

# PLANNING COMMITTEE

10 July 2008

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# PLANNING COMMITTEE

10 July 2008

ITEM NO: 01

APPLICATION NO: 07/02676/FUL

LOCATION: Land South Of Old Broughton Road Melksham  
Wiltshire



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SLA: 100022961

**01 Application: 07/02676/FUL**

**Site Address: Land South Of Old Broughton Road Melksham Wiltshire**

Parish: Melksham (Town) Ward: Melksham Without  
Grid Reference 390258 164206  
Application Type: Full Plan  
Development: Demolition of existing vacant industrial units and the erection of a Lidl neighbourhood foodstore with associated car parking  
Applicant Details: Lidl Foodstores  
Locking Castle Business Park West Wick Weston Super Mare  
BS24 7TG  
Agent Details:  
Case Officer: Miss Julia Evans  
Date Received: 15.08.2007 Expiry Date: 14.11.2007

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development conforms to the Development Plan and Legal Agreement and conditions attached to it overcome any objections 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:**

- 1. The design, funding and construction of a new pedestrian (puffin) crossing over Broughton Road;**
- 2. A financial contribution towards off site works specifically targeted at improving pedestrian and cycle accessibility to and from the proposed store.**

**Condition(s):**

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies SP3 & 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 - Policies C32 & SP3.

- 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 - Policies C32 & SP3.

- 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 is 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 - Policies C32 & SP3.

- 6 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items. Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In the interests of public health and safety, and the appearance of the site.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C38, & SP3.

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

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

- 8 Commercial vehicles (including forklift trucks) shall only be started up, manoeuvred, operated, loaded or unloaded between the hours of 07.30 and 22.00 Mondays to Sundays.

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

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

9 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained, written approval from the Local Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

REASON: To prevent pollution of the water environment.

10 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through 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.

11 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.

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

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

12 The access and egress to the site, the servicing and parking areas, as shown on the approved plans shall be completed and made available for use before the premises are occupied and shall be maintained as such thereafter.

REASON: To ensure that adequate provision is made in the interests of highway safety.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies T10 & SP3.

13 Development shall not be commenced until details of the diversion of the sewer crossing the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

REASON: To protect public infrastructure on the site.

14 The development hereby permitted shall not commence until the detail of a new controlled crossing at the junction of Bath Road and New Broughton Road have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

15 A travel plan shall be submitted to and approved in writing prior to the development opening for trading. The travel plan shall include measures to minimise vehicle movements to the foodstore and a timetable for implementation.

REASON: In pursuit of sustainable transport objectives.

16 The development hereby permitted shall not commence until the details of alterations to signs and lines and kerb lines consequent on the access requirements for the site have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

17 The development hereby permitted shall not open for trading until any alterations to signs, lines and kerb lines have been completed to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

- 18 The development hereby permitted shall not open for trading until the new controlled crossing at the junction of Bath Road and New Broughton Road has been completed to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

- 19 Floor levels shall be set at least at the 1 in 100 year (after predicted climate change) flood level of 34.93 metres above the Ordnance Datum.

REASON: To protect the development from flooding.

- 20 No development approved by this permission shall be commenced until a scheme of flood resilience in the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with these approved details.

REASON: To reduce the impact of any flooding on the development.

- 21 Prior to the development first being brought into use, a flood plan, including suitable warning and emergency/evacuation procedures, for the operational development of the site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To reduce the risk of flooding to persons and property.

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

REASON: To alleviate the increased risk of flooding.

- 23 No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewage disposal works has been agreed with the sewerage undertaker to the satisfaction of the Local Planning Authority. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such improvements and/or extensions have been commissioned to the reasonable satisfaction of the Local Planning Authority. The works shall be undertaken in accordance with these approved details.

REASON: To prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - First Alteration 2004 – Policy U1A.

**Note(s) to Applicant:**

- 1 You are advised that only native species will be acceptable for the landscaping scheme.
- 2 Sustainable Drainage Systems should be established as normal drainage practice where possible for all new developments. This will ensure long term improvement of surface and ground water quality and protections, but must be properly designed and maintained.

Only clean and uncontaminated surface water from roofs and untrafficked paved areas should be discharged to any soakaway.

If a waste compactor is going to be used on site to reduce waste, no liquid waste should be out in the compactor. Any effluent produced from a compactor must be discharged to the foul sewer.

During construction the following will apply:

Any waste material removed from site must be taken to an appropriately licensed site and comply with the Duty of care regulations. Waste on site should be stored in skips and isolated from surface water drains.

Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

The Environment Agency must be advised if a discharge to a watercourse is proposed.

Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

The Environment Agency must be notified immediately of any incident likely to cause pollution.

Flood resilience should be considered up to at least 35.23m AOD, 300mm above the predicted flood level.

Evacuation routes, including the raised walkway, must be included within the flood evacuation procedures required by Condition 21. We reiterate our previous point that, in line with PPS25, the emergency services should be consulted for their comments.

We are aware that installing a service water management system in a development site with floodplain has particular issues, which will need to be resolved to ensure that it functions efficiently to avoid pollution of the water environment.

In response to the report 'Phase II Environmental Assessment Cooper Tyre Racing and Service Site, Melksham' by Jacobs GIBB Ltd, June 2006, we are satisfied that the site investigation has demonstrated, so far as is reasonably practicable at this stage, that there is no significant contamination on site that poses risk to groundwater. However, of the seven window sample holes done during the investigation, two met refusal at very shallow depth, namely WS5 (0.7m) and WS6 (0.6m). It is thought unlikely that there is any, as yet, undetected contamination at greater depth, but, in the event that any is revealed during development of the site Condition 9 should be applied.

3 You are advised to contact Wessex Water to agree points of connection to their apparatus.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application has been called in for consideration by the Planning Committee at the request of Councillor Wiltshire. The reason "is that the modified scheme is still a retail shed style building relating poorly to the adjoining area and character buildings..... The proposal, in its current form, will not enhance this important site or make best use of the location in terms of the regeneration of this area of Melksham." This view is supported by Councillors Eaton, Mudge and Griffiths.

The application was reported to the Planning Committee at the 5 June 2008 whereby members deferred it to allow a re-consultation with Melksham Town Council to confirm their position, and for a site visit to take place. This is scheduled for 5.00pm on Thursday 10 July 2008, prior to this evening's Planning Committee.



This is a full application for a foodstore and associated parking at land south of Old Broughton Road, Melksham. The store would have a gross internal area of 1,415m<sup>2</sup>, of which 1,128m<sup>2</sup> is sales area. 77 car parking spaces are proposed, six of which are for disabled uses. The vehicular access to the site would be of Old Broughton Road to the north of the site, with the exit onto New Broughton Road. The delivery yard would be to the western edge of the proposed store, adjacent to the store's access road.

The store itself would be constructed of red brick with buff coloured columns and plinths, with an aluminium roof. A full height glazed entrance and exit lobby would be provided along with full-height glazing to the shop front.

Soft landscaping is proposed along the site boundaries, with some internal tree planting. The site boundaries would be defined by a mix of treatments, including close boarded fencing and walls with railings. A new pedestrian crossing from the site across Bath Road is also provided.

The application has been supported with the following documents: -

- \* A design and access statement;
- \* A retail assessment;
- \* A transport assessment;
- \* An environmental assessment;
- \* A flood risk assessment; and
- \* Two customer postcode surveys.

Since the deferral of this application at Planning Committee on the 5 June 2008, the applicant has met with some of the Melksham members to revise the design of the proposal to take into account their concerns. A revised scheme was proposed which gained the local members support, but at the time of writing the report, a comprehensive set of revised drawings had not been received to undertake re-consultations on.

## **SITE VISIT / STATUTORY SITE NOTICES**

The 0.53 hectare site is currently laid to tarmac, with some vacant industrial buildings on it, which are proposed for demolition. To the north lies a listed public house, beyond which lies a variety of uses, including a church, hall, residential and retail uses. The Avon factory lies to the north-east of Bath Road, whilst to the south lies the Enterprise Park Trading Estate with its mix of uses. To the south-west lie more residential properties. There are currently two accesses to the site: off Old and New Broughton Roads. The site has been vacant since December 2006.

The application has been advertised with a site notice and neighbour notifications have been undertaken.

## **CONSULTATIONS**

*Parish/Town Council* : MELKSHAM TOWN COUNCIL – “Had no objection to this application however, they asked that the following restrictions should be put in place if this application goes ahead: -

- \* Delivery times limited to certain hours;
- \* Signage to be sympathetic to the area and limited;
- \* Car park to be used during opening hours only to avoid anti-social behaviour.”

The scheme is supported by Melksham Town Council who have reiterated that they have no objection.



*External :*

HIGHWAY AUTHORITY: State – “I write further to my letter dated 20th December. At the end of that letter, I suggested three possibilities being:

1. A straight recommendation for refusal based on a lack of information
2. A recommendation for approval, conditional on a planning obligation that ties the provision of a new pedestrian crossing wholly on the developer (ie not a contribution) plus a significant contribution towards additional improvements (predominantly biased towards pedestrians) towards off site works or
3. To offer a final opportunity for you to carry out the analysis that we had previously agreed.

“You have subsequently confirmed that your client prefers the second option, and I have given some thought to what might constitute a fair and reasonably related sum.

“An audit of the pedestrian/cycle access route(s) to the proposed store shows that uncontrolled crossings are of poor quality in terms of finish, and signalised crossings are controlled by outdated equipment that causes pedestrians to have to wait for an excessive time to cross the road(s).

“Footway width is compromised in several locations, and surfacing is in poor condition. A number of side roads and other access points do not have the benefit of dropped kerbs, and one of the key potential cycle links to the store (Bank Street) has no dedicated or shared facility. (Despite the lack of provision for cyclists, a high number of cyclists use Bank Street, with the majority cycling on carriageway).

“My intention from the outset was to look at overcoming potential barriers to (non-car) movement to and from the proposed store, and it remains my view that a detailed audit should have formed part of your TA. Given that we have followed an alternative route, my investigation has revealed a number of areas that if left as they are, would represent a significant barrier for latent pedestrian and cycle demand, and since you have asked me to do so, I have attempted to attach a value to your client's "share".

“Subject to your agreement, I would be prepared to recommend that planning consent be issued subject to the prior completion of a legal agreement securing:

- a) the design, funding and construction of a new pedestrian (puffin) crossing over Broughton Road (we will need to agree a plan identifying the very general arrangement) and
- b) a contribution of £ 100 000 towards off site works, specifically targeted at improving pedestrian and cycle accessibility to and from the proposed store.”

The applicant has had further negotiations as regards funding, and the Highway Authority recommend that no highway objection be raised subject to basis of mutual agreement having been reached.

LIBRARIES AND HERITAGE: State – “Nothing of archaeological interest is likely to be affected by the proposal and therefore I have no issues to raise.”

COUNTY PLANNING: Have not responded.

ENVIRONMENT AGENCY: State – “The Environment Agency formally WITHDRAWS its objection to the proposed development, subject to the inclusion of the following conditions in any planning permission granted:

“CONDITION: Floor levels shall be set at least at the 1 in 100 year (after predicted climate change) flood level of 34.93 metres above Ordnance Datum. REASON: To protect the development from flooding.

“CONDITION: No development approved by this permission shall be commenced until a scheme for flood resilience in the construction of the development has been submitted to and approved in writing by the Local Planning Authority. REASON: To reduce the impact of any flooding on the development. NOTE: Flood resilience should be considered up to at least 35.23m AOD, 300mm above the predicted flood level.

“CONDITION: Prior to the development first being brought into use a flood plan, including suitable warning and emergency/evacuation procedures, for the operational development site shall be submitted to and approved in writing by the Local Planning Authority. REASON: To reduce the risk of flooding to persons and property. NOTE: Evacuation routes, including the raised walkway, must be included within this. We reiterate our previous point that, in line with PPS25, the emergency services should be consulted for their comments.

“CONDITION: No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details. REASON: To alleviate the increased risk of flooding.

“CONDITION: 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. REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water management. NOTE: We are aware that installing a surface water management system in a development site within floodplain has particular issues, which will need to be resolved to ensure that it functions efficiently.

“Please note that the conditions and informatives requested in our letter of 5 October 2007 remain relevant to this proposal. For ease of reference these are copied below:

“In response to the report ‘Phase I1 Environmental Assessment Cooper Tire Racing and Service Site, Melksham’ by Jacobs GIBB Ltd, June 2006 we are satisfied that the site investigation has demonstrated, so far as is reasonable practicable at this stage, that there is no significant contamination of the site that poses risk to groundwater.

“However, of the seven window sample holes done during the investigation, two met refusal at very shallow depth, namely WS5 (0.7m) and WS6 (0.6m). It is thought unlikely that there is any as yet undetected contamination at greater depth, but, in the event that any is revealed during development of the site the following condition should be applied. (Note: this condition was also recommended in our last consultation of January 2007).

“CONDITION: If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained, written approval from the Local Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with. REASON: To prevent pollution of the water environment.

“CONDITION: No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewage disposal works has been agreed with the sewerage undertaker to the satisfaction of the Local Planning Authority. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such improvements and/or extensions have been commissioned to the reasonable satisfaction of the Local Planning Authority. REASON: To prevent pollution of the water environment.

“CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through 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.

"In the event of planning permission being given we request that the Decision Notice contains the following information:

"Sustainable Drainage Systems should be established as normal drainage practice where possible for all new developments. This will ensure long term improvement of surface and ground water quality and protection, but must be properly designed and maintained.

"Only clean and uncontaminated surface water from roofs and untrafficked paved areas should be discharged to any soakaway.

"If a waste compactor is going to be used on site to reduce waste, no liquid waste should be out in the compactor. Any effluent produced from a compactor must be discharged to the foul sewer.

"During construction the following will apply:

"Any waste material removed from site must be taken to an appropriately licensed site and comply with the Duty of care regulations. Waste on site should be stored in skips and isolated from surface water drains.

"Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.

"Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

"This Agency must be advised if a discharge to a watercourse is proposed.

"Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

"This Agency must be notified immediately of any incident likely to cause pollution."

WESSEX WATER: State – "Surface Water Drainage. A public surface water sewer crosses the site, for which a diversion agreement is in place between Developer and Wessex Water. You may wish to condition any planning permission with the requirement that the sewer is diverted in accordance with the agreement, prior to commencement of the development.

"There should not be any increase in the amount of storm flow currently connected to the public system.

"Foul Drainage. The existing system is adequate to serve the proposed development provided that there are no unusually high flows from the development. We assume flows will be domestic in nature.

"Water Supply. The existing system is adequate, although on-site pressure boosting may be needed for buildings with more than two storeys."

ENGLISH HERITAGE: State – "On the basis of the information provided, we do not consider that it is necessary for this application to be notified to English Heritage under the relevant statutory provisions, details of which are enclosed."

WILTSHIRE WILDLIFE TRUST: State – "Thank you for your letter of 28 August 2007, inviting the Wiltshire Wildlife Trust to comment on the above application. The Trust has no objection to this application, and has the following comments:

"Measures to enhance biodiversity. All public bodies (including the Council) have a Biodiversity Duty under the Natural Environment and Rural Communities Act (NERC) 2006, to have due regard for conserving biodiversity. This includes restoring or enhancing a population or habitat.

We would strongly recommend that at least a proportion of species planted be native/attractive to wildlife and of local provenance, to maximise benefits to wildlife.

“Measures to increase sustainability. We are pleased with Lidl's commitment to reducing its ecological footprint, through the use of energy efficient appliances, and waste minimisation procedures.

“However, we are unsure as to the status of surface drainage within the proposal. The Flood Risk Assessment (RPS, May 2007) indicates that, being in Flood Zone 3 and therefore at high risk of flooding, this needs to be resolved. The report also states that this will be accounted for through on-site storage and attenuation, as well as an upgrade to the existing drainage system which discharges directly into the Bristol Avon (a County Wildlife Site). However, we can see no evidence in the plans of any proposals for on-site storage, and are concerned at reference to improving conveyance of surface water into the river, rather than attenuating on site. There is also no mention of pollution control, as this runoff will originate from the car park, and is therefore likely to contain potential contaminants.

“A comprehensive Sustainable Drainage scheme (SuDS) should be devised for the development area, to alleviate the above concerns. This should be a condition of planning permission.”

ENGLISH NATURE: State – “After your initial consultation Natural England objected on the grounds of no wildlife survey being provided. Due to the nature and location of the development, Natural England believe a wildlife survey is necessary to establish any effect the proposal may have on protected species. Unfortunately, there still appears to be no wildlife survey available, and as such we have no option but to object to the application. Unless a wildlife survey is submitted for our attention with this type of development, this will be Natural England's standard response.”

*Internal :*

PLANNING POLICY: - initially concluded “There are sufficient policy grounds for refusing this application. The applicant has not demonstrated a quantitative need - providing an historic needs assessment for Chippenham as evidence. The sequential approach exercise needs to be expanded to give consideration of the Somerfield. The loss of employment land requires further analysis. The design makes poor use of the site and fails to provide a strong frontage to Bath Road, reflect the industrial character of the area and is too introspective - rather than focussing upon the town centre. The proposal also fails to take advantage of the high level of accessibility afforded by the location; the level of parking provision is too high, there are no measures to encourage split/shared trips and there is no encouragement of public, pedestrian or cycle transport.

“However, given the location of the site in relation to the town centre, adjoining commercial and residential uses, the proposal does offer an opportunity for regenerating this part of the town and improving links across the River Avon. If the applicant is serious about this site then they need to meet the set out above particularly in terms of focussing the development upon the town centre and improving links with the town.

“Policy Recommendation: - Unacceptable in policy terms.”

No revised comments have been received as regards the additional retail information and design changes.

Added to the late list of the Planning Committee of the 5 June 2008 were the following updated comments from the Policy Section:

“Relevant Policy and Guidance - Planning Policy originally commented on this application on 9 October 2007, when it was recommended that the application be refused. However, it was noted that the redevelopment of the site would provide an opportunity for the regeneration of this part of Melksham. The applicant's agents responded to the policy criticisms of the proposal on 23 October 2007.

"The adopted Local Plan makes provision for additional retail provision in Melksham, but within the existing commercial area, that is to the south of the River Avon.

"Key Issues - The main policy issues are whether the regeneration of the site proposed by this application is sufficient to overcome objections to the loss of an employment use on the site, together with any objections on retail grounds.

"In their response of 23 October 2007, the applicant's agents answered technical criticisms of their retail impact assessment and the sequential test. I consider that these are no longer valid grounds for objection.

"The site has been vacant for some time and all Cooper Tyre jobs have been moved off-site. The proposed development would provide 35 full and part time retail jobs. While the loss of employment is regrettable, and will need to be made good elsewhere, the regeneration of this site in the short term will have a positive effect on this part of the town.

"Conclusions - On balance, the regeneration benefits of this proposal are considered to outweigh the policy concerns.

"Policy Recommendation - There are no over-riding policy objections to the grant of consent for this development."

CONSERVATION OFFICER & HERITAGE DEVELOPMENT OFFICER: State – "I have had a look at the revised draft drawings for the above and have made some comments. Generally this is an improvement on the previous submission.

\* "The brick types chosen for the panels is more appropriate since the applicant have stated that they will match the existing wall surrounding the site. I like the idea of the contrasting colour for the columns but I suggest that picking up on the limestone which is characteristic of Melksham would be more suitable than the buff brick. This could be a good quality reconstituted stone with an ashlar finish.

\* "They have given the building a more prominent entrance feature giving the building a stronger presence to New Broughton Road. From the sketches it appears this is mainly due to the canopy and the structure for the sign rather than an enlarged entrance lobby. The sign and canopy work well as a contemporary feature although I would like to see the entrance lobby have more emphasis rather than purely relying on add-ons. Possibly it could project further forward, maybe curving in a similar way to the canopy.

\* "The applicant is now suggesting a stronger boundary around the front of the site which is welcome. Ideally I would have liked to have seen the wall retained at its existing height, i.e its height where it fronts the corner of Bath Road. Making up the full height with railings could be an acceptable compromise provided the railings are of an acceptable design and quality, and any new brick work matches the existing wall.

\* "The landscaping scheme for the car park helps to soften the appearance of the building when viewed from New Broughton Street."

ENVIRONMENTAL HEALTH: State:

"Matters Considered: Loss of amenity from noise and light pollution to water course

"Food Comments: No objections

"Licensing Comments: none

"Safety Comments: No objections

“Protection Comments: This development has the potential to have an adverse impact upon the amenity of the area due to noise from deliveries, light spillage and contaminants from the car park migrating to the nearby watercourse Recommendation: No objections subject to conditions being attached Conditions:”

1. Lighting;
2. surface water drainage;
4. hours for vehicle movements

REGENERATION OFFICER: States – “Re. the emails below I think these sum up the position on the proposed Lidl Store in Melksham. I agree with Karol that the scheme as it stands cannot be said to be integrated into the town centre and places over-reliance on vehicular access. From a town centre regeneration standpoint, the applicant needs to address links with the south side of the River Avon bridge, possibly through streetscape improvements and road crossings. Moreover, the current proposal sets the store back away from the town centre and without an active frontage to the road. However, if they are able to address these issues I feel that the right scheme here will provide a positive use for an attractive and under-utilised plot of land and may well serve to encourage the regeneration of this part of the town, particularly the redevelopment of parts of the Cooper site.”

DRAINAGE ENGINEER: States – “Having checked our plans, I note that the proposal is totally within the Conservation Area 1/100 year flood zone. However, I note that a Flood Risk Assessment has been carried out and that the Environment Agency has been consulted throughout – due to the size and position of the development. Therefore I have no further comments to add.”

#### *Neighbours :*

Three letters have been received, including one from Melksham Trust and Melksham Chamber of Commerce and Industry. The following comments are raised: -

- \* Objection to the building style as want a retail unit with residential or offices above;
- \* A tree has been felled on site;
- \* Any Section 106 should include provision for funding restoration works to the town bridge;
- \* Because of its proximity to the town bridge there should be a listed building consent application;
- \* Increase in traffic on already busy road network, and danger to pedestrians;
- \* Increased HGV traffic causing structural damage to neighbouring properties; and
- \* Support from Melksham Chamber of Commerce and Industry.

A further letter has been received since the last Committee supporting the application, and expressing annoyance about the deferral of it and the input of local members.

### **NEGOTIATIONS / DISCUSSIONS**

- \* Additional retail information and justification;
- \* Design changes; and
- \* Highways agreements.

After the deferral of the application by Planning Committee, the applicant and some Melksham members have been revising the design of the scheme. At the time of updating this report, the finalised versions of these meetings had not been received for re-consultation.

### **CONSTRAINTS**

- \* Principle of development;
- \* Design and impact on setting of listed buildings;
- \* Highways and sustainability;
- \* Nuisance and amenity;
- \* The water environment;
- \* Pollution control and contaminated land;
- \* Biodiversity and nature conservation; and
- \* Loss of employment.

## **POLICIES**

### Wiltshire Structure Plan 2016

DP1	Priorities for sustainable development
DP2	Infrastructure
DP3	Development Strategy
DP5	Town centres, district centres and employment areas
DP6	Shopping centres
DP9	Reuse of land and buildings
T5	Cycling and walking
T6	Demand management
C1	Nature conservation
C5	The water environment
HE7	Conservation Areas and Listed Buildings

### West Wiltshire District Plan – 1st Alteration 2004

C25	Shop fronts
C31a	Design
C32	Landscaping
C35	Light pollution
C37	contaminated land
C38	Nuisance
H1	Further housing development within towns
E5	Loss of employment floorspace
T10	Car parking
SP1	Town centre shopping
SP3	Out of centre shopping
U1a	Foul water disposal
U2	Surface water disposal
U4	Groundwater Source Protection Areas

### SPG

Design Guidance – Principles (Adopted July 2004)

### National Guidance

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk

## **RELEVANT PLANNING HISTORY**

N/A

## **KEY ISSUES**

- \* Principle of development;
- \* Design and impact on setting of listed buildings;
- \* Highways and sustainability;
- \* Nuisance and amenity;
- \* The water environment;
- \* Pollution control and contaminated land;
- \* Biodiversity and nature conservation; and
- \* Loss of employment.



## OFFICER APPRAISAL

This 0.53 hectare site lies within the town of Melksham, outside of its Commercial Area. The Planning Policy Section have taken the view that this is an out-of-centre site, by virtue of its distance and location. They consider it to be disconnected from the town centre. PPS6 – Planning for Town Centres gives clear guidance on determining new retail proposals, which is reiterated by Policy SP3 of the West Wiltshire District Plan – 1st Alteration 2004. This states that : “New and extensions to existing edge of centre and out of centre shopping developments, including superstores, supermarkets and retail warehouses but excluding small neighbourhood shops, will only be permitted if all of the following criteria are met:

- A There is a need for the development;
- B 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;
- C The development does not, either by itself or together with other retail developments, harm the vitality or viability of nearby centres;
- D The development is of acceptable scale, materials and design and does not harm the local environment or residential amenity;
- E The development is sited to reduce the number and length of car journeys and is accessible by a choice of means of transport, including by foot, bicycle and public transport;
- F The traffic generated by the proposal can be accommodated safely on the local highway network and sufficient car parking and servicing is provided;

Applications to vary the range of goods sold from out of centre stores, or to allow subdivision of units, will only be permitted where it can be demonstrated that the proposal would not harm the vitality and viability of the town centre’s shopping role.”

The Planning Policy Section initially objected to the proposal in that it had not demonstrated a quantitative need for the store, and that its sequential approach needed to be expanded. The applicant provided these additional comments, but to date no further comments have been received from the Planning Policy Section. There have also been no comments from the County Council’s Retail Section to provide further guidance. In view of this situation your officers are left with having to make a recommendation on the basis of the information provided.

The Planning Policy objections were also concerned with the proposal’s poor design and that it failed to take advantage of the high level of access to the site. Both these issues have now been addressed with revised plans which both the Council’s Conservation Officer and Urban Designer, and the Highways Authority have accepted. Planning Policy have now commented on the revisions, and considered that the “proposal does offer an opportunity for regenerating this part of the town and improving links across the River Avon”, and that “on balance, the regeneration benefits of this proposal are considered to outweigh the policy concerns.”

Neighbour objections to the design of the proposal raise concerns about the suitability of the proposal in an historic area and on the settings of nearby listed building. Both the Council’s Conservation Officer and Urban Designer were involved in negotiations for a revised scheme and are satisfied that the design of the proposal is now acceptable. It is not considered that a refusal could be substantiated on design grounds or detrimental impact on the historic environment.

Listed building consent applications are only needed where proposed works physically affect a listed building, and as regards requesting a Section 106 for bridge repair funding, it would be difficult to justify how this is relevant to the application.

As regards the highways situation, the applicant and the Highway Authority have resolved the initial objection to the scheme by agreeing to have a recommendation for approval, conditioned on a Legal Agreement that ties the provision of a new pedestrian crossing wholly on the developer, plus a significant contribution towards additional improvements (predominantly biased towards pedestrian) towards off site works. The Highway Authority have suggested conditions which are attached to the recommendation.

Adjoining the western boundary of the site are residential properties, and more lie to the north along the Old Broughton Road. Environmental Health have been consulted and consider that although the development has the potential to have an adverse impact upon the amenity of the area due to noise from deliveries, light spillage and contaminants from the car park, it is felt that these concerns could be overcome by conditions (ie lighting, surface water drainage and vehicle noise). Additional conditions have also been suggested as regards refuse arrangements. As no hours of opening conditions have been suggested it would be difficult to suggest these without the support of the Environmental Health Section.

The paragraph above refers to the protection of the water environment, and these conditions plus those conditions and informative suggested by the Environment Agency and Wessex Water have been attached. Initially the Agency objected on flooding grounds as no Flood Risk Assessment had been provided with the application. The applicant has provided the required information, and the Agency have now removed their objection, subject to conditions.

Natural England have objected to there not being any Protected Species Report submitted with the application, but the Wiltshire Wildlife Trust have not objected, and suggest conditions as regards SuDs and native species planting.

The Planning Policy Section initially recommended refusal on the grounds of loss of employment, but have now changed their stance to support it in light of the additional information provided. However, in view of the regeneration impact and that the site has been vacant for several years it is not felt that this proposal can be substantiated.

## **RECOMMENDATION**

The proposal is considered acceptable subject to the suggested legal agreement and conditions.

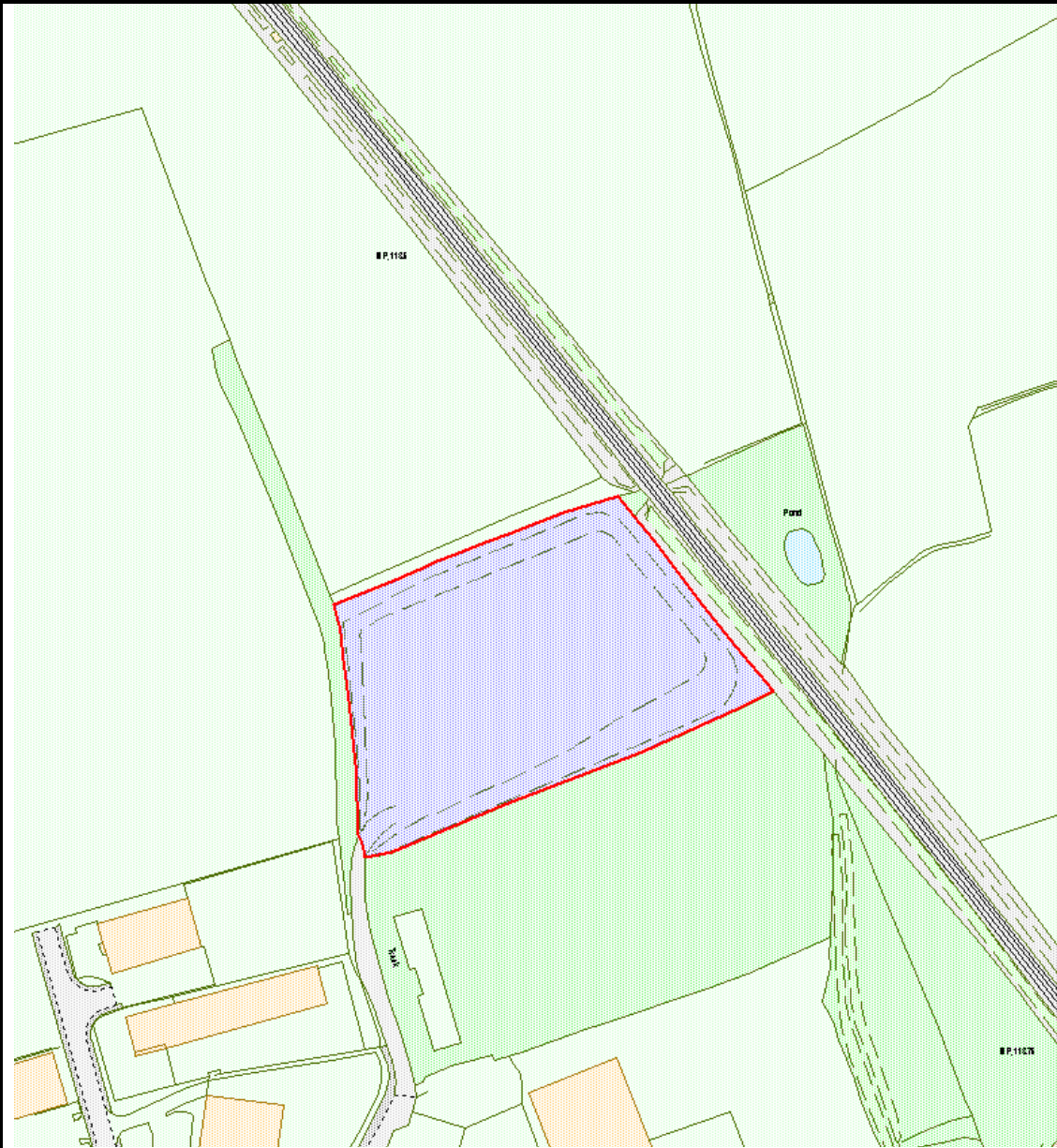
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 02

APPLICATION NO: 07/03440/FUL

LOCATION: Land Adjacent Crusader Park Furnax Lane  
Warminster Wiltshire



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SLA: 100022961

**02 Application: 07/03440/FUL**

**Site Address: Land Adjacent Crusader Park Furnax Lane Warminster  
Wiltshire**

Parish: Warminster Ward: Warminster West  
Grid Reference 386710 146310  
Application Type: Full Plan  
Development: Extension of previously approved industrial unit  
Applicant Details: Colder Refrigeration  
1C Centurion Way Crusader Park Warminster Wiltshire BA12 8BT  
Agent Details: Mr Peter Grist  
Eversfield House Station Road Warminster Wiltshire BA12 9BP  
Case Officer: Mrs Judith Dale  
Date Received: 01.11.2007 Expiry Date: 31.01.2008

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The development would result in the increased use of the existing sub-standard access which is not of a satisfactory standard to support any additional development and would be contrary to policy E4 of the West Wiltshire District Plan 1st Alteration 2004.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

The application site is a rectangular area of land approximately 1.2 ha in extent, located at the far end of Furnax Lane, the main access road serving the Crusader Park industrial estate. The site lies adjacent to the railway line and immediately beyond the existing boundaries of the industrial estate which also correspond to the town boundary limits. The land is generally level, vacant and overgrown, and as a result of land raising in past years, is now located some 6-7 metres higher than the surrounding land in the form of a raised plateau. The existing access to the site is in the south west corner, via a narrow, unmade track which continues as a footpath extension to Furnax Lane itself.

The proposal is for the erection of an L-shaped industrial building close to the western boundary of the site, and is described as an 'extension of a previously approved industrial unit'. The building has a footprint of approx 1100 sq ms, and comprises two elements, 54 x 15m and 20 x 15m, to a ridge height of 6.3m. These are proposed as steel framed sections with cladding to be approved.

The development will be served by a continuation of the access track into the site, to provide a turning area and 52 parking spaces plus non specific 'parking' directly in front of the buildings.

The application is accompanied by a Design and Access Statement, which has been recently supplemented with additional information.

## **SITE VISIT / STATUTORY SITE NOTICES**

The site has been visited on a number of occasions throughout the processing of this application and 4 site notices identifying the proposal as Major Development which affects a Public Right of Way and is a Departure from the Development Plan were posted in November 2007. On further investigation into the planning history of the site which shows it as previously developed land, the development is not now considered to represent a Departure.

## **CONSULTATIONS**

*Parish/Town Council :*

Warminster Town Council - No comment received

*External :*

HIGHWAY AUTHORITY: Comments that in its present state, the unadopted section of Furnax Lane is not considered suitable for any additional development due to its limited width and no footpath, and that the link into the Crusader Park access does not exist. The recommendation is for refusal on the grounds of increased use of the existing sub-standard access.

WESSEX WATER - Comments that connection to Wessex infrastructure will involve crossing of third party land; connection to infrastructure for water supply is not possible and will require the maintenance of easements; ground conditions are not suitable for soakaways; foul drainage may require pumping

ENVIRONMENT AGENCY - have withdrawn their original requirement for a Flood Risk Assessment and now have no objection subject to appropriate conditions.

*Internal :*

PLANNING POLICY - Comments that there is no objection in principle on policy grounds but that as it currently stands, it fails to satisfy the requirement of the Highway Authority with regard to access and transport issues, and concludes that 'the application should be refused as contrary to Local plan Policy E4(D).'

ENVIRONMENTAL HEALTH - No objection

LANDSCAPE OFFICER - No comment received

ECONOMIC DEVELOPMENT OFFICER - No comment received

*Neighbours :* No letters of comment or objection have been received.

## **NEGOTIATIONS / DISCUSSIONS**

Very considerable discussions have been had with both agent and applicant over the past months to secure the necessary information to make an informed decision on this proposal. These have included evidence of the right of way over the access track, evidence of the commencement of the previous permission on the site, sectional information through the site, and clarification of the depth and location of the foundations of the approved building.

## **CONSTRAINTS**

Site lies outside Employment Land allocation  
Previous permission/site history and subsequent enforcement involvement  
Inadequate access  
Land ownership  
Previously raised land

## **POLICIES**

Wiltshire Structure Plan 2016  
Policies - DP1, DP2, DP4, DP9, HE6

West Wiltshire district Plan 1st Alteration 2004  
Policies - C1, C4, C30, C31a, C32, C40, R11, E4, T12, U1, U2, U4

PPG4 - Industrial and Commercial Development in Small Firms

## **RELEVANT PLANNING HISTORY**

98/1169 - Erection of joinery workshop and builder's store - P - 12/11/98

## **KEY ISSUES**

The key issues raised by this application are considered to be

- the principle of industrial development beyond the employment land boundary, on land located in the countryside
- highways and access considerations
- impact of the development on the surrounding landscape
- design and amenity considerations

## **OFFICER APPRAISAL**

Principle of development

Policy E4 permits the principle of new employment sites 'on previously developed land within urban areas' subject to no loss of amenities; no harm to the character, appearance and environment of the site; the development is accessible by foot and public transport and makes adequate provision for parking and access.

While the application site lies just beyond the urban boundary of Warminster (that line corresponds with the southern boundary) and is technically a site within the countryside, it does immediately adjoin a large and established business park. In addition, the site may accurately be described as 'previously developed land' by reason of it formerly operating as a builder's yard from the mid 1950's, only ceasing this operation in recent years. On the basis of that former use, planning permission was granted for a small 'joinery workshop and builder's store' in 1999 (98/1169). Work commenced on the construction of that building with piling and foundations, but ceased in 2001/2002 due to the liquidation of the applicant company. The Council's legal department has confirmed that this permission was 'commenced' and that this development could therefore be completed at any future time. Against this background, the site must reasonably be considered to be a brownfield site where the principle of development or redevelopment is clearly supported by both Structure and District plan policies.

Notwithstanding, it is your officer's view that the description of the proposal as an 'extension' to the approved building is inaccurate and misleading since there is currently no building on the site, there is no surface evidence of these earlier foundations, the site is vacant and overgrown, the former builder's yard business is no longer in existence, the applicant company post dates the earlier permission and there is no evidence of any activity at all on the land. In addition, since the scale of the proposed building is some 4 times that of the approved workshop, it cannot reasonably be described as an 'extension' but must constitute a principal development in its own right.

This is further confirmed by the fact that the proposed building is not a joinery workshop to serve a builder's yard, but is proposed as a building to be 'separated into different sized units to provide versatile accommodation on this established employment site' (D & A Statement). This is, in fact, later contradicted by supplementary information which states that the extension is 'to provide accommodation and storage for two established businesses currently working on Crusader Park'. Notwithstanding this discrepancy, it is clear that the proposed development has no reference back to either the previous use of the land or the previously approved building, other than the fact that a building of approx 300 sq ms could now be erected. On that basis, in planning terms, the site must be considered as previously developed land on which the principle of the scheme is acceptable, subject to meeting the relevant criteria.

### Highway and access considerations

It is clear that the existing access to the site is inadequate and substandard for the substantial industrial enterprise now proposed and the Highway Authority's recommendation for refusal is entirely supported.

However, to set the highway position in context, Furnax Lane itself is an adopted highway along the southern part of its length only, as far as its junction with Stephens Way, a distance of approx 75m. Beyond that point, it continues as a narrow, unadopted and single track tarmac road for a further 130m, designated only as a public footpath, but which serves a number of business enterprises along its route including Gibbs Transport and the County Council's Civic amenity site. The section fronting Gibbs Transport has recently be widened by the owner of that business as part of an ongoing enforcement matter relating to an acceptable access to that site but it does not form part of the recognised highway at this point. Beyond the entrance to the civic amenity site, the road degenerates further to an unmade track of some 50m, along which the proposed vehicles would enter and leave the site. While this particular section is clearly substandard, the greater length of Furnax Lane is itself inadequate as the main access to serve this part of Crusader Park and requires widening, upgrading and adopting as the main traffic route. Negotiations are ongoing with the relevant landowners and the Highway Authority over a way forward on this, and while strenuous efforts are being made to secure this wholesale improvement, there is little likelihood of an immediate result. This not only has a limiting effect on the development of the remaining 'plots' within the business park, but requires that each individual application must be judged on its own 'highway' merit at the time.

In this particular case, the highway 'merit' is as follows:

- while Furnax Lane as a whole is 'substandard', the 50m unmade section to serve this development is particularly limiting
- the applicant has provided evidence of an unrestricted vehicular right of way over this section of road
- the existing consent for a workshop building on this land has no restrictions on the use of this access or volumes of vehicular movements to and from the site which, in the applicant's statement could 'potentially be very high' (in reality this is unlikely since that permission was for a building of only sq ms and with a parking provision of only 6 spaces)
- no highway objection was raised to the previous application for an industrial building on this site
- since the application site is a one-off area of land beyond the boundaries of the approved employment allocation, traffic use will presumably be limited to that of the current development and to no additional users
- although there appears to be a discrepancy over the proposed use of the building, the most recent information suggests that the proposed development is to be divided between two separate users, Colder Refrigeration Ltd and Art Solutions. Both businesses are currently operating from premises within Crusader Park, the former established for 6 years and with 6 employees, the latter established for 3 years and with 14 employees. This scale of operation would appear to be much lower than that suggested by a parking provision of 50 spaces, but does correlate with the Highway Authority's own parking guidelines for employment premises.



Against this background, there is conceivably an argument for overriding the highway objection - it would enable 2 local businesses to expand 'in situ' rather than relocate elsewhere; if the inadequacy of Furnax Lane is to be used as an argument against allowing this development, then all future developments within the business park should be resisted until the road is upgraded, with consequent and inevitable economic concerns; there is an unrestricted vehicular use along the final section of Furnax Lane irrespective of the quality of that access.

Conversely, equally valid justification exists in support of a highway objection - the scale of development now proposed bears little relation to that previously approved and would add significantly to an already acknowledged problem; there is an ongoing enforcement issue relating to an inadequate access to Gibbs Transport which could be undermined in the event of this inadequate access being 'approved'; a pre requisite to permitting development on this brownfield site is that there is 'adequate access' which is clearly not the case and would justify the proposal being assessed as a Departure from the Development Plan.

A possible resolution exists with the use of a Grampian condition to require the upgrade of the relevant sections of the access track to an acceptable standard before the building is permitted. Such a condition, however, must meet the tests of any planning condition which includes it being reasonable and enforceable. A major question exists over the extent of any upgrade works, how far down Furnax Lane they should extend, to what standard the access should be upgraded, and how reasonable this would be in the light of an existing unrestricted use; the Highway Authority is being consulted further on these matters to clarify the necessary pre-development works. The extent to which these matters might be enforceable in the future if not carried out is also questionable in the light of very protracted and ongoing matters further down the lane.

The other fundamental requirement of a Grampian condition, however, is that it should only be imposed if there is reasonable certainty that the required works can be carried out as a pre cursor to the development - in this case, any upgrading of Furnax Lane will require the cooperation of a number of landowners which makes any such outcome increasingly uncertain.

Against this very complicated set of circumstances, to permit this development would inevitably and directly contribute to an acknowledged highway problem, would undermine existing efforts to resolve a specific access problem and would prejudice the wider resolution of the general access difficulties along Furnax Lane - on balance, therefore, the views of the Highway Authority are supported and a recommendation of refusal advised.

#### Visual Impact of Development in Landscape

The application site has been the subject of considerable land raising in the past and is now clearly elevated above the adjoining land. Combined with its location at the end of Furnax Lane, and beyond the established Crusader Park boundary, it is a highly visible area of land from both the northern (A350) and eastern (Westbury Rd) approaches to Warminster. The proposed building with a north facing elevation of some 55m and a 'combined' east elevation of 45m would appear very visible in the landscape as a development, although against the background of other large industrial buildings already highly visible in the area, it is debateable whether the proposal could be described as harmful.

Policy C4 requires the landscape setting of Warminster to be protected and does not permit development which by reason of its scale, siting or design would adversely affect the character and landscape setting of the town. Although sited at a higher level than the surrounding land and existing buildings, and is of a scale some 4 times the floor area of the workshop which could be built under an extant permission, a judgement has to be made as to whether this increase in footprint is measurably more harmful than this fallback position. The height of the proposed building (6.6m from ridge to existing ground level) would be approx 750mm higher than the approved building, although the land raising which has taken place in the interim suggests that the original building would itself now have to be elevated a further 750mm above the level of the constructed foundations. As a consequence, the proposed development would sit higher in the landscape than existing buildings but at distances of 700m and 300m respectively to the A350 and Westbury Rd, any visual harm would be difficult to quantify.

The submitted plan does propose an area of landscaping around the external boundaries of the site which might contribute in a small way to enhancement but not significantly. The southern boundary of the site is marked in the development plan as an area of tree planting to screen the business park from these external views. In the event that the development were to be approved contrary to recommendation, it would be necessary to impose a robust planting condition along this boundary to 'reposition' the strategic planting around Crusader Park.

#### Design and amenity considerations

Notwithstanding the impact of the development in the landscape, the proposed building is of standard industrial appearance, single storey in height and of similar and appropriate design for its purpose. In terms of amenity, there are currently no immediately adjoining buildings affected by the development.

#### Conclusion

It will be evident from the above that this application raises major questions in terms of the principle of this development, the related highway aspects and its ultimate impact on the surrounding area. It will also be evident that all of these issues are finely balanced and require a judgement to be made against the background of the previous planning history and the wider picture of an existing, but as yet, incomplete business park.

There is no question that the planning history in this case is a major material consideration which justifies a building on this site, notwithstanding that there are vacant plots within the business park which would be far more appropriate to develop. Unfortunately, the Council can have no control over this, but must be aware that the decision made on this application will have an impact both on decisions taken in respect of future applications in the vicinity and on outstanding and complex enforcement matters nearby. In that sense, it could be argued that this application is premature pending the possible outcome of negotiations over the upgrading of the northern part of Furnax Lane, but the applicant has requested, and is entitled to, a decision on the proposal which must therefore be judged on its merit.

The Highway Authority has been asked to provide further comments on the matters raised in this report and particularly the nature and extent of any improvements to make the access arrangements acceptable. These will be reported as usual on the Late List. However, at the time of preparing this report, the current view of the Highway Authority is for a refusal based on the inadequate access to the site, and in the absence of any information to support a counter view, this should be given due consideration. For the reasons outlined above, therefore, your officer's finely balanced recommendation must be one of refusal.

### **RECOMMENDATION**

Refuse



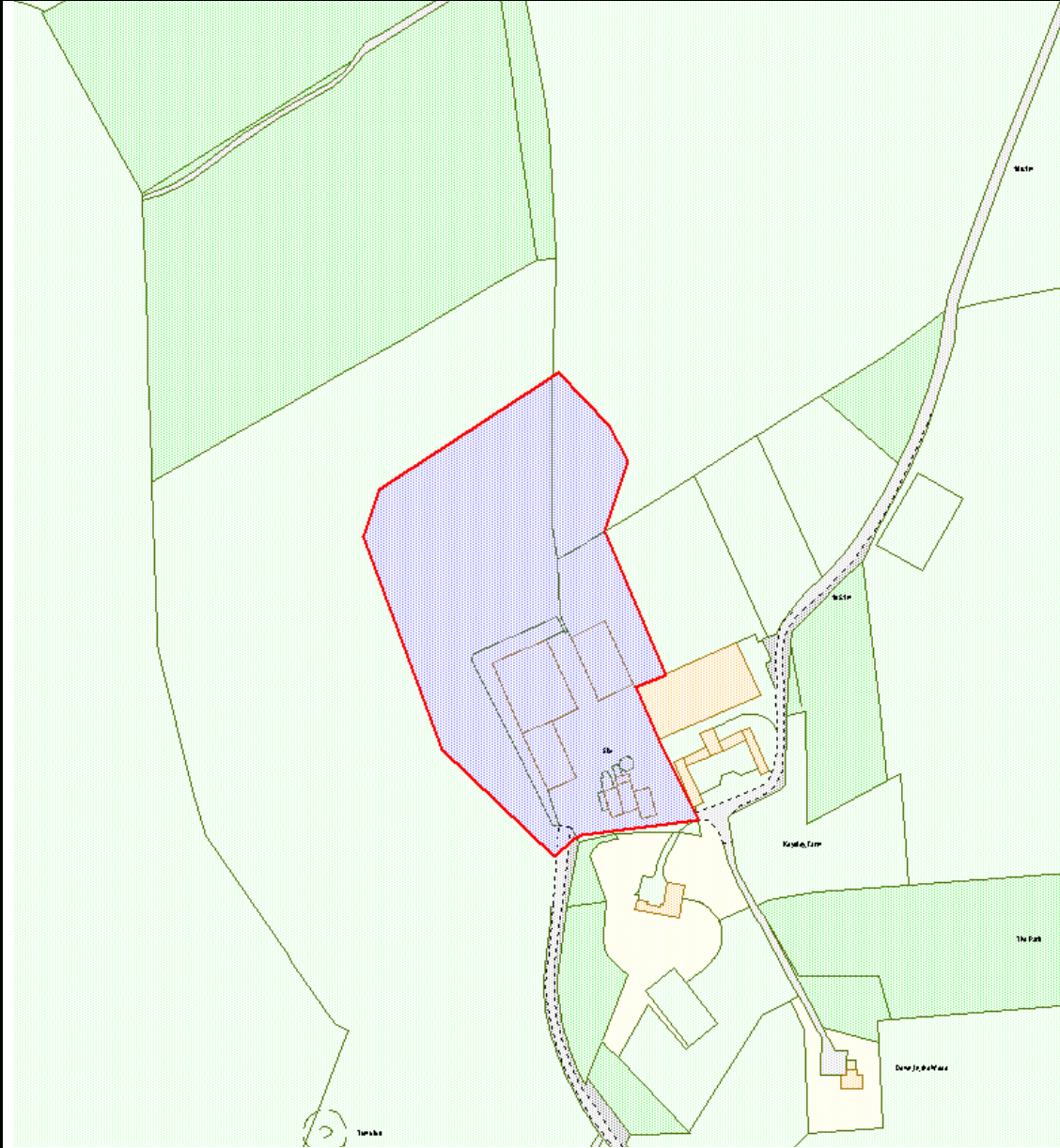
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 03

APPLICATION NO: 08/00931/FUL

LOCATION: Keysley Farm Hindon Road Monkton Deverill  
Wiltshire BA12 7EY



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SLA: 100022961

**03 Application: 08/00931/FUL**

**Site Address: Keysley Farm Hindon Road Monkton Deverill Wiltshire BA12 7EY**

Parish: Kingston Deverill Ward: Shearwater  
Grid Reference 386285 135195  
Application Type: Full Plan  
Development: Expansion of commercial grain store  
Applicant Details: Keysley Ltd  
Keysley Farm Hindon Road Monkton Deverill Wiltshire BA12 7EY  
Agent Details: Savills  
FAO Mr C Lane Wessex House Priors Walk East Borough  
Wimborne  
Case Officer: Mr Matthew Perks  
Date Received: 26.03.2008 Expiry Date: 25.06.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development would not result in any detrimental impact on the AONB or countryside setting 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 for the roofing 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 in the AONB.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C2 and C31A.

- 3 The development hereby permitted shall not become operational until the existing weighbridge within the application site has been closed to public use.

REASON: To limit the impact of heavy goods vehicles on the A303.

- 4 The B8 floorspace hereby permitted shall be used for agricultural storage purposes only, with any variation to the use to be approved in writing by the Local Planning authority in consultation with the Secretary of State for Transport.
- REASON: To limit the impact of heavy goods vehicles on the A303.
- 5 The formal diversion of the affected public right of way shall be completed prior to the commencement of works on site.
- REASON: In the interests of highway safety and amenity.
- 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 reflect details of all earthworks including the proposed bunding, proposals for the provision of topsoil to the bunded areas and 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 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- REASON: To protect the archaeological heritage of the area.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C14 & C15.
- 9 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.
- 10 The development hereby permitted shall not be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.
- REASON: To prevent pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 12 No food or food ingredients shall be allowed to enter any watercourse or surface water drains.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

**Note(s) to Applicant:**

- 1 The applicant is advised to contact the Environment Agency with regard to the preparation of the Construction Environment Management Plan referred to in Condition 10.
- 2 The applicant's attention is invited to the Legislative requirements of the Wildlife and Countryside Act 1981 (as amended) and the European Conservation Regulations, 1994 regarding the protection of bats, nesting birds and reptiles. The precautionary recommendations on page 7 of the "Protected Species Search and Assessment" report submitted with the application must carefully be adhered to during site clearing and development.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because the Upper Deverill Parish Council recommends refusal and officers recommend Permission.

This is a full planning application for an expansion to a commercial grain store at Keysley Farm, near Monkton Deverill.

The site is located on Keysley Down, approximately 2.5km south of the village of Monkton Deverill, west of the A350 and north of the A303. Access is provided via a private road joining the A303 approximately 500m to the east of the Willoughby Hedge Services. The farmyard is some 1.5km north of the A303. The majority of the farm, including all of the existing and proposed buildings, is within West Wiltshire District with a southern portion including the access on to the A303 within Salisbury District. The site is located within the Cranborne Chase and West Wiltshire Downs AONB.



Keysley Farm comprises 307ha of arable land with on-farm grain drying, cleaning and storage facilities which handle wheat and oilseed for a farmer-owned grain marketing organisation. Currently on the farm there are three grain stores, a grain dryer, a public weighbridge, a smaller bay building, a workshop, general stores and a livery yard. Existing buildings at the site are visible to varying degrees from wider viewpoints within the AONB, however screening is afforded by mature trees and vegetation.

Currently two of the storage sheds have permission for B8 Use, and the public weighbridge at the farm has a certificate of lawfulness. The proposed development involves an increase in the commercial grain storage capacity from 12 420 tonnes to 26 620 tonnes. All of the storage capacity in the extended complex is intended for agricultural produce. Development on site would involve extending a 4000 tonne capacity store to 10000 tonnes and redeveloping a second store from 1800 tonnes to a capacity of 10000 tonnes, merging it with the first along its existing eastern elevation. The additional tonnage would be held within existing structures. The proposed extended building would, as a result of local topography, be partially set in to the ground, down to a level of 2 metres at the northern end. Bunds measuring 22 metres wide by 3 metres high would raise the ground level around the building. A landscaping scheme of trees and bushes planted on the bunds is proposed as a means of obscuring all of the new building and also the existing western elevation.

Keysley Farmhouse is a Grade II Listed building located approximately 100m to the south east of the proposed new building.

Supporting documentation submitted with the applications includes;

- Landscape and visual impact assessment;
- Flood risk assessment;
- Supporting planning statement including design and access; and
- Protected species search and assessment.

## **SITE VISIT / STATUTORY SITE NOTICES**

The site was visited on several occasions, with site notices being posted on 4 April 2008.

## **CONSULTATIONS**

*Parish/Town Council* : UPPER DEVERILL PARISH COUNCIL - The Upper Deverill Parish Council objects to the proposal on the following grounds:

- "1. The proposed storage capacity of a large quantity of brought-in oil seed rape for bio-fuel processing at a plant in Cardiff which has yet to be built requires a very large building. The size and scale of this development is not suitable in an Area of Outstanding Natural Beauty and therefore contravenes C34.A, E, and F of the WW District Plan 1st Alteration. It is a commercial enterprise, involving building a sizeable storage depot that would serve as a hub to an area across several counties of the South of England. This depot would be better suited to an industrial site where roads, access, noise and size would be much less of an issue, rather than in a rural setting.
2. There is no planting plan with the application, and no indication of the type of trees - deciduous or evergreen. What under-planting is planned? If it were to go ahead, the trees should be semi-mature and of a reasonable height in order to screen the building as quickly as possible. It would be visible in the winter from a number of viewpoints.
3. There is no bund on the north east side of the barn, and the proposed hedge is insufficient to screen the building from the road coming from the A350 to Monkton Deverill.
4. The very large roof area should be of a non-reflective type and concrete sides of the building should be painted to tone down the brightness.
5. Light pollution - the current sodium lighting is on all night and is very visible. There should be no further lighting and all current lights should be angled downwards and shielded to prevent upward, sideways and outward spillage (see AONB Position Statement on Light Pollution WWDP C35). Lighting should also be energy efficient.

6. Access from the A303 remains an issue. This is an extremely dangerous stretch of road and HGVs crossing the carriageway from the east to the entrance to the Farm is hazardous. Should the Highways Agency review of the A303 stop vehicles coming from the A350 turning right (west) onto the A303, then these vehicles will be diverted to the Willoughby Hedge Services junction. This is fine for vehicles continuing westwards; however vehicles travelling to Keysley Farm will have to turn east, thereby crossing the A303 at what is already a well known dangerous junction.

7. The road from the A303 to the farm is also a public footpath, and there is concern over increased HGV usage of this road during the harvest period July- September.

8. The proposed diversion of current rights of way has not been addressed and should be resolved before the application is considered.

9. There is no obvious economic advantage to the local community. Only 1 full time job is envisaged and one or two temporary workers during the harvest period.

10. The Parish Council has been led to understand that a number of other similar types of development are taking place in the Cranborne Chase AONB, and there seems to be no overall co-ordination. This apparent lack of co-ordination over similar developments could lead to over capacity in terms of storage.

11. Recent thinking is beginning to turn against bio-fuel production in view of issues over food production. WWDP has not yet addressed this problem, but future planning may not be as favourably disposed towards bio-fuel as it is now.

In conclusion, the Upper Deverill Parish Council considers that what Keysley Farm is proposing is not a diversification of farming but a commercial storage enterprise with a tenuous link to farming, and objects strongly to it."

*External :*

HIGHWAYS AGENCY - The agency does not object to the proposal subject to conditions in relation to the closure of the weighbridge to public use and the limitation of the restriction of the use to agricultural storage.

HIGHWAY AUTHORITY - No objection, but the public right of way will have to be formally diverted, and the authority concurs with the Highway Agency view that the weighbridge should be closed to public use.

LIBRARIES AND HERITAGE - No objection, subject to a condition in respect of an archaeological scheme of investigation.

ENVIRONMENT AGENCY - No objection, subject to conditions in relation to surface water drainage, a construction environment management plan and the storage of oils, fuels and chemicals.

NATURAL ENGLAND - No comment received.

**SALISBURY DISTRICT COUNCIL:**

On commenting initially:

The topography of the site would allow for the development to be largely absorbed into the countryside backdrop in the wider AONB. It is suggested that appropriate landscaping conditions are imposed to secure the screening to be provided by the vegetated bunding. Reflective shiny surfaces should be avoided in materials, and SDC does not object to the use of "like" materials as proposed in the application. The access is considered potentially hazardous, and consultations with the Highways Agency and Highway Authority are recommended.

On commenting further Salisbury District Council stated:

Members support the principle of the development subject to the conditions suggested by WCC Highways and the Highways Agency. Members reiterate the comments made by AB at pre-application stage. In addition to this members request that the case officer seriously considers the following issues and considers the imposition of planning conditions were appropriate.

- a) That the Highways Agency erects light activated signage warning of the oncoming access ie. similar to the speed restriction signage activated when vehicles approach.
- b) A condition be imposed to prevent the existing visibility splays at the access being obstructed in any way including by planting, in perpetuity at least as far back as the extent of the land within SDC.
- c) Standard highway signage be erected on approach to inform drivers of lorries turning into and out of the access ahead.

CRANBORNE CHASE AREA OF OUTSTANDING NATURAL BEAUTY - There are concerns with:

- the number of grain stores being permitted in the AONB, with older redundant buildings being converted for other uses. There is a creeping industrialisation;
- there is no detail on the proposed planting for the bunding;
- there is a need to give priority to the AONB landscape and this has not been addressed;
- this type of use would be more appropriate to a business park to serve a regional function;
- the use should be restricted to agricultural storage if permission is granted;
- a fully detailed implementation scheme should be required as a condition to ensure the bunding and planting is properly carried out;
- a limitation should be put on the catchment area for the grain;
- the AONB strongly advises against approval, and that any revised application should include full details of the bunding and landscaping;
- light pollution is also a potential problem that should be addressed.

*Neighbours :*

A letter of response to advertising expressed concern over a possible increased volume of traffic through Monkton Deverill as a result of the proposal. Three letters of support were received. One was from the National Farmers' Union and two were from commercial groups representing farmers who utilise the existing storage and would be future users of the expanded facilities.

**NEGOTIATIONS / DISCUSSIONS**

There were extensive pre-application discussions and consultations with relevant bodies.

**CONSTRAINTS**

The site is within the open countryside and the AONB.

**POLICIES**

- C1- Protection of the rural landscape and environment
- C2 - AONB
- C34 - Renewable Energy proposals
- C38 - Effects of development on neighbouring properties
- R11      Footpaths and rights of way
- E6        Rural Employment
- E7        Farm diversification
- U2        Surface water disposal

- PPG 1 - General Policies and Principles
- PPS7 - Sustainable Development in Rural Areas
- PPG 15 - Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

Keysley Farm has an established complex of grain storage and drying buildings. A case of particular relevance to this application is under reference 97/00345/EUD, being an application for Certificate of lawfulness for class B8 (storage). The use was deemed to be lawful on 23.04.1997. This included the weighbridge for commercial use.

## KEY ISSUES

The key issues in this case are:

- the acceptability of the development in this locality;
- the potential impact on the AONB;
- Nature conservation considerations; and
- highway safety

## OFFICER APPRAISAL

### Principle of development and impact on the AONB

The acceptability of the proposed development in this locality must be considered in terms of the extension to an established use on the site and relevant policy. Currently there is a mix of agricultural and commercial storage units on site, as well as the public weighbridge. Much of the infrastructure associated with the commercial storage is already in place.

The proposal would serve a catchment area for crop growing areas around Salisbury Plain, down to the south coast. The site would provide farmers in the catchment area with a crop handling, drying and storage depot, further developing on the existing activity of the same nature. The expansion is intended to provide a relatively centrally located storage point to serve a biodiesel refinery and seed press at a plant which has been granted permission in Cardiff. The development would therefore serve a sub-regional function for farming areas both within and outside the West Wiltshire DC area of jurisdiction. The Parish Council refers to compliance with Policy C34 of the West Wiltshire District Plan, 2004 (Renewable energy), which states that renewable energy generation proposals will be permitted in appropriate locations, but that due regard must be had for, inter alia, the visual impact on the landscape, particularly in Areas of Outstanding Natural Beauty including the cumulative impacts of potential similar generators in the locality; impact on areas and features of natural, ecological, historic and archaeological interest, and the environmental and visual impact of associated ancillary development including new access roads, as well as highway safety. It is considered that this policy clearly has as a primary intent the control of the impact of wind farms and wind turbines in the generation of electricity. However, the proposal does form part of a wider renewable energy scheme where the locally sourced seed would be warehoused on this site for transport to the processing plant. Some weight therefore needs to be given to the policy. The proposals are for (albeit large) buildings that have an appearance not alien to an agricultural setting, which would be satisfactorily screened from the surrounds, use an existing access and would be exclusively utilised for the storage of agricultural output. On balance therefore the proposals are considered to conform with this policy insofar as it applies in this instance.

Whilst noting the comments of the Parish Council, the complex already has an established presence in terms of vehicular traffic and visual effect on the AONB, and the principle of farm diversification has been accepted by virtue of the planning history. The proposal however does represent a significant enlargement of the floor area of the two buildings it is intended to extend/replace. The new building would have a total footprint of approximately 91.5m x 58m.

The double-ridged structure would have an eaves height of 6m, with a shallow-pitched roof giving a maximum height above surrounding ground level of 10m. This height would match that of the existing building that is being extended. The building would be extended towards the north, where the surrounding topography would result in a floor level approximately 2m below the surrounding natural ground level, giving a relative ridge height of ±8m. Spoil from the site levelling would be utilised to create bunding to the north, west and east which, when vegetated, would provide a screen to the surrounding landscape.

Apart from the screening, the materials would match the existing concrete, with a darker non-reflective gray upper cladding and roofing. It is however noted that the roofing over the existing 5 storage bays in the building to be extended has a darker and less reflective character than the remainder of the building. Roofing of this tone should be required by way of a materials condition and informative. The bunding would largely screen the concrete walling (which is a material common in agricultural buildings throughout the AONB), from effectively reducing the visual impact of the current structure in the landscape.

The landscape character assessment shows that the farmstead is screened from distant views on all but the south western side. Mock-up imagery, together with the assessment, confirms that the extension proposals, in terms of materials and landscaping, would be sensitive to the setting. The assessment provides views (existing and proposed) from viewpoints including that referred to by the Parish Council from the road roughly 2km to the east of the site between the A350 and Monkton Deverill. As the screening vegetation approached maturity, the development would increasingly be absorbed into the surroundings. An appropriate landscaping condition should however be made applicable to ensure that the screening is properly established and maintained.

Policies E6 and E7 of the West Wiltshire District Plan do allow for extensions to rural employment sites as well as farm diversification. An important criterion in both policies is that "...the scale, design, siting, materials of any buildings, their use and type of operation maintain or enhance, and are compatible with, the rural character of the area and do not harm acknowledged nature conservation interests.". This consideration becomes of special relevance in cases falling within AONBs. In this case the building would have a large footprint, but buildings of type of agricultural appearance are not alien to the AONB. Approximately 2km to the east of this site, for example, there is a clustered agricultural building with a footprint of 72m x 50m, also well screened by plantation. In this application case the building would have a larger footprint than this neighbouring structure, but the landscape assessment demonstrates that unacceptable harm to wider viewpoints in the AONB would not result.

The proposal would not impact negatively on the setting of the Grade II listed Keysley Farm house, which occupies its own curtilage some 100m to the south east of the site. The extensions would occur on the opposite side of farm buildings already in existence and facing the farmhouse.

No additional exterior lighting is proposed. The existing lighting has been in place, according to the agent, for in excess of 10 years. It is considered that a condition requiring the submission of details of any future new lighting would be appropriate.

The primary use of the holding would remain agricultural, with cropland surrounding the site.

### Nature Conservation

The protected species search and assessment that accompanied the application was prepared by the environmental consultancy wing of the Wiltshire Wildlife Trust. This in itself does not imply that the Trust supports the proposal, but is an indication that the survey will have been professionally carried out. English Nature did not comment on the application. However the study methodology including searching for bats, badgers, nesting birds, barn owls, and reptiles/amphibians. The study found that no protective species were conclusively found to be a material consideration for the proposal. However, there is a potential for some bats, nesting birds and reptiles to occasionally occur on site. The study advocates three precautionary recommendations in respect of wildlife protection.

## Highways and the Public Right of Way

The existing private access road feeds onto the A303. The intersection lies within the Salisbury District Council area of jurisdiction. During the site visit it was noted that this stretch of the road was very busy, and this is an area of concern. The Highways Agency and Highway Authority were however consulted on the application and did not object to the proposal, since the result would be an improvement on the current fall-back position with the weighbridge on the site. There were pre-application discussions between the agent and the Highways Agency. The public weighbridge has a lawful use certificate (since 1997) and generates an average (2004 to 2007) of 4773 movements through the A 303 intersection that are not related to the normal commercial, residential and farming activities on the site. The application offers an opportunity to close the weighbridge to public use as a part of any permission, reducing the estimated average number of movements by just below a half. The nature of vehicle using the access would also change, with large vehicles with trailers no longer using the weighbridge. The Agency has commented in response to consultation that they are content that the application be approved subject to conditions, one of which is the closure of the weighbridge prior to the new development becoming operational.

The highway authority has indicated that a satisfactory re-alignment of the public right of way serving the site must be put in place. The agent is currently in discussion on this aspect. A re-alignment is proposed that would pass to the west of the proposed bunding, arguably improving the existing situation where the path runs immediately to the west of the existing storage barn. The highway authority has concerns regarding the fact that a portion of the pathway currently runs alongside the access route. This is an existing situation with the vehicular traffic using the weighbridge running along the path. The traffic reduction would tend to improve this situation.

The comments from Salisbury District Council with regard to signage have been forwarded to the Highway Authority as the authority responsible for road signage.

## **RECOMMENDATION**

Whilst the proposed extension would be significant, the proposal has included mitigating measures for the protection of the landscape. The scheme would provide a central collection point on a sub-regional level for agricultural produce. Highway issues are acknowledged but the highway agency concludes that the removal of public use to the weighbridge would be an improvement on the current situation. Permission

## **RELATED PLANS**

Drawing : SETOUT PLAN received on 26.03.2008  
Drawing : ELEVATIONS received on 26.03.2008  
Drawing : 839/PL3 REV A received on 19.05.2008  
Drawing : 839/PL1 REV A received on 19.05.2008  
Drawing : 839/PL2 REV A received on 19.05.2008  
Drawing : 839/PL5 REV A received on 26.03.2008  
Drawing : 839/PL4 REV A received on 19.05.2008

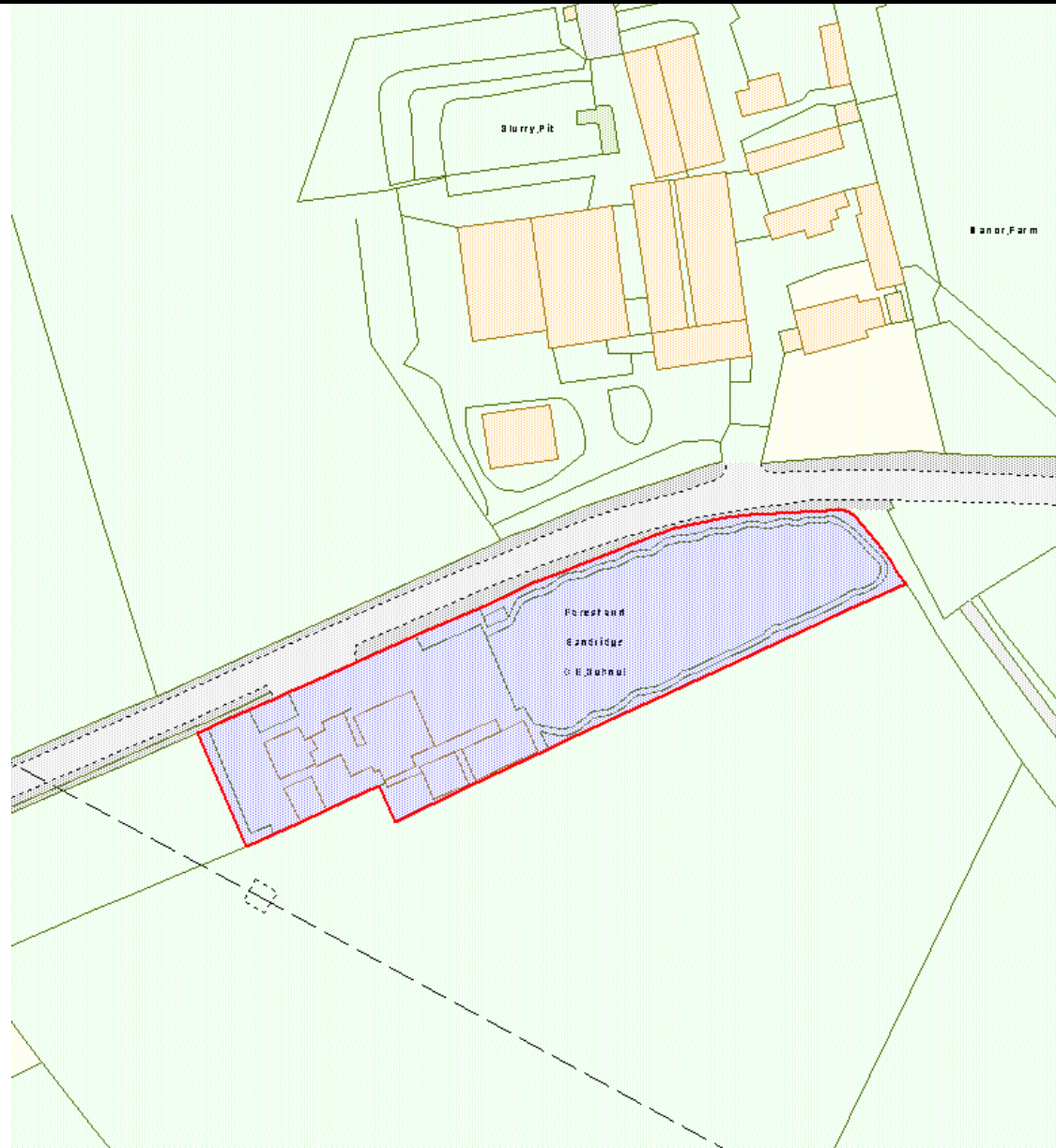
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 04

APPLICATION NO: 08/01509/FUL

LOCATION: Forest And Sandridge Church Of England School  
Sandridge Common Melksham Wiltshire SN12 7QU



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SLA: 100022961



**04 Application: 08/01509/FUL**

**Site Address: Forest And Sandridge Church Of England School Sandridge  
Common Melksham Wiltshire SN12 7QU**

Parish: Melksham Without Ward: Melksham Without  
Grid Reference 392683 164531  
Application Type: Full Plan  
Development: New single storey mobile classroom  
Applicant Details: The School Of Governors  
Forest And Sandridge Church Of England School Sandridge  
Common Melksham Wiltshire SN12 7QU  
Agent Details: Dolman Building Surveyors  
Sussex House Bath Road Devizes Wilts SN10 2AF  
Case Officer: Ms Margaretha Bloem  
Date Received: 20.05.2008 Expiry Date: 15.07.2008

**JUSTIFICATION FOR RECOMMENDATION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the other mobile classrooms existing on the site.

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

POLICY: West Wiltshire District Plan - 1st Alteration (as modified) Policy C31a.

- 3 The building hereby permitted shall be removed and the land restored to its former condition on or before two years from the date of this permission, in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

REASON: Because this is a form of development which would not be appropriate on a permanent basis.

- 4 2no. tree(s), supplied and planted as Extra heavy Standards to a species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428 in the earliest planting season following implementation of this permission. The tree(s) shall be thereafter maintained for a period of five years including the replacement of any tree(s), or any tree(s) planted in replacement for it, which die, are removed or become damaged or diseased within this period with tree(s) of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

Reason: In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice and in accordance with Policy C32 of the West Wiltshire District Plan First Alteration 2004.

- 5 An Updated Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

REASON: In the interest of sustainable transport objectives.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought before Committee because Melksham Without Parish Council objects contrary to your officer's recommendation.

The proposal is to erect another mobile classroom on the west side of the school, to the rear. The proposal will measure 9.06 metres by 7.4 metres by 3.2 meters in height, and will be constructed to match the existing mobile classrooms on the site.

Forest & Sandridge C of E School, Sandridge Common is located on the main A3102 out of Melksham. The main building is in the traditional style used for schools, constructed in Bath stone blockwork. A number of extensions have been added to the rear of the building. There are currently two other mobile classrooms situated to the rear of the main building.

### **SITE VISIT / STATUTORY SITE NOTICES**

*Date of Site Visit* : 29.05.2008

*Date Site Notice Posted* : 29.05.2008

### **CONSULTATIONS**

*Parish/Town Council* : MELKSHAM WITHOUT PARISH COUNCIL object to this application, citing a number of reasons: the school site is too small for further expansion, loss of playing space, traffic impact due to increase in road users and the loss of mature trees.

*Internal* : Tree and Landscape Officer: Commented that TPO is not appropriate for the two trees, however a replacement condition is suggested.

Highways: No objection subject to condition.

*Neighbours* : No comments received.

## **NEGOTIATIONS / DISCUSSIONS**

The agent put forward figures relating to the school children and sizes of the classes. The proposal will make provision for small groups of existing pupils for supplementary learning. There is a current lack for this type of small group teaching and the proposal will therefore be in connection with the existing pupils of the school. The proposal is a temporary solution until a new school with permanent facilities is available to staff and pupils. There will be no increase in staffing levels as a result of the proposal and therefore no changes are proposed to the parking provision.

## **CONSTRAINTS**

Education facility, nearby Residential area, trees.

## **POLICIES**

West Wiltshire District Plan First Alteration (June 2004):

C31a - Design

C38 - Nuisance

R2 - Recreation space

## **RELEVANT PLANNING HISTORY**

A number of applications for additions to the building, including mobile classrooms and retention of mobile classrooms.

## **KEY ISSUES**

Impact on amenity, recreation space, highways issues and trees.

## **OFFICER APPRAISAL**

The space that the proposed mobile will take up is currently a grass verge next to the playing fields. The area is clearly used for recreation by the school at present. The school is included in Appendix B of the West Wiltshire District Plan 1st Alteration (June 2004), to be included within the provisions of policy R2, which restricts development on these sites. In this case the area to be used is relatively small in relation to the whole site, and the amount of recreation space that exists on the east side of the school buildings.

The Parish Council object in principal to the use of mobile classrooms as permanent educational buildings. Whilst the design of the proposal is not ideal in the open countryside location in which it is situated, it is designed to match the existing mobile classrooms on the site. The proposal will be given a temporary permission of two years.

The Parish Council has also objected to the proposal on the grounds that it will reduce the amount of recreational land and play space. The proposal will be located on the fringe of the playing field and there is capacity to adjust any sports pitch positions as necessary to accommodate the proposal. The proposal will be a temporary structure and the small area of loss is not considered to have a detrimental impact on the amount of recreational space available to the school.

Neighbour amenity is not an issue in this case as the nearest neighbour on the western side of the school is located over 100 metres away. The proposal will, therefore, not affect them.

There will be no increase in staffing or pupil levels as a result of the proposal and therefore no changes are proposed to the parking provision. The Highways Authority has no objection to the proposal as long as the existing Travel Plan of the school is updated.

Two trees are proposed to be removed. The Ash and Silver Birch trees are in sound condition but are immature specimens. A condition is suggested to replace the two trees as part of a landscaping scheme.

## **RECOMMENDATION**

Permission

## **RELATED PLANS**

Drawing : 1444-03

Drawing : 1444-01 Rev A received on 20.05.2008

Drawing : 1444-02 Rev B received on 20.05.2008



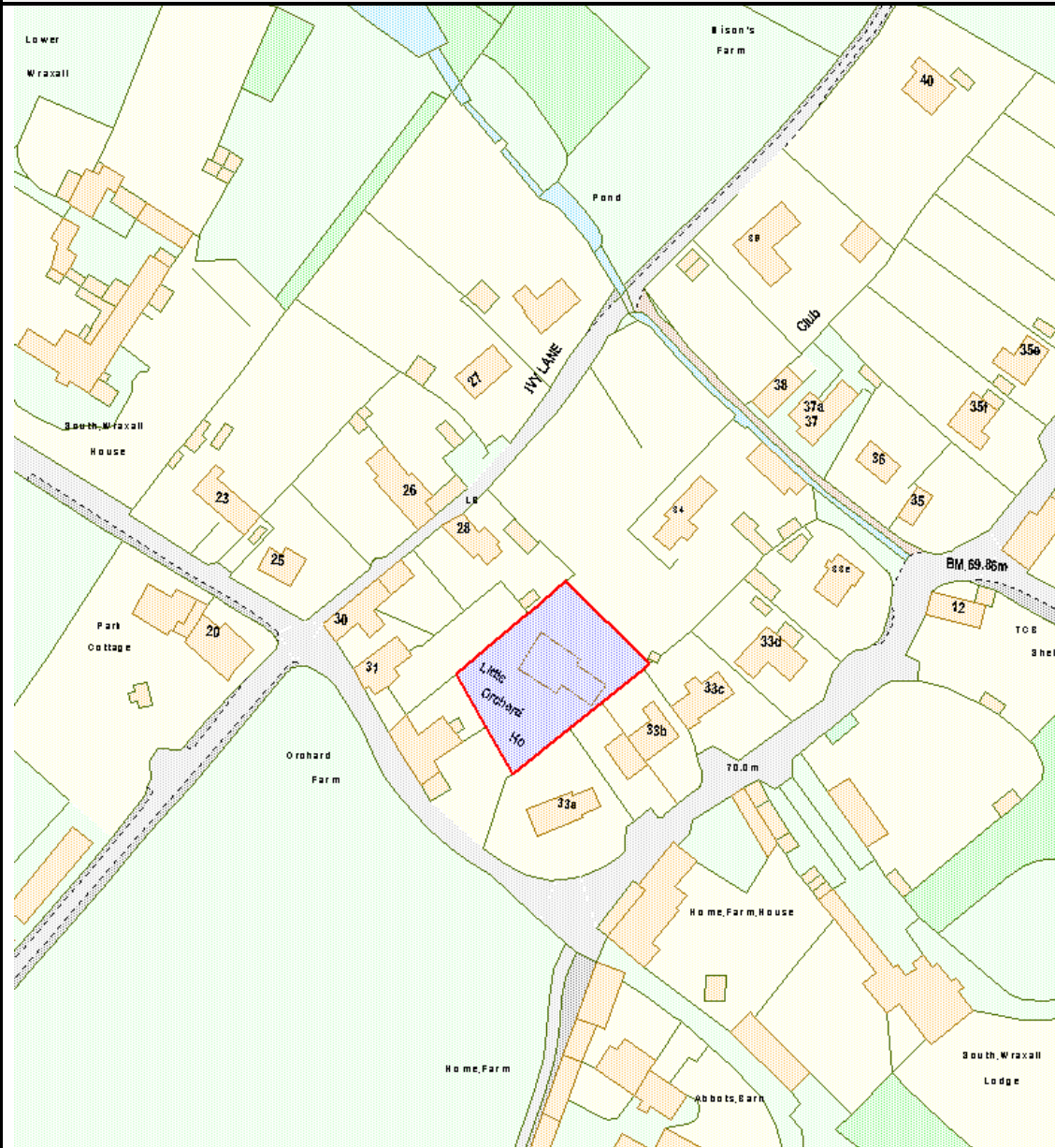
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 05

APPLICATION NO: 08/01552/FUL

LOCATION: Little Orchard House 32 Lower Wraxall South Wraxall  
Wiltshire BA15 2RS



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www.westwiltshire.gov.uk

SLA: 100022961

**05 Application: 08/01552/FUL**

**Site Address: Little Orchard House 32 Lower Wraxall South Wraxall  
Wiltshire BA15 2RS**

Parish: South Wraxall Ward: Atworth Whitley And South Wraxall

Grid Reference 383267 164172

Application Type: Full Plan

Development: Loft conversion to provide additional bedroom and living accommodation to include the installation of 7 no. roof lights and 2 dormers

Applicant Details: Mr Stephen Lidgate  
Little Orchard House South Wraxall Wiltshire

Agent Details: Mr Nigel Bedford  
11 Silver Street Bradford On Avon Wiltshire BA15 1JY

Case Officer: Mr Rudolf Liebenberg

Date Received: 30.05.2008 Expiry Date: 25.07.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.**

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

**COMMITTEE REPORT**

**APPLICATION DETAILS**

This application is brought before Committee because the Parish Council object.

This is an application for a loft conversion to provide additional bedroom and living accommodation to include the installation of 7 no. roof lights and 2 dormers at Little Orchard House, South Wraxall.

This is a large detached property built with grey/yellow random stone with grey quoins with a blue slate roof.

## **SITE VISIT / STATUTORY SITE NOTICES**

Done on 13.06.2008 and no representations received.

## **CONSULTATIONS**

*Parish/Town Council* : SOUTH WRAXALL PARISH COUNCIL: Object because the design of the two dormer windows and roof lights on the front is inappropriate.

*Neighbours* : No written objections received.

## **NEGOTIATIONS / DISCUSSIONS**

08/00556/PREAPP and 08/00565/PREAPP;

## **CONSTRAINTS**

Conservation Area, Residential area;

## **POLICIES**

West Wiltshire District Plan First Alteration June 2004;

H21 Conversions of Rural Buildings

C31a Design

C38 Nuisance

C19 Alterations in Conservation Area

PPG2 Green belt;

SPG House Alterations and Extensions July 2004;

## **RELEVANT PLANNING HISTORY**

Various alterations and extensions in the late eighties, early nineties and after 2000.

## **KEY 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.

## **OFFICER APPRAISAL**

The scale, location and design of the development respect the context of the site. The scale and design of the proposed dormer windows on the rear slope of the roof are similar to an existing dormer window at a lower level on the rear slope of the garage roof.



The property is well screened and the development will not have an adverse impact on the character of the original dwelling, the conservation area in which the building stands or the amenity of the area.

Although the Green belt washes over South Wraxall the scale of this development will preserve the openness of the Green belt and its character in this semi-urban location. The character of the property and its surrounds will remain intact and the development will be a proportionate alteration for the Green belt and Conservation Area.

There will be no detrimental impact on the amenities of adjoining residential properties.

## **RECOMMENDATION**

PERMISSION

## **RELATED PLANS**

Drawing : 027 SO1-SO5 received on 30.05.2008

Drawing : 027 PO1-PO4 received on 30.05.2008

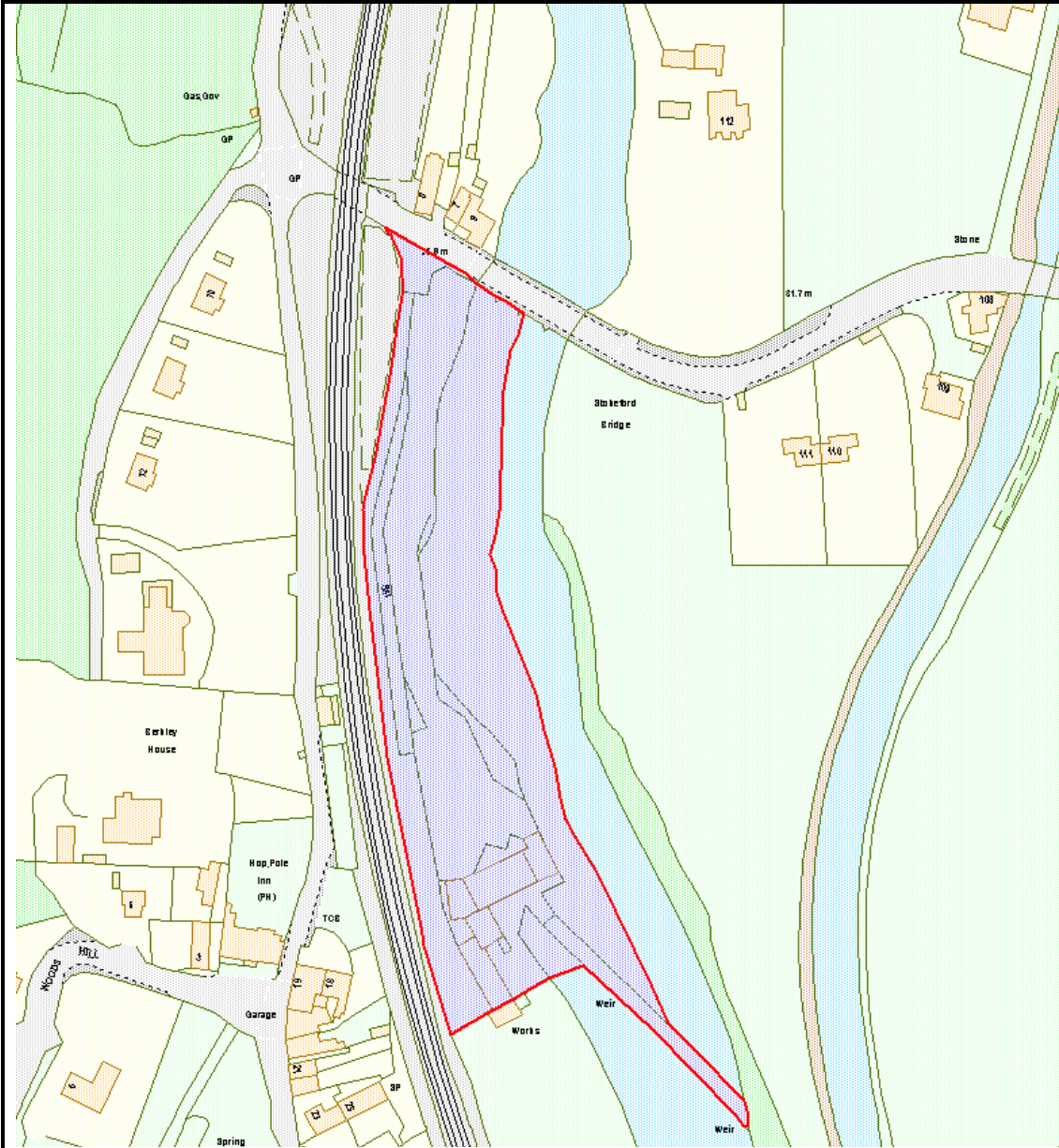
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 06

APPLICATION NO: 08/01559/FUL

LOCATION: Limpley Mill Lower Stoke Limpley Stoke Wiltshire  
BA2 7FJ



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SLA: 100022961

**06 Application: 08/01559/FUL**

**Site Address: Limpley Mill Lower Stoke Limpley Stoke Wiltshire BA2 7FJ**

Parish: Limpley Stoke

Ward: Manor Vale

Grid Reference 378227 161074

Application Type: Full Plan

Development: Reposition of front gate

Applicant Details: Mr Peter Lawless  
Trustee Microtec Pension Plan Westholme Private Road  
Rodborough Common Stroud

Agent Details:

Case Officer: Mr Rudolf Liebenberg

Date Received: 27.05.2008

Expiry Date: 22.07.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.**

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

- 3 The entrance gates erected shall be hung to open away from the highway only.

REASON: In the interest of highway safety.

# COMMITTEE REPORT

## APPLICATION DETAILS

The application site is located at Limpley Mill, Lower Stoke, Limpley Stoke. The site comprises a detached building whilst the proposal is for the repositioning of the front gate. The application site is within the urban confines of Limpley Stoke.

## SITE VISIT / STATUTORY SITE NOTICES

Carried out on 04.06.2008 and no representations received.

## CONSULTATIONS

*Parish/Town Council* : LIMPLEY STOKE PARISH COUNCIL: Object:

1. We believe that positioning the gates nearer to the road will make them very visible with a more prominent position. This would create an industrial feel in an attractive area and therefore have a detrimental impact on the AONB special landscape character (including Policy C2 of the WWDC Local Development Framework).
2. We also have concerns for the survival of the nearby restaurant, which we are of the understanding has previously had an agreement of leasing parking spaces from the Mill for evening and weekend use, sustaining an important commercial enterprise in the village (the only building left that has this use). We would hope that the Mill would negotiate a similar arrangement with current or future tenants of the Thai Restaurant and Take Away.
3. Should the issue be merely one of parking, we believe that there would be more suitable solutions to solve the problem than unattractive painted metal gates. We would request that something more aesthetically pleasing be considered for the area. - Like what?
4. The site is adjacent to a public bus stop with litter bin, and the Parish Council is not aware of any substantial litter problem in the area.

The Council has had a number of concerns raised by nearby residents who object to this application and desire to restore the good relationship that once existed with the adjacent local restaurant.

*Internal* : HIGHWAY AUTHORITY: No objection subject to conditions.

*Neighbours* : No written objections received.

## CONSTRAINTS

Residential area, AONB, Green belt;

## POLICIES

West Wiltshire District Plan First Alteration (June 2004);

C38 Effects of development on neighbouring properties

C31A Design

C2 Area of Outstanding Natural Beauty

PPS 1 General Policy and Principles

PPG2 Green Belt

SPG Supplementary Planning Guidance - Household Alterations and Extensions (July 2004);

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history associated with the site.

## **KEY ISSUES**

The key issues are the impact of the proposal on the surrounding area, street scene and amenity.

## **OFFICER APPRAISAL**

### Principle

The scale, location and design of the development respect the context of the site and will have no adverse impact on the character of the area, AONB or openness of the Green belt, street scene or nearby amenity and should therefore benefit from permission.

### Parish Council comments

There is already a large industrial unit well screened from the main road and the applicant are merely repositioning the gate. The impact on the AONB is irrelevant as there is none and the existing feature is merely repositioned. The restaurant's customers can still access the parking through the gate by mutual arrangement and the Highways Authority noted that the gate will be a good distance back from the highway and not result in the loss of any parking. This is a non-planning matter and material consideration. Also note that the planning officer received no objections in writing.

## **RECOMMENDATION**

PERMISSION

## **RELATED PLANS**

Drawing : SITE PLAN received on 27.05.2008

Drawing : PROPOSED GATE received on 27.05.2008



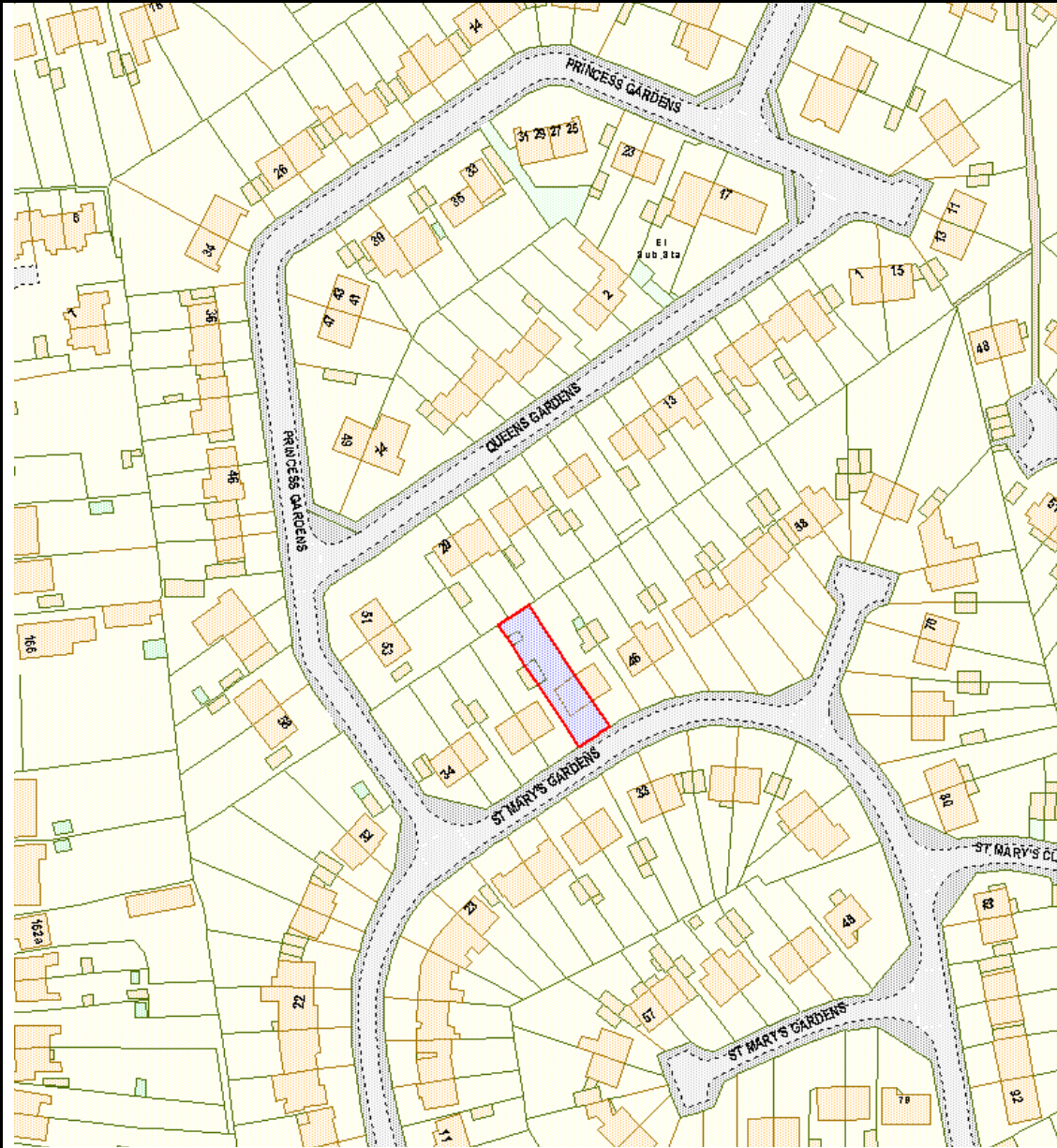
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 07

APPLICATION NO: 08/01279/FUL

LOCATION: 42 St Marys Gardens Hilperton Wiltshire BA14 7PQ



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SLA: 100022961

<b>07</b>	<b>Application:</b>	<b>08/01279/FUL</b>
	<b>Site Address:</b>	<b>42 St Marys Gardens Hilperton Wiltshire BA14 7PQ</b>

Parish: Hilperton Ward: Avonside

Grid Reference 386354 159885

Application Type: Full Plan

Development: Removal of garage and conservatory and erection of single and two storey extension

Applicant Details: Mrs Jo Deighton  
42 St Marys Gardens Hilperton Wiltshire BA14 7PQ

Agent Details: Mr E C Stockley  
40 Clarendon Avenue Trowbridge Wilts BA14 7BN

Case Officer: Mr Kenny Green

Date Received: 29.04.2008 Expiry Date: 24.06.2008

**JUSTIFICATION 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.

**COMMITTEE REPORT**

**APPLICATION DETAILS**

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

This is a full planning application seeking to permission to erect a single and two-storey extension to an unlisted dwellinghouse located on the northern side of St. Mary's Gardens. To accommodate the proposed extensions, the applicants wish to demolish a detached domestic garage and rear conservatory.

At the front, a single storey integral garage and entrance lobby with wc would be provided. To the side, a two-storey element would be provided with a single-storey kitchen/dining room provided to the rear.

The extensions would be constructed using materials to match the host building - namely, facing brickwork and render; concrete interlocking roof tiles and white UPVC fenestration.

It is also noted that a neighbouring property (at No. 46 St. Mary's Gardens) obtained planning permission at the planning committee dated 16.07.1998 for a similar development under planning reference 98/00812/FUL.

## **SITE VISIT / STATUTORY NOTICES**

The site was visited and two site notices were displayed on 08.05.2008.

## **CONSULTATIONS**

*Parish / Town Council*

Hilperton Parish Council objects to the proposals on the following grounds:-

1. The proposed extension will dominate nearby buildings
2. There will be overdevelopment of the site
3. The proposed extension will have a poor relationship with adjoining buildings and change the character of the street scene.

Neighbours - No third party representations received.

## **NEGOTIATIONS / DISCUSSIONS**

None.

## **CONSTRAINTS**

None

## **POLICIES**

West Wiltshire District Plan 1st Alteration (2004) Policies:-

Policy C31a - Design  
Policy C38 - Nuisance

## **RELEVANT PLANNING HISTORY**

None

## **KEY ISSUES**

- amenity impacts
- design considerations.

## **OFFICER APPRAISAL**

The proposed design, scale, massing and use of materials of the rear extension are considered acceptable. It is also noted that the design and detailing reflects the extensions to No. 46 St. Mary's Gardens as approved by the Council in 1998. In terms of Council policy C31a, it is submitted that the proposals respect and reflect the character of the streetscene.

The proposed development would not have a detrimental affect on neighbouring properties and providing the proposed en-suite window to be formed on the south-west elevation is of obscure glazing, residential amenity and privacy should not be detrimentally affected.



Given that the host building benefits from having a relatively large rear garden (measuring almost 190 square metres) it is submitted that the proposal would not be overdevelopment of the plot and given that the applicant is keeping the height of the new roof over the extension lower than the existing roof ridge height level, the extension would still read as being subservient to the main dwelling.

Although the application approved at No. 46 St. Mary's Gardens was considered against the West Wiltshire District Plan 1996 and the current proposal is being considered against the 1st Alteration dated 2004 there have been no material changes in Planning Policy affecting such development.

There is therefore no material change in circumstances such as Planning Policy which would justify an alternative recommendation to that given in 1998.

## **RECOMMENDATION**

Permission is recommended.

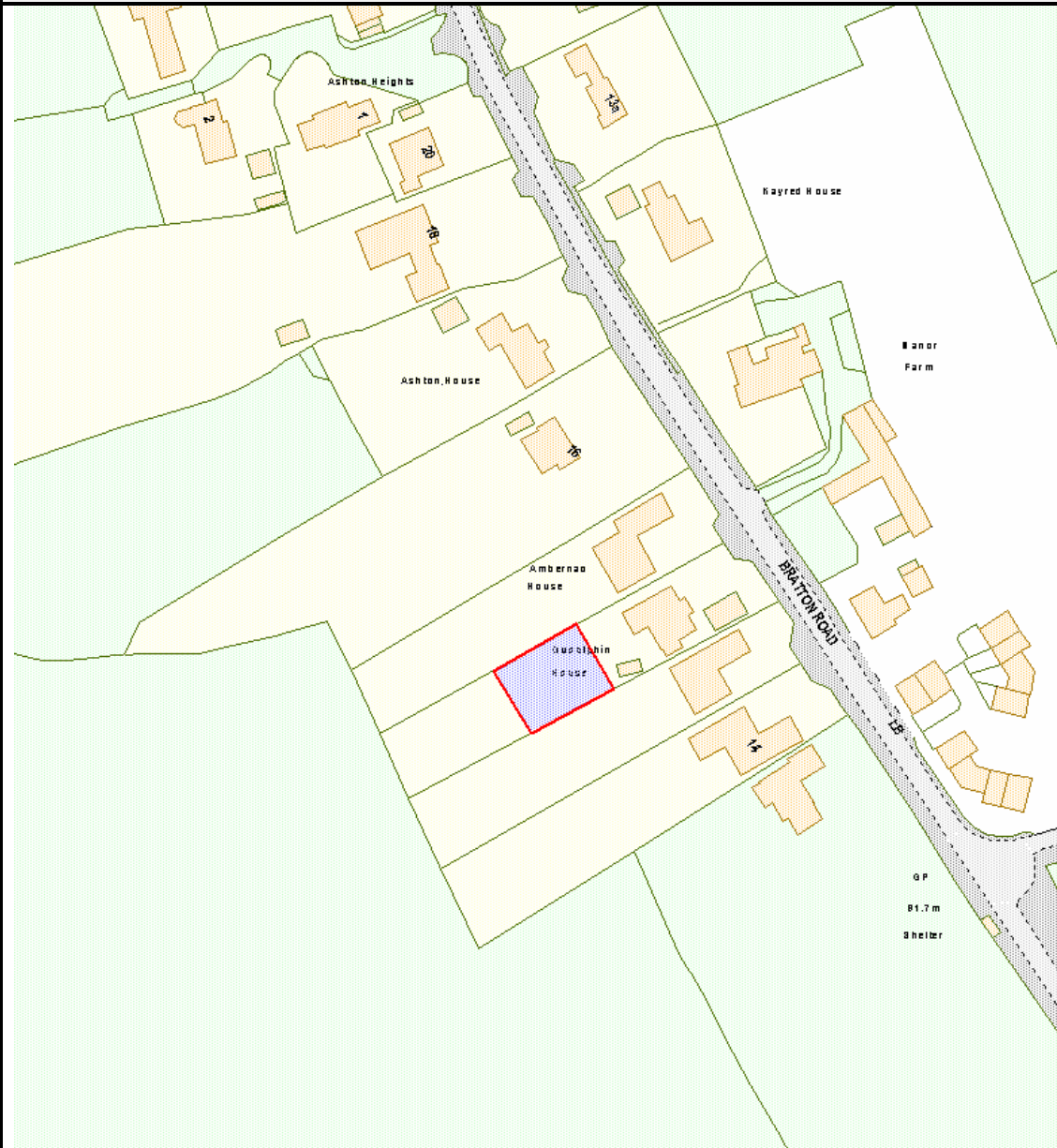
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 08

APPLICATION NO: 08/01452/FUL

LOCATION: Land Rear Of 14B Bratton Road West Ashton  
Wiltshire



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SLA: 100022961

**08 Application: 08/01452/FUL**

**Site Address: Land Rear Of 14B Bratton Road West Ashton Wiltshire**

Parish: West Ashton Ward: Ethandune  
Grid Reference 388045 155220  
Application Type: Full Plan  
Development: Change of use of agricultural land to garden and erection of a greenhouse  
Applicant Details: Mr P Dunn  
12 Newman Road Devizes Wiltshire SN10 5LE  
Agent Details:  
Case Officer: Mr Matthew Perks  
Date Received: 16.05.2008 Expiry Date: 11.07.2008

**JUSTIFICATION FOR RECOMMENDATION:**

**The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the openness of this area 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 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended by any subsequent Orders), and in order to enable the Local Planning Authority to ensure that the amenities of this rural area are preserved, there shall be no buildings erected on the site, or any development permitted under Schedule 2, Part 1 Classes E and G, or Part 2, Class A of the Order, without the express permission of the Local Planning Authority being granted following the submission of a fresh planning application.

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

**COMMITTEE REPORT**

**APPLICATION DETAILS**

This application is brought to Committee because of the objection raised by the Parish Council to the proposed greenhouse contrary to officer's recommendation for permission.

This is an application for the change of use of an area of land to the rear of 14B Bratton Road from agricultural land to domestic curtilage and for permission to erect a greenhouse on the eastern corner of this land. The area of land is rectangular, measuring approximately 0.04 hectares. It has a width of 18 metres and a depth of 21 metres. The greenhouse would occupy a footprint of approximately 3.7m x 2.7m and have a ridge height of approximately 2.7m.

## **SITE VISIT / STATUTORY SITE NOTICES**

*Date of Site Visit* : The site was visited on 23 May 2008.

## **CONSULTATIONS**

*Parish/Town Council* : WEST ASHTON PARISH COUNCIL - The West Ashton Parish Council has commented as follows:-

"Following a meeting of West Ashton Parish Council last evening, councillors have asked me to refer you to previous applications from this row of houses; 16th July 2004 04/00741/FUL change of use from agricultural to garden use - permission granted but with the proviso that no buildings are erected on that part of the garden. Also 13th January 2005, 04/02262/FUL - same as above - permission granted but with the same proviso. Councillors are happy that the area become garden but feel that once again no buildings should be on that area."

*Neighbours* :

There was one response to advertising, received from a neighbour who supports the proposal.

## **CONSTRAINTS**

The portion of land concerned lies outside of Village Policy Limits.

## **POLICIES**

West Wiltshire District Plan - 1st Alteration, 2004  
C1 Countryside

PPG1 General Policies and Principles  
PPS7 Countryside

## **RELEVANT PLANNING HISTORY**

01/00500/OUT - Residential development of four dwellings - Permission 08.08.2001;  
02/01207/REM - Four new dwellings (approval of reserved matters) - Approval 26.09.2002;  
02/02035/REM - Revised house types Plots 1 and 4 - Approval 06.02.2003;  
04/00741/FUL - Change of use of paddock area from agricultural to garden use - Permission 15.7.05 (At land to the rear of 14C Bratton Road)  
04/02262/FUL - Change of use of land from agricultural to garden - Permission 13.1.05 (At Land rear of plot 5 Bratton Road).  
05/00154/FUL - Change of use from agricultural grassland to domestic garden - Permission 18.3.05 (At land to the rear of plot 6, Bratton Road)  
05/00400/FUL: Change of use from agricultural grass land to domestic garden - Refused 22/07/05 and dismissed on appeal (Land Rear of 14)

## **KEY ISSUES**

The key issue in this case is the acceptability of the extension of the domestic curtilage into agricultural land.

## **OFFICER APPRAISAL**

PPS7 refers to the importance of the countryside which should be safeguarded:- Par 1 (vi) - "All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness." Policy C1 of the District Plan refers to the protection of the countryside and states that development proposals in the open countryside will not be permitted unless they are for a specific series of uses, which does not include the use for domestic gardens. While not providing specific guidance on changes of use to residential curtilage, it clearly supports the principle of protecting the character, quality and variety of the countryside.

The general character of the wider area to the south of the site is one of open fields separated by hedges, with the application dwelling and its fairly recently constructed neighbours lying at the southern boundary of the village. Village Policy Limits are set relatively tightly to prevent further backland development at West Ashton and gardens should not normally be extended unless to round off an otherwise uniform boundary. This property is one of four occupied by large detached dwellings built under permission 01/00500/OUT and subsequent reserved matters approval. The houses were approved with comparatively shallow rear gardens of approximately 10 metres. Since then, each purchaser has acquired an additional area of open "garden" land. This land, however, is agricultural in planning terms, having formerly been part of a large paddock extending across the rear of this new development and lying beyond the Village Policy Limit boundary of the settlement. The gardens of the properties have all to some degree been extended to incorporate this additional area of land and this application has been submitted by the new owners of 14c to confirm the extension of the domestic curtilage.

The areas of the four properties have been extended to align with an established hedge-line which currently forms the rear boundary of the adjoining properties to the north which, themselves, originally marked the boundary of the settlement. This "historic" boundary line is already clearly marked with an established hedge and in terms of its impact on the adjoining countryside, the proposed change of use up to this line makes for a logical rounding off. Recent planning history in the area has confirmed the view that the extension of the gardens to the "established" line is acceptable. (The proposal under application 05/00400/FUL was an exception, but was for a further extension to include a much larger piece of land extending 53m to the south west. This was deemed unacceptable and this was confirmed by the Inspector's decision on the appeal)).

The comments and concerns of the Parish Council are noted and the prevention of development on site could be accommodated with an appropriate condition. It is however considered that the proposed greenhouse, because of its appearance, size and locality, would not be a harmful intrusion into the openness of this area. The condition would provide Council with control over more dominant structures.

## **RECOMMENDATION**

Permission

## **RELATED PLANS**

Drawing : 3D PLAN received on 12.06.2008

Drawing : SITE PLAN received on 16.05.2008

Drawing : PLANNING APPLICATION received on 16.05.2008



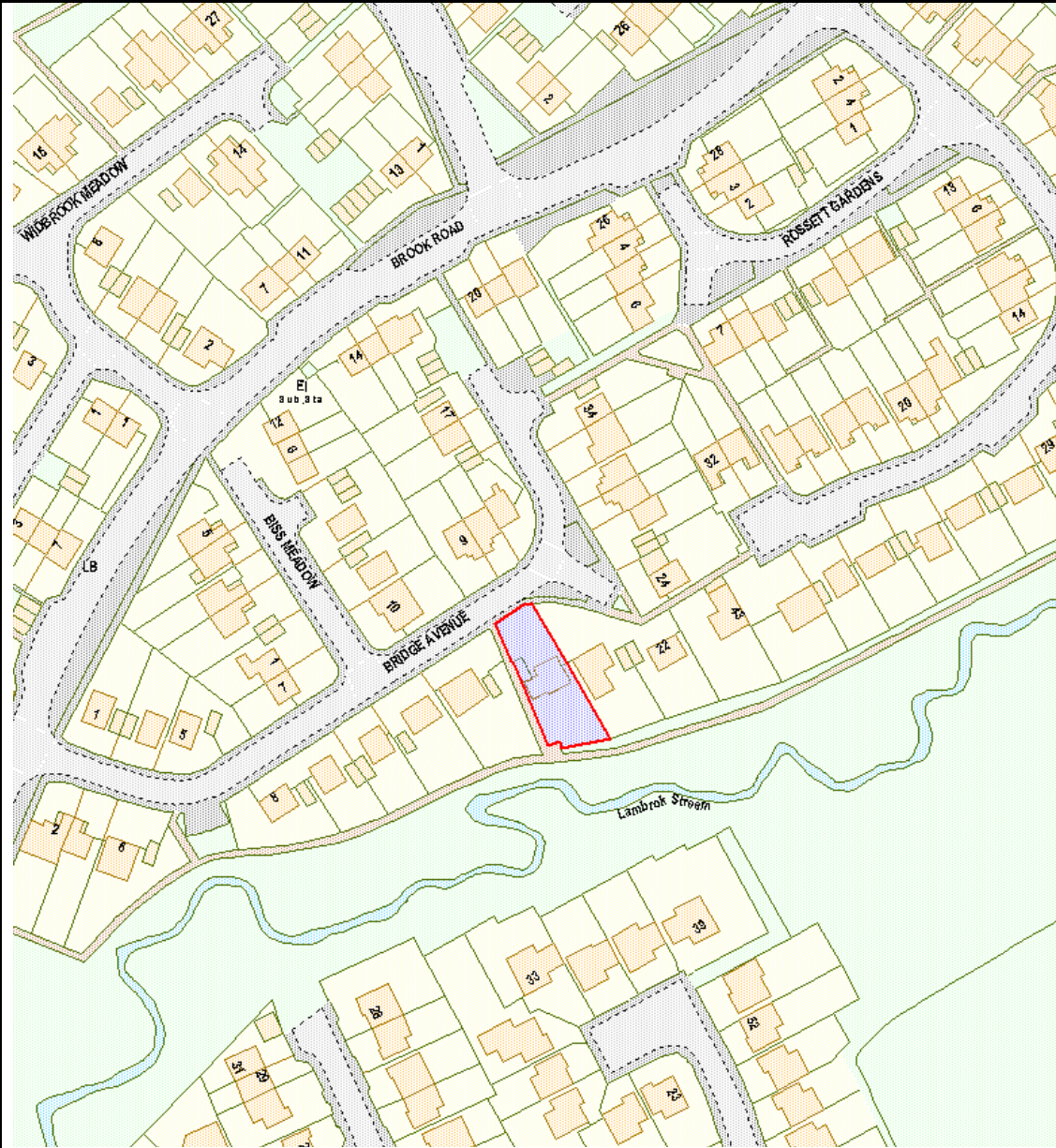
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 09

APPLICATION NO: 08/01347/FUL

LOCATION: 18 Bridge Avenue Trowbridge Wiltshire BA14 9SF



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SLA: 100022961

**09 Application: 08/01347/FUL**

**Site Address: 18 Bridge Avenue Trowbridge Wiltshire BA14 9SF**

Parish: Trowbridge Ward: Trowbridge North West

Grid Reference 384250 157679

Application Type: Full Plan

Development: Erection of front wall

Applicant Details: Mr Christopher Bacon  
18 Bridge Avenue Trowbridge Wiltshire BA14 9SF

Agent Details:

Case Officer: Miss Carla Rose

Date Received: 07.05.2008 Expiry Date: 02.07.2008

#### **JUSTIFICATION 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.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because Trowbridge Town Council object to the proposal and the officers recommend permission. This is a full application for the erection of a front wall at 18 Bridge Avenue in Trowbridge. This would normally be permitted development but permitted development rights have been taken away.

The area is characterised by detached and semi-detached properties.

The proposal is to erect a 900mm high brick wall around the side and front of the above property. The submitted plan states that bricks will be used to match existing house.

## **SITE VISIT / STATUTORY SITE NOTICES**

Site visited and site notice displayed on 9th May 2008.

## **CONSULTATIONS**

*Parish/Town Council* : TROWBRIDGE TOWN COUNCIL – ‘Attention should be paid to the letter 28 March 2008 stating that the wall is an infringement of the open plan design of the area. The committee objected on the grounds that the wall is out of character to the area.’ Councillor Fuller abstained.

*External* :

HIGHWAY AUTHORITY: - The Highway Authority has no objection subject to the following: - ‘The wall for the first 2m from the access shall not exceed 1m in height’ Reason: - ‘In the interests of highway safety’.

*Neighbours* : There has been no response.

## **NEGOTIATIONS / DISCUSSIONS**

Discussion with applicant about the purpose of the wall. The applicant advised that it was to prevent people from walking across the front garden and dogs fouling.

## **CONSTRAINTS**

Neighbour amenity  
Design

## **POLICIES**

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

Supplementary Planning Guidance on house alterations and extensions (Adopted July 2004)

## **RELEVANT PLANNING HISTORY**

None

## **KEY ISSUES**

Street scene  
Neighbour amenity



## **OFFICER APPRAISAL**

When looking at the street scene other walls can be seen in the surrounding area. The walls that are visible are different in design, height and location. The wall is proposed to be to the side and front of the property. When looking at other walls in the immediate vicinity, there are no walls enclosing the front of properties. However, the wall to the front of the property would not be a dominant feature in the landscape, as it is small in height and is not proposed to completely enclose the front of the property. Matching materials are proposed to be used, which would make the proposed wall sympathetic to the surrounding area.

Trowbridge Town Council had concerns about the open plan design of the area and the impact that the proposed wall could have on the character of the area. Although the proposal is not ideal in an open plan area on balance there are other walls in the area, which add to the character of the area. The proposed wall does not enclose the whole of the front of the property and is small in size, so therefore the openness of the area would not be dramatically affected.

The Highway Authority advised that they would like a condition on the application that 'The wall for the first 2m from the access shall not exceed 1m in height'. On the proposed plans the height of the wall is proposed to be 900mm, so therefore the height of the wall is not proposed to be over 1 metre in height. The condition is therefore unnecessary.

Due to the small nature of the wall there would be no adverse impact on the neighbouring properties.

## **RECOMMENDATION**

Permission subject to conditions.

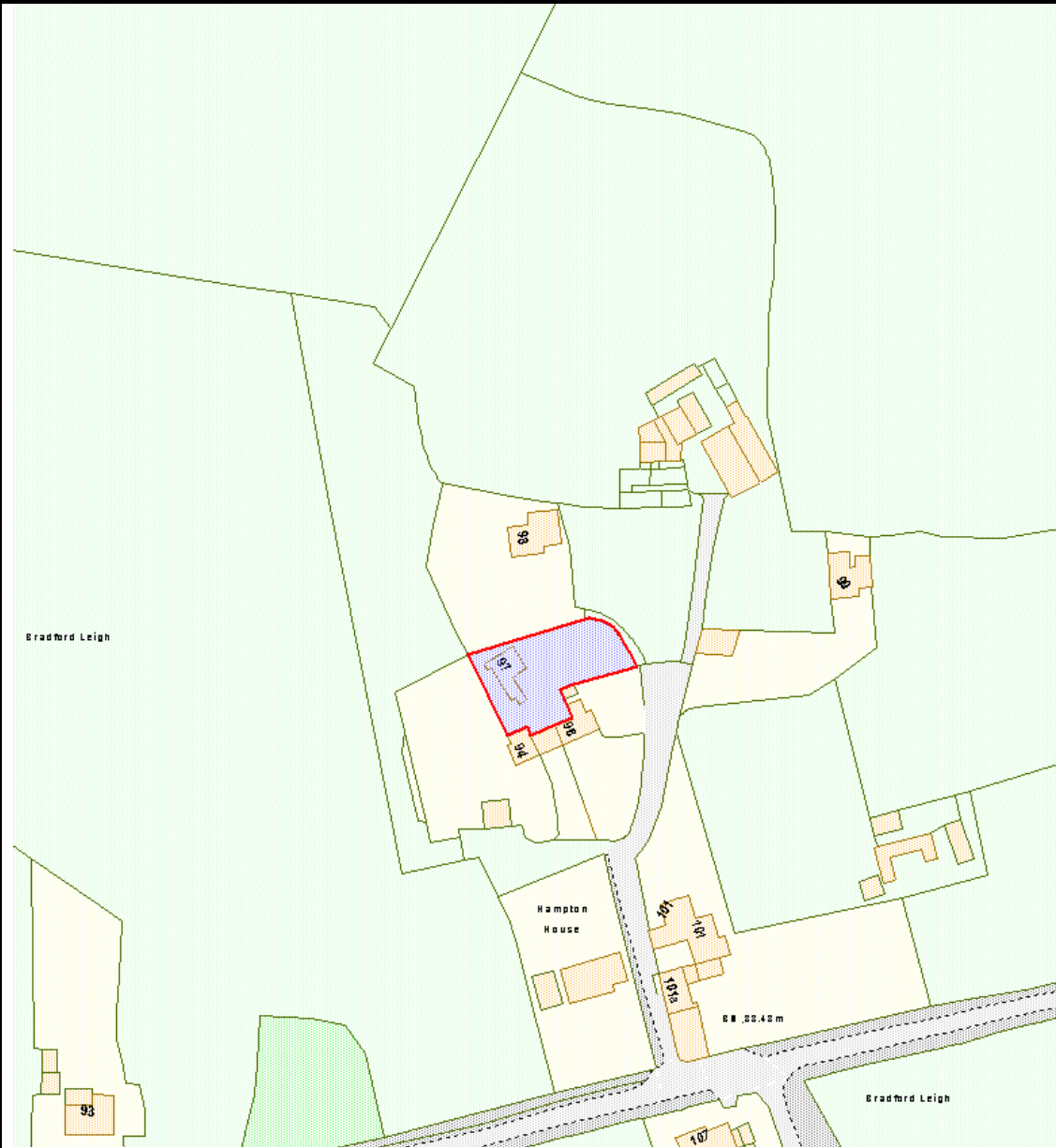
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 10

APPLICATION NO: 08/00770/FUL

LOCATION: Rose Cottage 97 Bradford Leigh South Wraxall  
Wiltshire BA15 2RW



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SLA: 100022961

**10 Application: 08/00770/FUL**

**Site Address: Rose Cottage 97 Bradford Leigh South Wraxall Wiltshire BA15 2RW**

Parish: South Wraxall Ward: Atworth Whitley And South Wraxall

Grid Reference 383958 162674

Application Type: Full Plan

Development: The demolition of existing 20th century single flat roof additions and replace with a new two storey and single storey stone additions

Applicant Details: Mr Tim Bray  
Rose Cottage 97 Bradford Leigh South Wraxall Wiltshire BA15 2RW

Agent Details: Nick Shipp Architects  
FAO Mr N Shipp Haugh Farm Winsley Nr Bath Wiltshire

Case Officer: Miss Julia Evans

Date Received: 15.03.2008 Expiry Date: 10.05.2008

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 Planning Policy Guidance Note 2 - Green Belts, and Policy DP12 of the Wiltshire Structure Plan states that extensions to existing dwellings can be acceptable provided they do not result in disproportionate additions over and above the size of the original building and that they do not result in a loss of openness of the Green Belt. The proposal results in a disproportionate addition over and above the size of the original dwelling, and is not supported by any material consideration which would justify making a decision contrary to Government guidance and the Development plan. The proposed development is therefore contrary to Development Plan Policy as the extensions would amount to inappropriate development and a loss of openness within the Green Belt.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application has been called before Planning Committee at the request of Councillor Chivers.

This is a full application for the demolition of existing single storey flat-roofed outbuildings, and their replacement with a two storey rear and single storey side extension, plus two storey extension to the front of 97 Bradford Leigh, South Wraxall. It is a resubmission of a previously withdrawn application and seeks to address the previous reasons for concern.

The proposed extensions would be constructed of stone and tiles to the roof. A tiled link would run between the existing roof and the proposed. The extensions would replace the existing single storey rear and front extensions. A Planning Design Statement has been submitted with the application supporting the demolition of all the existing single storey structures and replacement with two storey extensions.

## **SITE VISIT / STATUTORY SITE NOTICES**

The house lies in the open countryside, and is constructed of stone and tiles, with single storey extensions attached to it. The property lies within its own gardens, which lie predominantly to the front of the house. To the north lies a detached house and its garden, whilst to the south is a terrace of three properties which lie approximately 10m away from the extension.

The application has been advertised with a site notice.

## **CONSULTATIONS**

*Parish/Town Council* : South Wraxall Parish Council have not responded.

*External* : N/A

*Internal* : N/A

*Neighbours* : No comments have been received.

## **NEGOTIATIONS / DISCUSSIONS**

Extensive pre-application negotiations, advising that two storey extensions as proposed could not be supported.

## **CONSTRAINTS**

- \* Green Belt;
- \* Amenity;
- \* Design; and
- \* Groundwater Source Protection Area.

## **POLICIES**

Wiltshire Structure Plan 2016  
DP12 Western Wilts Green Belt  
C5 The water environment

West Wiltshire District Plan - First Alteration 2004  
C1 Countryside protection  
C31A Design  
C32 Landscaping  
C38 Nuisance  
U1A Foul water disposal  
U2 Surface water disposal  
U4 Groundwater Source Protection Area

SPG – Design Guidance – Principles (Adopted July 2004)  
House Alterations & Extensions (Adopted July 2004).

National Guidance  
Planning Policy Statement 1 - Delivering Sustainable Development  
PPG2 Green Belts

## **RELEVANT PLANNING HISTORY**

07/03838/FUL – The demolition of all existing single storey extensions to the existing two storey stone cottage and replaced with a new two storey stone and timber extension – Withdrawn 25/01/2008.

## **KEY ISSUES**

- \* Green Belt;
- \* Amenity;
- \* Design; and
- \* Groundwater Source Protection Area.

## **OFFICER APPRAISAL**

Government guidance makes it clear that proposals for extending dwellings in Green Belts can be acceptable "provided that it does not result in disproportionate additions over and above the size of the original building" (para 3.6, PPG2). In Green Belts there is "a general presumption against inappropriate development within them" (para 3.1). "Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show if permission should be granted. Very special circumstances to justify inappropriate development will not exist unless by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations." (para 3.2).

The existing dwelling is a small two storey property within an approximate volume of around 170m<sup>3</sup>. Added to this have been single storey extensions to the front, rear and side, most of which are visually incongruous with the original traditional stone cottage. The proposal to demolish these and replace them with stone and tile extensions would be an improvement visually over the existing situation, but their size means that they cannot be supported in Green Belt terms because they result in disproportionate additions over and above the size of the original building. Even with demolishing the existing extension, the proposals would result in an increase of nearly over 200m<sup>3</sup> above the size of the original dwelling. The two storey extensions also appear visually much more substantial in appearance than the existing single storey ones, which results in a loss of openness of the Green Belt. The applicant states that the design of the proposal is an improvement on the design of the existing house, but it is not considered that this is a very special circumstance to outweigh the significant harm to the Green Belt.

The proposal has been designed so as to not result in any loss of amenity to neighbouring properties, particularly those to the south, which are approximately 10m away. The proposed southern-most extension is single storey, and the one opening within it is a solid timber door. This, plus the fact that it is further away than the existing single storey extension, is not felt to result in any more loss of amenity to the neighbours than the existing situation.

The house lies over a Groundwater Source Protection Area, but it is not considered that the proposal would be detrimental to groundwater sources.

## **RECOMMENDATION**

Refuse.

## **RELATED PLANS**

- Drawing : 313PT/CD101
- Drawing : 313PT/CD103
- Drawing : 313PT/CD104
- Drawing : 313PT/CD202
- Drawing : 313PT/CD201
- Drawing : 313PT/CD102
- Drawing : 313PT/113B
- Drawing : 313PT/114B
- Drawing : 313PT/112B
- Drawing : 313PT/211A
- Drawing : 313PT/212B

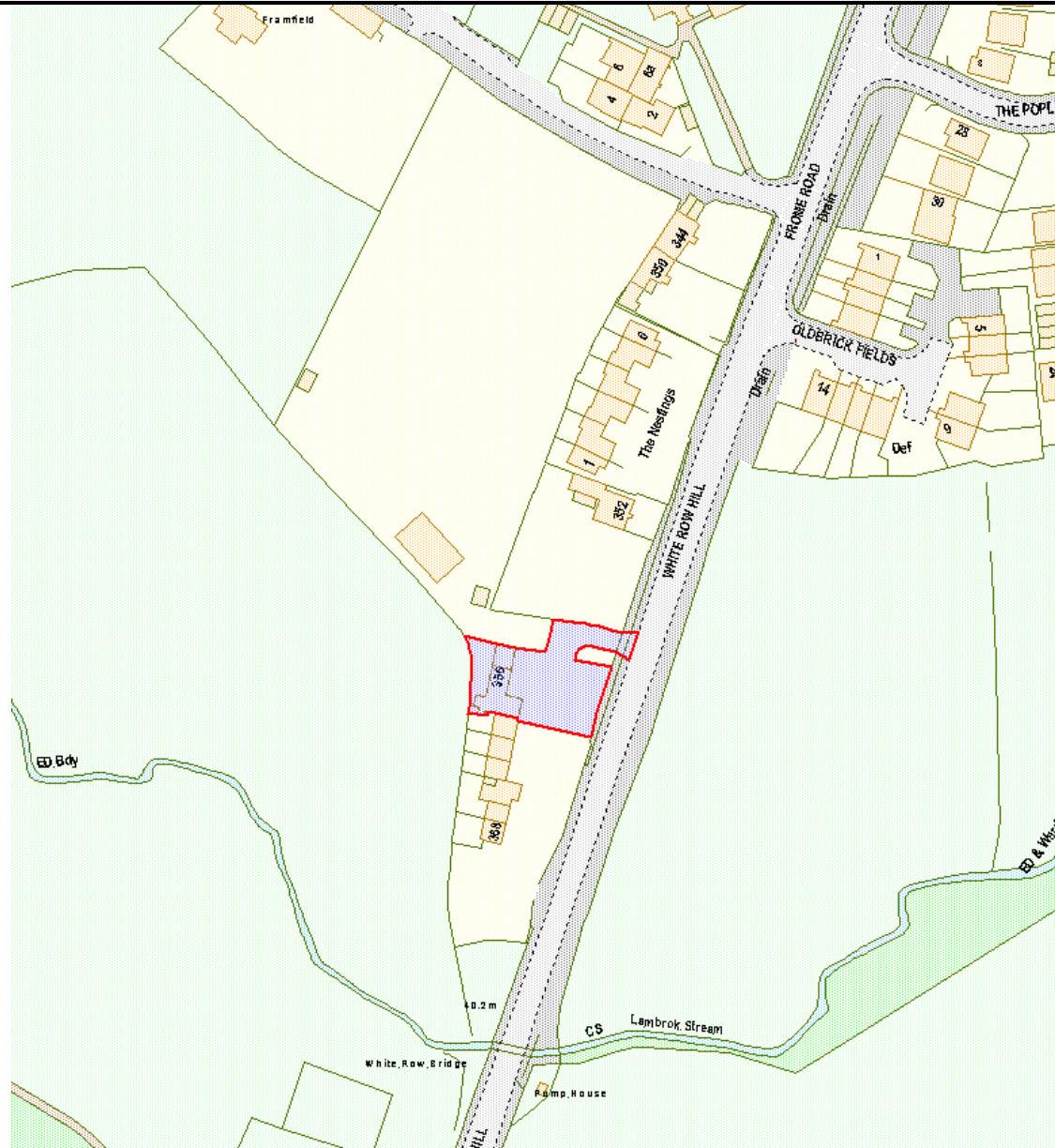
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 11

APPLICATION NO: 08/00633/FUL

LOCATION: 356 Frome Road Trowbridge Wiltshire BA14 0EF



NOT TO SCALE

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SLA: 100022961

**11 Application: 08/00633/FUL**

**Site Address: 356 Frome Road Trowbridge Wiltshire BA14 0EF**

Parish: Trowbridge Ward: Trowbridge And Southwick

Grid Reference 384209 156169

Application Type: Full Plan

Development: Conversion of dwelling into four residential units (revised applications)

Applicant Details: Keylock Homes Limited  
C/o Agent

Agent Details: Willis & Co  
30 The Causeway Chippenham Wiltshire SN15 3DB

Case Officer: Miss Julia Evans

Date Received: 04.03.2008 Expiry Date: 29.04.2008

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 Policy H19 of the West Wiltshire District Plan - 1st Alteration, 2004 states that new dwellings in the countryside will not be permitted unless justified in connection with the essential needs of agriculture or forestry. The proposed conversion involves substantial extension that means it is tantamount to creating new dwellings in the open countryside. The proposal has not been justified by any agricultural or forestry need, and is therefore contrary to this policy.
- 2 Policy C38 of the West Wiltshire District Plan - 1st Alteration, 2004 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to, neighbouring properties and uses. The proposal by reason of the size, height and location of the proposed two storey extensions would result in a loss of privacy and overshadowing of both neighbouring properties and to the occupiers of the proposed dwellings. The proposal is therefore considered contrary to Policy C38 of the West Wiltshire District Plan - 1st Alteration, 2004.

**Note(s) to Applicant:**

- 1 You are advised that the plot of land to the rear of No 356 is an unauthorised change of use, which will be investigated by the Council's Enforcement Section.
- 2 You are advised that the change of use and renovation of an agricultural building to the north of the site will require planning permission. Any unauthorised works will be investigated by the Council's Enforcement Section.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application has been brought before the Planning Committee at the request of Councillors Payne & Phillips.



This is a full application for the conversion of one dwelling into four at 356 Frome Road, Trowbridge. This is the third application for the conversion into four units and it seeks to address the reasons for refusal on 07/02803/FUL, which was refused for creating new dwellings in the open countryside and amenity matters.

The site area includes the use of the existing shared access leading into the house's front garden, which has been laid to gravel to provide seven car parking spaces and a turning area. The proposal would be to convert one dwelling to four, although the Design & Access statement says the existing dwelling is two, despite this contradicting the information provided on the drawings.

The proposal is for the conversion and extension of No 356 from one to four dwellings. The property would be sub-divided vertically to create the four houses, with new extensions to the property on the eastern elevation (single storey) and two separate two storey extensions to the rear. These extensions would result in the provision of two one-bedroomed houses, and two two-bedroomed ones. A new driveway would be created linking the property to Frome Road by use of an existing agricultural access.

## **SITE VISIT / STATUTORY SITE NOTICES**

No 356 is an end-of-terrace property in the open countryside between Trowbridge and Southwick. It forms the northernmost property in a terrace of seven houses in total. The house is constructed of red brick with stone detailing, and has a new roof of concrete tiles. At the time of the site inspection all the extensions had been started and were up to first floor level. The internal sub-division has taken place with each of the four units having been created and fitted out.

The dwelling forms an L-shape. The property has a very small garden to the rear, to which has been added a fenced-off area. This unauthorised garden area has been dug over and fenced-off but has not been included for consideration within the site area. To the front of the property lies a recently levelled and gravelled area, again enclosed with timber post and rail fencing. To the north of the site lies access to agricultural buildings to the northwest of the house, whilst to the east the site is bounded by Frome Road, beyond which is agricultural grassland. The terrace of houses attached to No 356 runs to the south, whilst to the east lies the agricultural grassland of Southwick Country Park.

The application has been advertised with a Site Notice.

## **CONSULTATIONS**

*Parish/Town Council* : TROWBRIDGE TOWN COUNCIL have "No objection".

*External* : HIGHWAY AUTHORITY state: "The submitted plans appear to show minimal changes from previous application W/07/2803. There is an addition of a parking space but the turning space has been moved to allow for this. As such, I refer to the previous highway recommendations on applications W/07/2803.

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

"The driveway, parking and turning areas shall be a properly consolidated and surfaced access (not loose stone or gravel) in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Reason : In the interests of highway safety.

"The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Reason : In the interests of amenity and road safety."

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



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

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

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

"The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus."

*Internal* : HOUSING SERVICES state: " I confirm that we would regard this as a rural scheme and therefore would seek 50% affordable housing. As one dwelling already existed on the site and the applicant is proposing a total of four dwellings the AH contribution would be based on the three additional dwellings giving a AH contribution of 1.5 dwellings.

"One of these dwellings should be provided on site, preferably rented, on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's Preferred Development Partnership. For the 'half a house', we will take a commuted sum in lieu.

"There are 31 households in priority need in Southwick and 726 households in priority need in Trowbridge, making a total of 757 households in priority need. The needs are supported from the waiting list and the housing needs survey. The WL indicates that the majority of these households require 2 bedroom accommodation. The Housing needs Survey confirms that the greatest need is for 2 beds across all tenures.

"We would therefore be seeking 50% of a commuted sum based on a 2 bed house. In Southwick this figure would be in the region of £36,919, however, this is an indicative sum and we would encourage the applicant to contact us to discuss the commuted sum in more detail. Of course, if the applicant is unable to afford to make a contribution due to the viability of the scheme, provision exists for the applicant to enter into an open book appraisal which will test whether the viability of the scheme is prejudiced by the contribution and, if so, enables a reduced commuted sum to be made.

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

*Neighbours* : No comments have been received.

## **NEGOTIATIONS / DISCUSSIONS**

N/A.

## **CONSTRAINTS**

- \* Open countryside;
- \* Amenity;
- \* Design;
- \* Highways matters;
- \* The water environment; and
- \* Affordable housing.

## **POLICIES**

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP8 Affordable housing
- DP9 Reuse of land and buildings
- DP14 Housing, employment and related development in the open countryside
- T6 Demand management
- C5 The water environment
- C12 Agriculture.

West Wiltshire District Plan - 1st Alteration 2004

- C1 Countryside protection
- C31A Design
- C32 Landscaping
- C38 Nuisance
- H2 Affordable housing within towns and villages
- H16 Flat conversions
- H19 Development in open countryside
- H21 Conversions of rural buildings
- H24 New housing design
- T10 Car parking
- U1A Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Area.

Supplementary Planning Guidance

- Design Guidance - Principles (Adopted July 2004)
- Residential Design Guide (Adopted November 2005)
- House Alterations & Extensions (Adopted July 2004)

National Guidance

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS7 Sustainable Development in Rural Areas
- PPG13 Transport

## **RELEVANT PLANNING HISTORY**

07/01378/FUL – Conversion of dwelling into four residential units – Refused 15/vi/07.

07/02803/FUL – Conversion of dwelling into four residential units (revised application) – Refused 24/10/2007.

## KEY ISSUES

This application raises the following planning matters:

- planning history;
- the conversion and extension of the house to four dwellings;
- design and landscaping;
- amenity of neighbouring residents;
- parking, access and highways matters;
- the water environment;
- quality of the submission; and
- affordable housing.

## OFFICER APPRAISAL

The existing L-shaped building lies within the open countryside, and has been subdivided into four units in accordance with the current application. The proposal is for the conversion of this one unit into four houses: to do this, three extensions have been added to the property, two of which are two storey. Policy H19 of the West Wiltshire District Plan - 1st Alteration, 2004 states that new dwellings in the countryside will not be permitted unless justified in connection with the essential needs of agriculture or forestry. The level of extension to the property is such that the proposal cannot be considered as a conversion of an existing building: to enable four units to be created a substantial amount of extension to the property has to occur. The proposed two, two storey extensions provide habitable rooms that if not provided would prevent the conversion of the building into four units as shown. It is not considered, therefore, that the proposal is a conversion of any existing property, as the extent of new build that has been proposed renders it contrary to Policies H19, H16 & H21. Apart from the change in access arrangements, no other alterations to address the previous reason for refusal have been made to this application. This forms the first reason for refusal.

In addition to the caveats in the policies referenced above, Policy C38 also reiterates the protection of neighbouring amenity. The proposed rear extensions are not only detrimental to the amenities of neighbouring residents, but also for the proposed occupiers of the dwellings. Although with this submission the applicant has removed one of the existing ground floor windows and proposed obscure glazing with the first floor bathroom, the proximity of the proposed two storey extensions is considered to result in an overbearing mass which is detrimental to the amenity of neighbouring and proposed occupiers, and forms a further reason for refusal.

The refused application was submitted with both inconsistent information between the drawings and Design and Access statement. The plans show the existing as being one house, whilst the statement says it is two. These are inconsistencies that occurred with the previous applications. This time however, the applicant has altered the access and the Highway Authority has no objection to the proposal subject to conditions. It is felt that further conditions could restrict the use of the turning and parking areas so that it does not become a residential parking area.

The Environment Agency have not commented on the application, and Wessex Water have highlighted that there are no existing surface water sewers, and that points of connection onto their apparatus needs to be agreed by them. These matters could be conditioned.

The application does not include the area of land to the rear of the property as within the red application site area. Nor is the agricultural building to the north of the site included which is proposed for renovation. Both of these works have not received planning permission. At the time of the site inspection, this area to the rear of the house was being used as a garden: with the previous application it was being used for storage of building materials. As there is no planning history for either the change of use or renovation works, an informative has been attached advising that an application is needed.

Within this application the Housing Services Section have recommended refusal for the absence of affordable housing provision. With the two previous reasons for refusal, no comments were received from Housing Services, so the lack of contribution did not form a reason for refusal. It is also questioned as to the appropriateness of applying Policy H2 to the open countryside when it specifically refers to the District's towns and villages.

## **CONCLUSION**

The proposal is considered contrary to development plan policy on several accounts. It is not felt that conditions could address the fundamental policy objections to the proposal or address the inaccuracies of the submitted information .

## **RECOMMENDATION**

Refuse.

## **RELATED PLANS**

Drawing : 1919/03/A received on 25.02.2008  
Drawing : 1919/01/A received on 25.02.2008  
Drawing : 1919/02/AB received on 25.02.2008



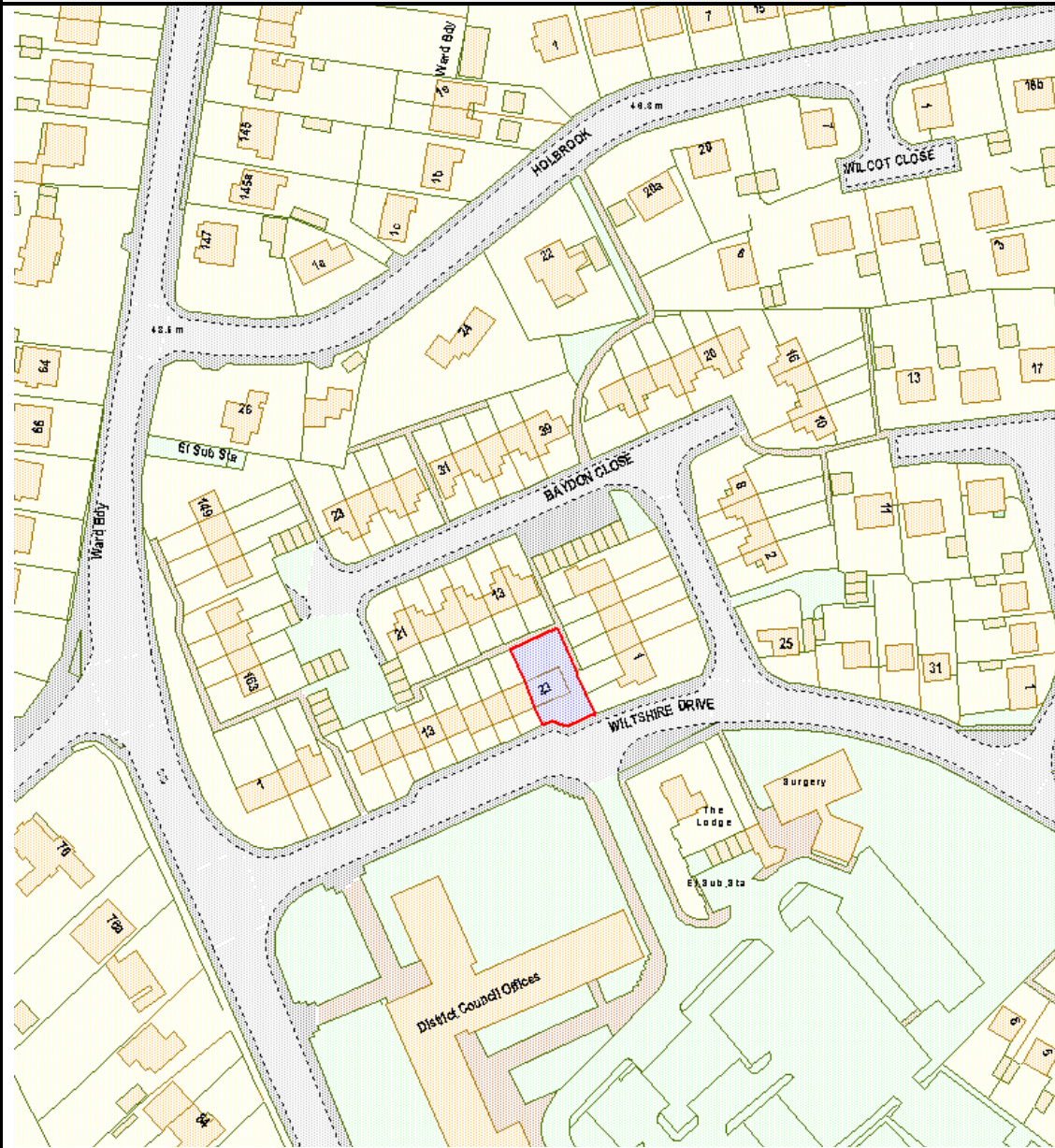
# PLANNING COMMITTEE

10 July 2008

ITEM NO: 12

APPLICATION NO: 08/01453/FUL

LOCATION: 23 Wiltshire Drive Trowbridge Wiltshire BA14 0RR



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SLA: 100022961

**12 Application: 08/01453/FUL**

**Site Address: 23 Wiltshire Drive Trowbridge Wiltshire BA14 0RR**

Parish: Trowbridge Ward: Trowbridge And North Bradley

Grid Reference 385367 156428

Application Type: Full Plan

Development: Conversion of dwelling to form two dwellings

Applicant Details: D S Windows  
White Hays South West Wilts Trading Estate Westbury Wiltshire  
BA13 4JT

Agent Details: Mr E C Stockley  
40 Clarendon Avenue Trowbridge Wilts BA14 7BN

Case Officer: Mr James Taylor

Date Received: 16.05.2008 Expiry Date: 11.07.2008

**JUSTIFICATION 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 garages and parking spaces outlined in red and blue on submitted drawing number 08.32.1 shall be clear of obstruction and provided for the existing and proposed dwellings within 14 days of the granting of this consent. The said spaces shall be available in perpetuity for the parking of vehicles in association with those dwellings and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of highway safety.

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

- 2 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added to the first floor east elevation of the development hereby permitted, and no other development falling within Schedule 2, Part 1, Classes A, B, C & D of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In the interests of amenity and privacy and because the implementation of permitted development rights on this site would be unacceptable.

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

# COMMITTEE REPORT

## APPLICATION DETAILS

This application is brought to committee because Councillor Graham Payne, as Ward Member has requested it is brought to the Planning Committee so the Committee can consider the concerns of the neighbours, and because the Town Council objects contrary to officer recommendation.

This is a full and retrospective planning application to divide an existing 3-4 bedroom property into one 3-bedroom property and one 2-bedroom property. This involves no external alterations to the built form of the building. Further the proposal includes four car parking spaces for the development, utilising 2 nearby garages with the space in front of them.

The host building is an end of terrace property which has undergone a 2-storey side extension and a single storey side extension. It has an open frontage and enclosed rear garden which has already been subdivided.

The area is characterised generally by residential properties with parking facilities in lay-bys and garage blocks to the rear. Open frontages and enclosed rear gardens are typical.

## SITE VISIT / STATUTORY SITE NOTICES

The site was visited on 29 May 2008 and adjoining land owners have been notified.

## CONSULTATIONS

### *Parish/Town Council :*

TROWBRIDGE TOWN COUNCIL: The committee objected on the grounds that the plan logically only provides car parking for one dwelling, as the garage is only accessible via the other space, also the development is cramped and detracts from the street scene.

### *External :*

HIGHWAY AUTHORITY: You are aware of the planning history of this site and the highway objections raised to previous applications due to lack of acceptable parking provision. The proposed development will result in two dwellings, each with a garage and parking space in the nearby garage courts.

In view of the above and to ensure the parking is available in perpetuity I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:-

'The garages and parking spaces provided for the existing and proposed dwellings shall be provided prior to occupation and be available in perpetuity. The said spaces shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of amenity and road safety.'

### *Neighbours :* 2 letters of objection received to date (18.06.2008)

- Retrospective – houses already being rented out by applicant.
- parking proposed is at the loss of other properties in the ownership of the applicant locally and resulting in on street parking.
- officer's confirmed that retrospective permission would be granted with no discussion, no planning meeting and the councillors that have been helping the neighbours were stunned.
- overlooking windows.
- incorrect plans; on the first floor, the window is actually the old three sectioned one with a scruffy piece of card covering the middle, disguising the internal wall. Second, the plans say there are no overlooking windows.
- The garage belongs to 15 Wiltshire Drive that DS windows has owned for a very long time.
- The garage that belongs to number 23 is unavailable to any tenant as this is used by DS Windows for storage and the hard standing is occupied by an untaxed car which has not moved since December 2007.
- This area has far too many cars and we do not have room for any more.
- Trowbridge is extremely badly provided with public transport so everyone needs to drive to work.



- Currently there are on street parking problems in the locality, including at the WWDC exit.

## **NEGOTIATIONS / DISCUSSIONS**

None

## **CONSTRAINTS**

Town Location  
Planning history  
Parking

## **POLICIES**

West Wiltshire District Plan 1st Alteration (2004)  
C31a Design  
C38 Nuisance  
H1 Further Housing Development Within Towns

Supplementary Planning Document – Residential Design Guide  
Supplementary Planning Guidance on house alterations and extensions

National guidance  
PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport

## **RELEVANT PLANNING HISTORY**

72/L/342 – Residential development – Consent – 19.06.1973  
74/00108/REM – Residential development – Approval – 24.07.1974  
06/02960/FUL - Additional dwelling and formation of extended lay-by – Refusal - 27.11.2006  
07/00129/FUL - Extension/conversion to form two dwellings together with extension of lay by for one parking space – Refusal - 13.04.2007 ( Appeal dismissed 26.02.2008)  
07/02043/FUL – Single storey extension – Permission - 01.08.2007

## **KEY ISSUES**

The key issues to consider with this application are the planning history and the potential impact on highway safety.

## **OFFICER APPRAISAL**

This is a part retrospective application for the subdivision of a property into 2 dwellings. The subdivision has regrettably occurred without the necessary consents; however it is noted that the rear first floor window proposed is different to that existing and that the insertion of a rooflight into the side lean-to is also proposed.

The proposal has previously been refused planning permission and dismissed at appeal due to inadequate parking provision. The inspector stated in the appeal dismissal that the new house proposed creates a requirement for one additional car parking space i.e. three in total. However it was the means of providing that space which was the issue of contention. Simply extending the lay-by to generate the space would be at the expense of existing on-street parking in the area. As such the inspector dismissed the appeal.

In light of the proposal now including 2 parking spaces for each of the properties then it is considered that those reasons for refusal have been overcome. The Highway Authority raises no objection subject to conditions. This is a change to their stance on previous applications to which they have raised objection.

It is noted from the consultation process that one or more of the parking spaces may have been obtained at the expense of another property in the locality. As such another property may no longer have allocated parking. This is very regrettable if it is indeed the case. The applicant's

design and access statement comments that the applicant does not own another property in the locality.

Such an approach and behaviour is beyond the reasonable control of the planning system. Any home owner in the locality could reasonably sell their garage and forecourt without the need for planning permission. Then using this parking facility for a new dwelling in reasonable proximity is certainly not ideal but it is not considered to be grounds for refusal in planning terms.

The planning history of the area has been checked. No planning conditions are evident that would prevent the sale/separation of the parking provision of properties to the dwelling houses. It is considered prudent to use conditions to ensure that these two properties retain their parking in perpetuity and that the spaces are indeed used for the parking of vehicles and not storage. This approach was also advocated by the Highway Authority. The suggested condition by them has to be modified to reflect the retrospective nature of the application.

The other points that have been raised in the consultation process include some planning matters such as the potential for overlooking. The built form is largely existing and in accordance with the approved plans which have been subject to minor amendments. Notwithstanding that it is considered that the windows on the side elevation are not only limited to the ground floor but are to non-habitable rooms, i.e. a WC and a staircase. The rooflight to the single storey lean-to would be over a staircase. As such the potential for overlooking is not considered to cause demonstrable harm to neighbouring amenity. The proposals are in accordance with adopted guidance in the Council's Supplementary Planning Guidance on house alterations and extensions. This document is applicable in its principles.

The neighbours concern that the plans are inaccurate appears to stem from the proposal not being entirely retrospective. Two physical changes are proposed and still outstanding, namely insertion of a rooflight and a change to the rear first floor window. These changes would not require planning permission if the building were to lawfully remain one dwellinghouse. These alterations pose no planning concerns.

In summary, the main point of contention lies in the provision of parking. Whilst the solution now presented would not necessarily be encouraged it is not considered to present any planning grounds for objection or refusal. In addition it is considered that the proposal makes efficient use of land and provides for a variety and mix of housing types in the town. This is in accordance with the principles of national Planning Policy Statement 3: Housing. As such this application is recommended for permission.

## **RECOMMENDATION**

Permission subject to conditions.

## **RELATED PLANS**

Drawing : 08.32.1 received on 16.05.2008

Drawing : 08.32.3 received on 16.05.2008

Drawing : 08.32.2 received on 16.05.2008