel during 2006, further comments were received as follows:

“As it stands I would say that you do not have sufficient information on the potential impact on Bats (and potentially as a species such as Dormice and nesting birds) to give permission and Natural England would therefore object.)

- COUNTY ECOLOGIST: (latterly District Ecologist)

Original Plans

- Comments that the complete removal of the hedge along the Green Lane frontage as shown on the submitted plan does not reflect the recommendation of the Ecological Survey. Mitigation should be provided to offset its loss and a replacement hedgerow planted.

- Requires further details of the location and timing of the Bat activity sweep; a location and methodology for the Dormice Survey; and an assessment of the potential impact of the lighting on bats.

- Recommends planning conditions requiring the retention of hedgerows and trees on the western and southern boundaries of the site, the removal of the frontage hedgerow only outside the breeding season and a survey of the existing clubhouse prior to demolition of the building to confirm the absence of bats.

Following a change of personnel and function from County Ecologist to District Ecologist into 2006, revised comments were received:

“In redesigning the layout, the developer needs to understand that the eastern side of Trowbridge is emerging as an important area for Bats. A key bat roosting area (Green land and Biss Woods) is located within 2km of the site and parts of the site (i.e. hedgerows) are therefore likely to be used by bats for foraging and commuting. Principle (ii) of PPS9 states that:

Given the level of protection that bats have, the proximity of the proposed development site to a key bat roosting area and the presence of suitable bat habitat on site, it is important that the developer presents a coherent approach to mitigation for hedgerows/bats with the overall objective of making things better for bats at this site. I would suggest such a strategy needs to be prepared by a bat ecologist and include:

1. Hedgerows to be retained
2. Hedgerows to be removed
3. Mitigation for lost hedgerow(s) e.g. position and characteristics of replacement hedgerow, time of removal, planting details for new hedge material, aim to include occasional standard trees
4. Enhancement (including details of species and planting densities for filling up gaps in retained hedgerows)
5. Proposals for short term management/maintenance activities (including an account of which proposals in the Vegetation Assessment dated 7 Dec 2004 will be implemented)
6. Long term management/maintenance

Revised Plans (December 2006)

Confirms that a mitigation package for hedgerows can be acceptable as a condition on the permission.

- SPORT ENGLAND: No objection “to the loss of the existing site providing that the new site – on agricultural land – is tied in by way of a Section 106 so the new site is provided inline (and before the existing site is lost) with exception E4 of our policy.....”.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: The key issues are identified as loss of recreation facilities, the provision of “greenfield windfall housing”, the delivery of affordable housing, public open space, education contributions and design and layout issues.

Loss of Recreational Facilities

The proposal involves the loss of a current open space to housing development, which would only be acceptable within the guidance of PPG17 if it also brings forward an alternative site for recreation which is at least the equivalent in size, usefulness, attractiveness and quality. This proposal will enable the Rugby Club to relocate to a larger, better equipped site within the Trowbridge catchment area. Any permissions should be linked to the delivery of the relocated site through conditions/Legal Agreements.

Greenfield Windfall Housing

Although outside the Trowbridge Town Policy Limits, development of the allocated site immediately to the east (east of Trowbridge site) will effectively extend the built-up limits of the town and surround the application site. In policy terms, there is no obvious justification for the release of such a windfall greenfield site for housing since the predicted housing supply indicates that the local plan target will be met with a 6 to 7 per cent anticipated over-supply. On balance, however, the provisions of significantly better recreational facilities for the town outweighs the slight rise in housing supply.

Affordable Housing

The delivery of 30% affordable housing for local need would accord with policy.

Public Open Space

Adopted standards require the provision of open space within the development to include an equipped children's play area and an area for youth and adult sport. Given that the overall scheme will deliver a site for rugby football and other sports provision, this latter element of the open space requirement is considered to be met.

Education

Contributions may be required by the LEA.

Design and Layout

Comments should be sought from the Council's Urban Design Officer.

The conclusion is that the development is acceptable in policy terms.

- LANDSCAPE OFFICER: No comments received.
- LEISURE MANAGER: Consulted both on this, and the accompanying application for the new Rugby ground, confirmed that it would represent "a significant increase in the provision of rugby facilities for the town of Trowbridge. These facilities are in great demand and have been needed for many years and as a result this application gets my full support."

With regard to the open space provision within the proposed housing development, a commuted sum towards play facilities within the area was considered a sensible alternative to an onsite children's play area.

- DRAINAGE ENGINEER: No comment to make on the details and strategy for foul sewage which is the responsibility of Wessex Water. With regard to surface water disposal, further details are awaited.
- URBAN DESIGN OFFICER:

Original Plans

Commented that while the proposal attempts to address some of the points raised during the pre-application enquiry, the scheme does not conform with Policy C31a, C32, C33, C34a and H24;

- The scheme fails to incorporate the principles of either sustainable design or resource reduction;
- there is an inadequate mix of dwelling types and sizes in the market housing element;
- The proposal does not minimize the impact of vehicles, provide an appropriate building layout or identify an appropriate road hierarchy;
- Fails to link the proposed development with the surrounding estates with pedestrian links;
- Building designs are "standard" which do not serve to create a sense of identity.

- HOUSING:

Original Comments

Confirmed a need in Trowbridge to justify at least 30% affordable housing, equivalent to 22 units, with 83% rented to be delivered on site and the remaining 17% secured as an offsite contribution.

Despite the applicants making a case that to deliver the amount of affordable housing at Green Lane would make the Rugby Ground project unviable, it would appear that the application site can readily sustain the affordable housing contribution and that there is not a financial viability issue in this case.

Revised Comments

Confirmed that:

- An Open Book exercise will need to be carried out to support any recommendation which would deliver less than the policy requirement.
- The new rugby club facility should be appropriate to the needs of the club and not a "gold plated option".
- A claw-back should be included in the event that property prices rise in the future.

- In the event that the required amount of affordable housing contributions cannot be met, it would be reasonable to expect other Section 106 contributions (eg highways and education), to be reduced pro-rata.

Following the submission of a formal book in March 2007, the Housing Enabling Manager confirmed that on the basis of a development of 90 units, the affordable housing policy of up to 30% would require the delivery of 27 units. In line with the usual split (83%; 17%) this would represent 22 units on site with a commuted sum to enable the provision of 5 low cost home owner units elsewhere in the area. The submitted development appraisal however is based on a reduced affordable housing requirement of only 19 on site and no information has been provided to justify the land value used. "The application as it stands does not comply with policy and I would therefore recommend that this is recommended for refusal".

Following subsequent confirmation from the applicant that the scheme would now deliver 22 units on site together with a commuted sum of approximately £317,000, this objection has been removed.

PUBLICITY

The application was advertised by site notice and in the local press, both as Major Development and as a Departure from the Development Plan. Subsequent readvertisement was carried out to incorporate the increase in number of dwellings and provision of a pump station. 26 neighbouring properties were also individually notified and eight letters of comment/objection received from seven residents on the following grounds:

- A single vehicular access to the site would interrupt the free flow of traffic.
- Overlooking of existing properties.
- Loss of existing outlook.
- Impact on wildlife, particularly a colony of endangered Bechstein Bats.
- Impact on existing surface water run-off arrangements.
- Impact on existing drainage infrastructure.
- Impact on the northern part of the site abutting Green Lane, already prone to flooding.
- Development too close to the Green Lane bridleway.
- Construction of two and half storey dwellings out of keeping, and would have an impact on existing levels of light and privacy.
- Three storey development would more appropriately be located to the south end of the site, backing onto existing tall stand of trees.
- Safeguarding the countryside would be better achieved by allowing the Rugby Club to expand on this existing site and onto land identified for the East of Trowbridge development.
- High density is out of keeping with established residential development.
- "Affordable" dwellings should not be located adjoining existing properties.
- Noise and light pollution.
- Inadequate infrastructure to support this scale of development.
- No provision for traffic calming measures along Green Lane.
- Plans have not identified the existing open land drain along the rear boundary of the site.
- Potential infilling of the drainage culvert to the rear of the site.

In addition, two letters were received in response to a notification of revised plans, concerned about the apparent lack of time to comment on the amended scheme.

One further email was received from the Play Leader of the Green Lane Pre-School which has been based at the existing Rugby Club for the past 30 years. The comment is made that since the school will have to relocate, some element of any education contribution should be allocated to enable them to buy and install a mobile unit in the nearby Paxcroft School.

RELEVANT PLANNING HISTORY

A number of applications relating to the development and expansion of the existing Rugby Club have been approved on this site since its establishment in the 1960s - none are directly relevant to the current proposal.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

- DP4 Towns and main settlements
- DP7 Housing in towns and main settlements

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP3 Development strategy
- DP4 Housing and employment proposals
- DP7 Housing in towns and main settlements
- DP8 Affordable housing

West Wiltshire District Council - 1st Alteration 2004

- R2 Protection of recreational space
- R4 Open space in new housing development
- H1 Further housing development in towns
- H2 Affordable housing
- H24 New housing design
- C7 Protected species
- C16 Archaeological investigation
- C31A Design
- C32 Landscaping
- C33 Recycling
- C35 Light pollution
- S1 Education
- T10 Car parking
- T11 Cycleways
- T12 Footpaths and bridleways
- U1 Infrastructure
- U1A Foul water disposal

PPS1 - Delivering Sustainable Development

PPG3 - Housing (Former)

PPS3 - Housing

PPG17 - Planning for Open Space, Sport & Recreation

PPS7 - Sustainable Development in Rural Areas

KEY PLANNING ISSUES

The key issues raised by this application are considered to be:

- The loss of recreational facilities.
- The development of the land as a greenfield windfall housing site.
- Drainage and flooding considerations.
- Highway and access considerations.
- Affordable housing.
- Ecological considerations.
- Design and amenity considerations.
- Contributions.

PLANNING OFFICERS COMMENTS

Background

The background to this application has been fully outlined in the previous report and requires no further amplification other than to reinforce that it is part of a relocation package emerging from a 10 year Development Plan to provide improved and updated facilities for the Trowbridge Rugby Club.

The redevelopment of the existing ground is stated to be essential to fund the planned new ground and facilities.

Loss of Recreational Space

The loss of the existing recreational space needs to be considered within the three "policy" frameworks:

1 Policy R2 of the adopted District Plan which resists the loss of play spaces and recreational land unless provision of "equivalent community benefit" is made in the immediate locality, or it can be demonstrated that there is an excess of public open space in the area "taking account of the recreational and amenity value of such provision".

2 The Council's Leisure & Recreation Needs Assessment (July 2005) [LRNA] which assesses all existing recreational facilities within the district in terms of their current value - the application site has been identified as overall "high value" but "low quality" in terms of its facilities.

3 The Draft Leisure & Recreation Development Plan document which is an emerging policy document to develop a strategy and policies for the planning, delivery and management of leisure and open space provision in the district.

The proposal also needs to be considered within the context of PPG17 which generally supports the retention of high quality and well managed and maintained open space and recreational facilities, and resists their redevelopment unless an assessment has been undertaken which clearly shows this open space to be surplus to requirements. It goes on to advise that where recreational facilities have been assessed as being of poor quality or under-used, local authorities should "seek opportunities to improve the value of existing facilities".

Firstly it is important to emphasise that a formal assessment has been undertaken on this site as required by PPG17. While this identifies the site as being of high value, it is assessed as overall high quality only if its changing facilities are excluded; if they are included, the assessment is only low quality, with the changing rooms described as "very basic at present".

The conclusion in the report is that the site should be protected, although it recognises an opportunity for improvement in its planned move to the new Hilperton site.

The summary of findings in the LRNA is that there is inadequate provision of sports pitches in the district as a whole, and Trowbridge in particular, and an identified shortage of adult rugby pitches. The greatest need is seen as being for more grass pitches, which brings an automatic requirement for significant areas of land and capital expenditure. The recommended approach to secure both is to develop a smaller number of multi-pitch sites, rather than retain many ad hoc one or two pitch sites, which represent poor value for money.

Against this background, both PPG17 and Policy R2 would resist any loss of recreational facilities and particularly those of high value, unless development brings forward an alternative site for recreation which is at least equivalent in size, usefulness, attractiveness and quality. The aim should be to achieve qualitative improvements to open space, sport and recreation facilities.

The current proposal will enable the Rugby Club to locate to a larger, better equipped site, which, although not within the immediate locality, will remain within the greater Trowbridge catchment area. The Planning Supporting Statement identifies clearly the 10 year plan for the club and the willingness to provide for a wider range of community sporting provision beyond that simply of the Rugby Club. That application for the redevelopment scheme is being considered concurrently with the proposal to redevelop the existing ground. Provided that it is approved, linked to the housing scheme, and its delivery assured through a Section 106 agreement, the loss of the Green Lane site to housing would accord with both Council and Government policy.

Notwithstanding this principle, a potential concern exists with the proposed transitional arrangements and the specific timing of the two separate developments. The applicants have made it clear that the construction of the new facility before vacating Green Lane is not an option due to financial constraints. The Rugby Club have in place arrangements to use temporary accommodation for one year, including ground sharing with a local rugby club, the use of school pitches and the use of changing facilities at the Trowbridge Cricket Club. The "already fragile finances" depend on the immediate residential development of the existing ground to release the necessary funds for the new site and would not support an alternative timetable.

Conversely, Sport England, while supporting the proposal as a whole, require that the new ground is provided prior to the loss of the existing, and have commented that unless this can be secured, "has serious concerns and are minded to object". This potential objection is based on their policy which states that:

"The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development."

Anecdotal evidence apparently exists of existing sites which are redeveloped without the new facilities being brought forward rendering the club homeless, but with a significant bank balance.

While this concern must be taken seriously, neither PPG17 nor Council policy specify a precise timetable for the delivery of replacement facilities, or require that new facilities must be built before old ones are released.

Paragraph 13 of PPG17 states that:

"Local authorities should use planning obligations or conditions to secure the exchanged land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements."

An appropriately worded Section 106 agreement in this case to ensure a suitable phasing programme would accord with this advice and ensure the new ground is delivered as proposed.

Use of Land for Housing

As stated by the Planning Policy Manager in his consultation response, this land is currently outside the Trowbridge Town Policy Limit, but with the development of the allocated East of Trowbridge site, will become an isolated greenfield infill site.

In terms of housing land supply, the predicted figures indicate that the planned target of 14,000 dwellings in West Wilts will be met with a 6-7% oversupply. The recently adopted Structure Plan has further reduced the required supply, with one of the recommendations being the deallocation of smaller greenfield housing sites in Trowbridge, Warminster and Westbury. The application site, as one such example, clearly falls within this category for which there is no obvious justification for development. PPS3 makes it clear that allocated brownfield sites should come forward in preference to greenfield land unless there is special justification for the latter being preferred. In this case the applicant has provided no such justification and the conclusion must be that there is sufficient housing land available within West Wilts to achieve its required provision without releasing this particular site.

However, on a balance of considerations between a slight oversupply of housing land (a neutral situation) and the provision of significantly better recreational facilities for Trowbridge (a positive situation), the policy view would support the residential development of this site.

Drainage and Flooding

The drainage strategy for this site, both in terms of foul and surface water drainage, has been a lengthy and complicated matter and has taken some 18 months to resolve.

With regard to the former, Wessex Water has favoured a shared arrangement with the adjoining East of Trowbridge site. This has had the same drainage issues, which have now been resolved and include an allowance for the connection of the rugby ground site. The East of Trowbridge site will have a large pumping station on the opposite side of the existing electricity substation to which a new gravity sewer down Green Lane could be laid to the rugby ground. This has been rejected by the applicants since it involves a ransom arrangement over third party land to access the proposed pumping station and depends on the implementation of the East of Trowbridge scheme before this development could begin. The solution is a separate "stand alone" pumping station in the northeast corner of the application site with a proposed discharge route to the nearest "point of adequacy" at the junction of County Way and West Ashton Road. This pumping station can either be temporary, maintained privately pending the development of the larger adopted East of Trowbridge facility, or can be built as an adoptable pumping station from the outset and ignoring the East of Trowbridge arrangement. Wessex Water has agreed to this general strategy and has withdrawn its earlier objections to the development on drainage grounds.

With regard to surface water drainage, the Environment Agency will not permit any discharge into Paxcroft Brook, but requires drainage to either the River Biss via Green Lane and West Ashton Road, or to Blackball Brook by the East of Trowbridge development. Given the existing services already along West Ashton Road, and the proposed foul drainage link along this comparatively narrow route, the preferred option is to discharge to the Blackball Bridge. As a direct consequence, site levels at the front of the site will have to be raised by approximately 1m to allow for natural drainage patterns towards the rear. Supported by the submission of a Flood Risk Assessment, the Environment Agency has also withdrawn its original objection and accepts this drainage strategy subject to a number of planning conditions.

Highway and Access Considerations

A Transport Statement, submitted as part of the application, acknowledges the potential increase in traffic generation from the redevelopment proposal. However, due to the location of the site close to Paxcroft Mead and the allocated East of Trowbridge development, there are existing and pedestrian, cycle, and public transport facilities available to serve the proposed scheme. There is therefore no principle objection on highway grounds. The cumulative impact of this development has generated a request for a financial contribution of £3,000 per dwelling to assist with the delivery and integration of pedestrian and cycle improvements and general mitigation measures against the emerging pattern of development on this side of Trowbridge.

In terms of detail, the internal layout will take the form of an internal loop around the site served by a single central access onto Green Lane. The roadway in the front half of the site is shown as a traditional tarmacked layout with separate footpaths; the rear half is laid out as an informal shared surface arrangement and finished in granite sets. A separate access on to Green Lane in the northeast corner to serve the pumping station has raised a highway concern but this is a Wessex Water requirement and can be addressed by adequate visibility splays.

The scheme will allow for permeability through the centre of the site by providing links to both the existing public right of way (FP120) which lies beyond the western boundary of the site, and the allocated East of Trowbridge site to the east. The former link is dependent on a third party (currently unknown) consenting to such access over the narrow ditch which forms the boundary of the site.

Parking provision in the form of 57 garages and 100 parking spaces is slightly below a ratio of 2 spaces per dwelling, but is fully in line with PPS3 and PPG13 guidelines and adequate in the context of the surrounding residential area.

Affordable Housing

In policy terms, this windfall development site would require the delivery of 30% affordable housing (ie. 27 dwellings), subject to local need. As originally submitted, the development of 74 dwellings included provision of 22 affordable units, which equated to the 30% policy requirement. During the processing of the application, and the emergence of the revised and expensive drainage strategy and significant Section 106 contributions, the delivery of this level of affordable housing became uncertain and in accordance with policy, the applicants were required to submit an open book exercise to test the viability of the proposal. In turn, this raised a number of complications:

- A full open book could not be submitted until the details of the drainage strategy, and consequent costs, were agreed with Wessex Water and the Environment Agency.
- The significant contributions requested by both the Highway and Education Authorities required to be reassessed and justified as abnormal costs.
- The increase in the total number from 74 to 90 required some reconsideration of the level of affordable housing provision and other Section 106 contributions.
- Any "abnormal costs" or "wish list" associated with the development of the new site and facilities at Hilperton had to be identified and excluded from any open book appraisal.

As a consequence, the formal submission was not made until March 2007, nearly two years after the application was first submitted. The outcome of that appraisal is that the required delivery of 27 units is viable and that the development should deliver the required policy level of affordable units. The scheme will therefore deliver 22 units on site (10 no. one bed, 12 no. two beds), together with a commuted sum towards 5 units provided offsite. This is in accordance with policy and is therefore acceptable.

Ecological Considerations

The Ecological Appraisal submitted with the application two years ago concludes that there are no protected species actually within the site, but that the boundary hedgerows are valuable habitats for a number of species including doormice and breeding birds, and may provide important foraging routes for bats roosting in the area. The eastern side of Trowbridge is emerging as an important area for bats with a key bat roosting area within 2km of the site. This includes the rare Bechstein Bat (first recorded in 2000) together with 11 other species which have been recorded foraging in nearby land. Existing hedgerows on the application site are therefore likely to be used for foraging and commuting and must be considered as an important ecological constraint.

Against this background, the total loss of the frontage hedge due to the increase in levels for site drainage and the provision of visibility splays to serve the two access points is of concern to both Natural England and the District Ecologist. A more coherent approach to the whole matter of mitigation for hedgerows and bats has been amended, suggesting a revised and updated ecological appraisal and mitigation strategy. Such a strategy would ideally be submitted prior to the determination of the application, but the principle of an appropriately worded condition to adequately secure a mitigation package has been agreed. Condition ?? refers.

Design and Amenity Considerations

The application is accompanied by a Design Statement which sets out as its aim "to create a real sense of place with an excellent residential environment using buildings, as well as private and public spaces, to provide an intimate and pleasing development with a strong community spirit and clear image".

To meet this aim, the development proposes a scheme of 90 dwellings at an overall mid-range density of 44 per hectare. A "landmark" open space is proposed within the centre of the site to act as a visual focus immediately on entering and a functional focus for recreational provision. The character of the front half of the site is intended as a more formal and traditional layout; the rear half reflects a more informal approach with roadside tree planting, shared road surfaces, the use of buildings to steer changes in road direction and variable building lines. More formal terraces around the central open space mark the separation between the two character areas.

The proposed development provides a varied mix of one bedroom flats through to four bedroom town houses in either two or three storey buildings. While there is a higher proportion of these taller buildings than in the surrounding residential areas, they are predominantly grouped around the central open space to reinforce this design statement, and away from site boundaries to avoid amenity and privacy concerns. The number of three storey buildings (39) is also a direct reflection of the higher density levels now advised in PPS3 and a comparatively high number of flats as opposed to single dwellings (35/55).

Externally, care has been taken to ensure that the Green Lane frontage remains in keeping with the character of the existing development, and that the proposed raising of the site levels does not result in an over dominant streetscape - sectional information confirms that proposed ridge heights will exceed existing by no more than 1m.

Generally, the rather numerous and varied pallet of house designs has been modified and simplified through the planning process to achieve more closely a "sense of place" with a "clear image" and this is likely to be further reinforced with a careful and appropriate choice of materials.

In terms of amenity and impact on neighbouring properties, the general layout and design is inward looking to avoid overlooking of existing dwellings where possible. Existing development patterns beyond the western boundary will not achieve this entirely, but reinforcement of the existing hedgerow and additional planting may help in mitigation.

Contributions

- 1 Affordable housing and highways - these contributions have already been addressed in the relevant sections of this report.
- 2 Education - the LEA has reassessed the proposal and requests a total of £427,000 towards primary and secondary school places.
- 3 Public Open Space - the proposed development provides the required amount of overall public open space, but the former Leisure Services Manager has confirmed a preference for a contribution to off-site play equipment, rather than on-site delivery - a commuted sum of approximately £18,000 has been agreed.

CONCLUSION

Although the application is not in accordance with the Development Plan, proposing housing on land which is both outside the Town Policy Limits and which is allocated for recreation, it has to be considered within the wider context of a scheme to deliver improved recreational facilities for the town and a site which is scheduled to be surrounded by further residential development in the foreseeable future. Against that background, this development must be considered an appropriate form of enabling development which would secure a considerable recreational and affordable housing benefit to the wider community.

While the loss of another green space is to be regretted, Government and Council policies recognise that in achieving a proper balance between built-up area and green space, it is the quality of these spaces which is as important as the quantity. Where the quality is found to be poor, the reuse of that particular land to achieve other community benefits can be an efficient and equally appropriate use of that resource.

In this particular case, the existing rugby ground is assessed as a high value resource, but this is not matched by its quality. An enabling scheme to secure a much higher quality facility nearby, while also contributing to the affordable housing pool, education provision and local play facilities would suggest such an efficient and appropriate use of that resource. Subject, therefore, to a robust legal agreement ensuring that these benefits are delivered in conjunction with the enabling development, the application is recommended for permission and for referral to the Secretary of State as a Departure from the Development Plan which the Council is minded to grant.

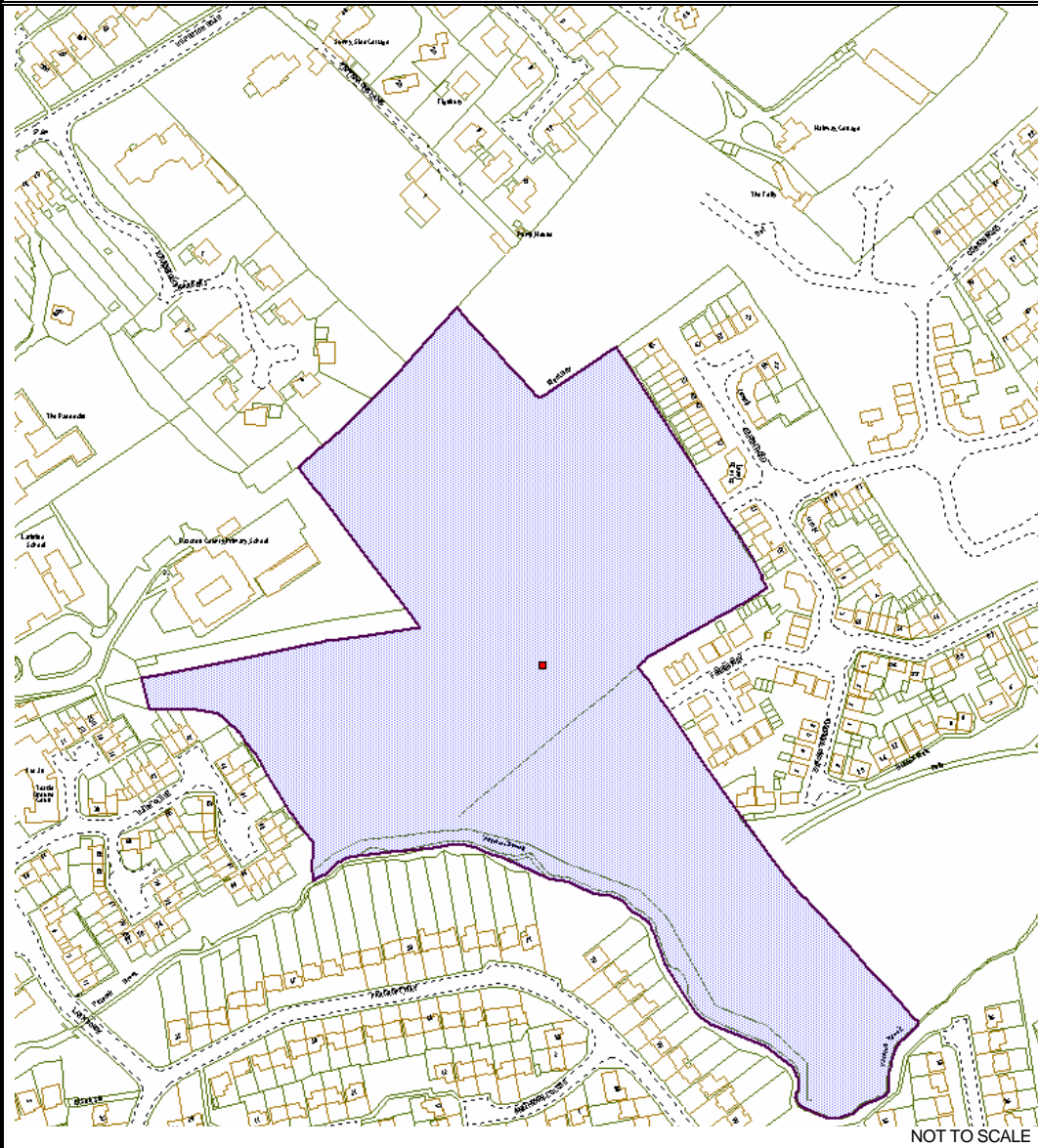
PLANNING COMMITTEE

25 October 2007

ITEM NO: 03

APPLICATION NO: 05/00967/OUT

LOCATION: Land H8 North Of Paxcroft Way Trowbridge Wiltshire



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www.westwiltshire.gov.uk

SLA: 10002961

03 Application: 05/00967/OUT

Site Address: Land H8 North Of Paxcroft Way Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge East
Grid Reference 386762 158125
Application Type: Outline Plan
Development: Residential development, extension to country park, children's play area, roads and associated infrastructure works
Applicant Details: JJ Gallagher Ltd
Gallagher House Gallagher Way Gallagher Business Park Warwick CV34 6AF
Agent Details: GL Hearn
The Malt House Sydney Buildings Bath BA2 6BZ
Case Officer: Mrs Rosie MacGregor
Date Received: 20.05.2005 Expiry Date: 19.08.2005

REASON(S) FOR RECOMMENDATION:

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/s to secure: -

- 1. 30% affordable housing in accordance with Council policy;**
- 2. A commuted sum financial contribution towards education provision;**
- 3. Provision of public open space to include an extension to Paxcroft Brook Country Park including a riverside walk and a fully equipped play area together with a financial contribution to secure its future maintenance;**
- 4. A commuted sum financial contribution towards formal sports provision in the locality;**
- 5. Highway improvements including traffic calming measures within the development and locality, provision of bus stops and shelters and a financial contribution to public transport initiatives in the area.**
- 6. Provision of integrated cycleways and footpaths leading into the existing network;**
- 7. A financial contribution to recycling facilities;**
- 8. A financial contribution to public art within the development.**

Condition(s):

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

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

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

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

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

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

- 4 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.

- 5 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

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

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

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

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

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

- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include details of landscaping to the country park and riverside walk, together with 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 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven into 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.

- 10 The existing hedgerows on the boundary of the site shall be retained at a height of not less than 1.5 metres. No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.

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

- 11 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 12 No materials shall be burnt on site whilst construction is in progress.

REASON: In order to minimise nuisance.

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

- 13 All reasonable steps, including damping down of site roads, shall be taken to minimise dust and like emissions from the site whilst construction is in progress.

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

POLICY: West Wiltshire District Plan – 1st Alteration 2004 - Policies C36 & C38.

- 14 During development and construction for the site, the hours of operation shall be limited between 0730 and 1800 on Mondays to Fridays and 0800 and 1300 on Saturdays and at no time on Sundays and Bank Holidays.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C36 & C38.

- 15 The development hereby permitted shall not be occupied 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.

- 16 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.

- 17 Details of public art features shall be submitted to and approved in writing by the Local Planning Authority, and implemented in full no later than the occupation of the final dwelling of the development.

REASON: To promote public art within the development.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy 12.

- 18 Prior to the commencement of the development hereby permitted, a scheme covering protection, mitigation and enhancement measures for reptiles, bats, birds, water voles, hedgerows, trees and the Paxcroft Brook corridor shall be submitted to and approved in writing by the Local Planning Authority together. The scheme will include arrangements for long term habitat management and a programme for implementation. The scheme shall be carried out strictly in accordance with an approved programme of work to the satisfaction of the Local Planning Authority prior to the first occupation of the dwellings hereby approved.

REASON: In the interests of nature conservation and protect of wildlife habitats.

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

- 19 Minimum development ground levels shall be set at or above the 100 year flood level plus 0.5 metres, and minimum finished floor levels shall be set at or above the 100 year flood level plus 0.8 metres.

REASON: To minimise flood risk to built development.

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

- 20 Prior to the commencement of the development a temporary fence shall be erected approximately 8 metres back from the bank of the Paxcroft Brook in accordance with details to be first submitted to and approved by the Local Planning Authority. No materials shall be stored within this area. It shall not be removed until either the development works are completed, or the Local Planning Authority has given its written consent for its prior removal, and the area previously fenced off shall be incorporated into the public open space.

REASON: To protect the Paxcroft Brook from disturbance and possible pollution.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 Policies U3 and U4.

- 21 The development hereby permitted shall not commence until details of the transport network (including footpaths and cyclepaths) within the site, and connections to existing adjacent sites have been submitted to and approved in writing by the local planning authority.

REASON: To ensure that a sustainable transport route network is provided with adequate links for both internal and external person trips, and to ensure satisfactory accessibility for all road users.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy H8.

- 22 The development hereby permitted shall not commence until details of the proposed treatment of the existing Footpath 43 that crosses the site, including proposals for the maintenance of adjacent land not incorporated within private housing land or within public open spaces, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that satisfactory provision is identified for the future maintenance of the footpath route.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy H8.

- 23 The development hereby permitted shall not commence until a management plan providing details of the management of construction traffic delivering materials to the site, including their routes approaching and leaving the site, have been submitted to and approved in writing by the local planning authority.

REASON: In order to protect the existing restricted highway links that serve the site from damage by two way movement of large goods vehicles, to inform of environmental protection afforded to frontagers, and to ensure that provisions are in place to address problems associated with damage caused by vehicles.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy H8.

- 24 Any sustainable drainage solutions to be applied to the site highway network resulting from planning restrictions to surface water run-off to the Paxcroft Brook shall be accommodated without the limits of the adoptable highway unless otherwise agreed by the local planning authority.

REASON: In order that a comprehensive approach is taken to overall site drainage, and that highway SUDS facilities are incorporated within the broader framework for sustainable site drainage where practicable.

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

- 25 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 by the applicant 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 C15 and C16.

Note(s) to Applicant:

- 1 You are advised that all breeding birds, their nests, eggs and young receive protection under the Wildlife & Countryside Act 1981 (as amended). Any works involving removal or pruning of hedgerows or trees, will have to be undertaken outside the bird breeding season (February to August inclusive) unless a breeding bird survey confirms that no breeding birds are present. Any trees that require surgery or removal as part of the approved landscaping should first be checked for evidence of roosting Bats which are similarly afforded protection.
- 2 You are advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of the Paxcroft Brook, designated a 'main river'.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Carbin on the grounds that the access arrangements will impact on Hilperton residents, and because the neighbouring Parish Council objects.

This is an outline planning application for a residential development together with public open space, children's play area, roads and infrastructure on land north of Paxcroft Way, Trowbridge. All matters are reserved except the means of access.

The site has an area of approximately 6.1 hectares, of which approximately 1.5 hectares would form an extension to the country park. It forms part of the H8 housing allocation, known as land north of Paxcroft Way, of which part has previously been granted permission on a site known as Halfway Cottage. The overall housing density of the application site would be approximately 40 dwellings per hectare based on 152 new dwellings.

The application site is currently an open field used as rough pasture containing some mature trees and hedges. It is bounded to the south east by an existing country park, to the south west by the Paxcroft Brook and existing housing development at Paxcroft Way, to the east by the existing Paxcroft Mead development, to the west by existing housing development, and to the north by Paxcroft Primary School, existing housing and the land forming part of the same H8 housing land allocation.

The application was accompanied by a Planning Statement, a Transport Statement, an Ecological Report and a Sustainability Checklist. A more detailed ecological survey including separate bat and reptile surveys was submitted during the course of the application.

Although this application is in outline form an illustrative plan has been submitted with the application to identify the areas of public open space and housing.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: No objection.

- HILPERTON PARISH COUNCIL: This outline planning application, whilst not in the parish of Hilperton, would have an impact on residents in Hilperton.

Hilperton Parish Council objects to the application on the following grounds:

The means of access is inappropriate and will route all traffic through an existing residential area. As this outline application is for means of access only, the Parish Council reserves its right to comment in the future but would point out that: -

- a) The application does not comply with the District Plan as it exceeds the housing allocation.
- b) The District Plan requires a formal sports provision in the form of a sports pitch and fully equipped play area. Neither of these appears to be provided.

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY: Original comments

"The principle of the development has been rehearsed through the Local Plan and this is an allocated site.

The means of access to the site would be via roads recently permitted and currently under construction, and are considered suitable to serve the proposed development land.

The scale of development will obviously generate significant vehicular and pedestrian traffic, together with a demand for public transport. Therefore, it would seem appropriate to secure contributions towards bus services and bus stops and kerbing in the locality, together with a contribution towards a link to the cycle network to and on Quarterway Lane and links to the town centre, including appropriate signage. A cycleway link along the route of Footpath No.43 to the Paxcroft and Larkrise Schools will also be required to facilitate good links with the schools and town centre, with a potential upgrading to provide a bus only route, subject to the agreement of the landowners.

Footpath No.43 runs across the site and may need to be legally diverted before development commences. This will be addressed when a detailed site layout is submitted. However, this route could be incorporated into the site layout.

No highway objections are raised subject to the any permission being withheld pending the completion of a legal agreement with the Highway Authority to secure financial contributions towards cycle and bus facilities in the locality.

No development shall commence on the site until such time as details of the provision of a cycle link along the route of Public Footpath No.43 to the Paxcroft and Larkrise Schools has been secured, with the potential for the upgrading of the route to secure a bus only link."

Additional comments

The transport and highway interests of the community need to be secured both through the provisions of a planning obligation, and through conditions.

Permission should not be issued until

a) A planning agreement has been completed:-

1. To secure the provision of:

* Improvements to Quartermaster Lane for cyclists and pedestrians travelling between the site and the local employment zone at Canal Road.

* Improvements to the Fire Station Roundabout subway pedestrian/cycle route for cyclists and pedestrians travelling between the site and the central shopping area of Trowbridge.

* A new cycle/pedestrian link, generally on the route of Footpath 43, between the site and Ashton Street to provide the strategic route identified in the master plan for the Paxcroft Mead development area.

* A contribution of £84,000 towards the provision of revenue support for passenger transport provision in east Trowbridge.

2. To provide a replacement agreement (the terms of which have already been drafted and agreed in principle by the applicant's solicitors) for the unilateral undertaking dated 17 June 2004 in relation to the permission issued to this applicant for the adjacent land, the questionable value of which the developers solicitor has raised with the highway authority, in relation to the extension of time until 2011 for which the terms of the principal planning obligation for the original Paxcroft Mead development will operate vis a vis the financial contribution towards the Hilperton Relief Road.

Various conditions are requested including that:

The development hereby permitted shall not commence until the development subject to planning application W04 2105, or replacement alternative application, has commenced on site. In order to give certainty that the H8 site does not add to the number of residential units served on the cul-de-sac for an indeterminate future time period, and so that development accords with the requirements of the Residential Roads Design Guide, and the emerging policy embodied in the draft publication Manual for Streets."

- NATURAL ENGLAND: That Natural England endorses the mitigation proposals as set out in the report.

- EDUCATION AUTHORITY: Seeks contributions towards the provision of education needs.

"Our assessment indicates that the designated area schools: The Mead Primary and The Clarendon School would both be unable to accommodate any additional children arising from the development, within current capacities. The Mead Primary School is forecast to exceed its extended capacity in April 2008, whilst The Clarendon School will reach full capacity in 2010/2011. In view of this, we would look to secure developer contributions in respect of additional primary and secondary school places.

As you may be aware, although our policy on securing contributions remains unchanged, the basis for calculations has been revised. This is in order to reflect the fact that the Local Education Authority cannot now claim basic need allowance from the DfES for housing developments, and so contributions from developers have had to be correspondingly increased. The basis of our calculations is now the DfES published cost multipliers for providing pupil places in each authority, which are updated annually in December."

- COUNTY ARCHAEOLOGIST: "To the north east of the Proposed Development Area two linear ditches were found in an evaluation in 1988. Pottery retrieved suggested a Late Bronze Age or Early Iron Age date. In addition an arrowhead was collected to the east of the Proposed Development Area and south of the Grange, a Romano British pit and hollow suggested a settlement nearby.

It is recommended that an archaeological watching brief be conducted during any groundworks associated with this project. Provision should be made to allow the archaeologist to examine and record any archaeological deposits, features or finds uncovered. The Standard Condition be attached to any approval granted:

"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 by the applicant and approved in writing by the Local Planning Authority."

This approach is in line with the advice in PPG 16 and the Local Plan."

- DISTRICT ECOLOGIST: Original comments

Provided certain mitigation measures are put in place, there is no significant reason for refusing the application on ecological grounds.

The capital works and long term management of Paxcroft Way Country Park clearly have significant implications for the protection of wildlife in this area and pose considerable potential for enhancement. If the applicant will be required to undertake any of these works on behalf of the Local Authority, I would appreciate being consulted on the terms of any legal agreement or other regulatory mechanism."

On commenting further "The proposed extension to the Paxcroft Brook Country Park is welcomed as it provides an opportunity for habitat creation and biodiversity gain. A Habitat Management Plan is recommended to maximise its biodiversity value."

- WESSEX WATER: The area identified for housing contains public sewers and water mains. A future housing layout must not conflict with rights of access or maintenance.

- ENVIRONMENT AGENCY: No objection in principle subject to conditions. The Environment Agency is not expecting a financial contribution for flood defence works.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY

The site is the remaining part of the housing site H8 north of Paxcroft Way,

The principle of housing development is therefore accepted on this site.

The District Plan sets out a list of site requirements which should be addressed at the Reserved Matters stage. For example, the development will have to provide affordable housing, education contributions, recycling facilities, an extension to Paxcroft Brook Country Park, equipped play area, formal sports provision, landscaping, including a 20 metre buffer strip, watercourse improvements, and highway improvements including traffic calming and public transport provision.

The housing capacity of the site will need to be considered at the detailed stage. The District Plan identifies the H8 site for 230 dwellings at a net density of around 28 dph, once the buffer strip is taken into consideration. The part of the site currently with planning permission will deliver 187 dwellings at an average density of about 41 dph. The development of this site will therefore inevitably result in an overall development of over 230 dwellings. The need to make best use of urban land needs to be balanced with the infrastructure capacity of the development as a whole and the character of surrounding areas.

Policy Recommendation: -Acceptable in policy terms.

- HOUSING: "There are 1,216 households on the Housing Register for Trowbridge, 726 of which are priority need.

H2 provides that 30% of the total number of dwellings on site be provided for Affordable Housing provided on a nil subsidy basis, in perpetuity and managed by a Registered Social Landlord which is a member of the Council's Preferred Development Partnership.

We would require this percentage to be broken down further into 83% provided on site as general needs rented and 17% to be provided as a commuted sum for off site provision of low cost home ownership."

- LEISURE MANAGER: Has requested a commuted sum financial contribution towards improvements to Castle Place Leisure Centre.

PUBLICITY RESPONSES

The application was advertised by site notice and in the local press and neighbour notifications have been carried out. Letters of objection were received from the occupiers of 15 neighbouring dwellings on the following grounds:-

- Exceeds the number of dwellings in policy;
- Urbanisation;
- This is an outline application and it should be detailed;
- Loss of a "green lung";
- Impact of traffic in close proximity to 2 schools where it is likely to create a hazard;
- Noise and nuisance from additional traffic;
- Insufficient play facilities;
- A playing pitch is required;
- Loss of a play area - ie the fields used by children and joggers;
- Adverse impact on wildlife;
- Loss of wildlife habitats;
- Harm to countryside;
- Existing hedgerows must be preserved. -Flood risk;

RELEVANT PLANNING POLICY

RPG/RSS10 Regional Spatial Strategy for the south west

Wiltshire Structure Plan 2016

- DP3 Need for additional housing land
- DP4 Housing and employment concentrated at existing towns
- DP6 Hierarchy of shopping centres
- DP7 New housing in towns
- DPB Affordable housing
- T5 Parking

West Wiltshire District Plan - 1st Alteration 2004

- C15 Archaeological Assessment
- C31a Design
- H1 Housing in Trowbridge
- H2 Affordable Housing
- H8 Allocation of the site for housing
- H24 New housing Design
- R4 Public Open Space
- R5 Further provision of Recreation Space
- S1 Education contributions
- I1 Section 106 agreements T10 Parking
- U1 Infrastructure
- U1a Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Areas
- I2 The arts

- PPS1 Delivering sustainable development PPS3 Housing
- PPG13 Transport
- PPS25 Development and Flood Risk

SPG Affordable Housing
SPG Open space in New Housing Developments
SPG Design Principles

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

RELEVANT PLANNING HISTORY

03/01730 - Residential development at Halfway Cottage - Approved 22.03.06

This application related to the adjoining site which forms part of the same HB Housing Allocation within the District Plan.

KEY PLANNING ISSUES

The main issues to be considered in this application are the principle of residential development, neighbouring amenity, flooding, public open space and recreation, landscaping and ecology, affordable housing, highways and planning obligations.

PLANNING OFFICER COMMENTS

Principle of Residential Development on the Site

Policy H8 of the Adopted District Plan - 1st Alteration allocates this site for residential development. Therefore the proposals would be acceptable in principle within current planning policy.

The site forms part of an allocation of a larger site for 230 dwellings of which permission has previously been granted and work has recently commenced on the adjoining site within the same allocation for a development of 187 new dwellings.

Although Policy H8 identifies the overall site for 230 dwellings once the adjoining site within the same allocation has been completed it will deliver 187 dwellings at an average density of about 41 dwellings per hectare, and the application site would deliver a further 152 dwellings at an average density of about 40 dwellings per hectare. This is not a particularly high density for an urban site in a sustainable location that is well related to the centre of the town.

The development of the overall site would therefore inevitably result in an overall development of 339 new dwellings substantially more than 230 dwellings. However, the site is within a sustainable urban area well related to the town of Trowbridge where both government guidance and council policy encourage effective and efficient use of land. The proposed density at 40 dwelling per hectare is consistent with government guidance contained within PPS3 which states that "30 dwellings per hectare net should be used as a national indicative minimum".

It is considered on balance that the proposals at a similar density to the neighbouring site would make an efficient use of land that would be consistent with government guidance to make efficient use of land and perfectly in character with the surrounding area where existing housing development is at a similar density. Furthermore, the Council's Planning Policy section supports the proposals.

Amenity of neighbours

This is an outline application and the detail of the housing layout, including the mix and design of house types and their relationship to neighbouring dwellings, are matters for consideration as part of any subsequent approval of reserved matters.

Affordable Housing

There is a demonstrable need for affordable housing in the area.

The provision of affordable housing is considered important on this site and this can be secured by way of a legal agreement.

Highways

The Highway Authority has no objection in principle subject to conditions and a legal agreement which in general terms are fully supported where they are consistent with Policy H8.

However, the Highway Authority has requested a condition that no development should commence until the development subject to planning application 04/02105/FUL, which is the strategic site for land east of Trowbridge, has commenced on site. This is not considered to be a reasonable condition as the site is outside the applicant's control and the applicant would have no control over the timing of that development which is itself still waiting the signing of a legal agreement and the issuing of a permission.

The Hilperton Gap Relief Road itself has already been secured by the grant of permission and the intention is that its funding will be provided from other sites within the Trowbridge/Hilperton area. The District Council has been consistent in its view that the H8 site would not provide funding for the new road and it does not form part of its policy with regard to this site.

It is considered in these circumstances that a Grampian condition would be unreasonable, and the matter of planning obligations to provide funding will be considered later in this report.

Public Open Space

Landscaping, children's play space and sports provision can be controlled by way of conditions and planning obligations.

Although concerns are raised with regard to the provision of formal sports pitches, the Council's Leisure Manager has requested a financial contribution towards improvements to leisure facilities at the Castle Place Leisure Centre and this would be in accordance with the Council's Leisure and Recreation Needs Assessment.

Castle Place is in relative close proximity to the application site in the centre of the town. It is now Council policy to endeavour to provide enhanced leisure facilities at single sites rather than having small areas of informal provision elsewhere.

Furthermore, the applicants have indicated that they would be prepared to enter into a legal agreement to provide a commuted sum towards off-site provision.

The application provides for an extension to the Paxcroft Brook Country Park to the south of the site including a riverside walk and landscaped flood plain corridor and the detail of these which would form part of the subsequent approval of reserved matters can be controlled by condition and through planning obligations, as can an equipped children's play area.

Ecology

Although there have been objections to the loss of this green space the land forms part of an existing housing allocation. However, the existing hedgerows would be retained and the river corridor for the Paxcroft Brook would be enhanced. Similarly, although concerns have been expressed about the impact on wildlife the proposed enhancements to the area surrounding Paxcroft Brook are likely to encourage wildlife. The protection of species and habitats can be addressed by a restrictive condition to ensure that a detailed scheme for enhancement and long term maintenance is submitted.

The proposed extension to the Paxcroft Brook Country Park is welcomed by the District Ecologist and by Natural England who endorse the mitigation proposals as set out in the detailed ecological reports, specifically in relation to protected species, submitted at their request.

The recommendations can be controlled through conditions and the proposals provide an opportunity for habitat creation and biodiversity gain.

Flooding

Many of the objections relate to the potential for flooding and need to protect the flood plain and Paxcroft Brook corridor.

However, the Environment Agency has no objection in principle and subject to a condition to ensure that the finished floor and ground levels are above the once in a hundred year plus flood level there is unlikely to be any problem. This can be addressed in detail when Approval of Reserved Matters is sought.

Furthermore, the flood plain area, adjacent to the Paxcroft Brook, would not be developed other than to form part of the Public Open Space as a linear park.

Other Matters

There is evidence of archaeology at the site and it is recommended that an archaeological watching brief is conducted. This can be controlled by condition.

Planning Obligations

The requirements contained within the policy are for the provision of affordable housing, education contributions, recycling facilities, an extension to Paxcroft Brook Country Park including a 20 metre buffer strip, equipped play area, formal sports provision, landscaping including tree planting, watercourse improvements including a contribution to the Trowbridge Flood Prevention Scheme, and highway improvements including traffic calming and public transport provision.

A contribution to flood protection measures does not need to form part of any legal agreement as these works have previously been undertaken and the Environment Agency no longer requires a contribution to flood defence works.

Contributions are sought by the County Council in relation to highway works and education and by this Council in respect of affordable housing and public open space. These planning obligations can be finalised in due course, as part of a Section 106 Legal Agreement(s), subject to members agreeing to the recommendation above.

The Planning Act enables local authorities and developers to enter into legal agreements to secure the delivery of matters that are necessary to make a development acceptable in planning terms. This included the requirement for financial contribution for public services, such as highways infrastructure.

However, when considering the need for a planning obligation it must meet the following tests. That it is relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and character to the proposed development; and reasonable in all other respects.

The requirement for a planning obligation to secure a financial contribution towards the Hilperton Relief Road would not be reasonable in this instance. There is no requirement within West Wiltshire District Council Policy H8 for such an obligation and this Council has previously established, having sought its own legal advice, that it could not reasonably be justified. The advice is that planning applications must be determined in accordance with the development plan and if policy does not require a highway contribution it is not open to the highway authority at this stage to assert a requirement for a contribution.

CONCLUSIONS

This is a greenfield site that is well related to the existing residential development in this part of Trowbridge and forms a logical urban extension to both Trowbridge and Paxcroft Mead.

Given its allocation in the adopted District Plan, there is no reason to oppose the principle of residential development at this stage. The application has been the subject of negotiations over many detailed issues and the proposals are considered acceptable.

It is recommended that members resolve to grant permission, subject to the prior completion of a Section 106 Legal Agreement to secure the contributions and obligations as set out above.

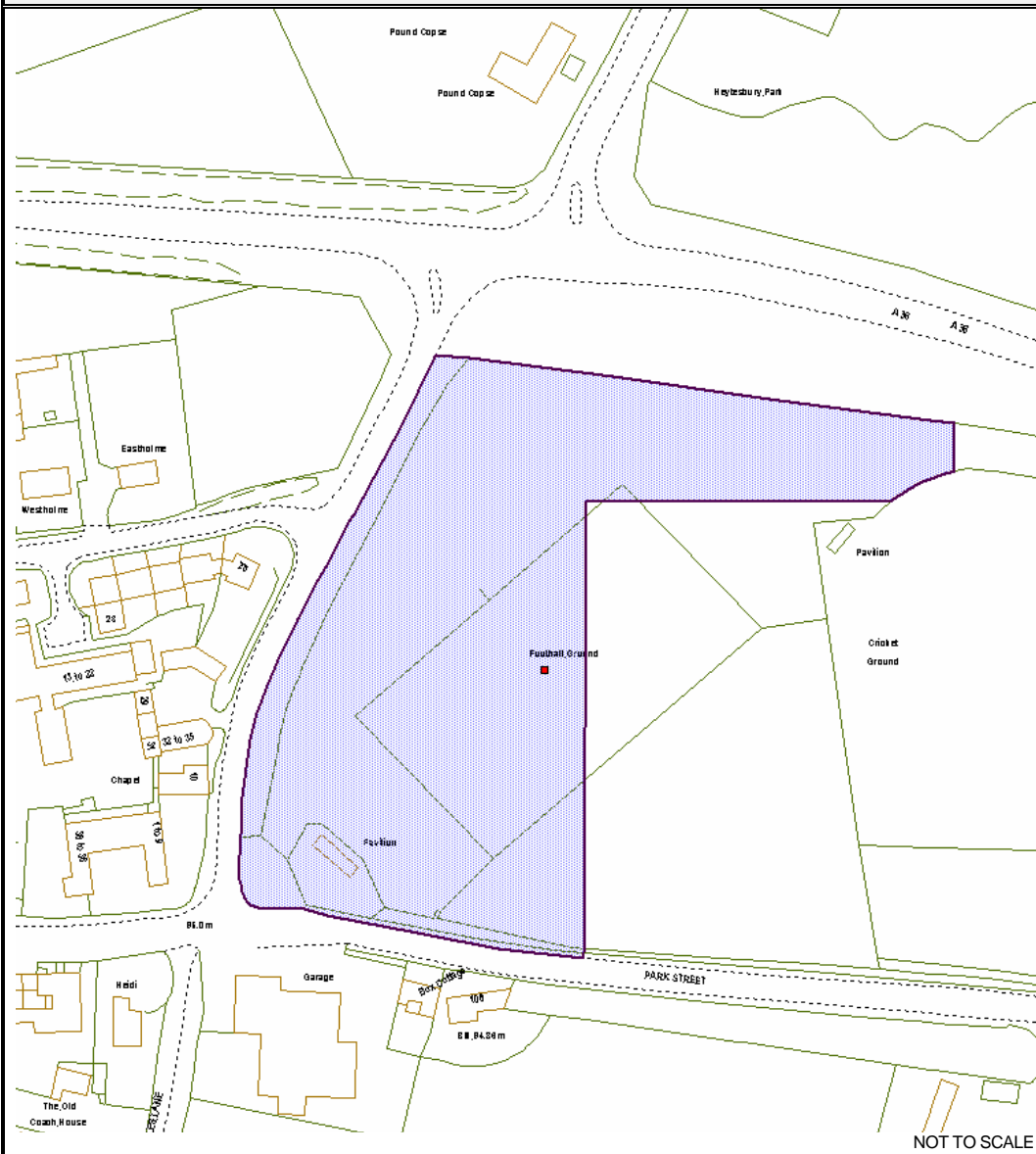
PLANNING COMMITTEE

25 October 2007

ITEM NO: 04

APPLICATION NO: 07/00214/FUL

LOCATION: Football Ground Park Street Heytesbury Wiltshire



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SLA: 100022961

04 Application: 07/00214/FUL

Site Address: Football Ground Park Street Heytesbury Wiltshire

Parish: Heytesbury Imber & Knook Ward: Mid Wyllye Valley
Grid Reference 392885 142671
Application Type: Full Plan
Development: New village hall and 12 new dwellings
Applicant Details: Heytesbury Village Hall Committee
C/o Michael Fowler Architects 19 High Street Pewsey Wiltshire
SN9 5AF
Agent Details: Michael Fowler Architects
19 High Street Pewsey Wiltshire SN9 5AF
Case Officer: Mrs Rosie MacGregor
Date Received: 22.01.2007 Expiry Date: 23.04.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The site is situated outside the defined village policy limits for Heytesbury where new housing development will not be permitted unless justified in connection with the essential needs of agriculture or forestry, or as a rural exceptions site for 100% affordable housing schemes. The proposal is therefore contrary to Policies H19 and H22 of the West Wiltshire District Plan -1st Alteration 2004 and Policy DP14 of the Wiltshire Structure Plan 2016 as no such justification has been submitted and the site would not provide 100% affordable housing.
- 2 The proposed village hall by reason of its design, materials, form, mass and location, together with a parking area for 46 vehicles, would appear overly prominent, intrusive and visually harmful to the high quality of the landscape and historic parkland to the detriment of the rural amenity and character of the countryside within a Special Landscape Area and to the setting of the adjoining Conservation Area contrary to Policies C3, C17 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.
- 3 The proposed development, by reason of the loss of open parkland, loss of mature trees, inappropriate suburban form of residential layout, design and materials is uncharacteristic of the historic streetscape, does not respect the spatial form and characteristics of the settlement would neither preserve nor enhance the the setting of the Grade II* Heytesbury House and other listed buildings nor the character and appearance of the conservation area and would be harmful to the appearance of the Special Landscape Area. The proposals as such are contrary to Policies C3, C17, C18, C24, C31A and C32 of the West Wiltshire District Plan - 1st Alteration 2004 and the Supplementary Planning Document - Residential Design Guide November 2005.

- 4 The proposed housing development by reason of the limited mix of different house types, high proportion of large detached dwellings, and orientation of dwellings would fail to create a suitable mix and cohesive community and insufficient surveillance of the recreational areas which would not respect the spatial form and characteristics of the settlement contrary to Policies C31A and H24 of the West Wiltshire District Plan - 1st Alteration 2004, the Supplementary Planning Document Residential Design Guide November 2005 and the advice contained within Planning Policy Statement Note 3 - Housing.
- 5 The proposed access into the development forms a crossroads with Newtown and Park Street and would be likely to lead to issues of road safety both for vehicular and pedestrian traffic contrary to the County Council's adopted standards contained in their design guidance and within Government Design Bulletin 32.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Davies.

This is a full planning application for a new village hall and 12 new dwellings together with access thereto and associated landscaping.

It is proposed that 6 of the new dwellings, all 5 bedroomed dwellings, would be for sale on the open market, and that the remaining 6, comprising 2, 3 and 4 bedroomed dwellings, would be affordable housing for rent through a registered social landlord.

The houses would be built from brickwork or render under plain tiled or natural slate roofs and would be surrounded by a native hedgerow on all sides.

The proposed village hall would be built in the north-eastern corner of the site. It would be built from brickwork under a natural slate roof. A total of 46 parking spaces would be provided adjacent to the village hall.

An existing football pitch would need to be repositioned and realigned and the existing pavilion would be demolished.

Vehicular access to the site would be via a new access off New Road and there would be a pedestrian footpath link to Park Street. The site has an area of approximately 1.76 hectares.

The site is situated on the edge of the village of Heytesbury to the south of the A36 highway outside Village Policy Limits within a Special Landscape Area and on the edge of but just outside the Heytesbury Conservation Area. There are a number of listed buildings on the opposite side of the road.

The site forms part of the original parkland setting to the Grade II* Listed Heytesbury House but is now separated from that property by the A36 highway and the site comprises existing recreation facilities including an existing football pitch.

An Arboricultural Report has been submitted with the application which identifies the 24 trees on site that are protected by a Tree Preservation Order of which 2 are proposed for removal and notes 3 additional groups of trees that would be retained.

A Design and Access Statement submitted as part of the application states that the proposal is enabling development, that would be funded by the sale of 6 open market building plots, to provide a new village hall, 6 affordable homes and long term permanent tenure for the cricket and football pitches. Several letters of support are attached to the Design and Access Statement.

An Ecological Survey submitted as part of the application concludes that the site is of negligible nature conservation value. There is potential for bat roosts, limited foraging for badgers and no setts, there is evidence of rabbits, foxes and woodland birds and potential for slow worms. Further survey work is recommended prior to any development taking place for reptiles and bats and it is recommended that clearing of vegetation should not take place during the bird nesting season.

A Justification for Affordable Housing and a Private and Confidential Financial Appraisal have also been submitted with the application.

The proposals have been revised following consultations to confirm that the sewage disposal will be via a new sewage treatment plan.

The applicant's agent has indicated that revised highway layout proposals to overcome the highway objection are being considered by the highway authority at his request. However, these have not been formally submitted to the planning authority for consideration and the application must therefore be determined on the basis of the submitted plans.

CONSULTATION REPLIES

- HEYTESBURY, IMBER AND KNOOK PARISH COUNCIL: The Parish Council must support the majority view of the village which voted for the proposal with a very small majority ie. 63.44% turnout with 65.37% in favour of the plans. However, the parish council requests that the following observations be taken into account.

1. There is no mains sewerage system in the village and the allocated sum of £25,000 would be insufficient for provision of a biodisc or similar system which would be required. West Wilts Housing Society recently installed a new system at a cost of £250,000.
2. The parish council is very concerned that no precedent is set for any future development as this area is outside the Village Policy Limits. Watertight restrictions on any future build must be imposed.
3. The parish council do not wish to see the removal of protected trees.
4. The parish council suggests that an archaeologist is on site at the appropriate stages in order to ensure preservation of anything of value and significance.

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No objection to the principle of development but there is a fundamental objection to the location of the proposed access and refusal is recommended on the following grounds:

The proposed access into the development forms a crossroads with Newtown and Park Street and this form of access is at variance with the County Council's adopted standards contained in their design guidance and also contained with Government Design Bulletin 32 and could lead to issues of road safety both for vehicular and pedestrian traffic.

If permission were to be granted a contribution of £5000 towards the provision of a pedestrian waiting shelter at the local primary school to encourage parents to leave their cars at home so as to reduce congestion at the school entrance is requested.

The Highway Authority has indicated that it would be prepared to withdraw its reason for refusal if the access point was revised, and would be likely to amend its observations but would recommend refusal on sustainability grounds as the new private housing is being proposed outside the housing policy area.

- COUNTY ARCHAEOLOGIST: Although the earthworks noted on the site are not medieval but the result of modern dumping, a number of archaeological features have been revealed across the site. In total nine trenches were excavated under archaeological conditions and positioned in areas most at risk from the current development proposal. Six of the trenches contained archaeological features and deposits and represent two distinct periods of earlier activity on the site. Pits and postholes dating to the late Bronze Age or Early Iron Age were revealed and some 45 pottery shards of medieval date were collected from several pits and a ditch on the site. Both discoveries are indicative of earlier settlement activity across the site.

No archaeological trenches have been positioned over the current football pitch although based on the discoveries in trenches positioned adjacent to the pitch, it is highly likely further archaeological features will exist here. It is recommended that an archaeological excavation is undertaken on the site prior to development in order to gain further information on the prehistoric and medieval remains in Heytesbury. The work should be undertaken in accordance with a brief set out by this office by a professional archaeological contractor. A condition is advised accordingly.

- WESSEX WATER: The existing water system is adequate to supply the proposed development. This is not a sewered area. Rainwater run-off should be discharged to the land drainage system.

- ENVIRONMENT AGENCY: The proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice and it did not need to be consulted on this application.

- NATURAL ENGLAND: The site is in the vicinity of the River Avon System Site of Special Scientific Interest and Special Area of Conservation which has protection under national and international legislation.

The nature conservation importance of the river system arises from the range and diversity of habitats and species including water crowfoot, starwort, brook and sea lamprey, bullhead, salmon and Desmoulin's whorl snail. All are dependant on the maintenance of high water quality and sympathetic habitat management.

It is advised that water efficiency measures are incorporated into the new houses to minimise water usage, Sustainable Urban Drainage Systems should be used and a construction method statement supplied outlining how pollution to the river will be prevented as planning conditions.

The inclusion of an ecological scoping survey and evaluation results is welcomed and the recommendations endorsed.

- WILTSHIRE WILDLIFE TRUST: No objections but the recommendations of the ecological report relating to further surveys for bats, reptiles and timings for breeding birds should be conditions of any permission granted, as should measures to enhance biodiversity and increase sustainability.

- SPORT ENGLAND: No objection.

INTERNAL WWDC CONSULTATIONS

PLANNING POLICY:

The site is an existing recreation space located outside Heytesbury village policy limits.

The development of part of an open space to provide enhanced community facilities can be acceptable in principle. The development of a community building on part of the site, to include changing facilities, would undoubtedly enhance the use of the current open space for the community and is therefore acceptable in principle.

The proposal involves market and affordable housing located outside village policy limits for Heytesbury. Delivery of any market housing in this location is strictly contrary to policy as it involves the encroachment of development into countryside. 100% affordable housing schemes can be acceptable in the countryside, but only as an exception to policy and provided need outweighs adverse environmental impact. Housing Services should be contacted regarding housing need in the village.

In terms of detailed housing policy issues, if the scheme were within village policy limits, we would require a variety of market house types to meet the profile of households requiring market housing including low cost market units. In this case, the provision of 5x5 bed and 1x4 bed houses does not meet national policy. In such a scheme we would also require the clustering of affordable housing units throughout the scheme. In this case, the separate provision of affordable and market units is unacceptable.

Heytesbury is located within a Special Landscape Area where development should not be permitted where it is considered detrimental to the high quality of the landscape. I consider the development of houses in this location would be detrimental to the open character of this part of the village.

In terms of meeting our design policies, the proposed dwellings are of a size and type uncharacteristic of the historic townscape of Heytesbury. The access road and the siting of buildings in relation to it is not characteristic of the village and appears suburban in form. The siting of properties with their backs to the remaining open space will be unsightly.

URBAN DESIGN AND CONSERVATION:

This consultation response relates only to matters of design and conservation.

This site is located on one of the main entrances into the village. It is a sensitive location adjacent to the edge of Heytesbury's Conservation Area, and with listed buildings in close proximity. Heytesbury is also located within a Special Landscape Area identified in the West Wiltshire District Plan.

Setting

Site is located within an area having an open parkland character beyond the existing built edge of the village. The area was once part of the extensive grounds of Heytesbury House, although now bisected by the road bypassing the village. The emparkment of the Heytesbury House estate occurred in the 17th Century pre-dating the current house (an earlier manor house was on the site of the existing house). Heytesbury House is a Grade II* listed building and the listing description for the house notes that the 'house is set in a park with fine planting'. Although the road has severed the estate it is still apparent that the area subject to this application was once part of the main grounds of the house with its combination of open grassland and mature trees retaining the parkland character. The parkland forms a historical edge to the built up area of the village on its eastern side and extending the built village in this direction would compromise both the setting and character of the Conservation Area as well the open character of this part of the village.

A row of mature trees line Park Street and the High Street contributes to an attractive approach to the village. There are also mature trees in Southwest corner and the central area of the site. All contribute to the setting of the Conservation Area. I am concerned about the loss of any trees, which would compromise the parkland quality of the area and the setting of the Conservation Area.

Design/Access

The proposed access road is suburban in its form with its uniform width, visibility splays and kerb detailing and I am therefore concerned about its impact on the conservation area, nearby listed buildings and the rural quality of this part of the village.

Layout

The layout of this proposal is unsatisfactory and I have a number of concerns.

Firstly the layout is very suburban in its form with the road dominating and shaping the layout rather than showing consideration the characteristics of the site and the surrounding context. As a result the relationship between the buildings is weak and creates an incoherent, fragmented street scene. Note should be taken of how existing traditional buildings relate to the village street. For example along the High Street (particularly on the south side) the buildings are more or less continuous and form a

strong frontage to the street. Another issue is separation of the larger units from the smaller ones, effectively splitting the scheme into two parts. In villages such as Heytesbury it is more typical to see a mix of both larger houses and more modest cottages co-existing harmoniously alongside each other, creating interest and variety within the street scene.

Secondly, the relationship between the proposed units and public space is poor. The new units back on to the village's public open space, which provides poor natural surveillance of the area and leaves the rear of proposed dwellings vulnerable to crime and unsociable behaviour. There is also poor natural surveillance of the village hall car park. I am also concerned about the orientation of units 11 and 12 which results in them turning their backs to the village street.

AFFORDABLE HOUSING ENABLER: - The site lies outside the Village Policy Limits and as such can only be used as a rural exception site for 100% affordable housing.

The local need in Heytesbury with Housing Needs is 23 households on the register with a local connection which would support the case for 100% affordable housing. The priority need is for affordable housing for rent.

The site should only be used for affordable housing and it is surprising that an application has been submitted for open market units.

LAND DRAINAGE AND CIVIL ENGINEER: - No water courses are likely to be affected.

TREE AND LANDSCAPE OFFICER: - There are in excess of 13 points where this proposed development would impact on protected trees within the site. Eight of these points of conflict are within the housing area and include:

- * Proximity related issued on plot no's 1, 2, 11 & 12
- * The impact on trees from some of the proposed housed and/or garages within the Root Protection Areas (RPA's) on plot no's 1, 2, 11 & 12
- * Lack of information for the proposed boundary construction methods, beneath tree canopies on plot no's 1, 2, 11, 12 & the entire western boundary
- * Light related issues on plot no.12

The primary area of concern is within the football pitch area where T9, T14, T16, T18 & T20 will be unacceptably and directly impacted on. In particular at least a third of the trees canopy of T9 overhangs the proposed football pitch and an even large root system passes beneath the pitch. The root system will be foreseeably damaged when placing drainage systems ripping the ground and scarifying. The 4 trees to the south will be indirectly impact on the pitch by prevent the growth of grass during the summer months and killing the grass during the autumn and winter period when the trees shed their leaves.

Although a detailed tree survey has been submitted, it is inadequate due to the foreseeable impact this development would have on these valuable and protected trees. These issues should have been drawn to the attention of the applicant if an Arboricultural Impact Study has been carried out which may have assisted with a more suitable and acceptable layout.

In the current form, the proposals have not considered the impact of the development on protected trees within the site. Therefore, the application should be refused on the grounds that it does not conform to Policy C32 of the West Wiltshire District Plan First Alteration, June 2004.

PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement and neighbours have been notified. The application has also been advertised as a Departure from the Development Plan.

There have been 23 letters of objection from local residents and 1 letter of support.

The objections are on the following grounds:

- The site is outside Village Policy Limits.
- The proposals could set a precedent for further development in the countryside which must be safeguarded.
- Only two-thirds of the village are in favour of a village hall.
- Design of the hall is not in keeping with a rural village.
- The large size of the hall cannot be justified and the village cannot sustain a hall of this size.
- The hall is not designed for general village use and its position so far from the village determines its main use as a sports pavilion.
- Likely high cost of maintenance of the building, and it is not clear who will actually own the building and have their responsibility for its up-keep and management.
- There is lack of employment in the village and additional houses would be unsustainable
- Impact on character of the area.
- Impact on River Wylye
- Disturbance of archaeology
- Dangerous access, unsuitability of roads in village and increase in traffic onto A36.
- Inadequate parking on site.
- The intention of the application is to make profit for the landowner and the developer not of special benevolence to the village.
- Loss of rural parkland.
- Loss of trees which are protected by a TPO.
- Tree felling will inevitably reduce the protection of the village from noise from the A36.
- Increased noise and nuisance for villagers
- Additional demands on village infrastructure which has no mains drainage and a high water table.
- Impact of sewage disposal, particularly on the clean trout river that flows through the village.
- The area is of significant archaeological interest.
- Impact on wildlife.
- There are inaccuracies within the application.
- All builders vehicles should enter and exit the site off the bypass exit and not through the village.

RELEVANT PLANNING POLICY

RPG/RSS10 - Regional Spatial Strategy

Wiltshire Structure Plan 2016

- C9 Special Landscape Areas
- DP3 Development Strategy
- DP8 Affordable Housing
- DP14 Development in Open Countryside

West Wiltshire District Plan – 1st Alteration 2004

- C3 Special Landscape Areas
- C4 Landscape setting
- C15 Archaeological Assessment
- C17 Conservation Areas
- C18 New development in Conservation Areas
- C31a Design
- C32 Landscaping
- C40 Tree planting
- CF1 Community facilities

R2	Protection of recreation space
R4	Open space in new housing developments
H19	Development in Open Countryside
H22	Affordable Housing in Rural Exception Sites
H24	New Housing Design
T10	Car Parking
S1	Education
U1	Infrastructure
U2	Surface water disposal
I2	The arts

PPS1 - Delivering Sustainable development
 PPG3 - Housing
 PPG13 - Transport
 PPG15 - Planning and the Historic Environment

SPG - Affordable housing
 SPG - Residential Design Guide

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The main issues to consider in this application are planning policy in respect of new dwellings, affordable housing and recreation and community facilities outside village policy limits, design, neighbouring amenity, access and highway safety, impact on the historic environment, impact on trees of value, archaeology and impact on the countryside and water environment.

PLANNING OFFICERS COMMENTS

The site currently forms part of the Heytesbury recreation ground which consists of a football pitch, cricket ground and pavilion. The proposal would seek to relocate the Football pitch, erect a new village hall and construct 12 new houses (6 affordable units) as enabling development to fund the village hall. The site is located outside the established village policy limits for Heytesbury, and therefore within the countryside.

Planning policy principles

Residential Development

The proposal involves both open market and affordable housing, all located outside the village policy limits. The provision of any open market housing in this location would be contrary to policy and would represent an intrusive and unacceptable encroachment of the built environment into the countryside. This aspect is therefore unacceptable in principle.

Affordable housing schemes can be acceptable outside the village policy limits, in the countryside, but only as an exception to policy provided there is a justifiable need for affordable housing in the area which outweighs any adverse environmental impact and the scheme is only for affordable housing. This scheme does not provide 100% affordable housing and as such cannot be treated as a rural exceptions site. Furthermore, its location is such that it would have an adverse impact on both the built and natural environment.

Village Hall

The provision of enhanced community facilities in the form of a new village hall and changing facilities would, in itself, be acceptable in principle in this location subject to meeting certain criteria and would be likely to enhance the use of the area for the community.

Although it would be located on the edge of the village, the site is well related to the village, on an existing recreation ground and within walking distance of most houses in the village. As such, it is within a sustainable location. Furthermore, in this location situated at sufficient distance from existing and proposed residential neighbours there would be little or no impact on residential amenity.

However, this would be a massive building with a complex roof structure and a vast parking area to the side. It would appear overly intrusive within the landscape and visually harmful to the rural amenity and parkland setting within a Special Landscape Area on the edge of the Conservation Area. Its impact on the historic environment will be more fully addressed later in this report.

Enabling development

The applicant has submitted that the open market housing would be to enable development for the village hall. They state that the Council has permitted enabling development in the past and refer specifically to the new dwellings at Heytesbury House.

Each application must be considered on its own merits. The application for conversion of Heytesbury House together with an element of new build was an entirely different type of case in which a number of different and very complex issues needed to be carefully balanced. The Grade II* listed Heytesbury House was in poor repair, in danger of collapse and 'at risk'. The Council has in this and other special cases allowed sensitive enabling development in order to secure the retention of buildings of special architectural or historic interest. That policy is not relevant in the current circumstances and cannot be cited as a precedent.

In the current application there would be only limited gain to the local community and none to the historic environment which would outweigh the harm to the character of the area and the historic environment. The proposal is contrary to the development plan and cannot therefore be justified as an exception on the grounds of being enabling development.

Historic Environment

The site is located on one of the main entrances into the village where the road leading from the A36 into the village clearly delineates the existing residential built form to one side of the road and countryside, the former parkland setting once part of the extensive grounds of Heytesbury House on the opposite side. This is a particularly sensitive location on the edge of Heytesbury's Conservation Area, within a Special Landscape Area and with listed buildings in close proximity.

The open parkland character of the land beyond the existing built edge of the village is particularly important in defining the setting of the conservation area. This parkland is of considerable importance from an historic perspective. Although the parkland between Heytesbury House and the village is now separated by a bypass road and an earth embankment constructed when Heytesbury House was divided into separate dwelling units it remains of considerable historic interest. The Grade II* Heytesbury House is described within the list description as 'house is set in a park with fine planting'. The application site even though visually separated from the house with its fine trees and open grassland is one of the few remaining vestiges of this fine parkland setting and would historically have formed the edge of the village.

The loss of this parkland to residential development and a large village hall would neither preserve nor enhance the setting and thereby the character and appearance of the Conservation Area. It would also harm the open character of this part of the village.

The mature trees in this area also make a significant contribution to both the setting of the Conservation Area and that of the village. The loss of any trees would not only compromise the parkland quality of the area but the setting of the Conservation Area.

Special Landscape Area

The site is located within a Special Landscape Area where development considered detrimental to the high quality of the landscape is unacceptable. The proposals, for the reasons stated above would be detrimental to the open character of this part of the village and to the rural amenity.

Design and layout

Government guidance is that new housing developments should include a mix of house types including low cost market units. The provision of five bed executive houses at low density does not meet national policy. Furthermore, the proposed dwellings within a cul-de-sac form of layout are of a size and type uncharacteristic of the historic streetscape of Heytesbury and by reason of their suburban appearance would not respect the historic spatial form and characteristics of the settlement.

The access road dominates and shapes the layout of the development and the proposed dwellings appear to have been arbitrarily placed, creating an incoherent and fragmented street scene. Whereas within the existing village the houses are arranged in a traditional pattern lining the streets with particularly strong and continuous frontages within the High Street. The proposed dwellings closest to the junction of Park Street and New Road effectively turn their backs to the village street intensifying the sense of separation from the historic village.

Furthermore, the larger units, effectively detached 'executive type' homes, set within large gardens would be separated from the smaller ones, creating a clear distinction between the different house types. This would fail to create a mixed and cohesive community. A more orthodox layout, and one that is encouraged by government advice, would be to see both larger houses and more modest cottages alongside each other to create a traditional street scene. The layout also fails to 'pepperpot' the social housing with the open market housing. The proposals are contrary to the government's key aims to provide socially inclusive communities as well as achieving high quality and inclusive design.

Finally, the orientation and relationship between the proposed dwellings and public space fails to provide surveillance of the playing fields, village hall and car park. This would not only fail to provide custodianship of these areas but would leave the rear of the proposed dwellings vulnerable to crime and unsociable behaviour.

Trees

The Council's Tree and Landscape Officer has identified a significant number of points where there would be potential harm to the protected trees within the site both within the proposed residential development and within the football pitch area.

Furthermore, he is concerned about inadequacies in the submitted information and the lack of an Arboricultural Impact Study.

The visual impact of these trees has previously been addressed under the heading Design and Historic Environment. These mature trees, originally part of the formal parkland to Heytesbury House, are important to the visual amenity of the area, on the edge of the Conservation Area and within a Special Landscape Area as well as providing screening to the busy A36 highway to the north of the site.

Access and highway safety

The Highway Authority has a fundamental objection to the location of the proposed access and recommends.

The views of the highway authority are supported because of the proximity of the proposed access to Newtown resulting in the formation of a crossroads that would fail to comply with the County Council's adopted standards and would be likely to create a hazard to road safety on one of the main routes leading into the village from the A36.

Although the applicant's agent indicated in July that he was consulting with the highway authority to overcome this objection there is no guarantee that it would be overcome. Revised plans have not formally been submitted and in view of the timescale since this application was registered it is considered appropriate to take this application forward for a decision based on the proposals originally submitted.

Other matters

Although there is a likelihood of archaeological features at the site any archaeological work could be controlled by condition had permission been recommended.

Similarly, with regard to the water environment and ecology, conditions relating to drainage and protection of the natural environment and wildlife could be imposed on any development to prevent harm.

CONCLUSIONS

Whilst some individual elements of this application could be acceptable in principle, the proposal comes as a total package. The site clearly falls outside the village policy limits where no new dwellings are allowed unless justified as an exception. The inclusion of 6 affordable houses represents only 50% of the dwellings and does not justify this proposal as an exception within the terms of policy H2. The harm created by the development outweighs any justification as enabling development.

In design terms the proposed village hall, by reason of its design, materials, form, mass and location, together with a parking area for 46 vehicles, would appear overly intrusive and visually harmful to the high quality of the landscape and historic parkland to the detriment of the rural amenity and character of the countryside within a Special Landscape Area and to the setting of the adjoining Conservation Area.

The proposed housing development would result in a sub-urban layout, fragmented form, with materials which uncharacteristic of the historic streetscape and does not respect the spatial form and characteristics of the settlement. This would represent an intrusive and unacceptable encroachment of the built environment into the parkland and surrounding countryside harmful to street scene, the appearance of the Special Landscape Area and setting of the adjoining Conservation Area. Furthermore, the mix would fail to create a mixed and cohesive community or respect the spatial form and characteristics of the settlement.

The loss of a large area of open parkland, of considerable historic interest, that defines both the edge of the village, the setting of the conservation area and the historic setting of the Grade II* Heytesbury House, would be harmful to the open character of this part of the village and the character, appearance and setting of the conservation area. Furthermore, the loss of mature trees of value would compromise the historic parkland and the setting of the Conservation Area.

The orientation and relationship between the proposed dwellings and recreation area to the rear would fail to provide custodianship or surveillance of the playing fields, village hall and car park and would leave the rear of the proposed dwellings vulnerable to crime and unsociable behaviour.

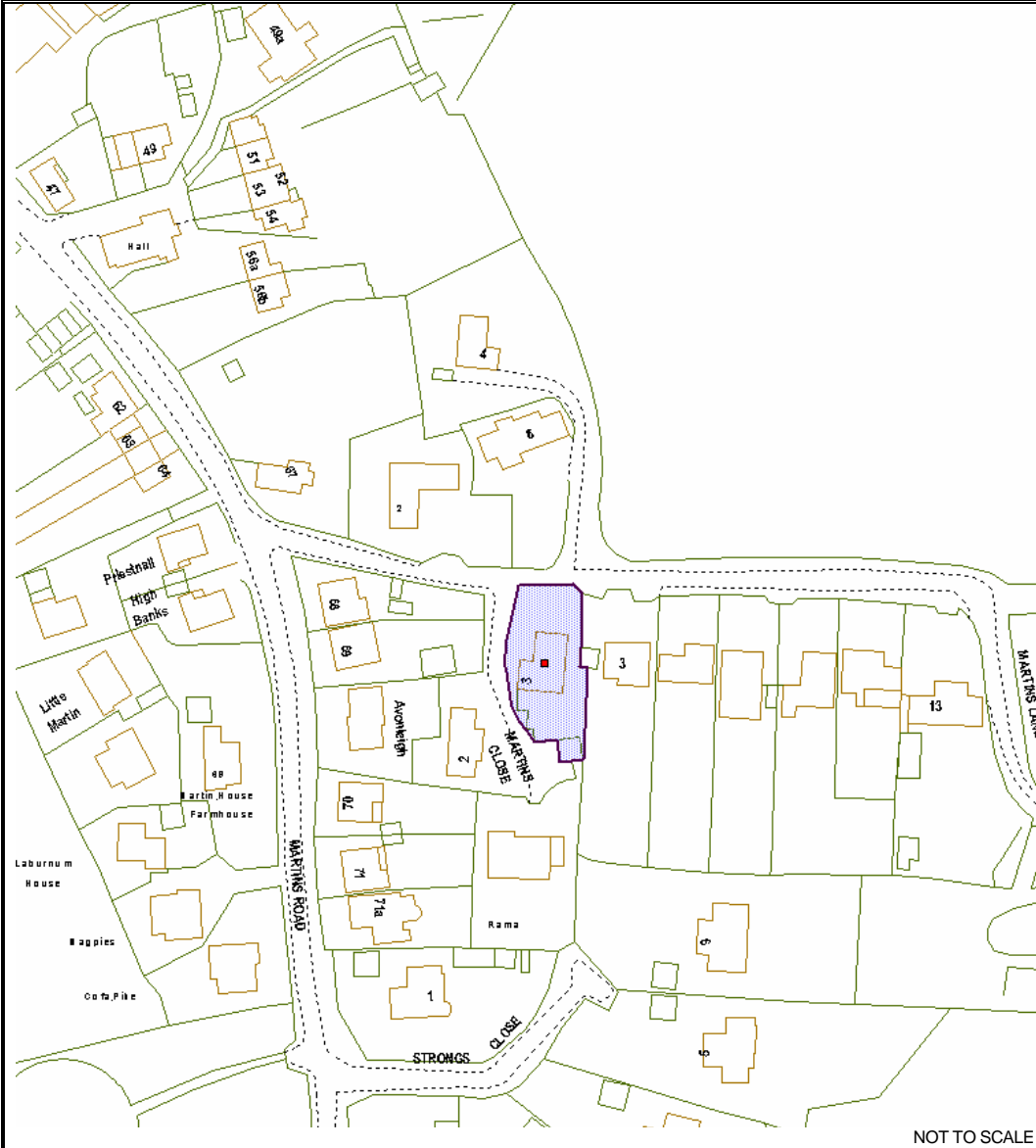
The proposals would be likely to create a hazard to highway safety.

The proposals are therefore contrary to Development Plan Policy and there are no material considerations to indicate otherwise. The application is therefore recommended for refusal.

PLANNING COMMITTEE

25 October 2007

ITEM NO: 05
APPLICATION NO: 07/02816/FUL
LOCATION: Restharrow 3 Martins Close Keevil Wiltshire BA14 6NJ



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SLA: 100022961

05 Application: 07/02816/FUL

Site Address: Restharrow 3 Martins Close Keevil Wiltshire BA14 6NJ

Parish: Keevil Ward: Summerham
Grid Reference 392342 157861
Application Type: Full Plan
Development: Raising height of existing wall to 2 metres and creating pedestrian access at each end
Applicant Details: Mr J H And Mrs A E Deven
Restharrow 3 Martins Close Keevil Wiltshire BA14 6NJ
Agent Details:
Case Officer: Mr James Taylor
Date Received: 03.09.2007 Expiry Date: 29.10.2007

REASON(S) FOR RECOMMENDATION:

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 Details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The scheme shall then be implemented in the next suitable planting and seeding season after the completion of development in accordance with those approved details.

REASON: In order to maintain and enhance the street scene and amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) – Policies C31a, C32 and C38.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the full planning Committee because Keevil Parish Council objects to the proposals and your officers recommend permission.

This is a resubmission of a previously refused application, but the scheme has now been amended to include the proposed alterations to the boundary wall only. These details have been amended following consultation with Officers.

The proposal is to increase the height of the side boundary wall which encloses the rear garden from approximately 1.4 metres to approximately 2 metres. The existing position of the wall would now remain, but there would be a modest extension to the north end, nearest the house of 2.5 metres. The position of the wall has a zig-zag shape. The materials proposed are to match the existing, namely reconstructed faced blocks.

Martins Close is a residential cul-de-sac on the edge of the village and the application site is on its southern side.

CONSULTATION REPLIES:

- KEEVIL PARISH COUNCIL: Objection based on the previous reason for refusal, namely 'The proposed boundary treatment by reason of its height, materials and siting adjacent to a relatively narrow access road in an area characterised by its open and spacious form of development would be harmful to the street scene and spatial characteristics of the area'.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. 7 letters of objection including one from the Keevil Society, have been received raising the following comments:

- Previous reason for refusal has not been overcome.
- Cannot see any changes to the previous application.
- Overpowering and out of keeping.
- Detrimental effect not only for those in Martins Close but Keevil as a whole.
- Much existing vegetation to screen the garden at the rear of No.3.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C17 Conservation Areas
C31a Design
C38 Nuisance
R11 Footpaths and Rights of Way

SPG Supplementary Planning Guidance on House Alterations and Extensions

Keevil Village Design Statement

RELEVANT PLANNING HISTORY

07/00733/FUL – Construction of studio/workshop above existing garage and construction of 2m tall garden wall – Refusal – 19/04/2007

KEY PLANNING ISSUES

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.

The key issues to consider with this application are the setting of the Conservation Area, the street scene, neighbour amenity and the recent planning history.

PLANNING OFFICER COMMENTS

The proposed development is for an increase in the height of the existing boundary wall by 600mm to an approximately height of 2 metres. The position of the wall would be maintained with a very modest 2.5 metre extension to the north. The height is the same as previously proposed and refused under application 07/00733/FUL. However the position of the wall has been revised so that it would not be immediately next to the road and would retain a degree of separation which not only helps mitigate against the impression of the wall in the street scene but would allow for landscaping which could 'soften' the appearance of the wall. Further the proposal is now for matching materials to the existing rather than the close board fencing which would have been uncharacteristic of Martins Close.

Further the extension of the boundary wall to the north has now been significantly reduced to only 2.5 metres, the previous application would have enclosed the whole of the side garden with an extension 5 metres. It is assumed that this has been done in acknowledgement of the previous refusal and because the justification of this proposal is that it would increase privacy in the rear garden.

The previous reason for refusal was based on the height, materials and siting of the proposal in such close proximity to the road in the open and spacious street scene. By using matching materials and re-siting the proposal to its existing position only higher it is considered that the increase in height would have a negligible impact on the Close. The immediate area would maintain a sense of openness and spaciousness with the 'zig-zag' position of the wall retaining space and adding interest to the appearance of the boundary.

In addition it has been noted that the boundary wall is for the rear garden of the bungalow which suffers from overlooking from the 2-storey property to the west. This must at least be acknowledged to be a perception of overlooking and it is fair to conclude that enclosing the only private space of this existing dwelling to make it more private is a reasonable desire for any occupier and a height of 2 metres is not excessive. Other gardens within Martins Close that are visible in the street scene are front gardens and as such the same justification could not be presented if they were to make an application; further each case has to be considered on its own merits.

The proposal would have no impact on the public right of way or the Conservation Area to the north of the application site.

The relatively strong objection for what is a relatively modest form of development has been noted. However, on balance it is considered that the previous reasons for refusal have been adequately addressed, harm would not be significant and this has to be balanced with the occupier's desire for increased privacy in their overlooked rear garden.

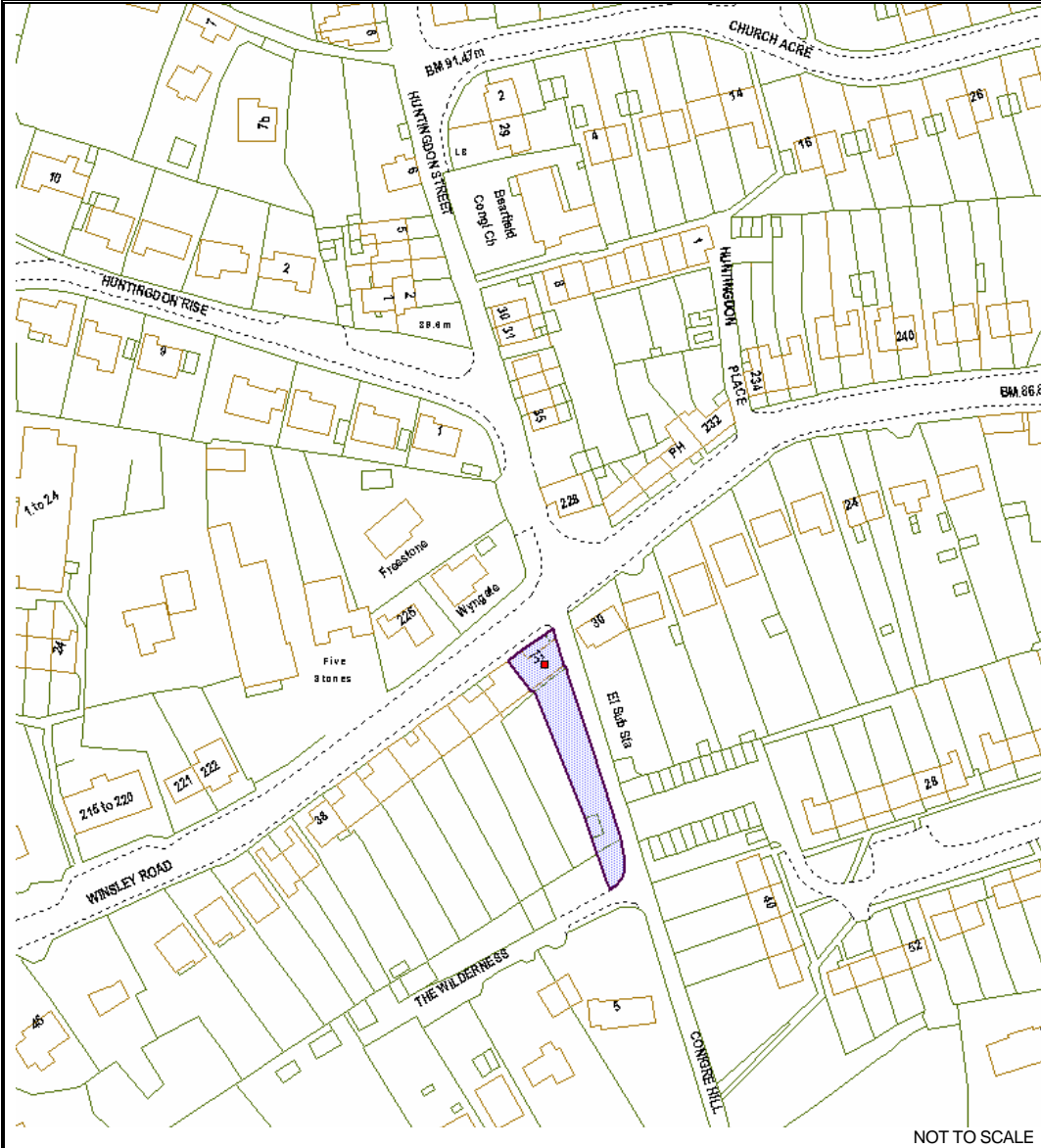
CONCLUSION

It is not considered that any demonstrable harm would be caused from the proposed alterations to the boundary wall and the previous reasons for refusal have been sufficiently addressed to for a recommendation of permission to be made.

PLANNING COMMITTEE

25 October 2007

ITEM NO: 06
APPLICATION NO: 07/02950/FUL
LOCATION: 31 Winsley Road Bradford On Avon Wiltshire BA15 1QT



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SLA: 100022961

06 Application: 07/02950/FUL

Site Address: 31 Winsley Road Bradford On Avon Wiltshire BA15 1QT

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382390 161292
Application Type: Full Plan
Development: Proposed part two storey and single storey extension to provide extension to kitchen, new entrance and utility, bathroom at first floor and extension to loft room
Applicant Details: Mr And Mrs D Cowles
31 Winsley Road Bradford On Avon Wiltshire BA15 1QT
Agent Details: Mr N J Clarke
3 Chelwood Bristol BS39 4NW
Case Officer: Mr David Cox
Date Received: 12.09.2007 Expiry Date: 07.11.2007

REASON(S) FOR RECOMMENDATION:

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.

Note(s) to Applicant:

- 1 The applicant is advised that steps or a ramp do not form part of this planning permission and should any ramp or step be needed it would require planning permission and the agreement of the land owners, the Highway Authority. Planning permission would be required because it is considered that this would be an engineering works.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Bradford on Avon Town Council objects and your Officers recommend permission.

The application site has a complex site history. The first application (06/03589/FUL) was for a two storey front and single storey flat roof front extension but was refused in January 2007 by delegation.

Application 07/00556/FUL was for an identical two storey front extension but with a lean to roof over the single storey element. This was recommended for permission but was refused by Committee in April 2007. The application was refused for the reason that it would not preserve or enhance the setting of the adjoining Conservation Area. This is now currently under Appeal.

The application is identical to the 07/00566/FUL application and is brought back to Committee for members to consider.

No 31 is a 2 storey end of terrace property on a prominent position on the street scene and is approximately 25 metres away from a Conservation Area where its boundary ends on the front boundaries of properties on Winsley Road to the east and up Huntingdon Street.

This terrace has had many similar extensions on the front elevations. There is a clear and regular pattern of the extensions however with twin front gables that has been built adjacent to each other. No 31 is the only building that has not had a two storey front extension. The immediate neighbour, No 32 has had a two storey front extension but with a flat roof. The single storey extensions on the front of these properties all have lean to with inset windows and velux rooflights.

CONSULTATION REPLIES:

BRADFORD ON AVON TOWN COUNCIL

Object: The only objection being the door onto the Conigre, as it is potentially dangerous.

STATUTORY CONSULTATIONS:

HIGHWAY AUTHORITY

The Highway Authority were not consulted on this application but in the 07/00556/FUL application they stated no objection to the proposal.

PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter and site notice. One letter of objection was received.

- The side door would entail the possible position of steps at the bottom of the doorway, some 2-3 feet to damp course level.
- The Conigre is a narrow road from which a telegraph pole now means cars take a wider approach into the Conigre if driving down. This would be further impeded by possible steps.
- Experience and observation has shown that students travel in groups and tend to congregate on steps. This would be highly dangerous with passing vehicles. Students use the Conigre to access St Laurence school.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004
C17 - Conservation Areas
C18 – New Development in Conservation Areas
C31a - Design

SPG - House Alterations and Extensions

PPG 15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

97/00134/FUL - Extension and roof conversion - Permitted - 12.03.1997

06/03589/FUL - Demolish part existing and build two-storey extension to provide new lobby, utility and enlarged kitchen, with bathroom at 1st floor and extend bed 3 in loft – Refused – 18.01.2007

07/00556/FUL – Two and single storey front extension – Refused – 19.04.2007 Subject to appeal.

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Design of the extensions:

The Town Council have not objected to the design of the extensions, therefore this is not in contention. The two storey front extension is considered acceptable because of there is similar extensions on every property on this terraced row. With the lean to roof on the single storey extension it would replace the previous flat roof design in 06/03589/FUL and would be far more appropriate to the host building and the rest of the design of the terrace row.

Impact on the extensions on the setting of the Conservation Area:

The Town Council have not objected to the impact on the conservation, therefore this is also not in contention. Considering that the proposal is regarded to be an improvement on the previously refused application 06/03589/FUL and given the significant alterations to the original terraced row, there would not now be any harm to the setting of or the views into and from the conservation area.

Highway Safety:

The provision of a side door would not need planning permission as this would be allowed under the Permitted Development Rights of the property.

Additionally the provision of a door now cannot be raised as a reason for refusal because it was not included in the identical 07/00556/FUL reasons for refusal. Additionally as there has not been any change in Development Plan policy and there have not been any material changes in the application it cannot be raised as a reason for refusal. Therefore the Town Council's reason for refusal is not supported.

There are not any proposals for steps or even a ramp as the plans indicate that the door would only be 200mm up from ground level. However should there be a need to put a ramp in then planning permission would be required and approval from the land owner, the Highway Authority.

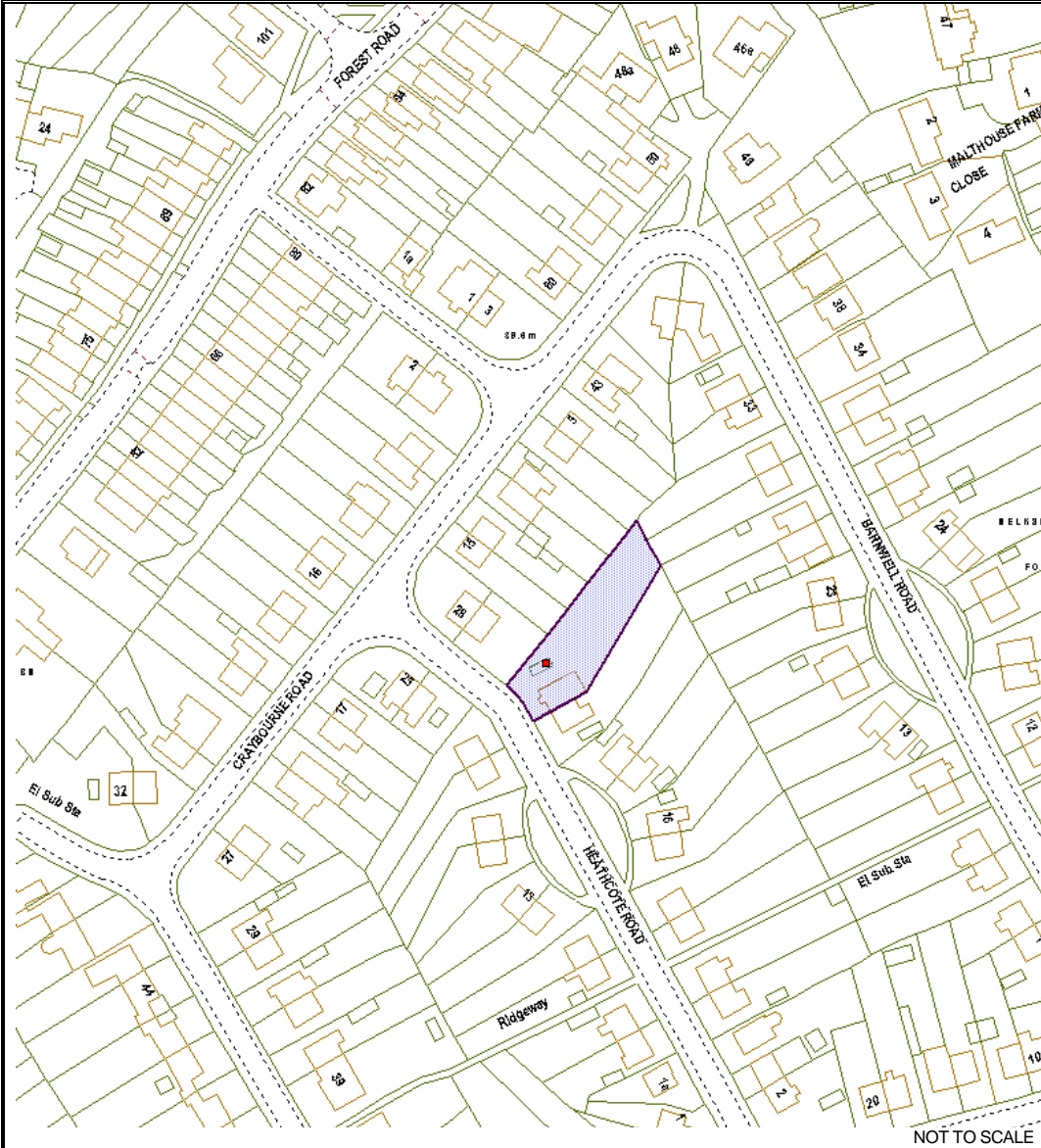
CONCLUSION

For the above reasons the application should be granted planning permission.

PLANNING COMMITTEE

25 October 2007

ITEM NO: 07
APPLICATION NO: 07/02832/FUL
LOCATION: Land Adjoining 24 Heathcote Road Melksham
Wiltshire



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SLA: 100022961

07 Application: 07/02832/FUL

Site Address: Land Adjoining 24 Heathcote Road Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham East
Grid Reference 391159 164460
Application Type: Full Plan
Development: New dwelling
Applicant Details: Mr Frank Watts
24 Heathcote Road Melksham Wiltshire SN12 7DF
Agent Details: A Harlow & Son
46 Longford Road Melksham Wiltshire SN12 6AT
Case Officer: Mr David Cox
Date Received: 07.09.2007 Expiry Date: 02.11.2007

REASON(S) FOR RECOMMENDATION:

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 Notwithstanding the provisions of Class D of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), No 24 and the new dwelling shall not change or replace their front porches without the need for planning permission.

REASON: In the interests of preserving consistent, well designed frontages to the dwellings

POLICY: H24 and C31a of the West Wiltshire District Plan 1st Alteration 2004

- 3 Notwithstanding the approved plans, revised plans showing the re-alignment of the 2 parking bays for each dwelling to allow for a 1 metre clearance between them and the front door of No 24 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

Note(s) to Applicant:

- 1 The applicant is advised to agree connection to Wessex Water systems prior to the commencement of works on site.
- 2 In order to comply with Condition 3 the applicant is advised to move the left parking bay of No 24 over onto part of the new dwellings land. This should allow for a sufficient gap between the parking bay and the front door of No 24.

COMMITTEE REPORT

APPLICATION DETAILS

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

This application is for a new dwelling to be built on the side elevation of an existing semi-detached pair at 24 Heathcoat Road.

The building would be of the same width as the two semi-detached dwellings. Its roof would be set down by 300mm from the ridge of semi-detached pair but with its front and back walls flush. The proposals also include replacing the existing lean to porch of No 24 to replace it with a design to match the overhanging one at No 22. New dwelling would also have the same porch design. The fenestration details would match that on host building.

The application site is located on a higher ground level than the other dwellings in the street with the ground falling away in a north-westerly direction towards the junction with Craybourne Road. This is why the proposal has been set down from the host building to follow the drop in ground level.

CONSULTATION REPLIES

MELKSHAM TOWN COUNCIL

Objection: The proposed development is out-of-keeping, due to its mass and scale (as large as the host building).

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objection subject to the "left side" car parking space for the existing property would obstruct access to the front door. 1 metre is required from the door to the parked vehicle to allow sufficient space.

WESSEX WATER

No objection.

PUBLICITY RESPONSES

One letter of objection was received from neighbours who were consulted by letter.

- Turning a semi-detached dwelling into a terrace is totally out of character with the surrounding area. Properties are almost exclusively semi-detached, with a few detached dwellings. This will be detrimental to the street scene.
- The proposed development is also aesthetically undesirable with it being at a different height than the existing building, it will look decidedly out of place and because of its size appears to be an overdevelopment of the site.

- Dropping the curb to allow for the off-street parking spaces would reduce the amount of on-street parking for people who do not have private drives.
- I hope that an external right of way to the back of No 24 is provided for future occupants.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004 – Policies: H1, H24, C31a and C38.

Planning Policy Statement 3 – Housing.

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

- Principle of development
- Impact on host building
- Impact on setting of street scene
- Impact on neighbouring amenity
- Highway Safety

PLANNING OFFICER COMMENTS

- The site is within Town Policy Limits and would represent a density of approximately 28 dwellings per hectare. Whilst this is below the target of 30 dwellings per hectare in PPS3, it is not considered that this is an inefficient use of land especially the density of the surrounding area is approximately 20 dwellings per hectare.

- Although the residential area comprises of semi-detached properties, it is considered that the creation of this terrace would not harm the appearance of the semi-detached pair or the setting of the street scene in general. The proposed dwelling would have the same width of the two semis which would respect its proportions.

- The proposal has taken into account the topography of the site and surrounding area. By stepping the dwelling down from the semi-detached pair it respects the downwards slope of the site. If the dwelling shared the same ridge height as the semi-detached pair it could appear to be overly dominant on the setting of the street scene when viewed from the junction with Craybourne Road.

- The proposal has also improved the design element of the proposed dwelling and of No 24 by replicating the porch design of No 22. However this could be undone with the Permitted Development Rights were not removed for the two properties that could allow for the eventual replacement of the existing lean-to porch design as seen on No 24. Therefore a condition will be made to remove the Permitted Development Rights for Porches.

- The proposal would not harm the amenities enjoyed by the adjoining neighbours. This is because there would be no windows overlooking their side garden and there would still be sufficient space between them to allow for sufficient daylight.

- The Highway Authority has stated no objection to the proposal however have requested that the left parking bay for No 24 is revised to allow for clearance between the front door and the parking space. This can be secured through planning condition.

CONCLUSION

For the above reasons the Town Council's objections cannot be supported and the application should be granted planning permission.

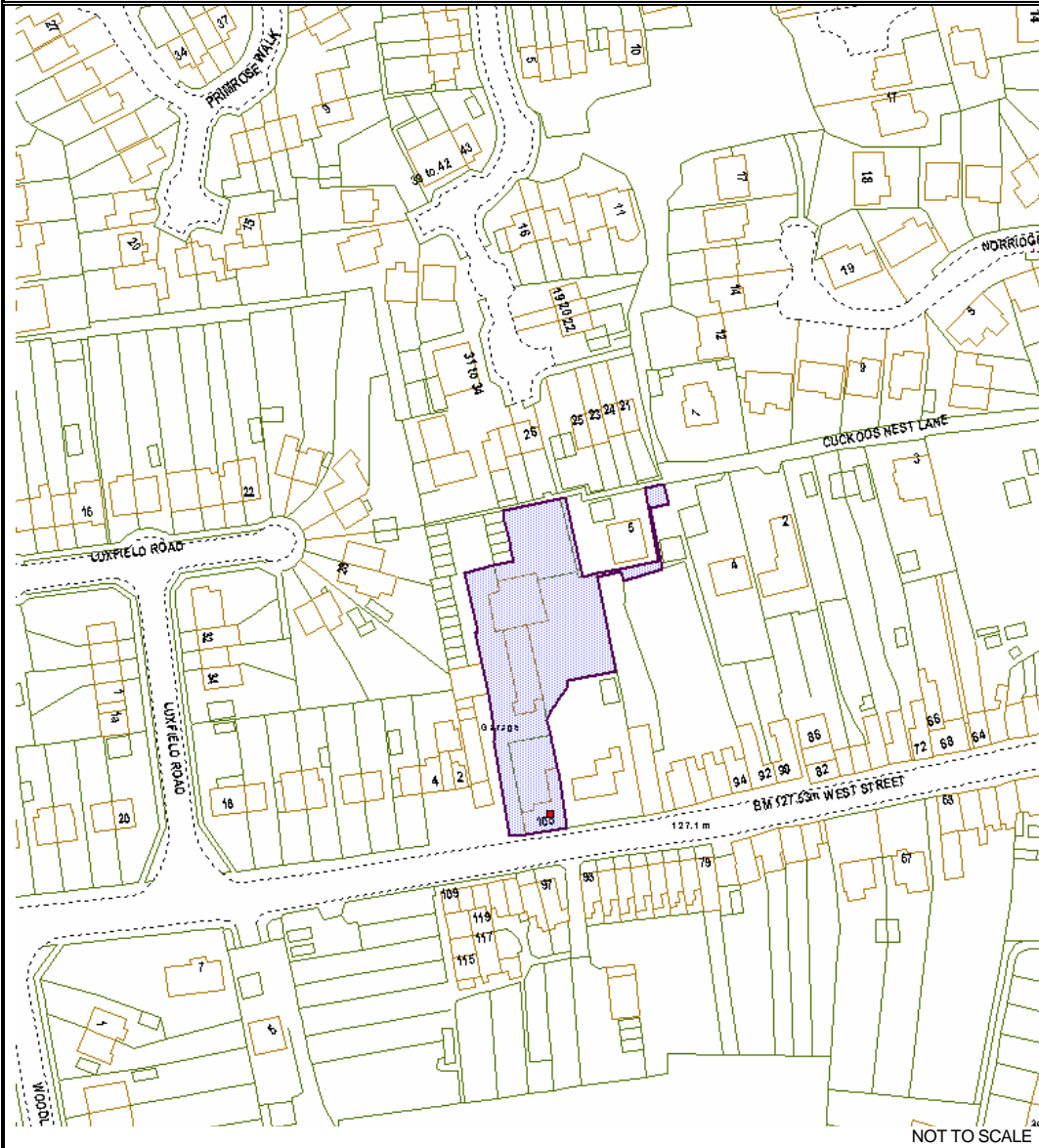
PLANNING COMMITTEE

25 October 2007

ITEM NO: 08

APPLICATION NO: 07/01115/FUL

LOCATION: 106 West Street Warminster Wiltshire BA12 8JW



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SLA: 100022961

08 Application: 07/01115/FUL

Site Address: 106 West Street Warminster Wiltshire BA12 8JW

Parish: Warminster Ward: Warminster West
Grid Reference 386330 144947
Application Type: Full Plan
Development: Demolition of existing garage buildings, formation of access including partial demolition of 106 West Street and construction of 1 three bedroom cottage and 4 two bedroom cottages
Applicant Details: J & G Vehicle Repairs
Stephens Way Warminster Business Park Bath Road Warminster Wiltshire
Agent Details: Barrie Taylor Associates
39 Silver Street Warminster Wilts BA12 8PT
Case Officer: Mr Mike Muston
Date Received: 29.03.2007 Expiry Date: 24.05.2007

REASON(S) FOR RECOMMENDATION:

The proposal would preserve the character and appearance of the Conservation Area and have no adverse effect on highway safety.

RECOMMENDATION: The Development Control Manager be authorised to grant permission on completion of a Legal Agreement to secure contributions towards the provision of public open space as required by Policy R4 of the West Wiltshire District Plan First Alteration 2004.

Condition(s):

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

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

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

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

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

3 No development shall take place until 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 No dwelling hereby permitted shall be occupied until the access improvements shown on drawing J064/3 have been fully implemented.

REASON: In the interests of highway safety.

- 6 The development hereby permitted shall not be commenced until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. None of the houses hereby permitted shall be first occupied until the approved works have been completed and are fully operational.

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

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

- 7 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate.

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.

- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. 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 Committee because the Town Council objects and your officers recommend permission.

This application is for full planning permission for the erection of 5 cottages on this currently commercial site on the north side of West Street, on the edge of the Warminster Conservation Area (the entrance to the site and most of the houses are inside the Conservation Area; the majority of the access road is outside). The proposal show these 5 houses grouped in an informal courtyard, with one being detached and the other 4 in 2 pairs of semi-detached houses. Parking would be provided at the rate of two spaces per house. Five spaces would be provided under a covered carport and five in the open. Two spaces would also be provided for No 106.

This application does not include other land in commercial use to the west or other underused land to the east. However, illustrative plans have been submitted showing how these other parcels of land could be developed, along with the submitted proposals, to produce a 12 house scheme on the wider site.

The proposal includes the demolition of a part of 106 West Street and other highway improvements, to improve visibility and highway conditions at the entrance to the site from West Street.

STATUTORY CONSULTTEES

WARMINSTER TOWN COUNCIL

Recommend refusal on the grounds of access and overdevelopment. State that the access onto Victoria Road/ West Street will only exacerbate the already serious traffic problems. One Councillor also queried the demolition of part of 106 West Street, stating that they cannot believe that this ancient building is being pulled down to form an access.

HIGHWAY AUTHORITY

In response to the amended plans, recommend that no highway objection is raised subject to a condition that the access improvements shown on the revised plan are fully implemented.

WESSEX WATER

Point out that surface water drainage will not be permitted into the foul sewer in West Street and that the developer needs to identify where the surface water will drain to.

PUBLICITY RESPONSES

A site notice has been placed on site and neighbour notifications have been carried out. Six letters have been received in response, one raising no objections and five objecting to the application. The main areas of concern are:-

- Poor visibility at the access
- The access road is used to gain access to garages, workshops and parking and is not wide enough to accommodate the extra traffic
- There will be highway problems from delivery vehicles, emergency vehicles and dustcarts
- 106 West Street is in a Conservation Area and no part of it should not be demolished

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C31a	Design
H1	Further Housing Development within Towns
H3	Urban Brownfield Allocations
C18	New Development in Conservation Areas
C19	Alterations in Conservation Areas
C40	Tree Planting
R4	Open Space in New Housing Developments

RELEVANT PLANNING HISTORY

03/01023/FUL - Demolition of 106 West Street, workshop behind & construction of access & 5 dwellings - Withdrawn

05/01750/FUL - Demolition of existing garage buildings, formation of access including partial demolition of 106 West Street and construction of 1 three bedroom cottage and 4 two bedroom cottages - Refused 30.03.06 & dismissed at appeal

This appeal decision is a very important material consideration in considering this application. The proposals are the same, except for extra supporting information now submitted regarding the highway impacts of the proposal and some additional highway improvements included in the current scheme.

The Inspector in January 2007 (05/01750/FUL) considered the scheme in relation to the Conservation Area. She felt that the partial demolition and reconstruction of 106 West Street would allow it to remain as "an attractive older building at the entrance to West Street". She concluded that the proposals would preserve the character and appearance of the Conservation Area.

She went on to note that visibility at the junction with West Street would be well below the recommended standard. She noted that the appellants had asserted that the proposed use would generate less traffic movement than the existing use on the site but pointed out that no evidence had been produced to back up this assertion. As a result she was unable to conclude that the proposal would not harm highway safety.

She went on to consider the number of parking spaces provided (10, as now) and the fact that an existing commercial use was not included in the scheme (again, as now proposed). She felt that both of these aspects were acceptable. She also considered that a Section 106 agreement in respect of a contribution to public open space was an appropriate way forward.

She concluded by acknowledging that the proposals were acceptable in many respects but that her concerns over highway safety outweighed this, and dismissed the appeal.

KEY PLANNING ISSUES

The main issues in this case are the principle of developing the site for housing, whether the proposal would preserve or enhance the character or appearance of the Conservation Area and the effect of the proposal on highway safety.

PLANNING OFFICER COMMENTS

Principle of Developing the Site

The site is part of that allocated within the adopted District Plan under Policy H3 as an Urban Brownfield Allocation for approximately 12 dwellings. The Inspector in the above appeal accepted that the development of this site alone would not prejudice the wider development of the allocated site. As a result, the principle of developing the site for residential purposes in the manner proposed has been established.

Conservation Area

The Warminster Conservation Area covers much of the historic core of the town. This part of the Conservation Area is characterised by older properties located close together and close to the back edge of the pavement. The proposal would form an interesting informal courtyard of buildings designed to match the styles of those elsewhere in the Conservation Area.

No 106 West Street plays an important role in acting as a visual gateway to the Conservation Area from the west. Its contribution would be altered by the partial demolition involved, which are required to improve visibility at the access point, but not materially so. In line with the Inspector's conclusions in the previous appeal, it is considered that that the proposals would preserve the character and appearance of the Conservation Area.

Highway safety

The applicants have commissioned a study by respected highway consultants, who have considered the number of vehicular movements associated with the lawful use of the site and those that would be likely to be generated by the proposals before Committee. Their conclusions are that the current proposal would generate less than half of the trips that the lawful use could and that, even just looking at the a.m. and p.m. peak times, they would still result in a reduction.

Against this background, the County Council as highway authority has agreed that no objection can be raised, subject to the highway works to the entrance identified in revised plans submitted by the appellants taking place. It is considered that the work commissioned by the applicants constitutes the evidence that the Inspector in the appeal felt that she did not have. It is of course acknowledged that the visibility from the site would be substandard. However, this scheme includes measures to improve it and would generate considerably less traffic than the lawful use of the site.

It is also relevant that, since the appeal decision in December 2006, the very restrictive highway standards contained in Design Bulletin 32 have been replaced by a more flexible and up-to-date approach in 'Manual for Streets', which acknowledges the vastly improved stopping distances of modern cars and therefore reduces required visibility.

In the circumstances it would not be reasonable to refuse the application on highway safety grounds, as it would result in an improvement compared to the existing situation.

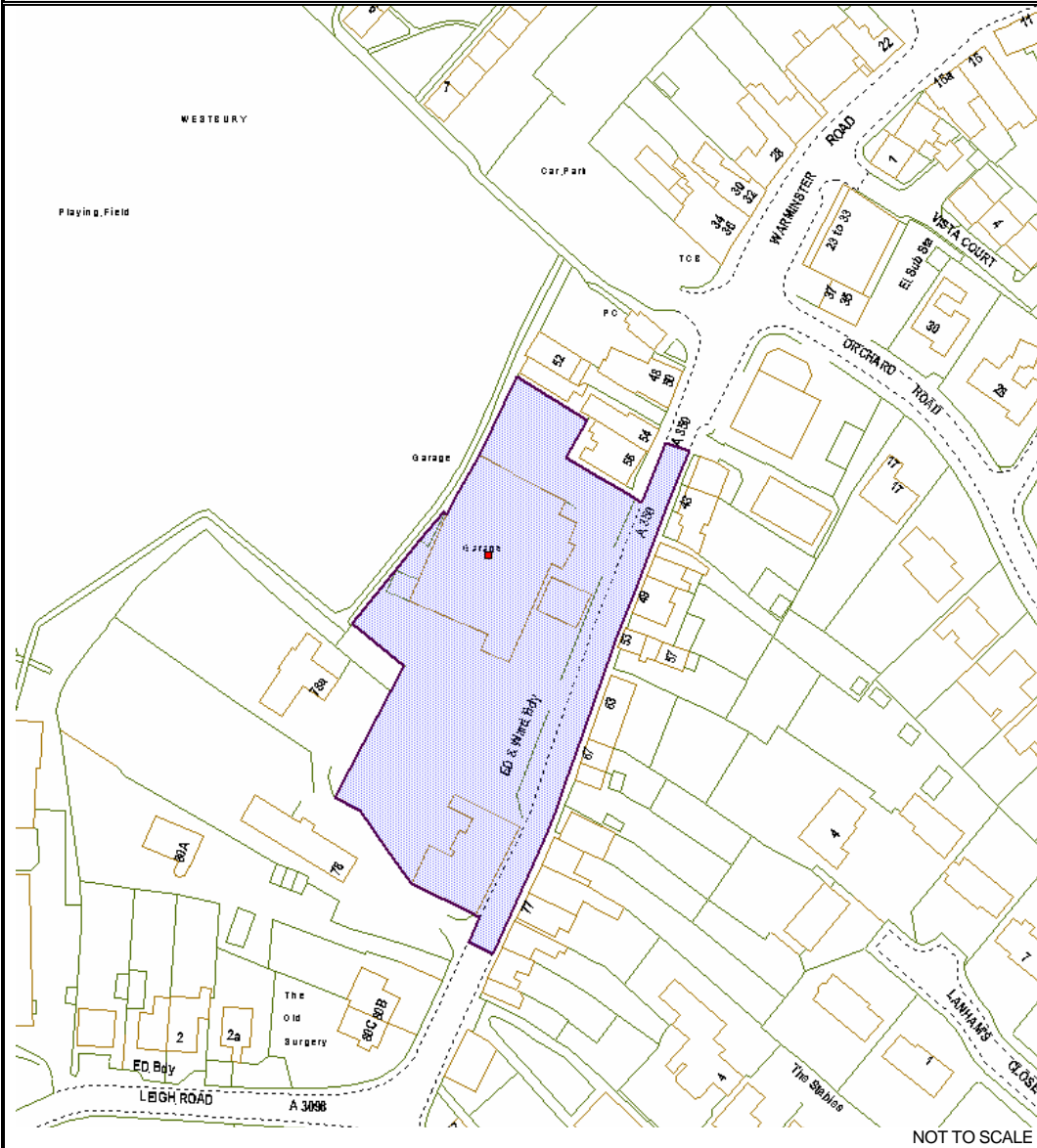
CONCLUSION

The proposal would preserve the character and appearance of the Conservation Area, and have a potentially positive effect on highway safety. It would also provide housing on a brownfield site in a sustainable location. It is therefore recommended that planning permission be granted, subject to a Section 106 agreement and the conditions listed above.

PLANNING COMMITTEE

25 October 2007

ITEM NO: 09
APPLICATION NO: 07/00521/FUL
LOCATION: Oval Motors (Showroom) 60 - 62 Warminster Road
Westbury Wiltshire BA13 3PL



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SLA: 100022961

09 Application: 07/00521/FUL

**Site Address: Oval Motors (Showroom) 60 - 62 Warminster Road Westbury
Wiltshire BA13 3PL**

Parish: Westbury Ward: Westbury Ham
Westbury Laverton

Grid Reference 387155 150979

Application Type: Full Plan

Development: Erection of new Aldi foodstore with associated parking, access,
landscaping and alterations to highway

Applicant Details: Aldi Stores Limited
South Marston Park Swindon Wiltshire SN3 4FN

Agent Details: Turley Associates
FAO Mr Tom Moreton 10 Queen Square Bristol BS1 4NT

Case Officer: Mr Matthew Perks

Date Received: 12.02.2007 Expiry Date: 14.05.2007

REASON(S) FOR RECOMMENDATION:

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 a contribution of £35,000 towards the provision of two bus stops and towards public transport initiatives, to include improvements to local bus services. The payment shall be made prior to the commencement of the development.

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 development the site shall be subject to:

- i) Site investigation and risk assessment works for chemical contamination;
- ii) Works to remediate any chemical contamination identified that is unacceptable in the context of the approved development and its environmental setting as identified by the site investigation and risk assessment works; and
- iii) Remediation validation works to be carried out to the satisfaction of the Local Planning Authority.

Site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 : Investigation of Potentially Contaminated Sites : Code of Practice. Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines for the Scottish and Northern Ireland Forum for Environmental Research (SNIFFER) protocol for assessment of human health risks, Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: In the interests of the protection of public health and the avoidance of pollution.

- 4 Delivery and despatch of goods to and from the site shall be limited to between 08:00 and 20:00 on Mondays to Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays.

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

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

- 5 Commercial vehicles (including forklift trucks) shall only be started up, manoeuvred, operated, loaded or unloaded between 08:00 and 20:00 on Mondays to Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays.

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

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

- 6 The car park shall be locked at all times when the store is closed.

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

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

- 7 The development hereby permitted shall not begin until a scheme of suitable noise attenuation works has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.

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

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

- 8 Piling or other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON: In order to ensure that the development does not cause pollution to Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters

- 9 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no unacceptable risk to controlled waters.

REASON: In order to ensure that the development does not cause pollution to Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

- 10 All surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

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

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

- 11 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.

- 12 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.

- 13 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.

- 14 The retail sales floorspace shall be limited to the 1125m² as shown on drawing D103 REV A dated September 2006. There shall be no internal subdivision of the space into smaller shop units, nor any creation of other additional retail floorspace including by way of the provision of a mezzanine level or extension into the "warehouse" area as shown on the drawing..

REASON: In order to protect the vitality and viability of the town centre.

POLICY: West Wiltshire District Plan - 1st Alteration, 2004 - Policy SP3 and Section 3.31 of PPS6.

- 15 A Travel Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of the development. The Travel Plan shall include a timetable for implementation, and shall be implemented in accordance with the approved scheme.

REASON: In the interests of sustainable transport objectives and highway safety.

- 16 The development shall not start until full engineering details of the proposed access arrangements, based on design considerations contained in TD 42/95 and generally as shown on drawing No. T0040-SK02 have been submitted and approved by the Local Planning Authority, and the first use of the development shall not occur until the access junction has been constructed in full accordance with the approved details.

REASON: In the interests of highway safety.

- 17 Visibility splays at the access point onto Warminster Road of 4.5m x 61m to the south and 4.5m x 90m to the north shall be provided and maintained at all times with no obstruction above a height of 600mm above adjacent road level.

REASON: In the interests of highway safety.

- 18 Junction radii at the access point onto Warminster Road of 10 metres shall be provided in accordance with details which shall be submitted for the further approval of the Local Planning Authority, and the junction shall be laid out in accordance with the approved details before the first use of the development.

REASON: In the interests of highway safety.

- 19 Prior to commencement of development, an internal and external photographic record of the buildings to be demolished on the eastern edge of the site (the group including the former "Oak Inn") shall be made and deposited with the Local Planning Authority.

REASON: In order to retain a historical record of the buildings.

Note(s) to Applicant:

- 1 The applicant is advised to refer to the Environment Agency Guidance on the Requirements for Land Contamination Reports for the type of information that is required in order to assess risks to controlled waters from the site.
- 2 The applicant is advised that it will be necessary to enter into a Section 278 Agreement with the Local Highway Authority to ensure that the access works where they affect the public highway can be completed to the full approval of the Highway Authority, including additional street lighting, highway drainage, widened carriageways, pedestrian refuge(s) and new widened footways. Commuted sums will also be obtained for the additional highway works and a contract for the work must be undertaken by the County Council at the expense of the developer.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the erection of an ALDI foodstore with associated parking, access, landscaping and access to the highway at the Oval Motors Showroom site, 60-62 Warminster Road, Westbury. The proposal is for a 1785m² foodstore with a net sales area of 1125m² within a single storey building. 83 Car parking spaces including 4 disabled, 4 child/parent and 1 staff space are proposed.

The proposed development comprises the erection of a single storey, flat roof building on the northern portion of the application site. The proposals include a new canopy (located at the main entrance) to provide an area of circulation space protected from the weather. On the western boundary the existing wall would be retained, and additional landscaping is provided to reinforce the boundary to the playing field.

The site is bounded on the west by a school playing field. To the north of the site there are residential and business uses and to the south there are three detached residential properties. The eastern boundary of the site is formed by Warminster Road. On the opposite (eastern) side of Warminster Road there are residential properties.

The site is currently used for car sales. The land to be occupied by the store and associated parking is some 5000m² in extent, and is located to the west of the A350 about 400m to the south west of the town centre.

Supporting documentation submitted with the application include a retail assessment, an "urban design assessment and concept", a transport assessment, a design and access statement and a geo-environmental site assessment report, and an air quality assessment.

CONSULTATION REPLIES:

WESTBURY TOWN COUNCIL: Object.

The Town Council comments as follows:-

"The committee supports the principle of the change of use to retail but objects to this application on the grounds of Highway matters, namely:
SP3 (F) that the envisaged traffic generated by the proposal will have difficulty in both access and egress from the site, particularly turning right in the Warminster direction. Furthermore, SP3 (H) & (D) that independent sequential testing be carried out."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection.

Made the following comments:

Following negotiations "... culminated in changes to the design of the junction serving the site, and the latest drawing which shows those agreed changes is numbered T0040-SK02. Further checks of the data supplied in the TA were requested, received and agreed. I can therefore confirm the following:-

The layout of the access which includes a ghost island right turn junction is an acceptable junction design. Visibility splays shown at the access point are acceptable, although I note the dimension for the splay to the south is shown at 4.5m x 65m but only measures some 61m - however, the splay will accommodate safe exit movements and is acceptable. I will recommend the splays are conditioned to be maintained in perpetuity.

The level of car parking is acceptable. The proposed store is large for its type where discount stores typically range between 1000m² and 1600m². The parking ratio is 1 space per 21.5m². Parking accumulations have been supplied by the agent, showing that the worst case (with additional factoring) parking demand can (just) be catered for. Also, the store is located close to the Town Centre and near to a large Town Centre car park.

I have some concern about the reversing of service vehicles within the car park, but accept that this is typical of the way smaller discount store operate without safety issues and this has also been discussed with the agent. The agent has supplied swept path turning layouts for service vehicle entry and exit and whilst these show that an articulated vehicle can safely make the manoeuvres, the design of the junction is poor. This will force vehicles to slow significantly to make a turn and I propose to offer a condition requiring slight changes to the design - I also feel that at least two parking spaces should be removed and it may be necessary to discuss this relatively minor change with the applicant/agent before proceeding.

Further measures to encourage access by public transport and walking have been discussed with the agent. Two bus stops are currently located close the existing access and it is proposed that these will be upgraded wherever possible and practicable to do so. (A sum of £25,000 has been discussed with the agent to facilitate these improvements but this figure is now being reconsidered in the light of comments from the Regional and Spatial Planning Team and the Project Officer for Westbury Bypass). Improvements to access between the site and the Town Centre are considered necessary to encourage more multiple trips on foot and further support the Town Centre. Also, support for local bus services to the sum of £10,000 has been discussed with the agent. Following discussion with the agent on further contributions, it is considered that a TOTAL sum of £45,000 should be obtained via Section 106 Agreement to secure improvements to local bus services (£10,000), bus stop facilities which will include raised kerbs, shelters and real time information for passengers where appropriate and improvements to facilitate walking between the site and Town Centre (£35,000).

Cycle facilities for staff and customers are acceptable. A Travel Plan should be developed in consultation with the County Council to further encourage access to the development on foot, cycle and public transport and the Plan should be fully approved before any development starts.

A future link to the land to the rear of the site has been identified which would encourage sustainable links to the site by pedestrians and possibly cyclists. Again, this has been discussed with the agent and it has been agreed that a position for a future gated link should be identified on the submitted drawing - this drawing has not yet been submitted and I would request this change.

It may be considered necessary to discuss the above requirements with the applicant and agent before proceeding. However, provided the developer enters into a Section 106 Agreement with the County and District Council on terms referred to above, I am prepared to offer a recommendation of no highway objection subject to conditions and note.

- COUNTY PLANNING: No objection.

Note that it is important to ensure that the route between the town centre and the site facilitates pedestrian movement.

- ENVIRONMENT AGENCY: No objections in principle subject to conditions in relation to site contamination mitigation measures and groundwater protection.

- WESSEX WATER: No objections.

- LIBRARIES AND HERITAGE: No objection.

Nothing of archaeological interest is likely to be affected.

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: No objections subject to conditions in relation to pollution avoidance, delivery times, noise generation and vehicle manoeuvring.

An Air Quality Assessment was also made a requirement,

- PLANNING POLICY: Policy officers initially requested additional information, and there was liaison with County Planning. The proposals are broadly acceptable in terms of retail policy. However, the demolition of an attractive building fronting onto Warminster Road and the use of blank concrete walls in the new building fronting onto this road are unacceptable features.

Although the site is not within a Conservation Area and no buildings listed as being of historical importance are located on site, the Conservation Officer has expressed the view that it would be of value to make a photographic record of the group of buildings including the former "Oak Inn". Although these buildings could be demolished without permission, the agents have consented to providing a record.

- ECONOMIC DEVELOPMENT: No comment.
- LANDSCAPE OFFICER: No objection subject to conditions.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. Five responses were received. Comments were as follows:

- The southern portion of the site lies outside the commercial area as defined in the West Wiltshire District Plan;
- The Matravers School playing fields designated as recreation space adjoin the western boundary of the application site;
- The former Oak Inn (although not listed) may be one of the oldest buildings in Westbury. The buildings have been used as a public house, for glove making, as well as malting and brewery activities;
- The planning inspector dismissed an appeal for an advertising sign on the former Oak Inn in 2006. (The application was refused on the grounds of potential danger to pedestrians and on grounds of harm by the sign to the setting of the listed buildings on the opposite side of the road);
- Hindrance to access to 69 Warminster Road arising from the need to cross two traffic lanes to gain access when approaching from the Warminster side;
- The proposed bus stop improvements will create a hazardous traffic situation. The bus stop should be removed totally from the scheme. There are viable alternatives;
- Although the store would be a positive improvement there are concerns with out of hours delivery, excessive lighting, staff parking not accommodated on site, delivery vehicles parked on the highway and congestion at the site entrance holding up through-traffic;
- The pavement presently alongside the old public house should be widened and clear visibility must be provided for vehicles leaving the site;
- The building would be out of keeping with the surrounds as well as the listed buildings on the opposite side of the road;
- The former Oak public house should be retained as part of Westbury's heritage;
- The roadway design at the entrance is inadequate;
- Noise from the unscreened trolley bar.

RELEVANT PLANNING HISTORY

00/01262/FUL: Change of use of public house and adjoining glove factory to Class B1 and car parking area to car display, customer parking, staff parking and car transporter turning. Re-routing of School pedestrian access: Permission: 01.12.2000

RELEVANT PLANNING POLICY

West Wiltshire District Plan – 1st Alteration 2004
C31a - Design
C38 - Effects of development on neighbouring properties
SP3 - Out of centre shopping
T10 - Parking

PPS 1 - Delivering sustainable development
PPS6 - Planning for Town Centres

KEY PLANNING ISSUES

The key planning issues in this case is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy.

PLANNING OFFICER COMMENTS

Policy SP3 of the West Wiltshire District Plan 1st Alteration, 2004 states that "Supermarkets and retail warehouses will only be permitted if there is a need for the development, if there are no suitable and viable sites available within firstly, the defined Primary Retail Frontages and secondly, (for out of centre proposals) edge of centre locations, if the development does not, either by itself or together with other retail developments, harm the vitality or viability of nearby centres, it is of an acceptable scale and design, if it is accessible and can be accommodated in highways terms. These requirements reflect statements in PPS6.

Need for the Development

A qualitative and quantitative need has been established. There is a need for the floorspace to claw back current retail leakage to other towns. However, good linkages must be established to the town centre. There will be a trade draw from other bulk purchase/main food retailers in the town but there is anticipated to be an overall expansion of turnover in the Westbury central area by 2009 that will mean the other shop of this type in the town centre will in fact increase its turnover by that time.

Whether there are Alternative Sites Available?

The supporting statement confirms that the sequential approach (i.e. considering central sites, edge of centre sites and then out of centre sites) set out in PPS6 should be applied in this case. The bulk of this site lies within the West Wiltshire District Plan, 2004 Policy SP1 area (i.e. town centre commercial zone), but not within the Primary Retail Frontage. The proposal accords with the relevant Policy criterion insofar as it is an "...edge of centre..." retail development.

Impact on Surroundings

The new ALDI building would replace the car showroom buildings on the site. The building at the southern end of the site and fronting immediately onto Warminster Road would be demolished to provide parking spaces. The objector observations on the buildings urge preservation of the building. The situation however is that the Oak Inn is neither located within a Conservation Area nor listed as having any architectural or historical merit. The building could be demolished in the absence of any planning application.

The building is currently utilised as offices to the car sales operation. There are listed buildings on the other side of the road. However, this section of Warminster Road narrows to a pinch point of only 8.5m between the buildings on opposite sides of the road, giving rise to a potentially hazardous environment due to traffic volumes. The demolition of the buildings would result in an opening up of the immediate area and, together with proposed modifications to the road verges, the upgrading of the bus stop and landscaping, contribute towards an overall visual enhancement to this area.

The proposed building is of a contemporary design. The street frontage elevation would have the 7m wide main customer entrance at the southern end, situated beneath a 21m long canopy of grey powder-coated aluminium which also would protect a trolley bay area. The remaining length of the building (approximately 33m) on the street frontage would be of white rendered panelling broken by a 1m wide banding of windows set at a height of 2.6m. The street elevation would be broken by a row of trees and lower level plantings. The south eastern elevation facing the parking area would be largely comprised of a glazed fronting under the canopy extending around from the street frontage. The rear and loading bay elevations (facing away from the street frontage and open parking area) would be of white rendered panelling.

The surrounding area is characterised by a mix of uses including a petrol station diagonally opposite and some 60m to the east. The area contains predominantly two storey buildings. The height of the store is below that of other properties on Warminster Road, and the building itself is slightly set back behind the roadside landscaping, reducing any potential for dominance. Given this setting and the current situation on the site the proposal is considered to be of acceptable scale, materials and design and will not harm the local environment or neighbouring amenity.

Traffic Considerations

The Town Council highway comments are noted as are those of objectors. In response, the Highway Authority has been in negotiations with the applicant and does not object to the proposal, subject to an agreement being entered into and certain conditions. Based on these comments it is considered that highway and parking issues have been satisfactorily addressed. The proposed S106 agreement would include a contribution towards public transport improvements and conditions requiring a travel plan and improvements to sustainable access to the store are proposed.

It is understood that an initial amount of £35,000 to cover the provision of two bus stops and towards public transport initiatives. However, following this, an additional £10,000 was suggested by County as an amount to enhance pedestrian linkages between the site and the town centre. The applicant argues that the proposals for improvements to the road alignment, widening of the footpath and pedestrian facilities fronting the site would form part of the development and represent a significant contribution by ALDI to pedestrian linkages within the town. In considering this difference in views it is noted that proposals for the improvements to the road fronting the site are substantial and do provide enhanced pedestrian facilities. The site is also largely within the town centre commercial area and has linkages via the parking area to the north and a pedestrian route towards the centre of town. Government guidance on the use planning obligations in the form of Circular 05/05 states that for planning obligations to be valid, they must be necessary, relevant to planning, directly related to the proposed development, fair and reasonable in scale and kind and reasonable in all other respects. In this case it is considered that the improvements to the roadway fronting the site, together with the £35,000 to cover the provision of two bus stops and towards public transport initiatives are reasonable in scale and kind, as well as directly related to the proposal. The additional £10,000 for the additional improvement of linkages to the town centre would fall outside of the Circular 05/05 guidance and therefore do not form part of the recommendation.

CONCLUSION

It is considered that the proposal accords with relevant District Plan criteria and PPS6 guidelines. The application should be permitted subject to the completion of a S106 agreement in respect of highway-related contributions.

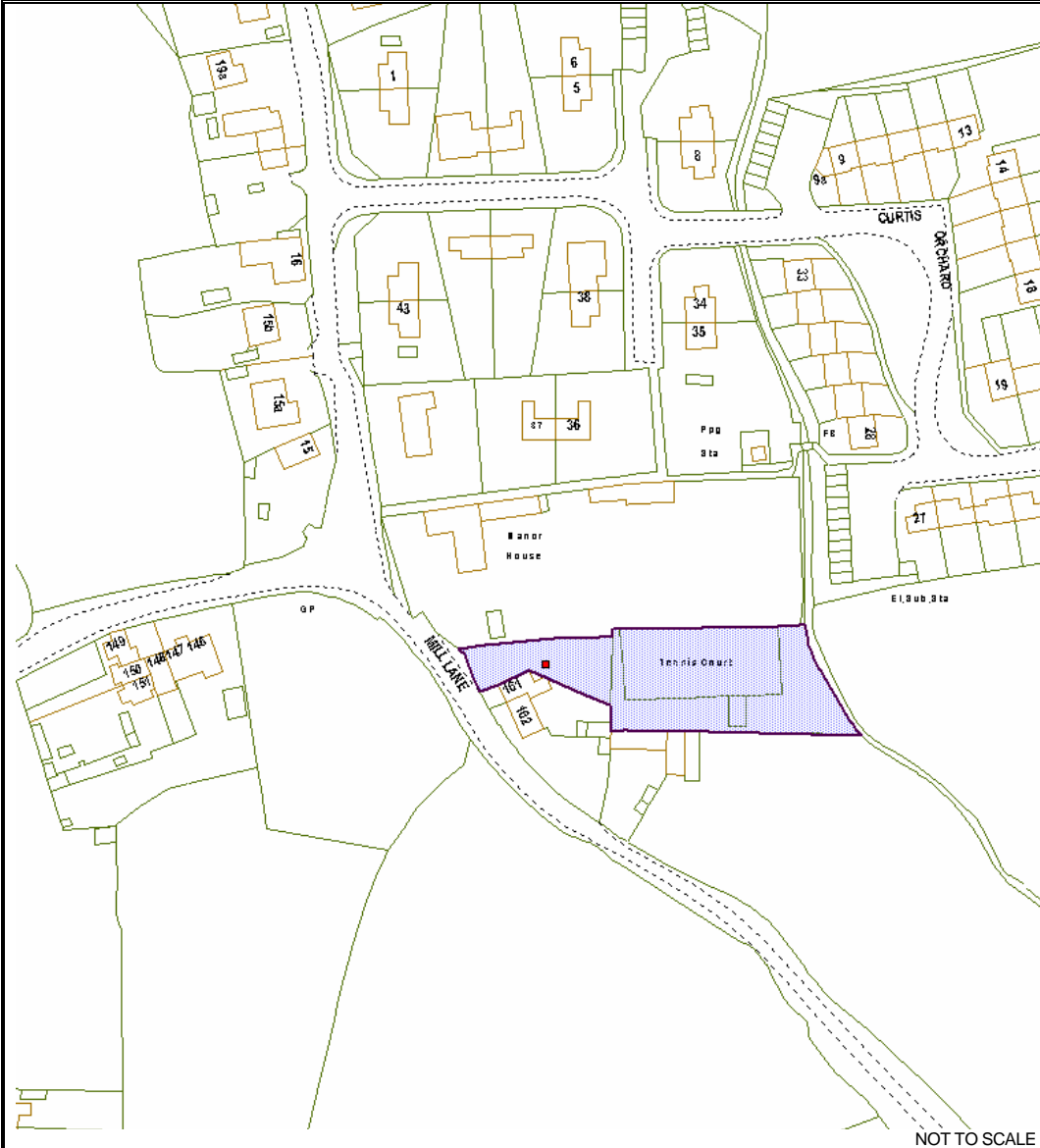
PLANNING COMMITTEE

25 October 2007

ITEM NO: 10

APPLICATION NO: 07/01674/FUL

LOCATION: Land Adjacent Manor House The Street Broughton
Gifford Wiltshire



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SLA: 100022961

10 Application: 07/01674/FUL

Site Address: Land Adjacent Manor House The Street Broughton Gifford Wiltshire

Parish: Broughton Gifford Ward: Avonside
Grid Reference 387980 163465
Application Type: Full Plan
Development: New house
Applicant Details: Mr And Mrs O'Sullivan
The Manor House The Street Broughton Gifford Wiltshire
Agent Details: Batterham Matthews Design
1 Tollbridge Studios Tollbridge Road Bath BA1 7DE
Case Officer: Mr Matthew Perks
Date Received: 16.05.2007 Expiry Date: 11.07.2007

REASON(S) FOR RECOMMENDATION:

The proposed development would not materially affect the amenities of the neighbours 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.

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 garages and driveway 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 is available in the interests of highway safety.

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

- 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 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 referred to Committee because the Broughton Gifford Parish Council object and your officers recommend permission.

This is an application for full planning permission for a new dwelling on land adjacent to Manor House, The Street, Broughton Gifford. The proposal is a resubmission of an application that was granted permission under reference 98/00398.

The land currently forms part of the curtilage of Manor House, a Grade II* Listed Building. The majority of the site is currently under hard surfacing as a tennis court but an existing stone and clay-tile building would be incorporated into the dwelling. The site falls within the Conservation Area.

The proposed dwelling would be a four-bedroomed bungalow of natural stone under clay double roman tiles. A double garage would be integral to the building. The building would be fairly low profile with a roof ridge height of approximately 6m. Access would be via an existing entrance to the site off of Mill Lane.

CONSULTATION

BROUGHTON GIFFORD PARISH COUNCIL: Object.

The Parish Council state:

"This is a renewal of an application previously given permission, which has now lapsed. The proposed bungalow is very extensive but will not be seen from the road. The Parish Council does not object in principle to the site being used for housing. However, the Parish Council had reservations about the size of the proposed building possibly being an overdevelopment of the site, with no visible car parking allowance for up to possibly four cars being in use. On street parking is definitely not an option in the area.

The Parish Council would anticipate that as permission had lapsed, this application will be judged on the current planning policy criteria. Therefore, if given permission would have to have consideration for an affordable housing element included."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objection.

WESSEX WATER

No objection.

ENGLISH HERITAGE

"The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."

INTERNAL WWDC CONSULTATIONS

HOUSING SERVICES

The housing officer advised, at the time of being consulted on the application, that an affordable housing contribution would be required. However, there has subsequently been an amendment to this policy at is relates to single dwellings within villages. No contribution is now required in these circumstances.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. No comments were received.

RELEVANT PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016
DP7 - Housing in Towns and Main Settlements

West Wiltshire District Plan: 1st Alteration 2004
C17 - Character and appearance of conservation areas
C20 - Change of use in Conservation Areas
C27 - Character and setting of Listed Buildings
C38 - Effects of development on neighbouring properties
C31a - Design
H17 - Village Policy Limits
T10 - Parking

PPS3 - Housing

RELEVANT PLANNING HISTORY

98/00398/FUL: Dwelling: Permission: 29.07.1998

KEY PLANNING ISSUES

The site history is a material consideration. The issues in this case are the principle of the development of a dwelling on this site within the Conservation Area and the setting of the Grade II* listed building, and highway considerations.

PLANNING OFFICER COMMENTS

The building is within the Village Policy Limits of Broughton Gifford where new residential development is permissible subject to the criteria in policy H17 of the West Wiltshire District Plan, 1st Alteration including the local setting and neighbour amenity. Due consideration is also required in relation to conservation area and the listed building setting.

- Setting in Conservation Area and setting of Listed Building

The proposed dwelling is identical in design and location to that previously granted permission under application reference 98/00398/FUL. The dwelling would be a large four bedroom property of materials matching the existing outbuilding which it is proposed to incorporate into the structure. There are other residential properties in the vicinity, of varying character and form. The site is not visual to the street frontage or prominent to neighbouring dwellings. The building would be within the setting of the Grade II* Listed Building, but at a distance of some 45m. The boundaries to the site are well vegetated with trees and hedges.

- Highway issues

The Highway Authority does not object to the proposal. The comments of the Parish Council are noted, but the plan indicates an integral double garage to the dwelling, as well as a hard standing available for additional parking.

- Affordable Housing

There has been a material change to affordable housing Policy subsequent to the submission of this application. No agreement for a contribution would be required in this case.

- Principle of residential development

The history of the site carries weight where the principle of the residential development on the site was accepted. Current Policy in the form of Policy H17 (Village Policy Limits) of the West Wiltshire District Plan 1st Alteration, 2004 permits new residential development.

Government Guidance in the form of PPS3 (housing) represents another material change to the Policy Environment. This guidance encourages Local Authorities to pursue residential development at a minimum average density of 30 units per hectare, but that development should be in keeping with surrounding development. This proposal at 5 units per hectare is significantly below that. However, in this case a primary consideration is the Conservation Area and the setting of the listed building and development at a higher density would be likely to result in harm to the appearance of the Conservation Area as well as to the setting of the listed building. PPS3 makes allowance for consideration of the setting of new development.

The proposal would not harm neighbouring amenity.

CONCLUSION

The proposal is the same as the previously approved plan. Whilst there have been material changes to the policy environment these changes do not relate to the design of the dwelling. Planning permission is therefore recommended.

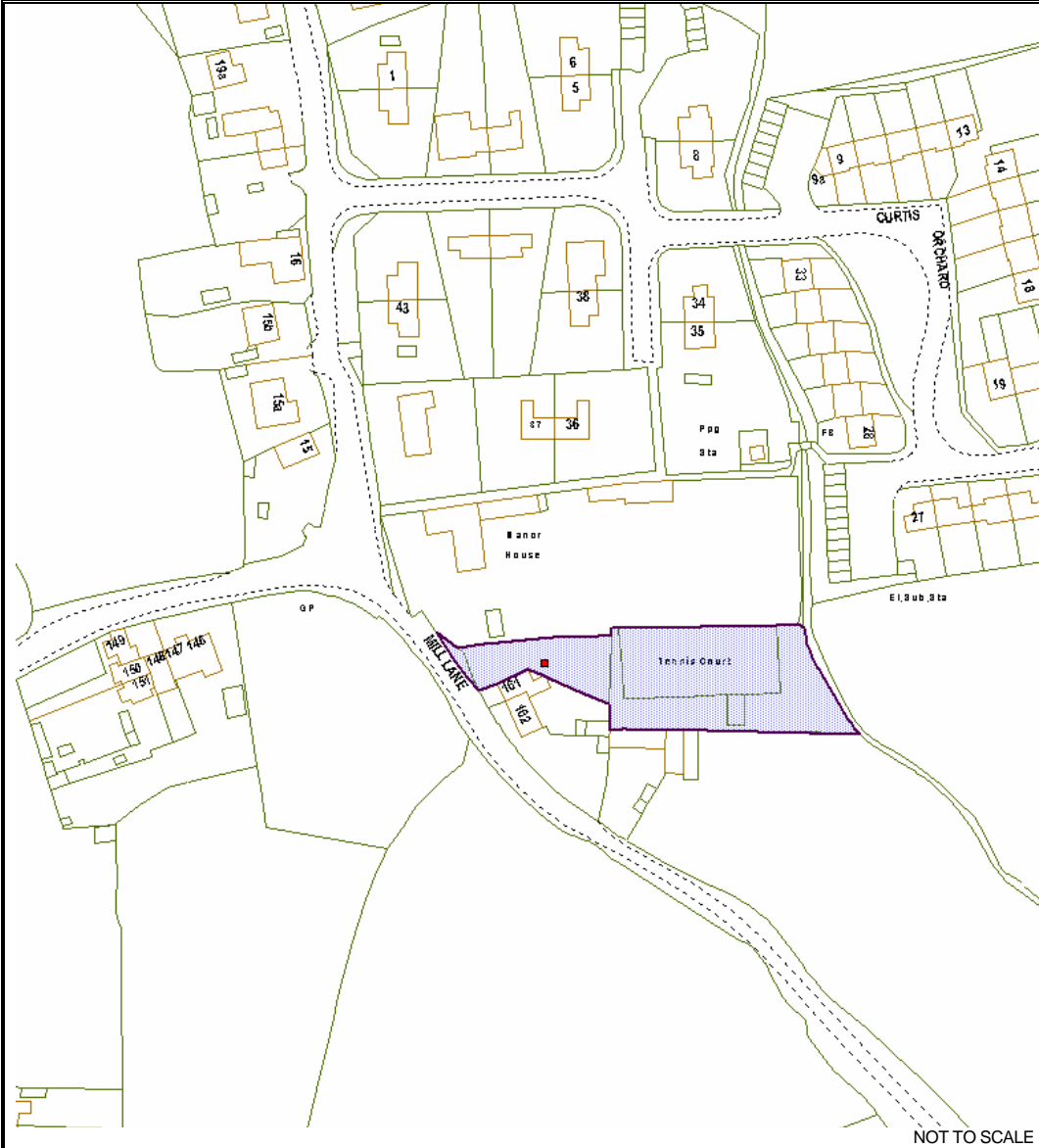
PLANNING COMMITTEE

25 October 2007

ITEM NO: 11

APPLICATION NO: 07/02413/LBC

LOCATION: Land Adjacent Manor House The Street Broughton
Gifford Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

11 Application: 07/02413/LBC

Site Address: Land Adjacent Manor House The Street Broughton Gifford Wiltshire

Parish: Broughton Gifford Ward: Avonside
Grid Reference 387980 163465
Application Type: Listed building
Development: Single storey house incorporating existing stone outbuilding within grounds of The Manor House
Applicant Details: Mr And Mrs O'Sullivan
The Manor House Broughton Gifford Wiltshire
Agent Details: Batterham Matthews Design Ltd
FAO Tim Land 1 Tollbridge Studio Tollbridge Road Bath BA1 7DE
Case Officer: Mr Matthew Perks
Date Received: 23.07.2007 Expiry Date: 17.09.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Consent

Condition(s):

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

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

- 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 protect and preserve the appearance of the Conservation Area and the setting of the neighbouring dwelling, which is Grade II* Listed.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17, C27 & C28

- 3 Details of the elevations of all external windows including any glazing 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 appearance of the Conservation Area and the setting of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17, C27 & C28.

COMMITTEE REPORT

APPLICATION DETAILS

This is an application for listed building consent for the erection of a dwelling on land adjacent to Manor House, The Street, Broughton Gifford. The proposal is a resubmission of an application that was granted consent under reference 98/00399/LBC. An application for full planning permission has also been submitted under ref. 07/01674/FUL. The land currently forms part of the curtilage of Manor House, a Grade II* Listed Building and the proposal would incorporate a curtilage structure into the new dwelling, hence the requirement for listed building consent. This outbuilding is of stone under clay tiles, and occupies a footprint of $\pm 4.8\text{m} \times 5.8\text{m}$. The proposed dwelling would be a four-bedroomed bungalow of natural stone under clay double roman tiles.

CONSULTATION

BROUGHTON GIFFORD PARISH COUNCIL

"This is a renewal of an application previously given permission, which has now lapsed. The proposed bungalow is very extensive but will not be seen from the road. The Parish Council does not object in principle to the site being used for housing. However, the Parish Council had reservations about the size of the proposed building possibly being an overdevelopment of the site, with no visible car parking allowance for up to possibly four cars being in use. On street parking is definitely not an option in the area.

The Parish Council would anticipate that as permission had lapsed, this application will be judged on the current planning policy criteria. Therefore, if given permission would have to have consideration for an affordable housing element included."

STATUTORY CONSULTATIONS

ENGLISH HERITAGE

"The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."

INTERNAL WWDC CONSULTATIONS

CONSERVATION OFFICER

No comment.

HERITAGE DEVELOPMENT OFFICER

No comment.

PUBLICITY RESPONSES

A public notice was posted. No comments were received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
C27 - Character and setting of Listed Buildings

RELEVANT PLANNING HISTORY

98/00398/FUL: Dwelling: Permission: 29.07.1998

98/00399/LBC: Incorporation of existing outbuilding within dwelling: Consent: 29.07.1998

KEY PLANNING ISSUES

The site history is a material consideration. The primary issue in this case relates to the effect of the incorporation of the existing outbuilding into the proposed dwelling.

PLANNING OFFICER COMMENTS

The incorporation of the building into the proposed dwelling is proposed in the same manner as was granted listed building consent under application reference 98/00399/LBC. The building would form the dining room. The dwelling itself would be at a distance of some 45m from the Grade II* Listed. The boundaries to the site are well vegetated with trees and hedges. The site is largely made up of an existing tennis court

The history of the site carries weight where consent was previously granted for the identical proposal. Although the West Wiltshire District Plan 1st Alteration, 2004 has replaced the 1996 District Plan, it is not considered that any substantial change has taken place to Listed Building related policies that would justify any change to the previous decision.

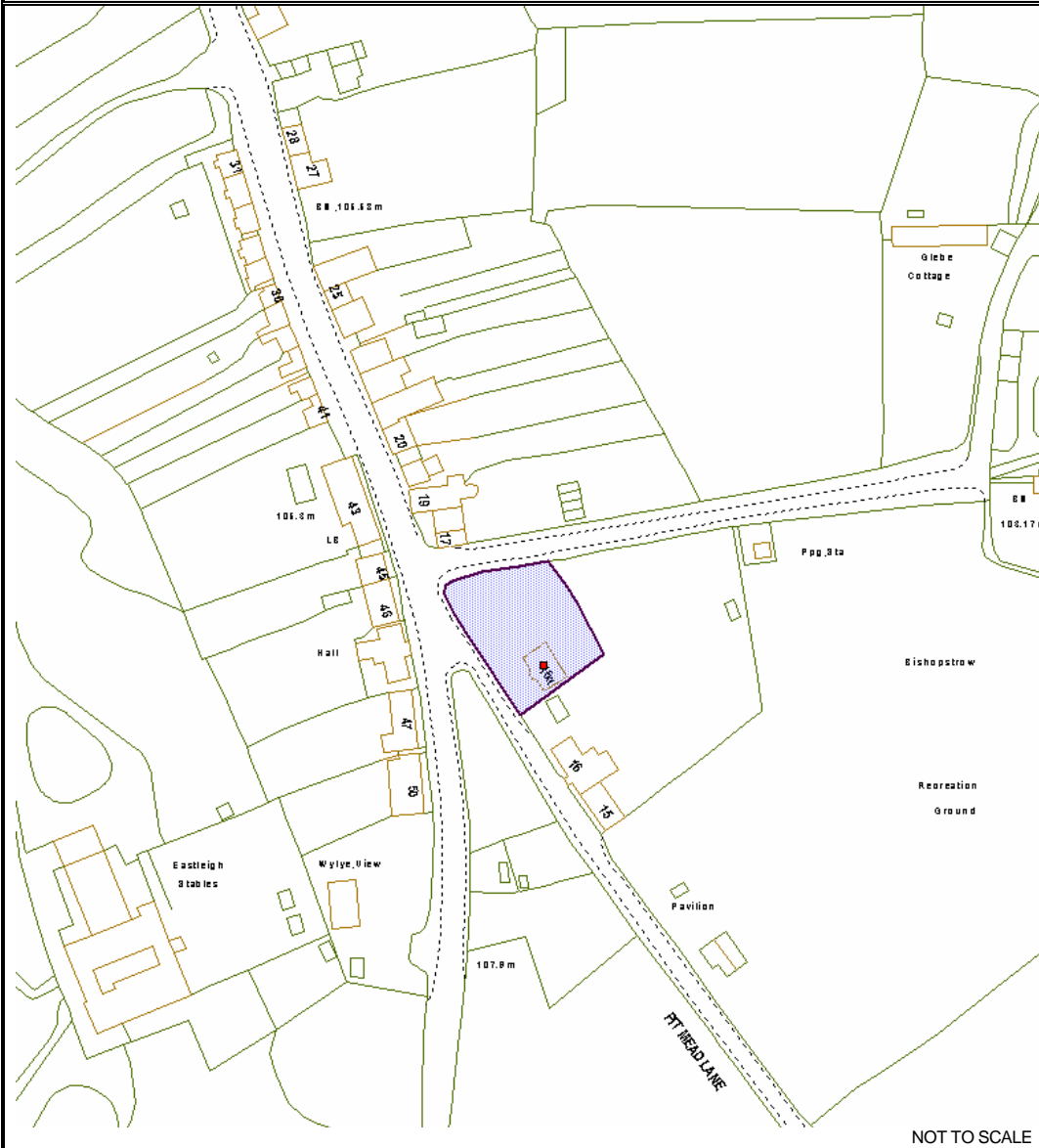
CONCLUSION

The proposal is the same as the previously approved plan. Whilst there have been material changes to the policy environment these changes are not considered to indicate refusal, given the site history. Consent is therefore recommended.

PLANNING COMMITTEE

25 October 2007

ITEM NO: 12
APPLICATION NO: 07/00045/FUL
LOCATION: The Bungalow 16A Cobbett Rise Bishopstrow
Wiltshire BA12 9HW



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SLA: 100022961

12 Application: 07/00045/FUL

Site Address: The Bungalow 16A Cobbett Rise Bishopstrow Wiltshire BA12 9HW

Parish: Bishopstrow Ward: Mid Wylve Valley
Grid Reference 389373 143721
Application Type: Full Plan
Development: Replacement dwelling
Applicant Details: Mr P Parsons
The Bungalow 16A Cobbett Rise Bishopstrow Wiltshire BA12 9HW
Agent Details: Mr Peter Withey
3 Hill Deverill Warminster Wilts BA12 7EF
Case Officer: Mr Matthew Perks
Date Received: 03.01.2007 Expiry Date: 28.02.2007

REASON(S) FOR RECOMMENDATION:

The proposed development would result in the removal of an unsightly structure and its replacement with a dwelling of a form and materials which would enhance the character and appearance of this part of the conservation area.

RECOMMENDATION: The application be referred to the Secretary of State as a departure from the Development Plan and planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the application is remitted back to the Council for a decision.

Condition(s):

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

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

- 2 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 Details of all external window frames, rooflights and doors which shall be of timber construction 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 and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17 & C18.

- 4 The proposed rooflights shall be of a conservation type.

REASON: To protect and preserve the character and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17 & C18.

- 5 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.

- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part A, Class(es) 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.

- 7 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 referred to Committee because the Bishopstrow Parish Council recommends refusal and officers recommend Permission.

This is an application for full planning permission for the erection of a replacement dwelling at 16a Cobbett Rise, Bishopstrow.

Members will recall that the application was deferred at the meeting of 31 May 2007. Officers recommended permission, but the Committee resolved to defer the application to allow for the consideration of the massing of the proposal including the height of the roof and to consider the removal of the proposed roof lights facing the highway.

Following the deferral, negotiations were entered into with the agent and with Council's Conservation Officer being more closely consulted on design issues.

The outcome has been a fundamental revision to the design. The proposal is, as before, to replace the existing nondescript bungalow. The replacement building would however now be a dwelling designed to closely accord with the appearance and materials of the dwelling to the south at no 16, within the Conservation Area.

The site is located to the south of Church Lane at the three-way intersection with the main Warminster road and Cobbett Rise.

The proposed dwelling would occupy a footprint of approximately 88 m² and would have a roof ridge height of 7m. Proposed materials are natural stone with brick quoins, wood-framed fenestration and clay plain roof tiles. The dwelling would now occupy a position approximately aligned with the neighbouring property, relative to the street frontage. The existing access would be retained and a garage is proposed in the eastern corner of the site. The garage would replace existing derelict buildings in this area. The open space comprising the northern half of the site would be retained.

CONSULTATION REPLIES

BISHOPSTROW PARISH COUNCIL

The Parish comments on the original application advocated a single storey building, accepting that a larger footprint than the demolished building would be probably be required in order to provide adequate accommodation given the limited size of the existing building. The siting of the dwelling was also questioned, the Parish proposing that it should be more centrally located on the site.

Revised Proposals

An "interim response" was received from the Parish prior to a formal meeting:

"In all the written responses and in the verbal statement made on the 21st May 2007 ... the Village has expressed the consistent desire to see a single storey dwelling that takes account of the village location whilst accepting the need for a significantly larger footprint in order to create a viable entity. Accordingly it can come as no surprise to you that the Village is bitterly disappointed with the new proposal. Whilst the roof lights have gone and the roof angle has changed, it is taller and has a greater floor space than the previous proposal. It does not make best use of the plot and does not provide for a viable outside living space. Moreover the proposal appears to ignore the comments of the West Wiltshire District Council Planning Committee meeting reflected in the minutes at Reference E, I quote: "However the Committee resolved to defer the application to allow for the consideration of the massing of the proposal including the height of the roof and to consider the removal of the roof lights facing the highway."

The committee discussion focused on building height, roof shape and the roof lights. So to see a design that is both taller and larger seems to be in direct contravention of the Committee's intent. By our calculations the proposed building is now .75m taller than the previous submission and well over twice the height of the existing dwelling. It is now 256% larger in floor area than the existing bungalow (more if the conservatory is ignored), which throws an interesting light on the interpretation of Policy H20. The 2-storey design will impact on the privacy of Rose Cottage, the views into the village from Bishopstrow Down and the views out from the houses on the Bishopstrow Road.

From a conservation area point of view we do not understand the pre-occupation with 2-storey designs. There are plenty of examples of single storey conversions from old farm buildings in the area. Moreover we do not agree with the contention that a centrally placed single storey building would have a significant impact on the "open gap" and the views down Church Lane. The existing hedges and trees provide a sufficient visual barrier as it is.

The Village recommends that this application for a 2-storey dwelling is rejected. The applicant should be required to return with a viable single storey design that provides a decent compromise between the wishes of the Village and the planning guidelines. It is our belief that that is not impossible."

The formal Parish Meeting endorsed these views. On the initiative of the Parish an agent (not the agent that made the applicant under consideration) for the applicant was invited to submit a revised plan to the Parish. The Parish expressed a preference for this plan, being single storey and centrally located on the site but reserved judgement on design and siting where no elevations were shown.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

No objections.

WESSEX WATER

No objection.

PUBLICITY RESPONSES

A public notice was posted and letters were sent to neighbours.

7 Letters of response were received to the original proposal, with 3 additional replies to the first revision. These objections related primarily to the siting and design of the originally proposed building. This has now fundamentally changed.

The neighbours to the south at "Rose Cottage" have commented on the current proposal in two separate letters. One of the writers expresses satisfaction that a design more in keeping with the area has been submitted, but objects to three windows which would overlook her garden. The writer also feels that the mass and size of the building is now offensive and exceeds the guidelines for replacement dwellings in the open countryside. The other writer objects to a two storey dwelling and potential overlooking. There is also the possibility for an additional dwelling on the site.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C18 - New development in Conservation Areas.

C22 - Demolition in Conservation Areas

H20 - Replacement dwellings in the countryside and settlements without village policy limits

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

In this case the proposed demolition would result in the removal of the nondescript dwelling on site that in itself would represent an enhancement to the appearance of the Conservation Area. Certain derelict outbuildings would also be removed from site. The principle of a replacement dwelling is accepted, but it is recognised that a replacement dwelling that fully adheres to Policy H20 would be unviable. A replacement not being "...materially larger than the dwelling to be replaced" would be impractical in terms of the provision of reasonable levels of accommodation.

Note has been taken of the views of the Parish, but the current proposal is the accepted option in terms of Conservation Area considerations. This revised plan has been negotiated to provide for a larger building of a design in keeping with its neighbour and the predominant residential development form in the immediate vicinity, and to preserve the open space within the Conservation Area. It will be a requirement that the proposal is referred to the Secretary of State as a departure from the development plan insofar as Policy H20 criteria would not be met. The primary issue in this case therefore relates to the acceptability of the proposed dwelling within the Conservation Area.

PLANNING OFFICER COMMENTS

The revised design of replacement dwelling remains controversial to the Parish and residents, the view still being that a single storey dwelling centrally located on the property would be appropriate in this setting. The concern also remains that the new siting of the building leaves open the possibility for a second dwelling at a future date.

The site currently, because of the locality of the existing bungalow at one end, provides an open gap at a focal position within the village, with the existing building situated close to the southern boundary. Residential development within the Conservation Area along Bishopstrow (Warminster Road) is characterised primarily by linear terraced double storey units with a vertical design emphasis. The majority of dwellings within the Conservation Area are double storey structures with fairly steep roof pitches. Gable-ends as well as hipped roof structures exist in the proximity of the site. Materials are predominantly natural stone with brick quoins under tiles. The dwelling immediately to the south of the site is one of a semi-detached pair reflecting typical design elements within the wider surrounds.

The proposed building would be located approximately 13m from the neighbouring dwelling and has been designed in sympathy with this building in terms of scale, materials and overall appearance (see street scene sketch plan provided by agent). The nearest windows to this neighbouring property boundary would be rear-facing at a distance of approximately 15m, with the proposed garage falling within the intervening rear garden space. (The garden to the neighbouring "Rose Cottage" wraps around the rear of the site). No windows would be orientated to face Rose Cottage itself, nor the amenity space immediately to the rear of that property. There is an outbuilding between the proposed dwelling and Rose Cottage. The southern boundary is well screened with mature trees. No unacceptable loss of privacy or overshadowing would arise given the relative orientations of the buildings, proposed window positions and separation distances. The design, reflecting many elements of the neighbouring property (albeit with a lesser bulk and slightly lower roof ridge height by $\pm 0.4\text{m}$) would enhance the Conservation Area street scene in this proximity.

Wholly adequate "sitting out" space would be provided to the rear of the proposed dwelling, whilst the $\pm 400\text{m}^2$ northern remainder of the site would be retained as an important open gap within the Conservation Area.

The proposed dwelling replaces the alternative of a non-viable rebuild of the two-bedroomed existing dwelling in accordance with Policy H20. The building now proposed would preserve and, together with the demolition of the existing structure, enhance the appearance of the Conservation Area.

The alternative of placing a single storey building with a larger footprint and shallow pitched roof centrally on the property would result in the loss of an important gap in the Conservation Area and the introduction of structure isolated from, and unrelated to its neighbours. With regard the issue of possible further development on site, no additional dwelling could be constructed on the site in terms of current development plan constraints.

CONCLUSION

The application should be referred to the Secretary of State with a recommendation that planning permission be granted. The existing open gap in the Conservation Area on this focal site would be retained, there would be no unacceptable harm to neighbouring amenity, and the building would be of materials and appearance that would enhance the Conservation Area given the demolition of the existing incongruous structure. These are mitigating factors which justify departing from a strict interpretation of Policy H20 of the District Plan. Appropriate conditions, including the restriction of permitted development rights on the site, should however be made applicable.

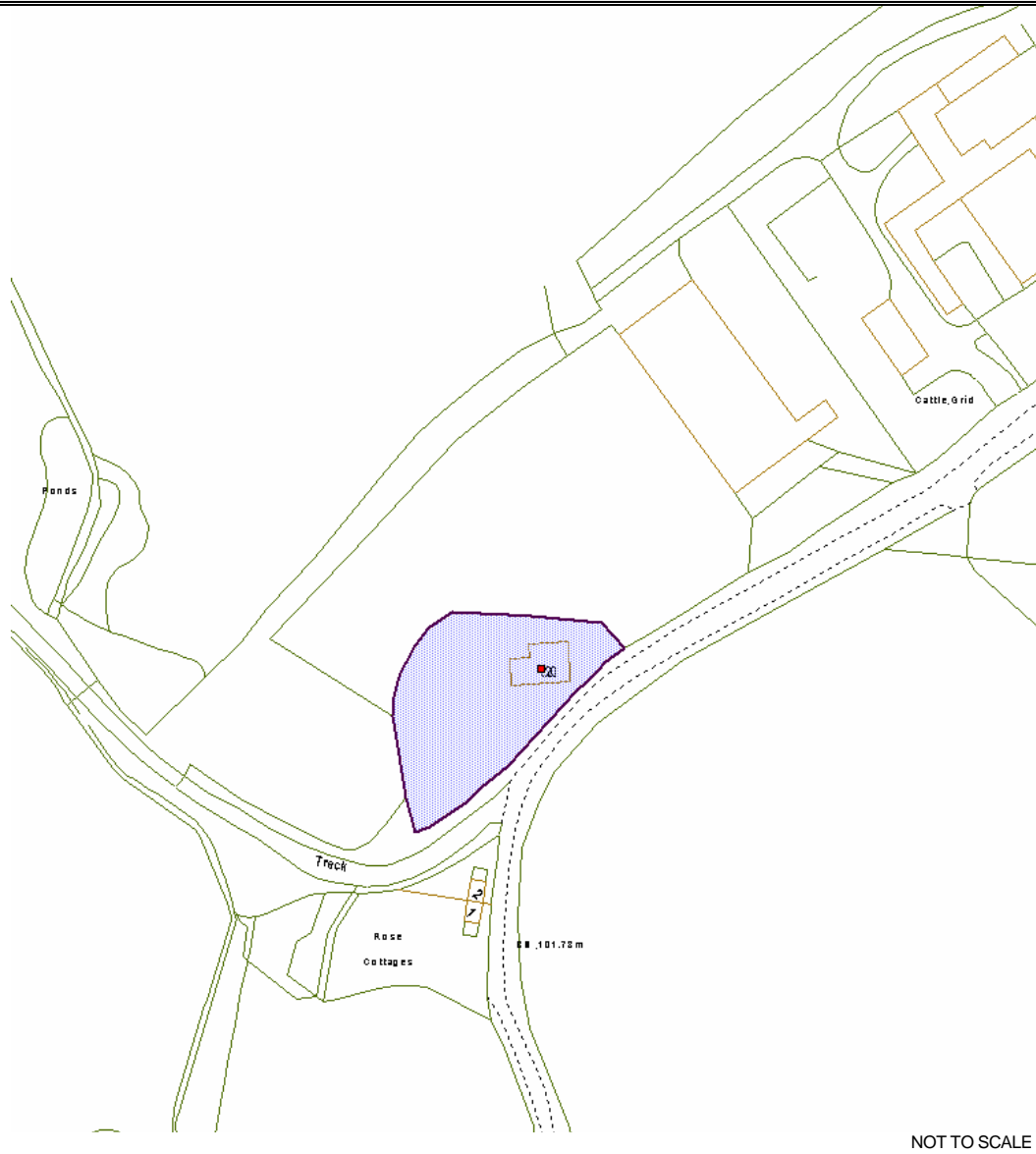
PLANNING COMMITTEE

25 October 2007

ITEM NO: 13

APPLICATION NO: 07/02564/FUL

LOCATION: 120 Lyes Green Corsley Wiltshire BA12 7PB



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SLA: 100022961

13 Application: 07/02564/FUL

Site Address: 120 Lyes Green Corsley Wiltshire BA12 7PB

Parish: Corsley Ward: Shearwater
Grid Reference 382075 146454
Application Type: Full Plan
Development: Erect extensions to dwellings with swimming pool on ground floor and bedroom and bathroom on first floor
Applicant Details: M J Butler
Greenfields 120 Lyes Green Corsley Wiltshire BA12 7PB
Agent Details: Mr C Sault
Corner Cottage Nursteed Devizes Wilts SN10 3HE
Case Officer: Ms Margaretha Bloem
Date Received: 07.08.2007 Expiry Date: 02.10.2007

REASON(S) FOR RECOMMENDATION:

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 be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 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 Prior to the commencement of development on site full details of the proposed means of drainage for the swimming pool shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

REASON: In order to protect the local environment.

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

COMMITTEE REPORT

APPLICATION DETAILS

The application is brought to Committee because Corsley Parish Council object and your officers recommend permission.

The application site is located on the western side of Lyes Green and comprises a cottage with previous extensions including a two storey extension, conservatory and detached double garage. The site falls within an area of Special Landscape Character.

The proposal is for the erection of a two storey side extension (4.9 metres by 7.8 metres) to make provision for a bedroom, en suite and shower room and covered swimming pool single storey extension (10.3 metres by 8.1 metres).

The scheme has been revised to remove the gable feature on the south elevation facing Lyes Green and propose the gable feature on the north elevation. The revised scheme also introduces soft landscaping including a hedge along the front boundary.

CONSULTATION REPLIES:

- CORSLEY PARISH COUNCIL:

The proposed extension was considered to be overdevelopment and out of keeping with the landscape in the area. Concerns about waste water in an area without mains water/drainage were also raised. The proposed extension appeared to be the same size as the existing property. The Parish Council still objects to the amended plans.

INTERNAL WWDC CONSULTATIONS

- Drainage Engineer: No objection as land drainage seems to be unaffected.

PUBLICITY RESPONSES:

Neighbours were notified and one letter of support has been received from Malthouse Farm.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
C31A - Design
C38 - Effects of development on neighbouring properties
C3 - Special Landscape Areas

PPS 1 - General Policies and Principles

SPG - Supplementary Planning Guidance - Household Alterations and Extensions

RELEVANT PLANNING HISTORY

04/00868/FUL - Single storey extension - Approved 17.06.04

98/00565/FUL - Two storey extension and garage and provision of new access -
Approved 08.06.98

KEY PLANNING ISSUES

The main issues to consider in this application are the impact which the scheme would have upon neighbouring amenities and the impact upon the Special Landscape Area.

PLANNING OFFICER COMMENTS

The issue of neighbour amenity may first be considered. The isolated location of the property means that neighbour amenity would not be adversely affected by the proposal. The nearest residential neighbours at Rose Cottages are 45 metres to the south of the application site.

The impact upon the surrounding area may now be considered. The proposal would be visible from the street. The scale and massing of the two storey and single storey extension would appear as subordinate to the main dwelling. Taking into account that the dwelling is set at an angle with the road, that more than half the length of the extension is single storey and that the land slopes towards the rear of the site, it is on balance considered acceptable. The applicant also includes some landscaping that would further minimize the impact on the streetscene.

The applicant submitted information regarding water usage and disposal and it is not considered that the proposal will cause concern regarding drainage. Furthermore, the issue of drainage has been considered by the Council's Drainage Engineer who has no concerns. A pool is not an unusual form of development and a condition to secure future details of drainage to ensure that there would be no nuisance or harm to the water environment is recommended.

CONCLUSION

The proposal would not harm the setting of the site within the Special Landscape Area or the neighbouring amenity and there would be no harm to visual amenity.

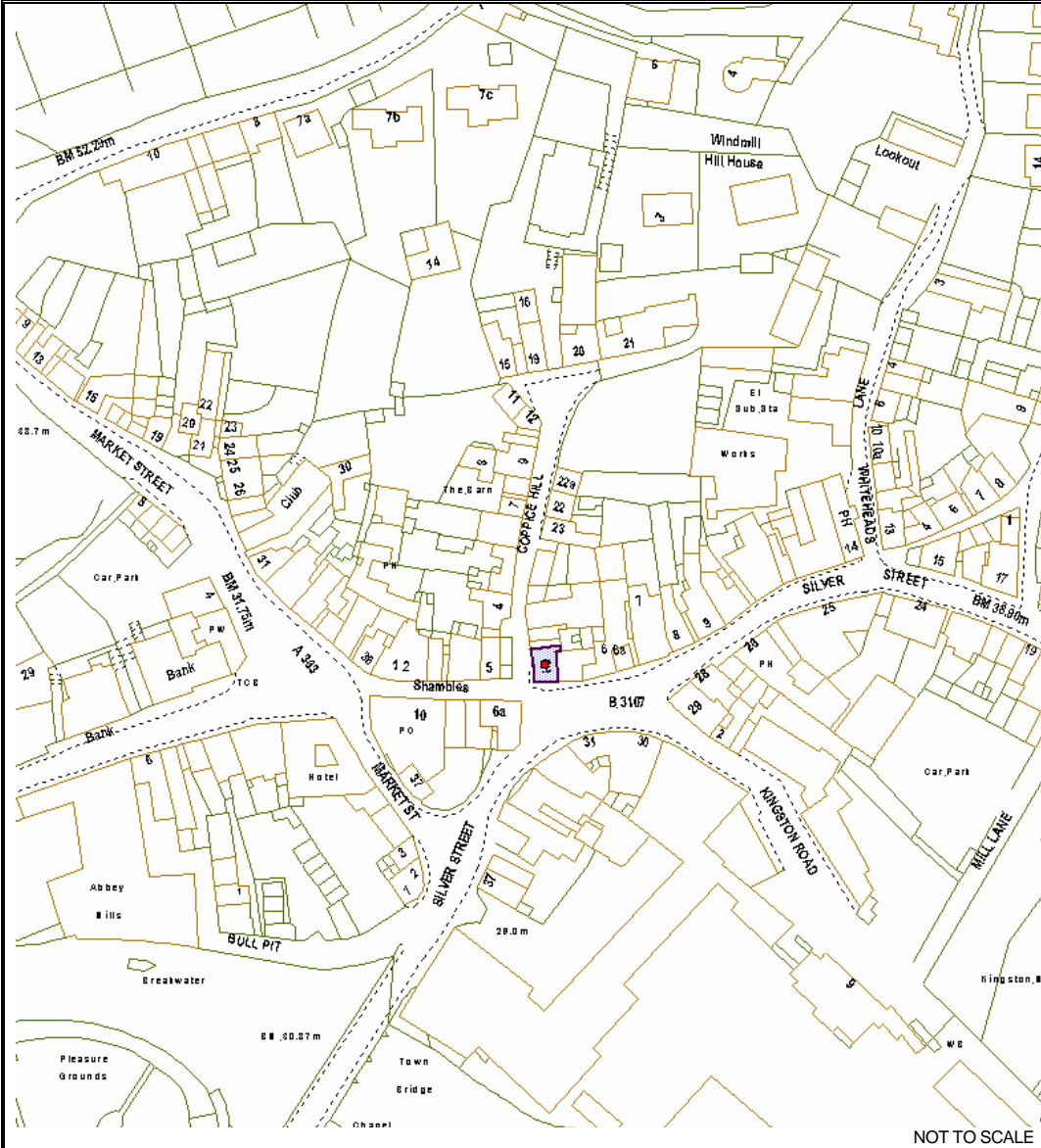
PLANNING COMMITTEE

25 October 2007

ITEM NO: 14

APPLICATION NO: 07/02606/FUL

LOCATION: Kings Arms 24 Coppice Hill Bradford On Avon
Wiltshire BA15 1JT



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SLA: 100022961

14 Application: 07/02606/FUL

Site Address: Kings Arms 24 Coppice Hill Bradford On Avon Wiltshire BA15 1JT

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382667 161008
Application Type: Full Plan
Development: Erection of a wooden traditional Victorian sunblind 2.5m by 1.5m
Applicant Details: Mr Marcus Pope
Kings Arms 24 Coppice Hill Bradford On Avon Wiltshire BA15 1JT
Agent Details: Design Cluster
F A O Mr G Burnham Puma Way Coventry Warwickshire CV1 2TT
Case Officer: Mr Mark Reynolds
Date Received: 16.08.2007 Expiry Date: 11.10.2007

REASON(S) FOR RECOMMENDATION:

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 sunblind (awning) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- 3 The proposed awning shall be made of a cloth material.

REASON: In the interests of protecting the character and appearance of the listed building.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C28.

Note(s) to Applicant:

- 1 The applicant is advised that the formal consent of the Highway Authority is required under the Highways Act for anyone to erect a sign or similar structure which will overhang the highway and this may be obtained from the Area Highway Surveyor who can be contacted on Tel: 01225 702649.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for full planning permission to erect a wooden Victorian sunblind (awning) at the Kings Arms public house in Bradford on Avon at 24 Coppice Hill. The sunblind would be located on the south elevation of the building fronting onto the street. The sunblind would project 1.5m out from the building be 2.5m in width and it would be 2.4m in height above the pavement at its base. The sunblind would be constructed in timber with canopy covering and black iron arms and sides. The host building is a Grade II listed building located in the heart of Bradford Town Centre within a Conservation Area.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Comment as follows;

The use of a traditional Victorian sunblind on the domestic scale windows of the building is incongruous and would (especially when open) detract from the character of the building. It would also affect the street scene and the conservation area. The stated intention of the blind, which is to be used as a smoking shelter, is highly undesirable in this location for several reasons. The blind is likely to be used each day irrespective of the weather and would thereby be especially obtrusive, particularly in the winter months. It would also encourage customers to congregate and obstruct a busy section of pavement to the detriment of passers-by and shoppers in the town.

- HIGHWAY AUTHORITY: Advise that the no highway objection is raised.

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: Recommend approval
- HERITAGE/DEVELOPMENT OFFICER: No objections

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. One letter was received in relation to the listed building consent application which raised the following objections;

- Inappropriate addition to the building
- Would harm amenity

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

- C17 Conservation Areas
- C18 New development in Conservation Areas
- C28 Alterations and Extensions to Listed Buildings
- C31a Design
- C38 Nuisance

PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

There have been a number of planning applications at the site the following are considered relevant;

- 82/00800/ADV - Illuminated projecting swing sign - Permission 9.8.1982

KEY PLANNING ISSUES

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

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

The main issues to consider are the character and appearance of the listed building and the Conservation Area, highway safety and amenity.

PLANNING OFFICER COMMENTS

National planning advice in PPG15 - Planning and the Historic Environment - Annexe C states at paragraph C.54 that retractable apron blinds covered in canvas are often characteristic features of historic shopfronts and should be retained. This building is a pub not a shopfront however it is located within Bradford on Avon town centre where there are a number of awnings on buildings. The proposed awning is of a traditional design it is modest in width and would not dominate the frontage of the building. The character and appearance of the listed building would be retained. The Heritage development officer raises no objection to the proposal and permission is recommended. The character and appearance of the conservation area would be preserved by this proposal.

The awning is required as a form of smoking shelter. The Town Council and a respondent are concerned that this may harm amenity. The Environmental Health department were consulted on the application and they have raised no objection to the proposals. Whilst the proposal will involve people standing outside smoking this is inherently the current situation given the smoking ban in public places. The pub is located in the town centre and therefore an element of disturbance is to be expected because of the mix of uses in the centre which comprises public houses, shops and residential properties. It is not considered that the addition of an awning to be used by smokers will result in an unacceptable loss of residential amenity.

The design of the awning has been revised during the processing of the application to ensure that it is located 2.4m above pavement level. The Highway Authority is content with the revised scheme in this respect and raise no further objections.

CONCLUSION

For the reasons outlined above permission is recommended.

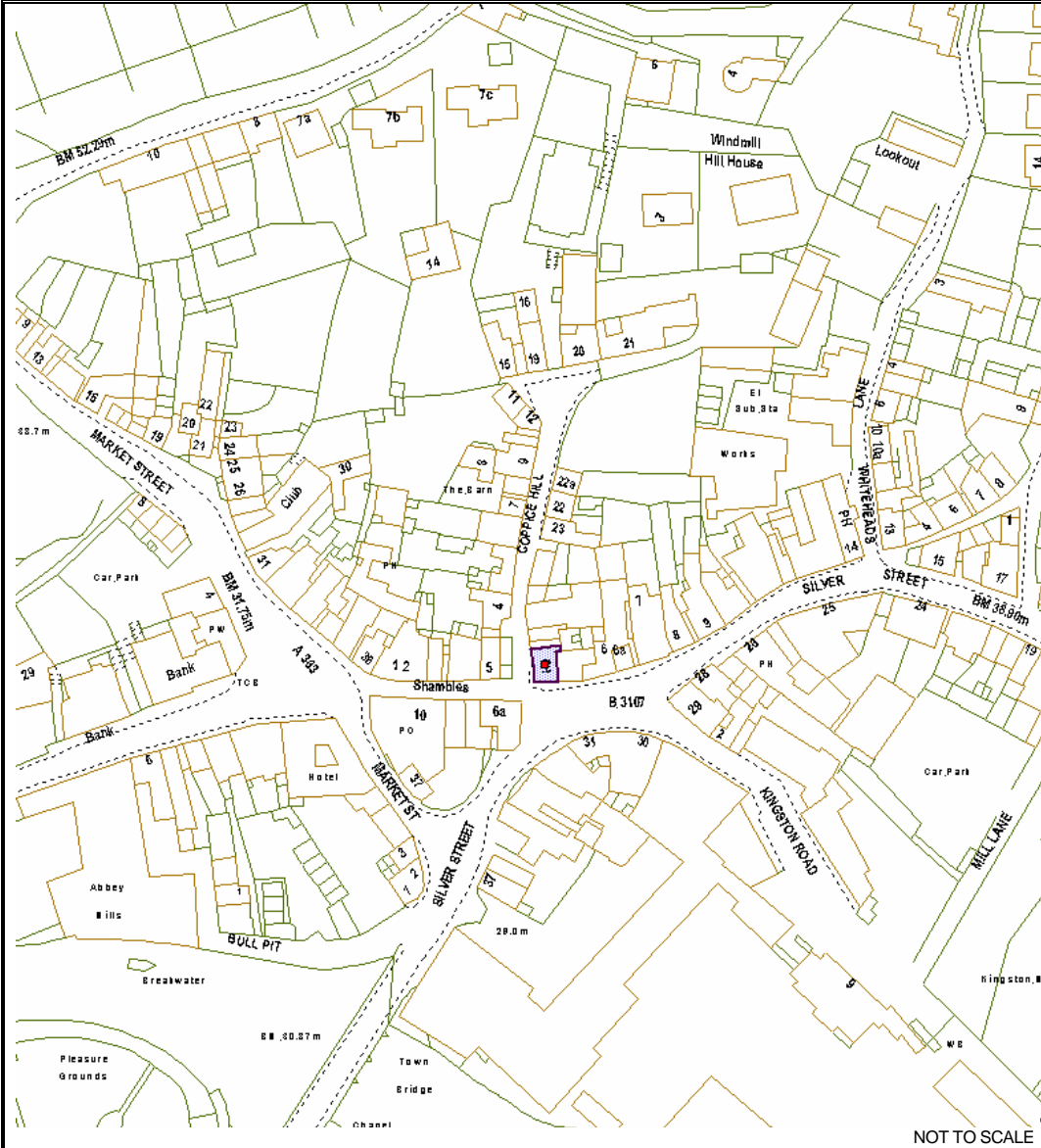
PLANNING COMMITTEE

25 October 2007

ITEM NO: 15

APPLICATION NO: 07/02605/LBC

LOCATION: Kings Arms 24 Coppice Hill Bradford On Avon
Wiltshire BA15 1JT



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SLA: 100022961

15 Application: 07/02605/LBC

Site Address: Kings Arms 24 Coppice Hill Bradford On Avon Wiltshire BA15 1JT

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 382667 161008
Application Type: Listed building
Development: Erect a wooden traditional victorian sunblind measuring 2.5m by 1.5m
Applicant Details: Mr Marcus Pope
Kings Arms 24 Coppice Hill Bradford On Avon Wiltshire BA15 1JT
Agent Details: Design Cluster
F AO Mr Grant Burnham Puma Way Coventry Warwickshire CV1 2TT
Case Officer: Mr Mark Reynolds
Date Received: 16.08.2007 Expiry Date: 11.10.2007

REASON(S) FOR RECOMMENDATION:

The proposal would preserve the character and appearance of this grade II listed building.

RECOMMENDATION: Consent

Condition(s):

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

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

- 2 The proposed awning canopy shall be made of a cloth material.

REASON: In the interests of protecting the character and appearance of the listed building.

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policy C28.

- 3 No development shall take place until samples of the materials to be used in the construction of the sunblind (awning) 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 and C28.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Bradford on Avon Town Council object to the application and Officer's recommend consent.

This is a listed building application to erect a wooden Victorian sunblind (awning) at the Kings Arms public house in Bradford on Avon at 24 Coppice Hill. The sunblind would be located on the south elevation of the building fronting onto the street. The sunblind would project 1.5m out from the building be 2.5m in width and it would be 2.4m in height above the pavement at its base. The sunblind would be constructed in timber with acrylic or cloth covering and black iron arms and sides. The host building is a Grade II listed building located in the heart of Bradford Town Centre within a Conservation Area.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Comment as follows;

The use of a traditional Victorian sunblind on the domestic scale windows of the building is incongruous and would (especially when open) detract from the character of the building. It would also affect the street scene and the conservation area. The stated intention of the blind, which 'is to be used as a smoking shelter, is highly undesirable in this location for several reasons. The blind is likely to be used each day irrespective of the weather and would thereby be especially obtrusive, particularly in the winter months. It would also encourage customers to congregate and obstruct a busy section of pavement to the detriment of passers-by and shoppers in the town.

INTERNAL WWDC CONSUL STATIONS

- HERITAGE/DEVELOPMENT OFFICER: No objections

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. One letter was received raising the following objections;

- Inappropriate addition to the building -Would harm amenity

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C27 Listed Buildings

C28 Alterations and Extensions to Listed Buildings

PPG15 -Planning and the Historic Environment

RELEVANT PLANNING HISTORY

There have been a number of planning applications at the site the following are considered relevant:

82/00800/ADV -Illuminated projecting swing sign -Permission 9.8.1982

KEY PLANNING ISSUES

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

The main issue to consider is whether the proposed works would maintain the character and appearance of this listed building.

PLANNING OFFICER COMMENTS

National planning advice in PPG15 -Planning and the Historic Environment -Annexe C states at paragraph C.54 that retractable apron blinds covered in canvas are often characteristic features of historic shopfronts and should be retained. This building is a pub not a shopfront however it is located within Bradford on Avon town centre where there are a number of awnings on buildings. The proposed awning is of a traditional design it is modest in width and would not dominate the frontage of the building. The character and appearance of the listed building would be retained. The Heritage development officer raises no objection to the proposal and consent is recommended.

The Town Council and a respondent have objected to the proposal on grounds which may be considered under the accompanying application for full planning permission.

CONCLUSION

For the reasons outlined above it is considered that the proposals would preserve the character and appearance of the listed building.

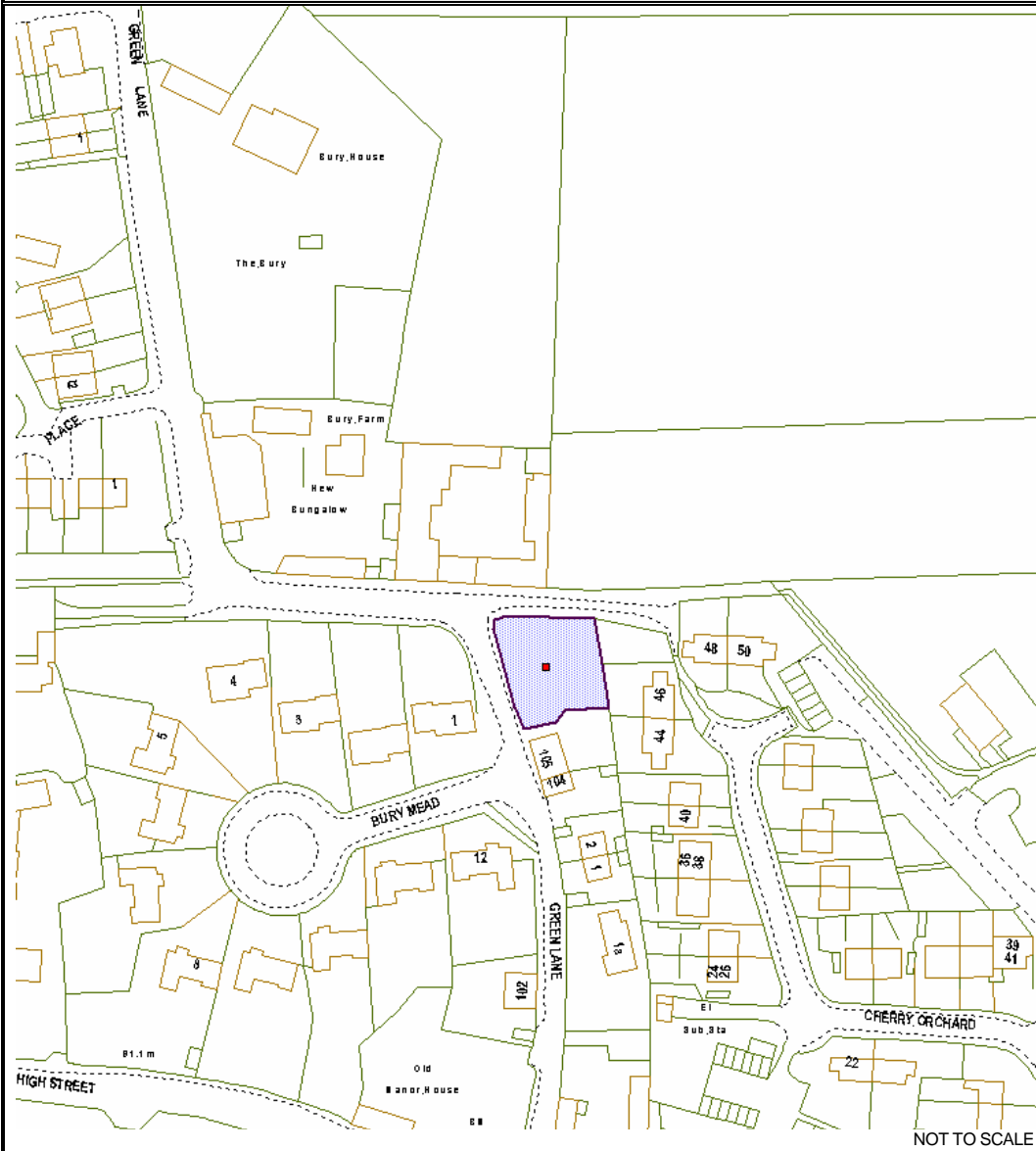
PLANNING COMMITTEE

25 October 2007

ITEM NO: 16

APPLICATION NO: 07/00364/OUT

LOCATION: Land Adjacent 105 Green Lane Codford Wiltshire



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SLA: 100022961

16 Application: 07/00364/OUT

Site Address: Land Adjacent 105 Green Lane Codford Wiltshire

Parish: Codford Ward: Mid Wylve Valley
Grid Reference 396745 140011
Application Type: Outline Plan
Development: One detached four bedroom dwelling with detached double garage, with new access
Applicant Details: Mr R Hope Jones
The Old Kennels Teffont Salisbury Wiltshire SP3 5RR
Agent Details: David Beck
Three Gables Frog Lane Chilmark Salisbury Wiltshire
Case Officer: Mr James Taylor
Date Received: 08.05.2007 Expiry Date: 03.07.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

- 4 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.

- 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 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 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 9 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.

- 10 Before the dwelling hereby permitted is first occupied the area between the nearside carriageway edge and lines drawn between a point 2m back from the carriageway edge along the centre line of the access for the proposed dwelling and the extremities of the site frontage shall be cleared of obstruction to visibility at and above a height of 600mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

- 11 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.

- 12 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the full planning Committee because Codford Parish Council object to the proposals and your officers recommend permission.

This is an outline planning application with approval sought for the details of siting and means of access only at this stage. The proposal is for a 2-storey detached dwelling with a detached garage and turning space within the site. Access would be to the south west corner of the site and indicative information on landscaping, heights and materials have also been included. A 2-storey property is indicated with a rendered finish and plain clay tiles to the roof.

The footprint of the building would be focused on the north side of the site with a footprint of approximately 8.4 metres by 11.2 metres with a front projection of 3 metres by 6 metres. The detached garage would be located within 2 metres on the eastern boundary 5 metres wide by 6 metres.

The application site is a residential garden of an existing dwelling in a rural village location. The garden is extensive for the existing property and is enclosed on all sides by mature vegetation. To the north of the site is a public right of way and then open countryside and farm buildings. To the east, west and south are residential properties of a variety of types, heights, materials and layouts.

CONSULTATION REPLIES:

- CODFORD PARISH COUNCIL: Object to the application on the following grounds (summarised):

- Overlooking and loss of privacy
- Inappropriate in size and style
- Road safety and vehicular access
- Parking
- Service Vehicles
- Sewerage

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to conditions:
 - Visibility splays for access
 - Consolidated surfaces
- WESSEX WATER: No objection

INTERNAL WWDC CONSULTATIONS

- HOUSING SERVICES: No comments received.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. 7 letters of objection have been received raising the following comments:

- Highway safety (vehicular and pedestrian) in proximity to sharp bend.
- Conservation of Trees / Landscaping
- Overlooking, loss of privacy and loss of light
- Drainage / sewerage disposal
- Lack of consultation and clarity of application site
- Executive style property
- Overdevelopment

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C2	Area of Outstanding Natural Beauty
C31a	Design
C32	Landscaping
C38	Nuisance
H2	Affordable Housing Within Towns and Villages
H17	Village Policy Limits

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS7	Sustainable Development in Rural Areas
PPG13	Transport

SPD	Residential Design Guide (2005)
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RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key issues to consider with this application are the principle of a dwelling, potential impact on the street scene, character of the area, neighbour amenity and highway safety.

PLANNING OFFICER COMMENTS

The application site is located within the defined village policy limit and therefore the principle of further housing development is acceptable subject to criteria set out in Policy H17 of the West Wiltshire District Plan 1st Alteration (2004). This includes development being in keeping with the character, appearance and distinctive spatial form of the settlement; protecting the natural environment; avoiding the loss of an important visual gap and it being satisfactorily serviced including highway safety.

The proposal is at this stage in outline form and approval is only sought at this stage for siting and means of access. However indicative information received in the design and access statement highlights the intention is for a 2-storey property with a simple render finish and plain clay tiles to the roof.

The proposed site is considered to be sufficient to accommodate a detached family house with associated parking. This allows for a respectable level of amenity space commensurate with a family home and to maintain the open and low-density residential character of this part of the village. At the same time the proposal makes a more efficient use of land in accordance with national government guidance in PPS3 on housing. It is lower than the recommended density,

however given the densities typical of the area and its edge of village position it is considered to be acceptable. Similar detached family homes in the immediate area, such as those in Bury Mead are of a similar density. Based on this information and the character of the surrounding building plots it is not considered that this is overdevelopment of the site. The proposal would front onto and relate generally to the west and south, where the built form is spacious, detached and two-storeys in height. The dwellings to the east are slightly different with a higher density and include bungalows, however the site is less well related to this area.

The proposal includes a detached garage which in principle is acceptable with further space for parking and turning of vehicles. This should enable vehicles to enter and leave the site in a forward gear. It is acknowledged that there is a sharp bend in the road to the north of the site however this is not considered to create a significant highway hazard beyond the existing level of use, especially if the Highways recommended conditions are applied to any permission. This proposal would ensure better visibility for the existing and proposed access. The Highway Authority raises no objection. Parking provision in the site is sufficient and would not lead to on-street parking, as such no conflict with existing movements would be caused, including service vehicles.

The principle of two-storey development is considered acceptable given the character of the area and it is likely that the proposals could be designed to prevent any loss of amenity to neighbours. Given that this is an outline permission and design is still reserved then issues of overlooking can be fully addressed within the final design stage over which the Council retains control.

It is considered that the proposal is unlikely to lead to any harm in terms of dominance or overbearing, impact on neighbouring dwellings, as it would be set within a relatively large and well-established garden sufficiently away from the neighbouring properties. In summary there are no amenity concerns from the proposed development based on the scale parameters submitted.

The proposal is for the creation of one additional dwelling only and therefore it is no longer a requirement for an affordable housing contribution to be made.

The proposal has a public right of way running to the north of the site which would be unaffected. Details of landscaping are reserved, however, it is noted that some information has been indicated on the plan. The only trees to be lost would be the ornamental trees within the garden and 3 within the frontage hedge. A landscaping condition would ensure future replanting.

There are no other objections and disposal of surface water and sewerage can similarly be controlled by condition.

CONCLUSION

It is considered that the proposed development would not cause any demonstrable harm to any acknowledged planning interests and should be encouraged in light of the national government advice to encourage suitable infill development and the need for additional housing.

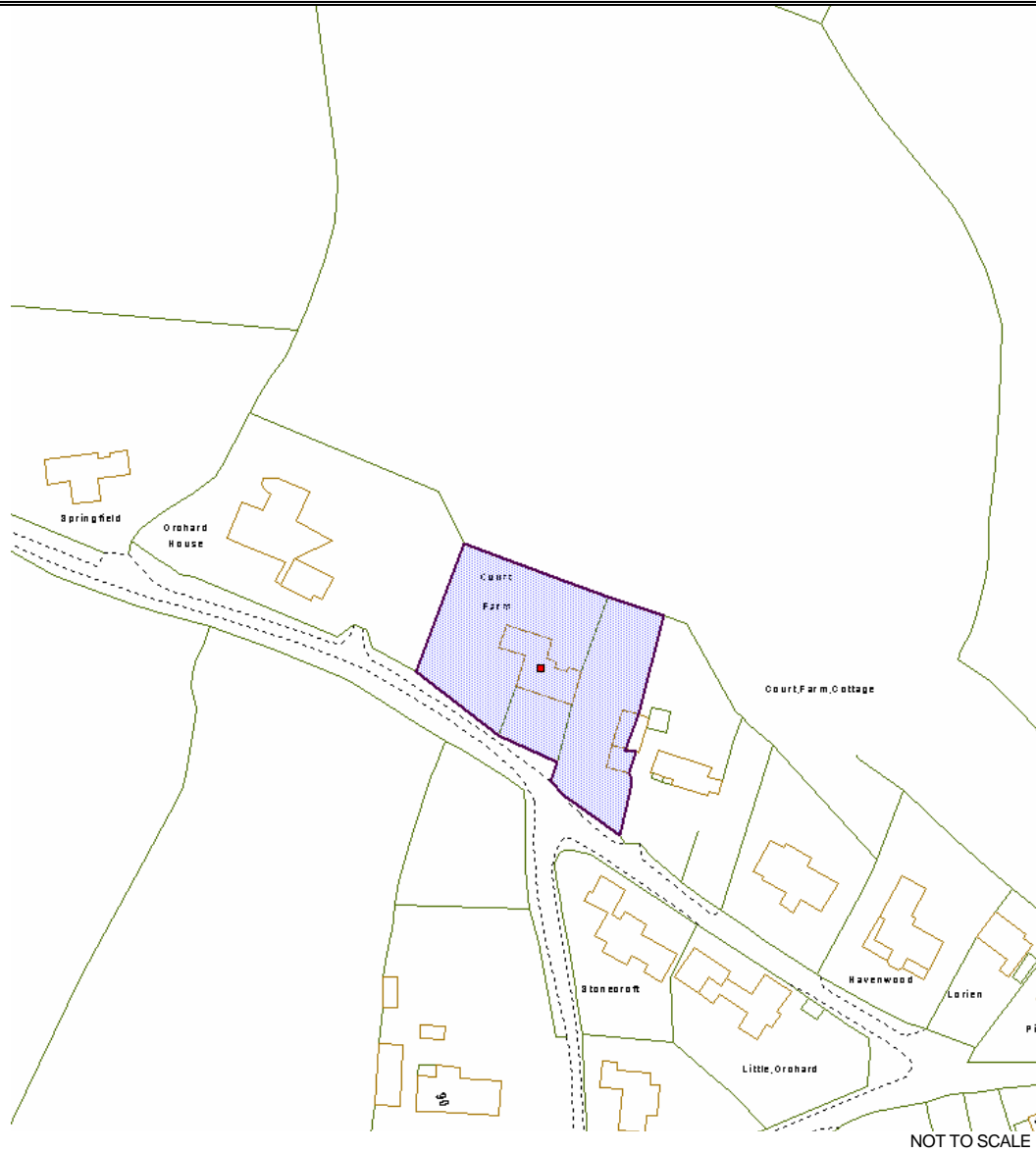
PLANNING COMMITTEE

25 October 2007

ITEM NO: 17

APPLICATION NO: 07/02715/FUL

LOCATION: Court Farm Court Lane Corsley Wiltshire BA12 7PA



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SLA: 100022961

17 Application: 07/02715/FUL

Site Address: Court Farm Court Lane Corsley Wiltshire BA12 7PA

Parish: Corsley Ward: Shearwater
Grid Reference 381728 146232
Application Type: Full Plan
Development: First floor rear bathroom extension, rear porch extension, internal alterations to second floor and conversion of outbuilding and position of new swimming pool
Applicant Details: Mr And Mrs Holland
Court Farm Court Lane Corsley Wiltshire BA12 7PA
Agent Details: Simon Hill Architectural Design
Orchard House Rodden Down Frome Somerset BA11 5LD
Case Officer: Mr James Taylor
Date Received: 22.08.2007 Expiry Date: 17.10.2007

REASON(S) FOR RECOMMENDATION:

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 development on site full details of the proposed means of drainage for the swimming pool shall be submitted to and approved in writing by the Local Planning Authority. Further details of any plant housing in connection with the swimming pool shall also be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

REASON: In order to protect the local environment.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the Committee because Corsley Parish Council object to the proposed development and your officers recommend permission.

This is a full planning application for the erection of a first floor rear extension, a rear porch and the creation of a swimming pool. The first floor extension would be constructed from matching materials to the existing with a projecting gable facing to the north. It would be approximately 2.5 metres by 2.5 metres externally with a ridge height of 6.7 metres; providing space for en-suite facilities. The rear porch would be approximately 900mm by 2 metres externally, 2 metres in height to the lead flat roof. The proposed swimming pool would be positioned in the north east corner of the site which is a separately walled garden of the domestic cartilage. It would be approximately 9 metres by 4.5 metres within 5 metres of the boundary of the site.

The application site is located on the edge of this rural village with open countryside to the north and south west. There are neighbouring residential properties to the east and west.

The scale of development in this area is low density with large detached properties typical set within their own spacious curtilages. The host building is typical in this respect. It is Grade II listed stone building and accommodation is over 3 storeys including rooms in the attic. The host building has undergone numerous alterations and extensions to the rear elevation, however the frontage has remained unaltered.

CONSULTATION REPLIES:

- CORSLEY PARISH COUNCIL: Object on the following grounds:
 - round window proposed for en-suite is out of keeping with house.
 - Velux windows on outbuilding are out of keeping, especially as they would be visible from the lane.
 - due consideration should be given to neighbours privacy and drainage in regard to swimming pool.

STATUTORY CONSULTATIONS

- ENVIRONMENT AGENCY: No comments received.
- WESSEX WATER: No comments received.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: No objection.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. No comments received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)
C3 Special Landscape Area
C28 Alterations and Extensions to Listed Buildings
C31a Design
C38 Nuisance

SPG Supplementary Planning Guidance on House Alterations and Extensions

PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

07/02714/LBC – Parallel listed building consent application.

KEY PLANNING ISSUES

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

The key issues to consider with this application are the potential impact on the character, appearance and setting of the listed building and neighbouring amenity. Also the impact on the special landscape character must be considered.

PLANNING OFFICER COMMENTS

The full implications of the development to the listed building are considered under the parallel listed building application 07/02714/LBC. The Council's Heritage Development Officer raises no objection. Suffice to say in this context that the proposal is considered to be of a form and scale that respects the host building incorporating matching materials and similar design qualities existing on this elevation. The use of a round window may not be ideal, an oval window of this type would be a traditional feature. However, there are a variety of fenestration details existing on this elevation alone and the introduction of another would not cause any demonstrable harm. The rear porch would be of such a modest scale that it cannot be considered harmful on this much altered elevation. The swimming pool poses no design issues.

The proposed first floor extension would be of a scale and siting that would cause no harm to neighbouring amenity. There would be no overlooking from the proposed development.

The swimming pool is located on established garden space and the use of this area for swimming pool is not going to cause a substantial increase in ancillary activity, certainly not sufficient harm to merit refusal.

Issues of drainage have been considered with regard to the swimming pool. It is not considered that any harm is likely to result in this respect. However, it has been considered prudent in light of the concerns raised by both a neighbour and the Parish Council to consult with the Environment Agency and Wessex Water. No comments have been received to date. It is, however, not an unusual form of development and a condition to secure details of drainage is considered appropriate.

The proposed development is limited to the established residential curtilage and is of a form scale and siting that would not impact on the special landscape character.

The conversion of the outbuilding as ancillary accommodation to provide a shower for the pool and domestic workshop, incidental to the enjoyment of the dwellinghouse, is permitted development. Design details can be controlled through the listed building application.

CONCLUSION

The proposed development would cause no harm to any acknowledged planning interests.

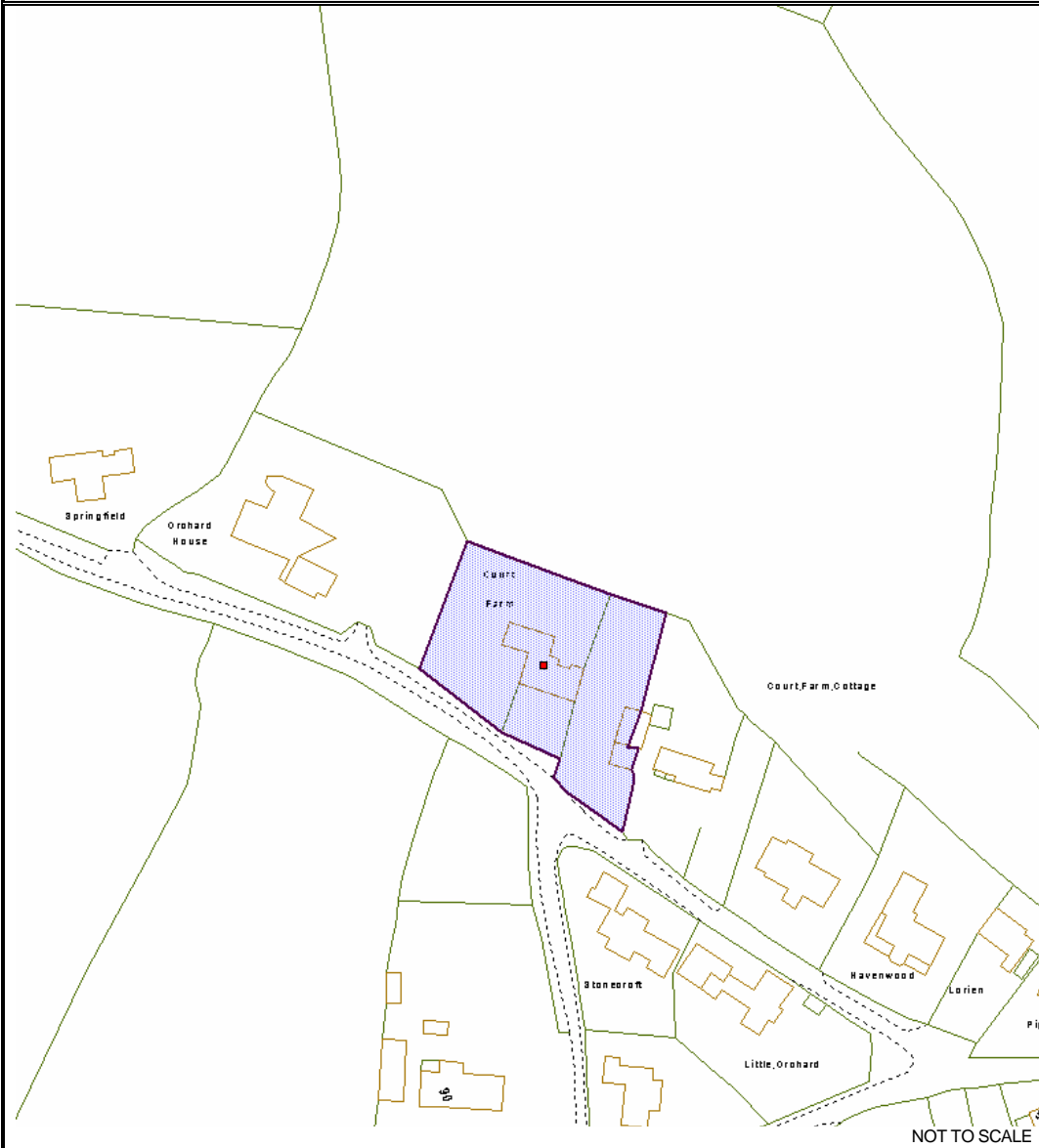
PLANNING COMMITTEE

25 October 2007

ITEM NO: 18

APPLICATION NO: 07/02714/LBC

LOCATION: Court Farm Court Lane Corsley Wiltshire BA12 7PA



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SLA: 100022961

18 Application: 07/02714/LBC

Site Address: Court Farm Court Lane Corsley Wiltshire BA12 7PA

Parish: Corsley Ward: Shearwater
Grid Reference 381728 146232
Application Type: Listed building
Development: First storey rear bathroom extension, rear porch extension, internal alterations to second floor, conversion of outbuilding to workshop and positioning of new swimming pool
Applicant Details: Mr And Mrs Holland
Court Farm Court Lane Corsley Wiltshire BA12 7PA
Agent Details: Simon Hill Architectural Design
Orchard House Rodden Down Frome Somerset BA11 5LD
Case Officer: Mr James Taylor
Date Received: 22.08.2007 Expiry Date: 17.10.2007

REASON(S) FOR RECOMMENDATION:

The character and setting of the listed building would be preserved and enhanced.

RECOMMENDATION: Consent

Condition(s):

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

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

- 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 character and fabric of the listed building is protected.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policy C28.

- 3 All new or replacement rainwater goods shall be of cast iron or cast aluminium construction and finished in black.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C28.

- 4 Details of the elevations of all new or replacement external windows, 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 – Policy C28.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the Committee because Corsley Parish Council object to the proposed development and your officers recommend consent.

This is a listed building application for the erection of a first floor rear extension, a rear porch, internal alterations to the roof space to facilitate ensuite WC facilities and the conversion of an outbuilding to workshop including the insertion of 3 rooflights.

The first floor extension would be constructed from matching materials to the existing with a projecting gable facing to the north. It would be approximately 2.5 metres by 2.5 metres externally with a ridge height of 6.7 metres; providing space for en-suite facilities. The rear porch would be approximately 900mm by 2 metres externally, 2 metres in height to the lead flat roof. The internal WC facilities would involve the erection of a stud wall in an existing bedroom in the attic space. The conversion of the outbuilding would include the erection of 3 rooflights otherwise the alterations are limited to internal works such as new stud walls.

The application site is located on the edge of this rural village with open countryside to the north and south west. There are neighbouring residential properties to the east and west. The scale of development is very low density with large detached properties typical set within their own spacious curtilages. The host building is typical in this respect; it is Grade II listed stone building and accommodation is over 3 storeys including rooms in the attic. The host building has undergone numerous alterations and extensions to the rear elevation; however the frontage has remained unaltered. To the east of the site is a stone built single storey outbuilding with clay pantiles to the roof. It is currently used for ancillary storage to the dwelling including garaging of vehicles.

CONSULTATION REPLIES:

- CORSLEY PARISH COUNCIL: Object on the following grounds:
 - round window proposed for en-suite is out of keeping with house.
 - Velux windows on outbuilding are out of keeping, especially as they would be visible from the lane.
 - due consideration should be given to neighbours privacy and drainage in regard to swimming pool.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: No objection. Rooflights as long as they are conservation style would not be out of keeping with a cartilage building such as this and allows light into building without enlarging the existing openings. The proposal employs good materials and would not detract from the character of the building considering the other extensions around it. The round window would add to the overall mix of fenestration that characterises this elevation of the building.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. No comments received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)
C28 Alterations and Extensions to Listed Buildings

PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

07/02715/FUL – Parallel full planning application.

KEY PLANNING ISSUES

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

The key issues to consider with this application are the potential impact on the character, appearance, fabric, integrity and setting of the listed building.

PLANNING OFFICER COMMENTS

Main building

The proposed external alterations to the listed building would utilise materials to match the existing and a form that is reflective of the existing character of the building. The rear elevation has undergone considerable alteration and evolution compared to others on the building which have generally maintained their original appearance. The one constant on the rear elevation is that good quality materials are generally prominent. This would be maintained. The use of the flat roof on the porch is acceptable given that it would be lead and the round window is simply a further variation on the already diverse range of window types and proportions evident on this elevation of the building.

Internally alterations are very modest with the creation within the attic space of a stud wall to enclose the en-suite bathroom. The attic has already been converted to bedroom and bathroom facility, but this proposal would allow for a WC and a stud wall to make it private. The only important features in this area are the shape of the roof and the exposed beams, neither of which would be affected by the proposal.

Outbuilding

The conversion of the outbuilding which appears to be in use as ancillary space to the main house poses no concerns in principle. There are no features internally that are of significant note and as such the conversion of this area, including the erection of stud walls to facilitate wash facilities poses no objections. The insertion of roof lights would indeed be visible from the main road; however rooflights are a perfectly acceptable means of allowing additional light into the building. Indeed this would be preferable to widening existing openings that are of traditional proportions. The use of Conservation rooflights can be controlled by conditions.

Finally, the Council's Heritage Development Officer raises no objection to the proposed development subject to the appropriate use of conditions. Indeed they highlight that the variety of fenestration on the rear elevation that currently exists is part of the character of the building and the use of a bulls-eye window would simply be another variation to this theme.

CONCLUSION

The proposed development would cause no harm to the historic environment.

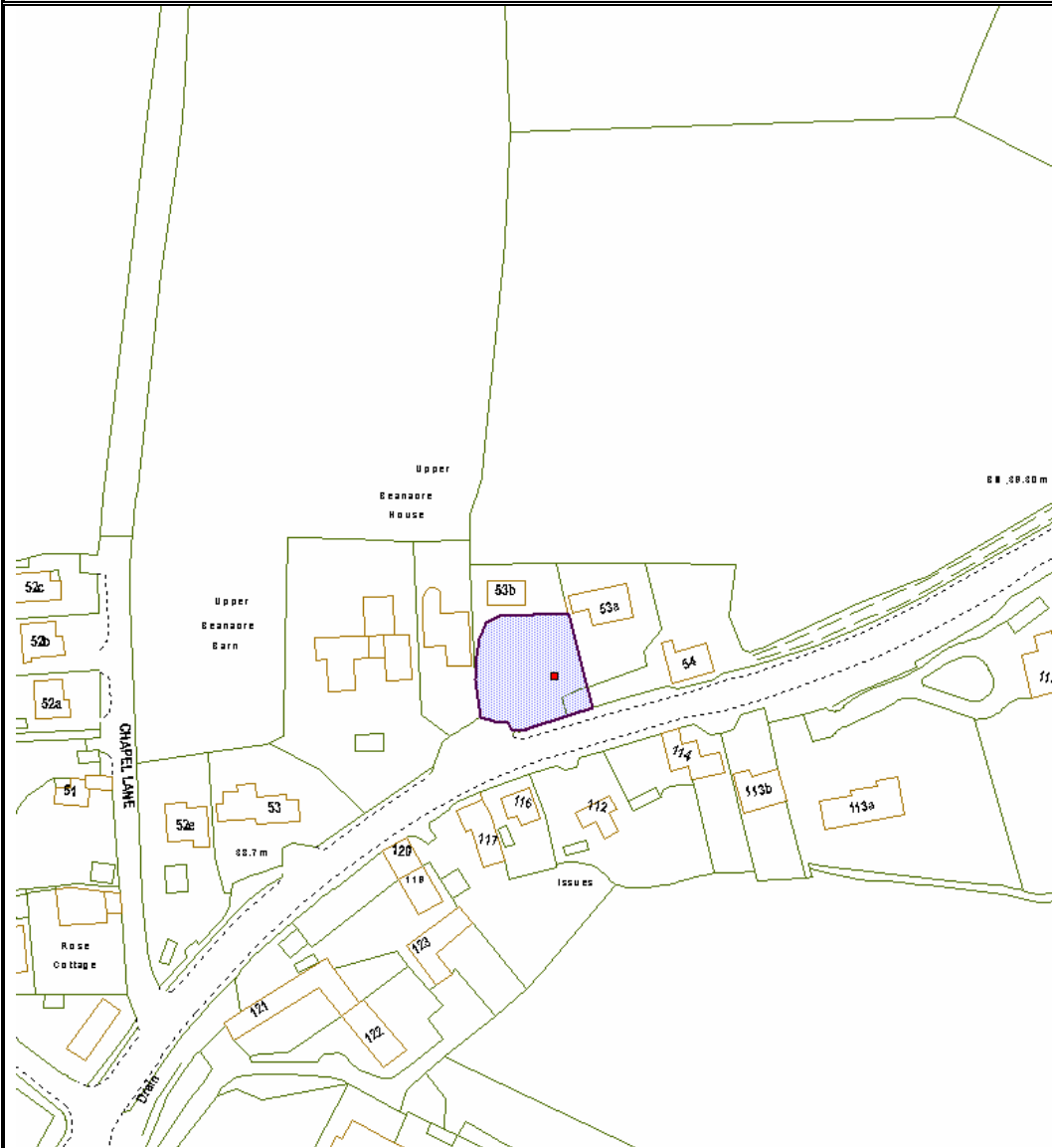
PLANNING COMMITTEE

25 October 2007

ITEM NO: 19

APPLICATION NO: 07/02370/FUL

LOCATION: Land Adjoining 53a Beanacre Wiltshire



NOT TO SCALE

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SLA: 100022961

19 Application: 07/02370/FUL

Site Address: Land Adjoining 53a Beanacre Wiltshire

Parish: Melksham Without Ward: Melksham Without

Grid Reference 390543 166408

Application Type: Full Plan

Development: New one and a half storey dwelling

Applicant Details: Mr And Mrs J F Clarke
52E Beanacre Village Melksham Wiltshire SN12 7PY

Agent Details:

Case Officer: Mr David Cox

Date Received: 23.07.2007 Expiry Date: 17.09.2007

REASON(S) FOR RECOMMENDATION:

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 Class B and C of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the proposed dwelling shall not have any dormer or velux windows inserted in either northern or eastern side elevations.

REASON: In the interests of neighbouring amenity

POLICY: C38 of the West Wiltshire District Plan 1st Alteration 2004

- 4 Where the hedging has been proposed in 2 litre containers, it should at minimum be supplied and planted as an instant hedge at a height of between 1.5 and 1,8 metres.

REASON: In the interests of visual amenity.

- 5 No building work shall be undertaken on site until a building regulations application has been approved for the provision of a septic tank for the proposed bungalow.

REASON: In the interests of satisfactory provision of sewage disposal.

Note(s) to Applicant:

- 1 The applicant is advised that they should agree with Wessex Water prior to connection with their water systems.

COMMITTEE REPORT

APPRAISAL SHEET

Ref No: 07/02370/VAN22/FUL

APPLICATION DETAILS

This application is brought to Committee because Melksham Without Parish Council objects and your Officers recommend permission.

The application originally came in as a 8.5 metre tall two storey building located in front of a pair of detached bungalows. The access to application site will be off the existing driveway for the bungalows.

Revised plans were received following negotiations with the applicant, which brought the height of the proposal down to 6.4 metres tall. The section drawing illustrates the height of the proposal in relation to No 53A and No 53 B. The ridge height of No 53A is 6 metres tall which was confirmed on site by using a measuring staff.

CONSULTATION REPLIES

MELKSHAM WITHOUT PARISH COUNCIL

Following the receipt of amend plans, the Council still strongly objects:

- The dwelling is still higher than surrounding properties and would look out of character.
- Visibility at the access would be impaired because it is on to a double bend on the busy A350. An application for a car park at St Barnabas Church was rejected by Highway due to cars emerging from a lay-by with clear visibility on the A350 yet this situation is far more dangerous.
- Plans are not drawn to scale and parking and turning is more confined than it appears. There are no garage facilities.
- Concerns regarding inadequate drainage. Beanacre only has septic tanks and no soakaways.
- There should be strict guidelines regarding the protection of the retained trees on the site.

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objection to the proposed use of the existing access.

LANDSCAPE AND ARBORICULTURAL OFFICER

No objection subject to one significant amendment. Where hedging has been proposed in 2 litre containers, it should be a t minimum be supplied and planted as an instant hedge at a height of between 1.5 and 1.8 metres.

PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter. Two letters of objection were received for the initial plans and two letters of objection were received for the revised plans.

- Proposal would still dominate the site
- There is no guarantee that the trees will not die as a result of root disturbance, the tree report does not go far enough.
- Trees will need a TPO placed on them to prevent future cutting down.
- No mark on the plans for a septic tank. How will this be dug without spoiling the trees?
- Access is still a problem
- This will set a trend in the village.
- Access arrangements to No 54's septic tank would need to be written into the deeds.
- Effect on drainage – Unsure whether existing soak away systems can cope with another dwelling.
- Question the need for additional dwellings in Beanacre when the Spencer's Gate proposal will build 220+ houses.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004 – Policies – H2, H17, H24, C31a and C38

Supplementary Planning Guidance – Residential Design Guide

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

- Principle of development
- Design merits of the proposal
- Design impact on the setting of the street scene and the two bungalows
- Impact on neighbouring amenity (overlooking and overshadowing)
- Impact on Highway Safety
- Drainage and Septic Tanks
- Scaled plans
- Impact on trees

PLANNING OFFICER COMMENTS

- The principle of development is acceptable because the site is within the village policy limits. The proposal would represent 22 dwellings per hectare which is below the PPS3 recommendation of 30 dwellings per hectare. However development in the surrounding area only has a density of approximately 13 dwellings per hectare so the proposal would represent a more efficient use of land than its immediate surroundings.

- The proposed bungalow would face into the site, creating a courtyard feel between the 3 buildings. Its rear elevation that faces onto the main road has not been neglected, as a porch and dormer windows have been included which would give a design point of reference for the proposal when viewing from the road itself. The provision of the porch on the rear elevation would not lead to a confused appearance of the property or the group of three bungalows as it would have a front door facing into the courtyard. Therefore the building would be legible from both front and rear elevations.

- The proposed bungalow would not cause any adverse overshadowing of its neighbouring bungalows as its ridge is only 400mm higher than No 53A and there would be a sufficient distance between all the buildings.

- There would not be any overlooking from the proposed windows as there is sufficient distances between them and boundary windows. However a condition will be required to prevent any further dormer or Velux windows on the eastern or northern elevations as they may cause adverse overlooking.

- The access to the site will be served from an existing access and driveway that already serves two dwellings. The highway authority were not consulted because the applicant submitted a letter from the highway authority who stated they had no objection to the principle of a new dwelling on this site using this access. Therefore the proposal would not cause a highway safety issue and the Parish Council comments cannot be taken into account.

The drainage and septic tanks have not been marked on the plans, however, the provision of which and connection of such systems are a matter for building control. Therefore the application can be supported subject to the proposal being able to get the necessary regulations.

The plans are taken in good faith that they are accurate and given that an on-site measurement was taken of the roof height of No 53A was found to be correct, there is no reason to suggest that the other plans are inaccurate. Therefore the Parish Council's objection cannot be supported.

The arboricultural report submitted has been approved by the Council's Landscape Officer and so the Council's comments cannot be supported.

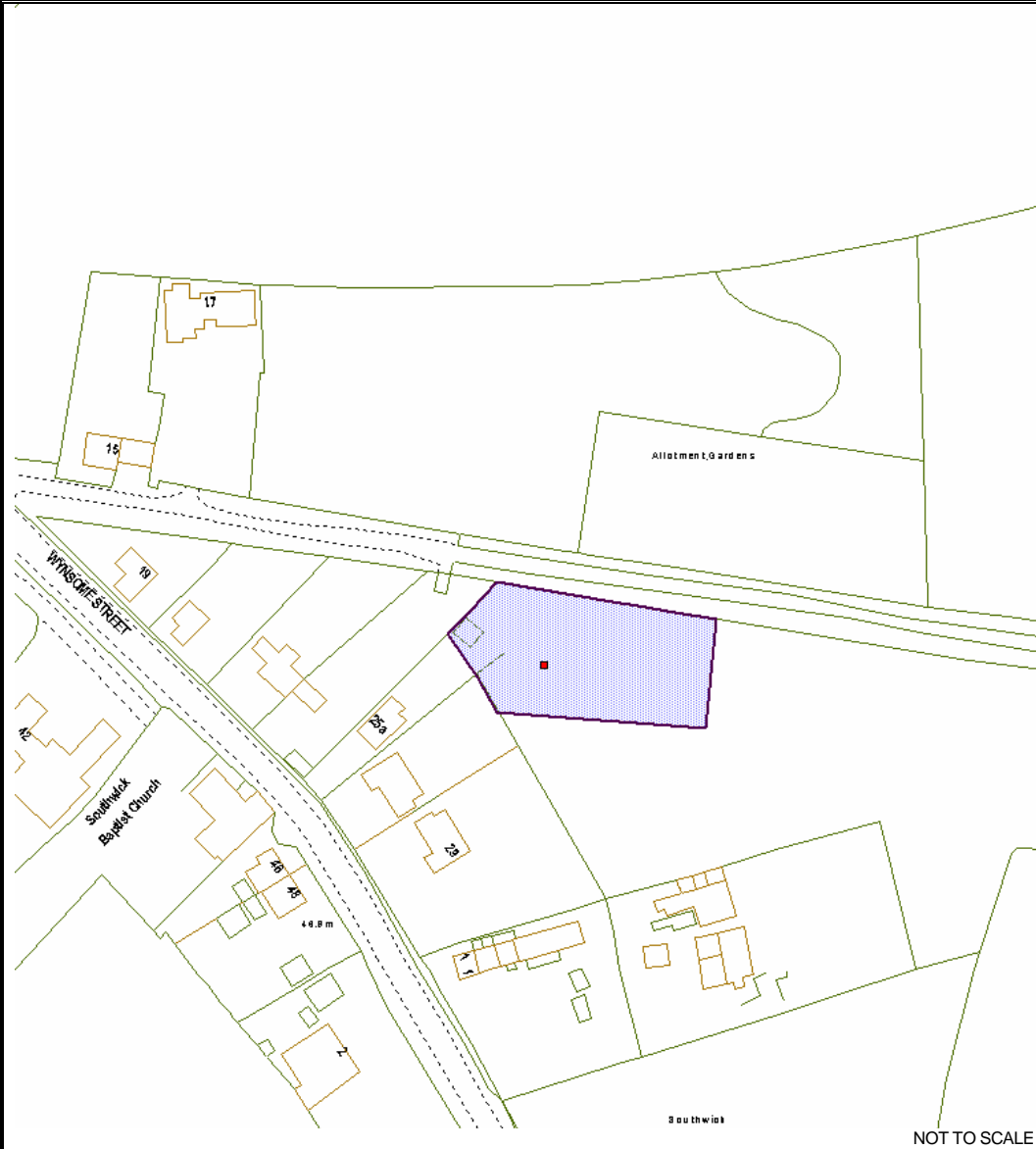
CONCLUSION

For the above reasons the Parish Council's objections cannot be supported. The proposal is consistent with Development Plan policy and should be granted planning permission.

PLANNING COMMITTEE

25 October 2007

ITEM NO: 20
APPLICATION NO: 07/02683/FUL
LOCATION: Land Rear Of 27 Wynsome Street Southwick
Wiltshire



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SLA: 100022961

20 Application: 07/02683/FUL

Site Address: Land Rear Of 27 Wynsome Street Southwick Wiltshire

Parish: Southwick Ward: Trowbridge And Southwick

Grid Reference 384225 155076

Application Type: Full Plan

Development: Erection of stables, feed store and menage (for private use)

Applicant Details: M E Jones
Barncroft The Barton Kingston Langley Chippenham Wiltshire

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 17.08.2007 Expiry Date: 12.10.2007

REASON(S) FOR RECOMMENDATION:

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 The development hereby permitted shall not be used for commercial purposes, including the keeping of horses at livery or as a riding school.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy E10.

- 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. 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 U2.

- 4 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.
- 5 No materials, including manure, shall be burnt on site.
- REASON: In order to minimise nuisance
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38
- 6 Details of lighting to the stables (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.
- REASON: In the interests of pollution prevention.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.
- 7 There shall be no lighting of any sort to the menage.
- REASON: In order to minimise nuisance and pollution prevention
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C35 and C38
- 8 Before the commencement of any development on site, a method of storage and disposal of manure, which shall not include burning, shall be submitted and approved in writing by the local planning authority. Storage and disposal shall thereafter be in accordance with the approved method for so long as the stables hereby permitted remain on the site.
- REASON: In order to protect groundwater
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies U4 and C38
- 9 The proposed access to the menage shall incorporate splays on both its sides to the rear of the existing bridleway based on co-ordinates of 2.4m by 2.4m and which shall be kept free of obstruction at all times.
- REASONS: In the interests of highway safety
- 10 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.
- The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.
- Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

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

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

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

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

- 11 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.

- 12 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.

- 13 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.

Note(s) to Applicant:

- 1 The applicant should ensure that no pollution occurs from the surface water drainage from the ménage. There is a potential for contamination of this surface water by manure and dirty water deposits on the surface of the ménage. All possible steps should be taken to ensure that this does not result in the pollution of the receiving watercourse. Such a pollution may result in formal action from this Agency.

One such preventative measure should be the regular removal of all manure deposits from the ménage to ensure a short residency time. Manure/dung heaps should be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes should be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

- 2 You are advised to contact Wessex Water to arrange connection onto their apparatus
- 3 You are advised that a landscaping scheme needs to include planting to the western boundary of the site.
- 4 You are advised that there are land ownership issues raised with this application as regards the use of the bridlepath.
- 5 You are advised to contact the Rights of Way Section at Wiltshire County Council as regards use of the bridleway.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Southwick Parish Council object and your Officer's recommend permission.

This is an application for full planning permission for the erection of a block of three stables, a feed store, and ménage at land to the rear of 27 Wynsome Street, Southwick.

The application site is located to the north of Wynsome Street. A new gravel access has been provided off the bridlepath running along the northern boundary of the site. This access is gated. This boundary has a mature hedgerow with several mature trees running along it. The bridleway is roughly surfaced up to the entrance at the rear of number 25, beyond which it is grass and un-surfaced, with a locked gate preventing vehicular traffic using it. Residential properties run along Wynsome Street to the south and west of the site, with agricultural land to the north and east.

The proposal is to provide a block of three stables along the northern boundary of the site, the plans indicate that the proposed stables would be 12.3 metres by 5.0m by 3.5m tall. Retrospective permission is also sought for a food store located in the western corner of the site. The plans indicate that the store would be 5.0m by 5.0m by 3.5m tall, constructed of the same materials as the stables.

An unlit ménage would also be provided. The plans indicate that this would be 39m long by 19m wide. It would be located centrally on the plot, approximately 19 metres away from the northern boundary of the site. It would be bordered by rail fencing. No details of surfacing of the ménage have been provided. The site slopes upwards towards the east: no sectional drawings or information have been provided.

The access to the site has already been provided to the site, although the discharge of conditions controlling this under planning permission 06/01430/FUL has not been occurred. The applicant proposes to retain the hedge and trees along the northern boundary of the site. It is also stated that the stables, feed store and ménage would be for private use only.

The site lies in the open countryside, adjacent to Southwick's village policy limit (Policy H17).

CONSULTATION REPLIES:

- SOUTHWICK PARISH COUNCIL: Object

"The Parish Council object to this application; the bulk of their comments made under application 06/01430/FUL still being applicable:

- i) The council note the applicant's letter states the ménage and stables are for private use, however, if the council were to agree to this application they would request a condition stipulating it remain for private use only and a further conditions stating the lighting of the ménage would not affect the locality as it has an environmental act of increasing light pollution, disturbing wildlife, interfering with other houses and could blind traffic etc.
- ii) The council would also like details for the arrangements for disposal of manure and drainage and the position of the stables prior to plans being passed.
- iii) The access along the northern side forms part of the bridleway and the council would want to see the bridleway remain as is and not be used for vehicular access particularly as the proposed access point is next to several well-established trees; the council express concern that any high sided vehicles (e.g. horse boxes, hay delivery wagons) could damage these mature trees when entering the site."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - No objection
- ENVIRONMENT AGENCY: No objection
- WESSEX WATER: State: - "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. This can be agreed at the detailed design stage.

"The developer has proposed to dispose of surface water to be piped to a ditch. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

"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."

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: No objection subject to conditions.

PUBLICITY RESPONSES

One representation has been received objecting to the application on the following grounds:

- Additional traffic using the bridleway.
- There are ownership issues attached to the bridleway
- The dwelling as constructed on the site is position in such a way as to preclude any vehicular access from the front of the property through to the rear.
- The ménage and food store are already constructed.
- The Bridleway is part of the local environment, it has certain rights attached to it which seem to be overridden by retrospective Planning Applications.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP1 - Priorities for sustainable development

DP2 - Infrastructure

DP14 - Housing, employment and related development in the open countryside

T6 - Demand management

C1 - Nature conservation

C5 - The water environment

West Wiltshire District Plan - 1st Alteration 2004

C1 - Countryside protection

C6A - Landscape features

C31A - Design

C32 - Landscaping

C35 - Light pollution

C36 - Noise

C38 - Nuisance

C40 - Tree planting

R11 - Footpaths and rights of way

E10 - Horse related development

T10 - Car parking

T12 - Footpaths and bridleways

U1A - Foul water disposal

U2 - Surface water disposal

U4 - Groundwater Source Protection Areas

National Guidance

PPS1 - Delivering Sustainable Development

PPS7 - Sustainable Development in Rural Areas

PPG13 - Transport

RELEVANT PLANNING HISTORY

06/01430/FUL - Erection of stables and ménage for private use - Permission 27.10.2006

06/02397/FUL - Erection of four-bedroomed residential dwelling - Undetermined. Non determination appeal allowed 22.02.2007

06/03054/FUL - Erection of three-bedroomed dwelling - Permission 13.01.2007.

07/01434/FUL - Erection of stables, feed store and ménage - Refused on the grounds of lack of accurate information - 21.06.2007

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Impact on the open countryside;
- Highway matters, particularly use of a public bridleway;
- Amenity;
- Planning history

PLANNING OFFICER COMMENTS

This is a full application for the erection of stables, a feed store and ménage to the rear of 27 Wynsome Street, Southwick. Such proposals need to be considered under Policy E10 of the West Wiltshire District Plan - 1st Alteration, which states that proposals for equestrian facilities will be required to have regard to minimising their effects on the appearance of the countryside and to highway implications, siting, design, materials and construction to ensure they blend in with their surroundings and do not have an adverse impact on the countryside and the natural environment including the water environment.

Planning permission has already been granted, subject to conditions, on this site for an L-shaped block of 4 stables, a tack room and food store, and ménage under reference (06/01430/FUL). The block was located along the western boundary of the site. The current proposal has three stables along the northern boundary of the site, a ménage in front of it, and then a separate feed store building south-western corner of the site.

Vehicular access to the stables would be from the public bridleway. The proposed location of the stables is even further from the neighbouring residential properties than the previously approved scheme, 06/01430/FUL. Subject to conditions concerning materials, manure disposal, lighting of the stables and food store, tree and hedgerow protection and landscaping (particularly along the western boundary), and no implementation of 06/01430/FUL, the proposal is considered acceptable and not detrimental to neighbouring amenity.

The application also proposes a ménage, which would be set down into the landscape. No lighting is proposed, nor would it be acceptable in this location in view of the rural character of the area and impact on neighbouring properties. A condition is recommended to address the levels of the proposed ménage requiring that sectional drawings be submitted and requiring that details of the lighting be submitted.

Policy E10 also requires equestrian proposals not to raise highway problems, access to the site will be from a public bridleway, and subject to conditions requesting the site to personal use, details of works to the bridleway, and visibility splays, no objection is raised. The issues of ownership raised in the representation received are issues between the Applicant and neighbouring properties. The Highway Authority have raised no objection to the vehicular use of this bridleway.

Identical conditions to those attached to permission 06/01430/FUL with the exception of condition 9 which required the access to be implemented.

There is no requirement for this condition as access to the site has already been provided. A further condition is proposed requiring the implementation of this permission as an alternative to the proposal approved under application 06/01430/FUL.

CONCLUSION

The proposal is consistent with Development Plan policy and accordingly planning permission is recommended.