

PLANNING COMMITTEE

4 December 2008

Planning Applications for Determination

Item No.	Application No.	Location	Parish	Page No.
01	08/02175/FUL	Erection of 3 dwellings, parking and associated works - Land Adjoining 24 Church Street Southwick Wiltshire	Southwick	01
02	08/00496/FUL	Factory building for the construction of office chairs - Land North West Of Dunkirk Business Park Frome Road Southwick Wiltshire	Southwick	09
03	08/01990/FUL	Residential development of 12 dwellings, 24 parking spaces and new vehicular access - 9A Frome Road Southwick Wiltshire BA14 9QB	Southwick	17
04	08/02974/FUL	Erection of five storage sheds - Manor Park The Strand Steeple Ashton Wiltshire	Steeple Ashton Keevil	29
05	08/02897/FUL	Change of use from land forming part of Southwick Country Park to allotments - Land Rear Of Allotments Frome Road Southwick Wiltshire	Southwick	37
06	08/02917/FUL	Conversion of semi-detached house to 2 flats and extensions - 39 Scotland Road Melksham Wiltshire SN12 8AJ	Melksham (Town)	43
07	08/03020/FUL	New attached dwelling with parking and access - 7 Kingsdown Road Trowbridge Wiltshire BA14 0LB	Trowbridge	49
08	08/02866/FUL	Demolition of single storey outbuilding (garden room) and erect a single storey extension with fenestration alterations and internal alterations, also replace garden building and form two stone faced retaining walls and steps - Rose Cottage 254 Turleigh Wiltshire BA15 2HG	Winsley	55
09	08/02869/LBC	Listed building consent for demolition of single storey outbuilding (garden room) and erect a single storey extension with fenestration alterations and internal alterations, also replace garden building and form two stone faced retaining walls and steps - Rose Cottage 254 Turleigh Wiltshire BA15 2HG	Winsley	61
10	08/00988/FUL	Two storey building for use as fitness centre, class D2 offices, class B1 or health/clinic class D1 with ancillary associated A1 retail strictly for health associated products - Land Northeast Of Station Approach Bradford On Avon Wiltshire	Bradford On Avon	67

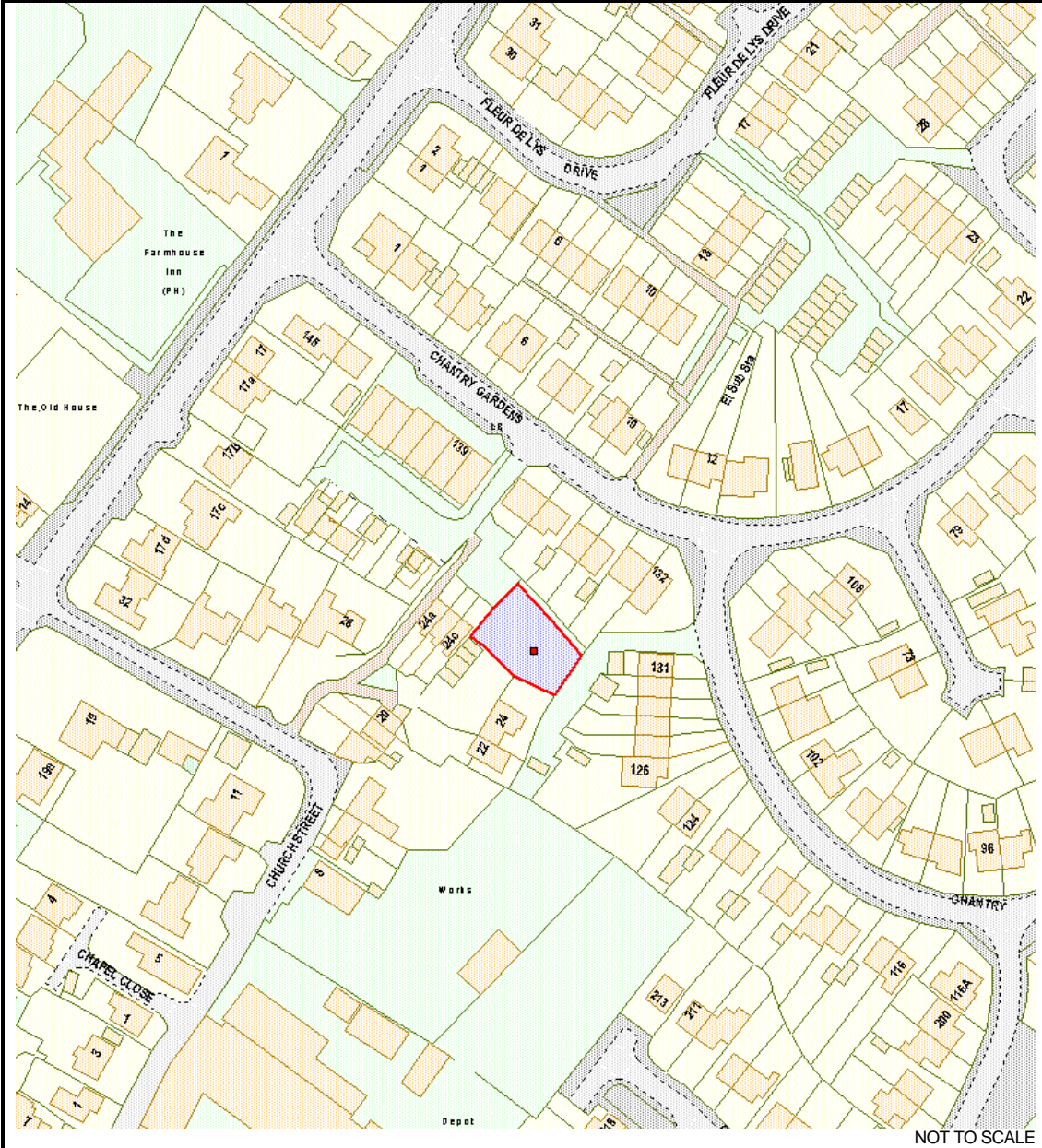
PLANNING COMMITTEE

4 December 2008

ITEM NO: 01

APPLICATION NO: 08/02175/FUL

LOCATION: Land Adjoining 24 Church Street Southwick Wiltshire



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SLA: 100022961

01 Application: 08/02175/FUL

Site Address: Land Adjoining 24 Church Street Southwick Wiltshire

Parish: Southwick Ward: Trowbridge And Southwick

Grid Reference 383961 155376

Application Type: Full Plan

Development: Erection of 3 dwellings, parking and associated works

Applicant Details: Mr D Campbell
C/O LPC Trull Ltd Trull Tetbury Gloucestershire GL8 8SQ

Agent Details: LPC Trull (Ltd)
FAO Mark Campbell Trull Tetbury Gloucestershire GL8 8SQ

Case Officer: Mrs Judith Dale
Phone: 01225 776655 ext 245
Email: jdale@westwiltshire.gov.uk

Date Received: 15.07.2008 Expiry Date: 09.09.2008

COMMITTEE REPORT

This application is brought to Committee because the Planning Officer's recommendation is contrary to that of the Parish Council.

Members will recall that this application was deferred from the previous planning meeting for additional information and clarification – this has been incorporated at the end of the 'Officer Appraisal' section under a separate heading 'Additional Information'.

The application was previously reported as follows:

APPLICATION SITE & SURROUNDING AREA

The application site is a 0.06 hectare vacant area of land occupying the backland between Church Street and Chantry Gardens. Formerly a residential garden, the site is level, open and cleared, and accessed from Chantry Gardens via an existing unadopted route between the frontage parade of shops and no 137 Chantry Gardens.

The surrounding area is a mix of predominantly residential properties, comprising terraced, semi-detached and detached dwellings; the immediate area has been the subject of considerable new infill development in recent years.

PROPOSAL

This application is for the erection of three 3 bed dwellings, with associated parking. The development is laid out in a staggered terraced arrangement, two storey in height, to a ridge of approx 7.8m. Each dwelling will have a modest garden area to the rear, a smaller amenity space to the front and two parking spaces in a form of a detached triple garage with tandem spaces in front. The garage itself measures approximately 8m x 5m, with a pitched roof of 4.3m to ridge, sited at right angles to the proposed dwellings at the front of the development site.

The rather lengthy access onto Chantry Gardens makes use of an existing service road to the rear of the existing shops and a gravelled parking area which currently serves three recently constructed dwellings on the adjoining land to the west. A new 'entrance' has been created in the south eastern boundary of this carpark to allow for the extended access through to the application site.

The application was originally accompanied by a detailed Planning, Design and Access Statement and subsequently by an open book appraisal for the purposes of affordable housing considerations. It has also been revised since its original submission in terms of the completed certificate of ownership and the details and positioning of the proposed dwellings.

CONSULTATIONS

Parish/Town Council

SOUTHWICK PARISH COUNCIL – 'The Parish Council comment that although they support the development of three houses on this site they make objection to the proposed access. Due to all the recent development in this area they feel the proposed access is incapable of taking additional traffic and with this proposed development they believe it will be too much for this area to cope with and as such would prefer the other entrance to be used. In addition with traffic for the nearby takeaways parking along the side of the proposed access it gives restricted visibility to the main road and a further hazard.'

External

HIGHWAY AUTHORITY - No objection subject to conditions retaining the allocated parking area and the retention and surfacing of the turning area.

Internal

HOUSING SERVICES - confirms that a contribution towards affordable housing will be necessary, but on the basis of the submitted scheme, this can be delivered through the clawback mechanism.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 28/07

Neighbours

Four letters of comment and objection were received on the following grounds:

- The positioning of the dwellings relative to the site boundaries.
- Loss of privacy to existing gardens and properties.
- Loss of light to existing gardens and properties.
- Inadequate access to the site.
- Impact on existing parking arrangements and exacerbation of existing parking problems in Chantry Gardens.
- Potential impact on residents through noise and general disturbance.

These letters were submitted in response to consultation on the original plans; none were received following notification of the revised layout and details.

RELEVANT PLANNING HISTORY

04/00060/OUT - Construction of one detached and two semi-detached cottages - Refused 05.03.04 on grounds of inadequate access

04/01274/OUT - Erection of one detached cottage and two semi-detached cottages - permission 02.07.07

KEY ISSUES

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

- The principle of residential development.
- Whether the proposed access is suitable to accommodate the development.
- Design and amenity considerations.
- Whether the proposed arrangements for affordable housing provision comply with policy.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan - 1st Alteration 2004

H2 Affordable housing

H17 Village policy limits

H24 Housing design

C31A Design

C38 Nuisance

T10 Parking

PPS1 Delivering Sustainable Development

PPS3 Housing

SPG Design Guide - Principles

OFFICER APPRAISAL

The Principle of Development

Outline permission for the erection of three dwellings on this same site was previously granted in July 2007 (04/01274/OUT). The principle of residential development on a site within village policy limits, at a PPS3 compliant density of 50 units per hectare and subject to appropriate design criteria has therefore been established by that permission, and there have since been no material changes in circumstances to require that principle to be reconsidered.

Access Considerations

The access arrangements have changed significantly since the previous permission. The extant outline is dependant on a narrow, unmade track approximately 30m long, emerging from the northeast corner of the application site, between Nos 131 and 132 Chantry Gardens. That unadopted access was previously given as the reason for refusal in respect of application 04/00060/OUT, and was only subsequently accepted by the Highway Authority as a suitable access following the submission of an engineering appraisal and conditions requiring its upgrade.

The current application now proposes to "extend" an existing access route which serves three recently constructed dwellings on the adjoining site, and which emerges from the northwest corner of the site onto Chantry Gardens beyond No 137.

This proposed access is not, itself, ideal since it passes through an existing parking and turning area for 5 or 6 cars, and would also serve more than the five dwellings generally considered to be the limit for a private drive. However, the Highway Authority comments that this access

'...is preferable to the previously approved arrangement using the narrow track further along Chantry Gardens. This development utilises the last available space, meaning that no further dwellings will be served by the access.'

Against this background of highway support and a rather poor fallback access arrangement, and the fact that the parking provision for the existing dwellings will not be reduced or affected, the revised access arrangements are considered to be acceptable.

With regard to the proposed parking arrangements for the new development, two spaces each for the dwellings in the form of garage accommodation and a standing space, is an appropriate standard and unlikely to impact significantly on the acknowledged parking problems on the adjoining roads.

Design & Amenity Considerations

The change in access arrangements has required an amendment to the initial design and layout of the scheme. The principle of two storey terraced units is in keeping with surrounding development and revisions to the submitted plans to reduce the height of the brick-built dwellings will result in buildings of an appropriate scale and style.

In terms of amenity, it is inevitable that there may be some loss of privacy and overlooking of garden areas from two storey dwellings on the site, but this is a generally accepted fact within residential areas. To address this concern, however, the terrace of units has been 'brought forward' on the site to maximise distances to rear boundaries and existing properties. While these are not excessive, a minimum distance between rear elevations of 18m, offset by an oblique relationship, is considered to maintain acceptable levels of amenity and privacy for both proposed and existing residents.

Affordable Housing

While policy H2 requires this development to make a contribution to the delivery of affordable housing, an open book appraisal confirms that viability is currently an issue. It is agreed with the Housing Enabling Manager that a future contribution may be delivered in the form of a clawback arrangement secured by a S106 Agreement. The applicant has confirmed this is acceptable.

Additional Information

The application was deferred at the last meeting for the following information to be submitted:

1. Additional photographs of the current access arrangements into the site – these are included in the powerpoint presentation before members as has a revised site plan which shows the layout of the entire access road from Chantry Gardens into the development site.

2. Details of the applicant's control over the access – the applicant confirms that he does not control the access to the site, which is in separate ownership, but the necessary certificate has been served on him as procedurally required. Notwithstanding the ownership consideration, which is not an unusual circumstance in development terms, the owner of the access has submitted the following information:

1. Mr Mark Chamulewicz is developing some ground to the rear of my properties.
2. He is contracted to re-instate the access way to highway standards.
3. Double yellow line will be painted on both sides of the access way.
4. No parking/clamping signs will be put up on the end wall of 138 Chantry.
5. The existing footpath alongside my property will remain and be repaired.
6. I have no objections in having raised bricks or lines painted across the access way to connect the footpath from Church Street to the one alongside my property.'

3. Confirmation of whether there is currently a pavement along the access road – the photographs and revised site plan confirm that there is currently a length of tarmaced pavement along the north side of the access road where it abuts the adjoining shop and which continues around to the rear of the shopping parade. The owner has clarified his intentions above.

Since the original report was compiled, a further letter has been received from the Parish Council stating that

'The Council are not against the building of the three houses but are concerned with the proposed new access point that appears to have been created when an existing access point via another entrance has already been granted under a condition for another application (04/01274/OUT) for the development of this site, which is currently not being adhered to...'

Since that approved development is not now taking place and is superseded by the current application, it is clear that any approved conditions on the earlier scheme are not required to be complied with.

CONCLUSION

The current application is a 'revised' proposal for development previously agreed in principle and with submitted details that are now considered to be acceptable. The application is therefore recommended for permission subject to a Section 106 Agreement relating to the future contributions towards affordable housing.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a legal agreement to secure a clawback contribution towards affordable housing in accordance with policy.

Condition(s):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 The area allocated for parking 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.

7 The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times.

REASON: In the interests of highway safety.

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

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

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

RELATED PLANS

Drawing : GARAGE DETAILS received on 15.07.2008

Drawing : LOCATION PLAN received on 18.07.2008

Drawing : SITE PLAN received on 26.09.2008

Drawing : PLANS & ELEVATIONS received on 26.09.2008

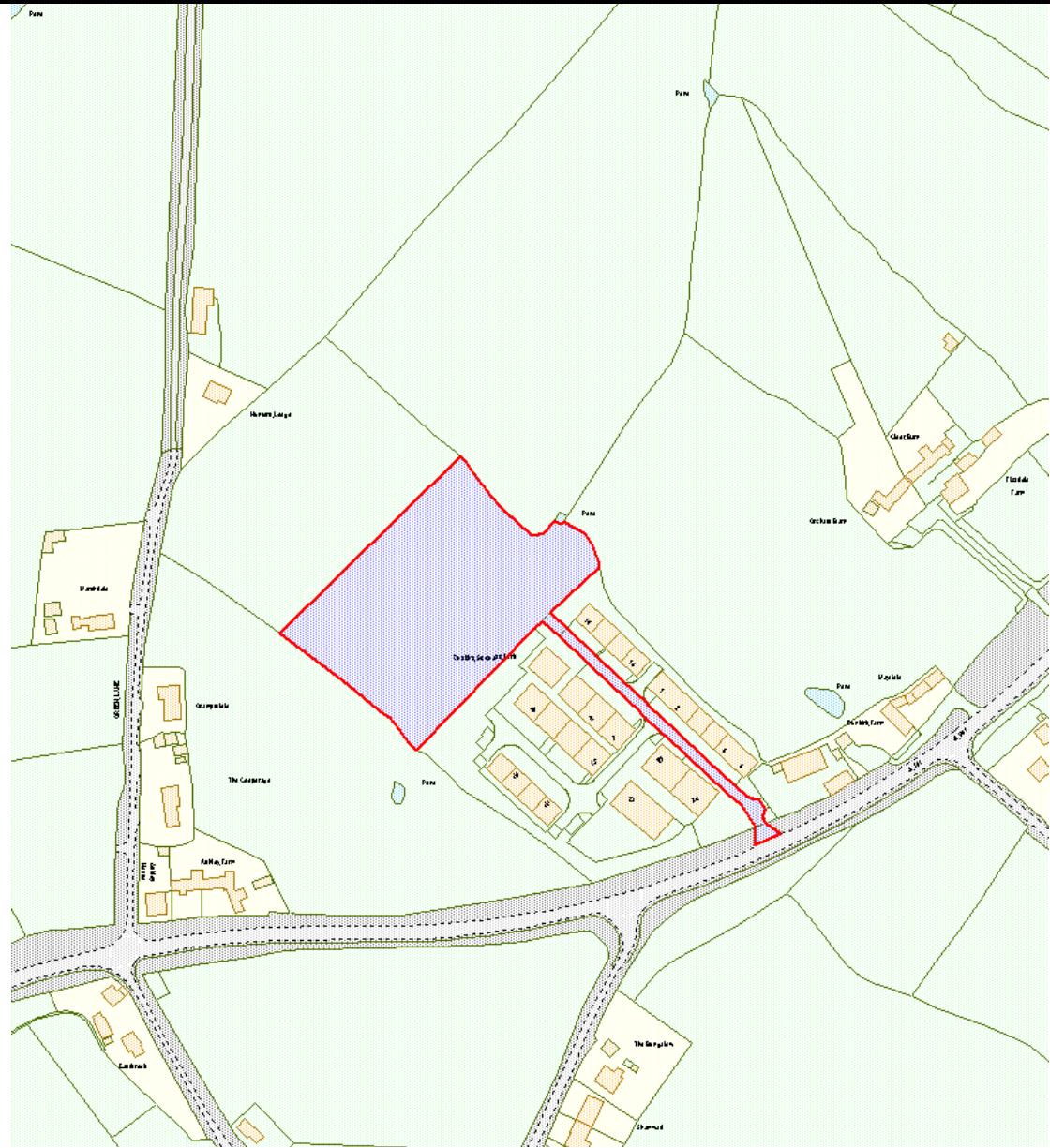
PLANNING COMMITTEE

4 December 2008

ITEM NO: 02

APPLICATION NO: 08/00496/FUL

LOCATION: Land North West Of Dunkirk Business Park Frome Road Southwick Wiltshire



NOT TO SCALE

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SLA: 100022961

02 Application: 08/00496/FUL

**Site Address: Land North West Of Dunkirk Business Park Frome Road
Southwick Wiltshire**

Parish: Southwick Ward: Trowbridge And Southwick

Grid Reference 382789 154839

Application Type: Full Plan

Development: Factory building for the construction of office chairs

Applicant Details: Summit Chairs Ltd
Treenwood Industrial Estate Rowden Lane Bradford On Avon
Wiltshire BA15 2AU

Agent Details: BBA Architects Ltd
Henrietta Mews Bath BA2 6LR

Case Officer: Mr James Taylor
Phone: 01225 776655 ext 169
Email: jtaylor@westwiltshire.gov.uk

Date Received: 19.02.2008 Expiry Date: 15.04.2008

COMMITTEE REPORT

This application is brought to the Planning Committee at the request of Councillor Trevor Carbin to assess the policy implications and the impact on economic development.

APPLICATION SITE & SURROUNDING AREA

The application site is located to the north west of the established Dunkirk Business Park which is situated to the west of Southwick village in open countryside accessed from the A361. The land is currently set-aside agricultural land. There are remote residential properties to the north-west, west and east of the application site. The site has an area of 1.08 hectares.

PROPOSAL

This is a full planning application for the erection of a factory building which would be used for the construction of office chairs. It proposes a total floor area of 2,976m² of which 2,544m² would be industrial floor space.

The proposed building would be approximately 61 metres long by 48 metres wide. It would have a height to eaves of approximately 6.3 metres and an overall height of no more than 9 metres. The building would have a large manufacturing floor space and ancillary space for reception, offices, meeting room, toilets, canteen and kitchen. The ancillary space would be contained in 2 storeys adjacent to the south-east elevation of the building facing back into the Dunkirk Business Park.

In addition to the building the proposal includes parking and turning to the north-west, a fenced delivery area to the west corner, landscaping including the creation of an enclosing soil bund and access through the business park to the main highway. The northern part of the application site would be left as grass. In addition the applicant has included details of a revised access to the whole business park, and this includes the creation of a right turn lane within the public highway.

CONSULTATIONS

Parish/Town Council

SOUTHWICK PARISH COUNCIL: Whilst the Council realise this application is an extension to what is considered to be the original business park they feel this proposal would be of benefit to local employment and note with pleasure the improvement to the access of the site and as such agree to view with favour. However the Council would wish to ensure that an adequate bund and screening for the proposed extension so as to reduce the impact on the surrounding countryside and a condition to prevent night-time working. Furthermore the Council do not wish to see any further enlargement of this site.

External

HIGHWAY AUTHORITY: "I can confirm that pre-application discussions took place with the agent with regard to overcoming the earlier highway grounds for refusal in connection with 06/02016/FUL. The agent undertook speed surveys on the A361 to ascertain the 85 percentile wet weather speed traffic in each direction. I was prepared to consider the data provided and agree the corresponding visibility distances which would be necessary for vehicles approaching at the recorded speeds; this approach would allow an access to be designed to accord with the appropriate sight distance and also take into account the safety aspects of the conflicting movements by the inclusion of a ghost island right turn lane.

"However, I remain dissatisfied that the full achievable visibility could be obtained in both directions. This is more clearly shown on drawing IMA-07-038-003, which shows that the achievable sight line is only achievable when the line is drawn against the CENTRE of the hedgerow to the west of the business park, i.e. on land not in control of the applicant. This view was expressed verbally to the agent. Similar concern also arises in the north easterly direction towards Southwick.

"The inclusion of a ghost island right turn lane would certainly improve safety for turning vehicles at the junction and there appears to be sufficient space on the main road, A361, to form such a junction within the limits of the existing overall width and length of highway land. However, without satisfactory sight lines the junction would remain hazardous. It must also be considered that A361 forms part of the Primary Route Network where the Structure Plan indicates that, 'new development should not be accessed directly from the National Primary Route Network outside built up areas, unless an over-riding need can be demonstrated', In this case, I remain concerned that the scale of the development, coupled with the insufficiency of the improvements proposed, presents a serious road safety hazard.

"I also refer to the recommendation letter dated 4th August 2006 from this Authority on the earlier submission. It was clear that the proposal could lead to additional development beyond that proposed. The current submission also shows that further land could be made available for development. This Authority therefore continues to be concerned that the scale of development currently proposed, together with further available space within the overall land area, presents a series hazard to road safety. This Authority is also supportive of the Planning Authority grounds for refusal in the earlier submission and considers that the development presents an unsustainable development in a location where there is likely to be an increase in longer and greater number of journeys by private car. Whilst this reason was not provided for the earlier, smaller scale development, it is now considered critical that development on the scale proposed is not provided in rural, non sustainable locations when more appropriate urban locations can be readily made available for new development or existing sites with consent utilised.

"I remain concerned that the submission has not satisfactorily discussed the access issues and a Transport Statement was not provided, as recommended in Government Advice on Transport Assessments. However, the views expressed above are based on the information provided and the discussions which have already taken place with the agent.

"I therefore confirm that this application should be refused."

ENVIRONMENT AGENCY: Must object to this application in its current form because it has been submitted without a flood risk assessment (FRA) contrary to the requirements of PPS25 paragraphs 10 and 13 and Annex E. The flood risks resulting from the proposed development are therefore unknown.

WESSEX WATER: No objection.

WEST WILTSHIRE ECONOMIC PARTNERSHIP: "My concern is that the applicant is an important local employer on a site in Bradford on Avon that has been developed to its maximum potential. The company has identified clear opportunities for expanding its current product range, but is unable so to do, without moving to a larger purpose built facility. In the best of interests of the company and its mainly local workforce it is essential that in attempting to relocate they remain in close proximity to their existing factory. The main focus of their production is at the budget end of the market and their ability to control costs and offer an exceptional level of service is the only way they have been able to survive in the face of intense competition from imports from the far-east.

"I am aware that over a long period of time they have been actively investigating every possible alternative within a reasonable radius of Bradford on Avon. Where land has been identified it has without exception been priced beyond the means of the business.

"The proposed development at land adjacent to Dunkirk Business Park offers them the only affordable site they have been able to consider. Having visited the existing factory and the proposed site at Southwick I am convinced that the site could provide a real solution to the main problem which is that of retaining employment for their mainly young workforce. I also recognize that the location of the site presents a number of significant challenges for development control. However I also believe that the benefits far outweigh the impact the development will have on the edge of Southwick. In recent years a number of employment locations within Southwick have been lost to housing and the development of the Dunkirk Business Park has provided some welcome replacement employment opportunities.

"Given that the application was validated on 19th February 2008, I am led to believe that although presenting difficulties, it is still receiving the serious consideration it clearly deserves. I have no doubt that if it was considered to be without merit or any possibility of receiving approval, a much earlier decision to refuse would have been issued.

"I know that Summit Chairs are looking at all possible options and having moved their business into Wiltshire some 20 plus years ago, they will not shy away from a move away from the County. Indeed I am aware that they have been exploring possible options in Wales and the accompanying support package that would be available to them.

"It would be a great pity to see a successful and expanding business being forced, by the impossibility of their situation, into leaving the area. Even at this late stage I would urge that everything possible is done to accommodate their application."

Internal

PLANNING POLICY: The Council is anxious to promote the economic development of the District, and in principle would wish to encourage the relocation, and expansion, of the applicant, Summit Chairs. However, the issue in terms of planning policy is whether the application site is acceptable for the proposed use. In light of the Council's planning policies clearly it is not.

The application should be refused on the grounds that it is contrary to Policy E6A and B, specifically that it creates highway problems, and that the scale, use and type of operation of the proposed use conflict with the Council's policy to maintain the rural character and appearance of the area.

ENVIRONMENTAL HEALTH: No objection subject to conditions regarding lighting, noise and operation hours.

REGENERATION MANAGER: "Whilst this is not an ideal site for this application given the scale of the proposed development compared with the smaller units currently present given the desire to keep Summit Chairs in the District I am inclined to support this application on purely economic grounds."

NOTIFICATIONS

Site Notices/Visits

Date of visit: The site was visited on 27 February 2008 and a site notice was erected at the entrance of the business park.

Neighbours

No comments received to date (04.11.2008)

RELEVANT PLANNING HISTORY

06/02016/FUL – Erection of light industrial buildings and associated siteworks – Refusal – 23.10.2006

KEY ISSUES

The key issues to consider with this application are the potential impact on the character of the area, the intrusion into open countryside, local employment and highway safety. Further the recent planning history of the site is a material consideration and the desire to retain local business should be discussed.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C1	Countryside Protection
C31a	Design
C32	Landscaping
C35	Light Pollution
C36	Noise
C38	Nuisance
E6	Rural Employment
T10	Car Parking
U1A	Foul Water Disposal
U2	Surface Water Disposal
U4	Groundwater Source Protection Areas
I3	Access for Everyone

Wiltshire Structure Plan 2016

DP1	Priorities for Sustainable Development
DP2	Infrastructure
DP3	Development Strategy
DP14	Housing, employment, and related development in open countryside
T6	Demand Management
T8	Transport Provision for new development
C5	The Water Environment
C12	Agriculture

National guidance

PPS1:	Delivering Sustainable Development
PPG4:	Industrial and commercial development and small firms
PPS7:	Delivering Sustainable Rural Development
PPG13:	Transport
PPS25:	Development and Flood Risk

OFFICER APPRAISAL

As in planning application 06/02016/FUL this application seeks to develop a Greenfield site to extend and expand an existing commercial business park to the west. The previous application involved a smaller area of land and a smaller scale of built form.

There have been no significant planning policy changes since that time and no other material considerations have been presented that would outweigh the relevant planning policies of the development plan.

The circumstances of the business and its need to relocate to larger facilities are understood and whilst sympathetic to this need it is considered that there are more local, sustainable and available employment sites in proximity to the existing workforce and within West Wiltshire. Whether these are financial viable for the applicant or desirable for the current workforce is not a planning consideration. The business proposed is not a rural enterprise and would be best located within allocated employment land or the established envelope of a commercial site.

The application site would be a considerable extension into open countryside that would be visible, prominent and out of character despite being adjacent to established commercial uses. Despite the landscaping proposed it would alter the character and appearance of the area considerably over its current open and agricultural land use.

The highway authority has verbally raised concerns over the development. The proposed access alterations do not form part of the application site, but have been noted. They would result in a considerable realignment of the A361, which would require a junction alteration at Hoopers Pool, loss of a hedgerow and a small portion of agricultural land in order to facilitate the right hand lane. Notwithstanding this proposal it is not considered that the highway concerns, especially the sustainability issue have been adequately addressed. The Highway Authority's objection is set out in detail above.

Further it is noted that a portion of land to the north of the building would remain open and this would be 'ripe' for development in the event of this application being allowed. This would further exacerbate the concerns over sustainability and highway safety.

The other consultation responses raised an objection on planning policy grounds and an objection from the Environment Agency for a lack of information in regards to assessing the possible flooding implications from the development proposed. This is sufficient to merit refusal also.

Favourable consultation responses have been received from the Council's Regeneration Manager and the West Wiltshire Economic Partnership who have given significant weight to the economic implications and the desire to retain successful and expanding local business within the District. However little regard to the planning merits of the specific application appear to have been made.

In summary the proposed development is broadly similar to that proposed in 2006 and which was refused. However the development is more substantial in many respects with a very large commercial building proposed in open countryside and a significant area of associated land for parking, turning and landscaping also included. There have not been any significant relevant policy changes, and although the circumstantial matters raised by the applicants have been noted they do not present sufficient justification to constitute a departure from the development plan or overcome previous reasons for refusal.

CONCLUSION

The proposals are in significant conflict with the adopted development plan and fundamental principles of planning and sustainable development; as such this application has to be recommended for refusal.

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed development by reason of its scale, size, siting and use would be a significant intrusion into open countryside that is not compatible with the rural character of the area and not essential to the rural economy in this unsustainable location contrary to Policies C1 and E6 of the West Wiltshire District Plan 1st Alteration (2004) and national guidance in Planning Policy Guidance 13: Transport.
- 2 The proposed major development by reason of the increase in use made of the sub-standard junction of the access road serving Dunkirk Business Park with the A361, which is part of the Primary Route Network and outside of a built up area, together with the generation of additional conflicting traffic movements on the A361 resulting from the proposal would be prejudicial to road safety and thereby contrary to Policy E6 of the West Wiltshire District Plan 1st Alteration (2004), Policy T8 of the Wiltshire Structure Plan 2016 and national guidance in Planning Policy Guidance 13: Transport.
- 3 The proposed development by reason of the inadequate justification for the loss of the land which is considered to be classed as the best and most versatile agricultural land is contrary to national guidance in Planning Policy Statement 7: Sustainable Development in Rural Areas at paragraph 28.
- 4 The proposed development by reason of the lack of a flood risk assessment (FRA) does not allow for a full and proper assessment of the flood risks resulting from the proposed development contrary to national guidance in Planning Policy Statement 25: Development and Flood Risk, paragraphs 10 and 13 and Annex E.

RELATED PLANS

Drawing : 2959/001 received on 19.02.2008
Drawing : 2959/002 received on 19.02.2008
Drawing : 2959/003 received on 19.02.2008

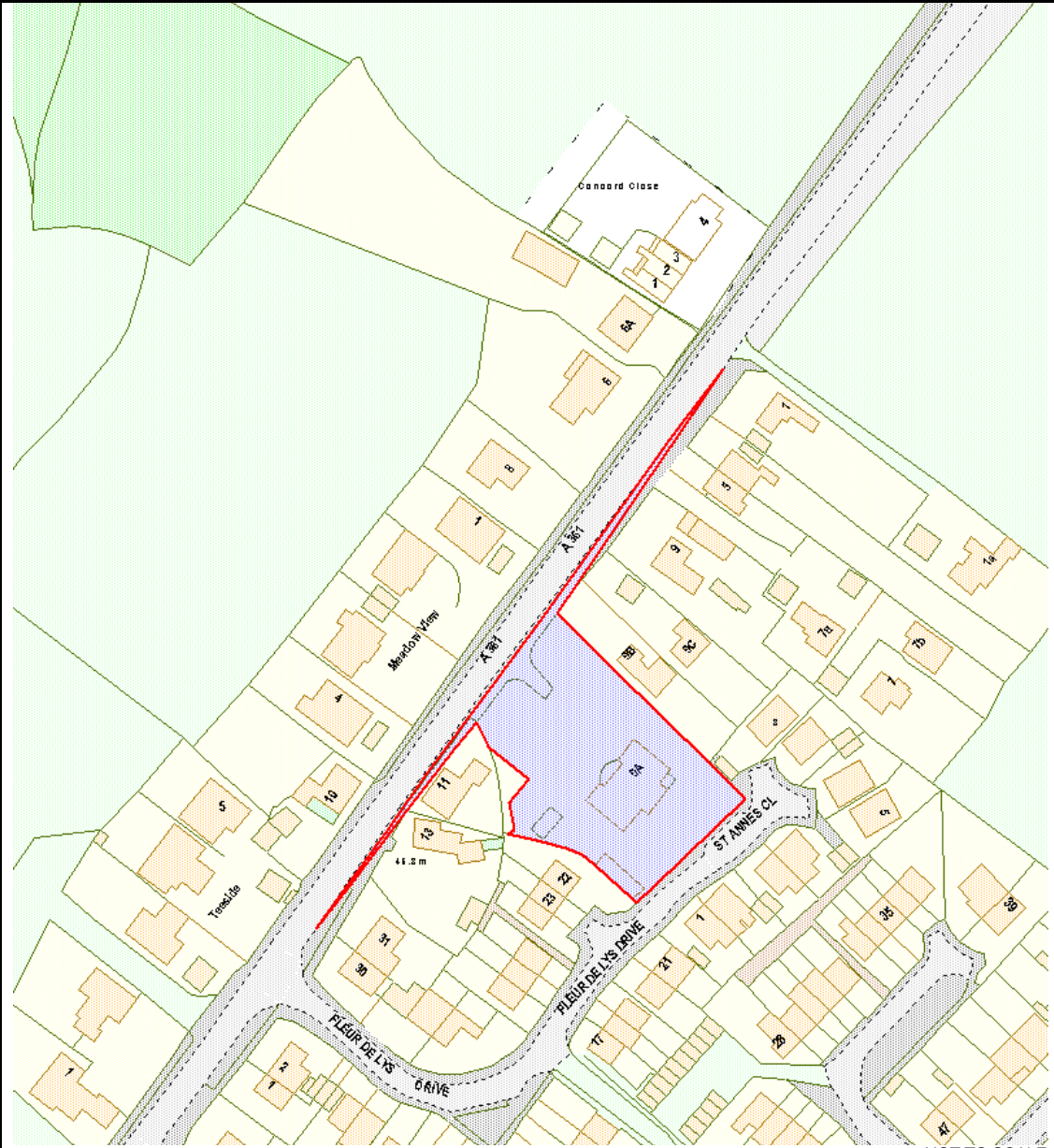
PLANNING COMMITTEE

4 December 2008

ITEM NO: 03

APPLICATION NO: 08/01990/FUL

LOCATION: 9A Frome Road Southwick Wiltshire BA14 9QB



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SLA: 100022961

03	Application:	08/01990/FUL
	Site Address:	9A Frome Road Southwick Wiltshire BA14 9QB

Parish: Southwick Ward: Trowbridge And Southwick

Grid Reference 384027 155578

Application Type: Full Plan

Development: Residential development of 12 dwellings, 24 parking spaces and new vehicular access

Applicant Details: Westlea Housing Association
Methuen Park Chippenham Wiltshire SN14 0GU

Agent Details: Broadway Malyan
FAO Adrian Keal 3 Weybridge Business Park Addlestone Road
Weybridge Surrey

Case Officer: Mr Matthew Perks
Phone: 01225 776655 ext 207
Email: mperks@westwiltshire.gov.uk

Date Received: 04.07.2008 Expiry Date: 29.08.2008

COMMITTEE REPORT

This application is brought to committee at the request of Councillor Phillips.

APPLICATION SITE & SURROUNDING AREA

9a Frome Road is a residential plot of 2800m² in extent, located to the south of Frome Road and approximately 100m to the north east of the Fleur de Lys intersection. The site is currently occupied by a single bungalow, with an access onto Frome Road and is located within the village policy limit for Southwick. The linear development along this part of Frome Road is variable in character, lacking any uniformity of design or density. The property extends through to St Annes Close/Fleur de Lys Drive to the south. This cul-de-sac is characterised by a mixture of two storey terraced and semi-detached dwellings and bungalows.

PROPOSAL

The application is for a residential development comprising 12 dwellings. The proposal involves the demolition of the existing dwelling on the site and its replacement with 8 X 2-bedroom and 4 X 3-bedroom houses. These would be arranged as 4 semi-detached properties and 1 terrace of 4 dwellings, all two storey in height.

Two sets of plans were submitted. The initial plans had dwelling designs that had a vertical emphasis that would have resulted in ridge heights to the buildings of 9.5m. Following an objection from the Parish and further negotiation, revised plans were submitted, with ridge heights reduced to 7.9m.

The dwellings would be arranged around a cul-de-sac that would provide access off of Frome Road. A footpath link between the Frome Road frontage and St Annes Close to the south is proposed as part of the scheme. No vehicular access would be provided off of St Anne's Close. Two parking spaces per unit are proposed per each dwelling.

A transport statement and design and access statement accompanied the application.

CONSULTATIONS

Parish/Town Council

SOUTHWICK PARISH COUNCIL

The Parish Council objected to the original proposals on the grounds of overdevelopment of the site. Other issues identified were that there may be drainage/sewer and water issues at this site, monies for playground facilities should be obtained by way of a section 106 agreement, a requirement should be that tenants/residents should have established links to the village, only single storey height buildings should be allowed adjacent to St Anne's Close, no parking should be allowed at the entrance to St Anne's close and a condition should be imposed requiring property and garden maintenance as part of rental contracts.

The Parish withdrew its objection when the revised plans were received but still expressed views that:

- the vehicular access must be from the A361 (Frome Road), this is particularly relevant due to the already highly congested parking in Fleur de Lys Drive, in that if there were a further 12 dwellings that required access via Fleur de Lys this would result in a further potential 24 cars, plus their visiting traffic and service vehicles increasing this congestion and creating additional hazards;
- drainage/sewage and water issues must be addressed;
- the parish would prefer a lower number of properties be built;
- the development should incorporate a Section 106 agreement to provide monies for playground facilities within the village.
- a condition be applied that applicants for tenancy/residents must come from Southwick or have family/links to the village.
- the properties abutting St Anne's Close should be bungalows. (It was however acknowledged the revised plans incorporate the lowering of roof levels and heights of abutting properties).
- a condition should be imposed stipulating no parking along the entrance road to St. Anne's Close.

It was noted there is an increasing lack of care of properties within the village and so property and garden maintenance is an issue. As a consequence the Parish Council request guidelines on the state of the property and gardens are included in the rental contracts and are listed as a condition of the planning agreement. This would help to ensure a certain standard of care maintained.

External

HIGHWAY AUTHORITY

The Highway Authority is satisfied that the access to the site has now been designed in accordance with pre-application discussions. However, the authority also recommended that a 2m wide footpath be provided, extending south of the site along the roadway and joining the existing footway. This has not been provided, but is discussed further below.

EDUCATION AUTHORITY

An education contribution will be required, at both primary and secondary school level.

WESSEX WATER

No comment received.

ENVIRONMENT AGENCY

No comments, but the agency has provided WWDC with plans showing historic landfill sites in the area.

Internal

ENVIRONMENTAL HEALTH

No objection, but the site historically was a brick works and there is a potential land contamination issue. Permission subject to conditions.

HOUSING SERVICES

Officers confirmed that Southwick is regarded as rural and as such the usual AH policy applies, namely 50% Affordable Housing 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. Therefore 6 dwellings for affordable housing would be sought on this site.

Further, there are in the region of 31 households in priority need in Southwick. The waiting list indicates that 74% of households require 1 and 2 beds and 26% of households require 3 beds. The Housing Needs Survey confirms that the greatest desire is for 2 beds across all tenures.

The applicants advised housing services that they were not able to provide any units at nil subsidy despite the fact that they plan to sell the remaining 6 units on the open market. This in turn led to the carrying out of an "open book exercise" aimed at determining the overall viability of the scheme. Following further discussions the applicants came forward with a proposal in terms of which they would make an application to the Housing Corporation for a grant of £70 000 per unit within 24 months of receipt of planning permission. If the grant were to be successful the applicant would construct 6 units for rent in accordance with the lettings nomination agreement that exists between the applicant and the WWDC.

Housing officers considered this and decided that a Section 106 agreement would be appropriate, but that a clause should be included to state that, if no grant is forthcoming, normal Affordable Housing provisions should apply, or alternatively the scheme should be 100% affordable housing.

LANDSCAPE OFFICER

There are a number of small trees on this site but they are of a small size meaning that it would be reasonable to allow their removal. The proposed development should incorporate at least 10 new trees, to be supplied as Extra Heavy Standards, and as a species of a medium size.

URBAN DESIGN OFFICER

There is concern (original plans) with the height and consequent dominance of the buildings in this setting. The scale of the buildings would not relate to the surrounds and the number of units should also be reduced. This aspect is discussed below in balance with the affordable housing provision.

NOTIFICATIONS

Site Notices/Visits

Date of visit: The site was visited on 11.08.2008 and 01.09.2008. Site notices were posted on both occasions, the second being in respect of the revised plans.

Neighbours

Initial Plans:

- additional vehicular movements on St Annes Close/Fleur de Lys Drive would be unacceptable;
- the new dwellings opposite No's 1 and 2 St Annes Close would have an overbearing impact on these properties;
- increased parking and use of St Annes Close would arise. This would be unacceptable in terms of noise and inconvenience;
- the footpath onto St Anne's Close would give rise to nuisance for residents;
- the proposed density is too high;
- there is an issue with the drainage in the area. Potential flooding problems;
- the access onto Frome Road would be dangerous;
- insufficient access for emergency or service vehicles;
- speeds in this area tend to be high, creating a hazard for people crossing the road to use the proposed footpath;
- noise and safety arising from parking and working on vehicles adjacent to No 9b Frome Road;
- overlooking onto No 9b;

- noise from children affecting no 9b;
- the terraced unit onto St Annes Terrace does not align with existing properties;
- the dwellings look suspiciously like 3 storey units - could the roof spaces not be used to convert the units to 3 storeys;
- the compactness of the development "must surely lead to urban unrest";
- the Highway Authority suggestion for a 2m wide pathway to the front of 13 Frome Road is not acceptable.

Revised Plans: 6 responses.

- No objection, but only if the vehicular access via Frome Road is retained and no access to vehicles from the rear should be permitted (5 similar letters);
- One letter of support was received,

RELEVANT PLANNING HISTORY

89/01545/OUT: Erection of 5 houses and garages and associated works: Permission : 14.11.1989

92/01228/OUT: Erection of five houses and garages and associated roads : Permission : 08.12.1992

93/00194/OUT: Five 2-bedroom starter homes with associated road and car parking areas: Permission: 25.05.1993

94/00355/FUL: Eight bungalows with access thereto : Permission : 10.05.1994

94/00898/FUL: Eight bungalows and garages with access : Refused : 30.08.1994 but granted on appeal: 03.04.1995

KEY ISSUES

The main issues in this case are the principle of residential development on this site in terms of Policy H17 of the District Plan with specific reference to the surrounding character, highway considerations and parking provision, and the relationship of the proposed dwellings to adjacent properties.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

H2 - Affordable housing within towns and villages

H17 - Village Policy Limits

H24 - Housing design

C31a - Design

C32 - Landscaping

C37 - Contaminated land

C38 - Nuisance

T10 - Car parking

PPS 1 - Delivering sustainable development

PPS 3 - Housing

OFFICER APPRAISAL

The application site is located within the village policy limit for Southwick. Within village policy limits, Policy H17 of the West Wiltshire District Plan 1st Alteration 2004 states that limited development within villages with a defined Village Policy Limit will be permitted subject to the proposal satisfying a number of criteria. These criteria include that the development would be in keeping with the character, appearance and spatial form of the surrounding area. That it would not create inappropriate backland or tandem development, that it would not result in the loss of an important open space or visual gap and that it would not result in highway problems and the development is satisfactorily serviced with adequate infrastructure.

Apart from the West Wiltshire District Plan 1st Alteration 2004 Planning Policies, Policy Statement 3 also offers further guidance on density. PPS3 seeks to encourage housing development in order to encourage the efficient use of land. This guidance further stresses the need for the provision of a range of residential types over all tenures.

Character, appearance and spatial form of the surrounding area

In this case the development would be set on a property that spans the area between Frome Road and St Annes Close/Fleur de Lys Drive. Surrounding development is highly varied in character.

The Frome road frontage between the village boundary to the east and Fleur de Lys Drive contains dwellings of highly variable age, materials and appearance. A number of fairly modern developments are interspersed between older properties, and plot sizes have no consistency. Gaps between dwellings are similarly inconsistent. The proposed scheme would present two buildings to this frontage, separated by approximately 11m and set back from the road by 7 to 8 metres. The scale of these buildings, although greater than of the dwelling to the immediate west would not be out of context with the wider Frome Road frontage.

The rear boundary of the site lies to the north west of the point where St Annes Close meets Fleur de Lys Drive. St Annes Close is characterised by semi-detached and detached single storey dwellings arranged around a cul-de-sac turning head. The development in Fleur de Lys Drive between the site and the intersection with Frome Road is occupied primarily by fairly modern terraced dwellings arranged in a compact manner. The proposed part of the development onto St Annes Close would be comprised of an end elevation to a terrace of four modest 2 bedroom units, and the rear garden spaces to a semi-detached pair. At present this frontage is defined by a 2m high close boarded fence forming the rear garden boundary to the bungalow. Whilst noting Parish comments it is considered that two storey dwellings on the northern side of Fleur de Lys Drive would not be alien to the setting.

The one other building in the proposed development would be a semi-detached pair that would face inward onto the proposed communal access and turning head, which would not be prominent to any existing street scene.

Seen in the context of this surrounding variable development in terms of form, appearance, and scale onto the street frontage and the absence of an established uniform character to the surrounding areas it is considered that no unacceptable harm to the existing street scenes would arise from the proposals.

The proposed density of the development is raised as an issue by the Parish and in neighbour comments. In this regard the Housing Officer's observations on the affordable housing need should be noted, i.e. "...there are in the region of 31 households in priority need in Southwick. The waiting list indicates that 74% of households require 1 and 2 beds and 26% of households require 3 beds. The Housing Needs Survey confirms that the greatest desire is for 2 beds across all tenures.". Whilst this on its own should not justify an over-intense development on the site and the observations of the urban design officer are noted, it is considered that the form of the site is such that the proposed density would not harm the surrounds. The proposal would give rise to a density of approximately 42 units per ha. which is above the national average recommended by PPS3 (30 units/ha.) but not alien to the wider Southwick Village settlement. Further, as noted above, the development has two frontages to existing public viewpoints, each of which would be acceptable in the existing setting. Eight two-bedroomed homes would be provided. This size of dwelling would tend to be occupied by small families, couples or possibly single persons, in turn justifying relatively small garden spaces and limiting likely demands on parking. The remaining four houses would also be fairly modest three-bedroom units provided with garden spaces equivalent to those found in many of the Fleur de Lys properties. The observations of the neighbour at No 9b to the north east on the turning head are noted. It is considered that a condition requiring robust boundary treatment (e.g. at least a 1.8m high brick wall) would limit potential nuisance, although vehicles using this would be limited in number where all units would have their own parking spaces, and the majority of these are located to the south and west of the proposed cul-de-sac, away from the boundary with No 9b.

In view of the above and considering the type of dwelling that would be delivered by the scheme in terms of identified needs it is considered that the development can be supported in this setting.

Highway considerations and parking provision

The Highway Authority identified two issues. The first, a visibility splay, has been provided in accordance with requirements. The second was that the a new public footway should be provided to the west of the property towards Fleur de Lys Drive. Whilst this would be an improvement to the existing lack of a proper pavement it is considered that it would not be achievable. The Highway Authority advised in discussion that no encroachment by a new path onto the existing road surface itself would be acceptable. This means that the developer would have to acquire land outside of its control fronting the neighbouring dwellings to the west in order to create a new path. The neighbour to the immediate west has indicated that this would not be accepted. This position is wholly understandable where the neighbouring dwelling has a very narrow open frontage onto Frome Road and a new path would pass immediately to the front of the windows to this house.

The proposed development does however provide for a footpath link between Frome Road and Fleur de Lys Drive. This is considered to be an improvement to the existing situation since this footway would link into an existing pathway network that extends, largely via estate roads and existing pedestrian links, to the Primary school, playing fields and community buildings. A neighbour observes that the pathway would encourage hazardous crossing of Frome Road to access the pathway. This view is acknowledged, but the existing situation is such that any resident walking along the southern side of Frome Road currently faces the option of either crossing the road or negotiating the potentially hazardous stretch to the west of the site. Seen in this context the proposed pathway is considered to be a significant improvement.

Parking on site makes allowance for two spaces per dwelling. Where eight of the dwellings are modest two bedroom units, parking provision is considered to be wholly sufficient.

Relationship of the proposed dwellings to adjacent properties

The two buildings to the Frome Road frontage and the semi-detached pair onto St Annes Close are orientated such that windows would face down the length of the site and not towards neighbouring properties to the east or west. This would not result in direct overlooking onto neighbours. The buildings on the south western half of the site would be orientated such that windows would face into the site or towards the west. In the case of the terrace of four units at the southern end of the site, upstairs windows would face either the blank end elevation of the neighbouring terrace to the west or the open-fronted driveway/parking area to the neighbouring dwelling. There is an existing substantial hedge on this boundary. The centrally located semi-detached pair is sited so that there is a greater depth of garden space (between 10 and 14m). The proposals include the alienation of a portion of land to No. 11 Frome Road. This portion includes a substantial hedge that currently provides a screen between the properties which would fall under the control of No. 11. Unacceptable loss of neighbouring privacy would therefore not arise.

The property owner to the south of St Annes Close has raised issues of potential overbearing by the proposed terrace at the southern end of the site. The highest point of the roof ridge to the new building would be at an elevation of approximately 27° when viewed from the street facing windows to the bungalow at No1. This is slightly higher than the 25° that is normally accepted but there are other mitigating factors. The end elevation to the terrace would be to the north-west and on the opposite side of the road at a distance of 12m, without any windows facing the neighbour's dwelling. The primary amenity space to the neighbouring property would be unaffected, being to the rear of the bungalow. No overshadowing would occur from the new building due to its position relative to the neighbour. On balance, and whilst acknowledging that the terrace would be a new element within the street scene, it is not considered that overbearing would occur to an extent that would unacceptably harm neighbouring amenity.

It is considered, in the light of the foregoing, that the proposal is acceptable when issues of relationships to neighbouring properties are considered.

Other considerations

In view of the comments of the Environmental Health officer and the Landscape Officer conditions specific to potential ground contamination and landscaping should respectively be imposed on any permission.

In order to ensure that Affordable Housing requirements are met, permission should only be granted once a section 106 agreement has been concluded in accordance with Housing Officer requirements. In view of the alternative possible arrangements identified by the Housing Enabling officer, the details of provision can only be determined once the outcome of a grant application is known.

The agreement should furthermore include provision for contributions in respect of recreational facilities and education provision.

The Parish raised certain additional issues in respect of requiring owners to manage their gardens and maintaining standards of care of properties. It is considered that these matters are most appropriately dealt with by way of lease agreements as opposed to planning conditions. The housing association would be the body most able and suited to ensuring that the site is dwellings are properly managed and maintained. Drainage issues would be addressed at the stage that building regulations drawings are submitted, but should also be subject to a condition.

CONCLUSION

Permission is recommended subject to the completion of a legal agreement to secure the provision of a contribution towards affordable housing, education and recreational facilities as follows:-

- (a) Affordable housing provision to be derived from an application by the applicants to the Housing Corporation for a grant of £70 000 per unit within 24 months of receipt of planning permission with a view to the construction of 6 units for rent in accordance with the lettings nomination agreement that exists between the applicant and the WWDC. In the event that a grant is not forthcoming the agreement shall provide for affordable housing in accordance with the standard provisions of Policy H2 of the District Plan and the SPG on Affordable Housing, or the scheme shall be 100% Affordable Housing.
- (b) A financial contribution towards primary and secondary education provision. This contribution shall accord with the requirements of the Department for Children and Education, Wiltshire County Council and is dependent on the level of Affordable Housing provision; and
- (c) A financial contribution of £4000 towards the provision of public open space.

JUSTIFICATION FOR RECOMMENDATION:

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

RECOMMENDATION:

That the Development Control Manager be authorised to grant permission on completion of a Section 106 agreement to secure the following:

- (a) Affordable housing provision in accordance with Policy H2 of the West Wiltshire District Plan and the SPG on Affordable Housing subject to Housing Corporation funding of £70,000 per unit or 100% affordable housing provision;**

(b) An index linked financial contribution towards primary and secondary education provision in accordance with the education authority approved formula dependent on the level of Affordable Housing provision; and

(c) An index linked financial contribution of £4000 towards the provision of public open space.

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 development hereby permitted shall not be occupied prior to the construction of an access and visibility splay in accordance with details to be submitted and approved in writing by the Local Planning Authority. The access shall include 10m radius kerbs at the junction with Frome Road and 90m visibility splays in both directions along Frome Road as indicated on layout plan 07:020:03.

REASON: In the interests of highway safety

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

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

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

- 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 plan shall include provisions for an appropriate screening wall to be constructed, at a minimum, from the rear boundary of plot 1 as shown on layout plan no. 07:0202:03 and the point where the site boundary coincides with the rear boundary of the neighbouring property No 9b Frome Road. The boundary treatment shall be completed before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory and in the interests of neighbouring amenity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C32 and c38.

6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. Provision shall be made in the scheme for at least 10 new trees, to be supplied as Extra Heavy Standards, and as a species of a medium size.

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

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

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

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 An investigation and risk assessment in respect of land contamination must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This study must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 11 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and shall be subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 12 The approved remediation scheme referred to in condition 11 shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 10 and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 14 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an agreed period, and the provision of reports on the same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority. This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 '.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 15 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until conditions 10 to 14 have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 14 has been complied with in relation to that contamination.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C37.

- 16 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended, or any order revoking and re-enacting that Order with or without modification, no upstairs windows, other than those hereby approved, shall be added to the side elevations of any of the buildings hereby permitted.

REASON: In the interests of amenity and privacy.

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

Note(s) to Applicant:

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to connection to and protection of water infrastructure.

RELATED PLANS

Drawing : 07:020:03 REV A received on 20.08.2008

Drawing : 25659-P-103 received on 20.08.2008

Drawing : 07:020:06 received on 20.08.2008

Drawing : 07:020:07 REV A received on 20.08.2008

Drawing : 07:020:08 REV A received on 20.08.2008

Drawing : 07:020:09 REV A received on 20.08.2008

Drawing : 07:020:10 REV A received on 20.08.2008

Drawing : 07:020:05 received on 04.07.2008

Drawing : 25659-P-101 received on 04.07.2008

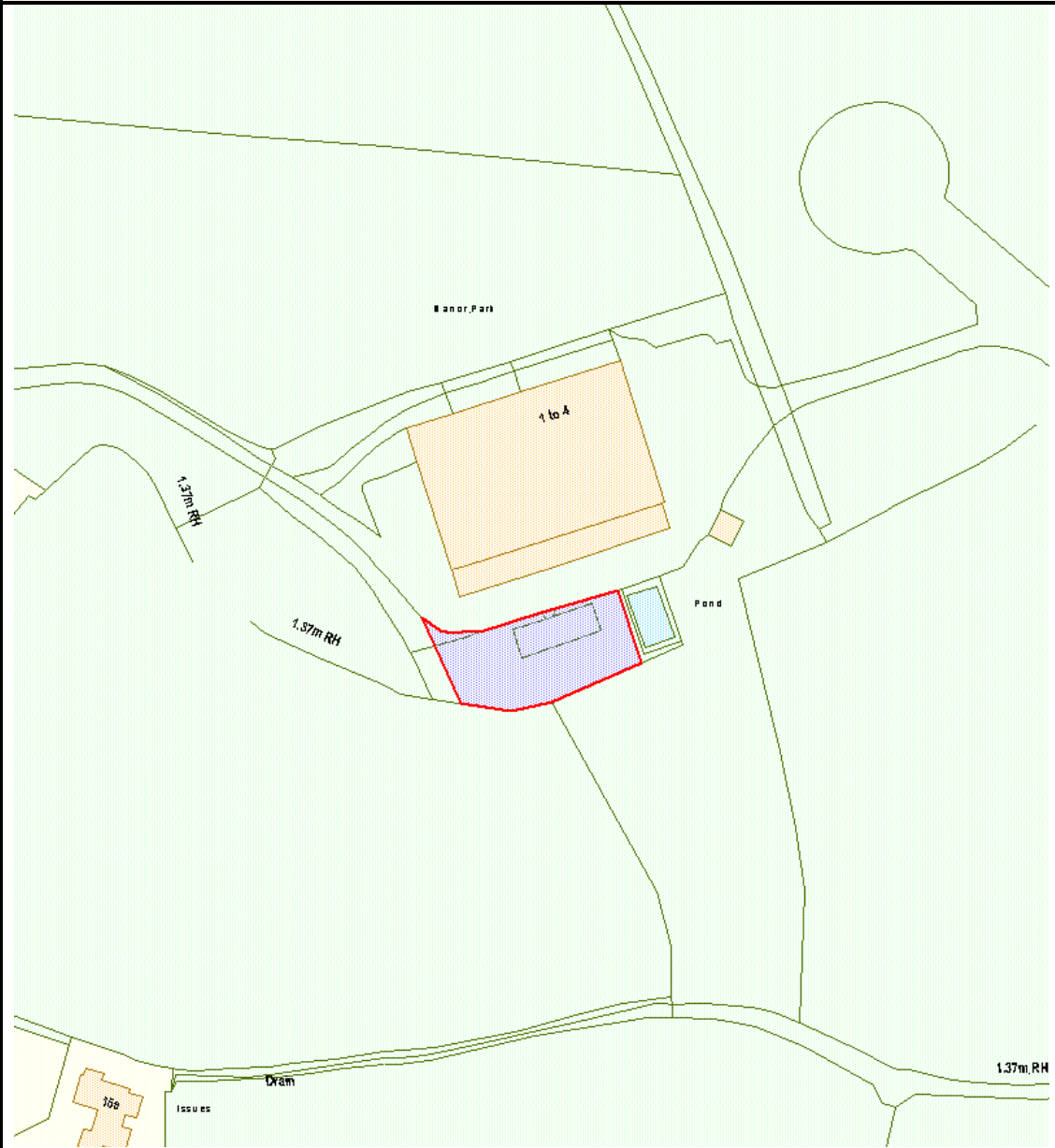
PLANNING COMMITTEE

4 December 2008

ITEM NO: 04

APPLICATION NO: 08/02974/FUL

LOCATION: Manor Park The Strand Steeple Ashton Wiltshire



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SLA: 100022961

04 Application: 08/02974/FUL

Site Address: Manor Park The Strand Steeple Ashton Wiltshire

Parish: Steeple Ashton Ward: Summerham
Keevil

Grid Reference 391038 157033

Application Type: Full Plan

Development: Erection of five storage sheds

Applicant Details: Fastglobe (Mastics) Ltd
2 Manor Park The Strand Steeple Ashton Wiltshire BA14 6ER

Agent Details: Mr D G Norcross
St Edith's Lodge St Edith's Marsh Bromham Chippenham Wiltshire

Case Officer: Mr Kenny Green
Phone: 01225 776655 ext 174
Email: kgreen2@westwiltshire.gov.uk

Date Received: 15.10.2008 Expiry Date: 10.12.2008

COMMITTEE REPORT

This application is brought to Committee because both Keevil and Steeple Ashton Parish Council's object to the proposed development contrary to your officer's recommendation.

APPLICATION SITE & SURROUNDING AREA

Manor Park is located outside the established village policy limits of Steeple Ashton and comprises an existing warehouse (a B8 class use) which is serviced off Church Street and The Strand, a narrow lane that is located off the High Street. The surrounding land abutting the application site is agricultural land associated to Manor Farm, which is located about 170 metres to the north west of the warehouse.

PROPOSAL

Under this application, the applicants seek planning permission for the erection of 5 no. storage sheds measuring about 17.6 square metres and 2.4 metres in height. The sheds would be sited to the south of the existing warehouse facility and be used for storage purposes for one of the existing warehouse units.

The storage sheds would be of metal construction and be painted olive green to blend in with the surrounding landscape and match the colouring of the warehouse facility.

The applicant submits that the sheds would be adequately screened by existing landscape planting and also intends to construct a grassed bund to the rear of the sheds. No details of the bund has however been submitted.

The sheds would be used for the storage of paints, primers, silicones, felt and other associated materials.

Prior to the submission of this application, the applicants and their agent met with a representative of the County Council Highway Authority and submit that the trips to the warehouse premises (prior to the habitation by the present occupiers) would have been 8 car / small van trips per day and an average of 2 large delivery vehicles trips per day. There were additional trips by the contractors during the refurbishment works comprising 8 small vans per day. For the avoidance of any doubt, the refurbishment work has been completed.

The applicants submit that the local objections (raised previously) were made "in anticipation of increased traffic flow". The applicants maintain that the traffic flow would "remain the same" as it has since it first occupied the building (in May 2008). The applicants also submit that the level of traffic generated by the existing 23,000 square foot warehouse facility (a B8 Class Use) "falls in line with the amount of trips they would be entitled to under the TRICS Indices as guided by their expert advisors SLR Consultants".

The additional 5 no. storage sheds are urgently required to replace the temporary storage containers sited externally. If given approval, the applicant would accept a condition requiring their removal upon the completion of new sheds.

CONSULTATIONS

Parish/Town Council

KEEVIL PARISH COUNCIL - Objects to this application citing the following reasons:-

The number of cars, commercial vehicles and HGV movements are a key factor in this planning application. Both Keevil and Steeple Ashton Parish Councils are very concerned already about the level of traffic, particularly HGVs, using The Strand and Church Street. The Strand is a narrow carriageway tapering to nearly a single vehicle width in places leads to Church Street, the junction of which on to High Street suffers poor visibility.

Any increase in usage would be detrimental to existing resident's amenity. The addition of any storage units would almost certainly lead to increased vehicle movements.

There are already parking difficulties on these residential roads which can cause traffic problems. Access for emergency vehicles would be difficult on occasions.

STEEPLE ASHTON PARISH COUNCIL - Objects to this application citing the following reasons:-

Whilst recognising that the application site falls within the Keevil Parish, the only access to the site is through Steeple Ashton village, which falls within Steeple Ashton Parish.

The principal concern held by the Steeple Ashton Parish Council relates to the extra traffic any further building would generate. The traffic, which could include large articulated vehicles, would have to drive along narrow, restricted lanes to reach the village from the main routes, and then drive along the even narrower Church Street and The Strand, which tapers to near single vehicle width in places and then traverses a farm yard.

23 dwellings are serviced by the lane formed by Church Street and The Strand. Of these, 7 do not have off-street car parking provision and many times there are vehicles parked on the pavement (this being the only way that passage can be made for HGV and farm vehicles). This, in turn forces pedestrians, often the elderly who are hard of hearing, and others, sometimes pushing infants in prams to walk in/on the road.

Many of these 23 dwellings are significantly old, particularly on the eastern side of The Strand, which has 5 listed buildings. 2 of the 5 are over 400 years old with others approximately 300 years old. These properties are only a narrow footpath's width from the road and were not built to withstand the daily shaking by large vehicles.

The junction of The Strand and the High Street suffers from poor visibility and without any doubt, any increase in usage would be folly and detrimental to existing residents and their amenity.

Additional traffic generation would likely increase the risk of traffic accidents/incidents and the further destruction of the road surface.

It is acknowledged that the applicant believes that the sheds would not create any more traffic than at present, however, the Parish Council are concerned that if the sheds gain permission, traffic levels would increase, as in previous years, with serious consequences for the village.

In determining an appeal in March 2002 for residential development, the Planning Inspectorate noted that "The fall back position of lawful use for warehousing with ancillary accommodation is clearly possible, including the use by heavy goods vehicles. However the width, nature and configuration of The Strand and Church Street and the route of the narrow access track through a working farm are factors what would render access by such vehicles difficult and undesirable". In the Inspectors opinion, "they would act as a deterrent to potential users requiring regular frequent traffic movements involving heavy goods vehicles. From the representations it is apparent that there is little traffic to the site at present. Although more active marketing might give rise to greater use than is currently the case (the Inspector was in) in little doubt that the proposed development would lead to a significant increase in the use of roads leading to the site". The Inspector also concluded that "the presence of parked vehicles on the residential streets, the substandard visibility available at some points and the lack of passing places on the access track...the use would add to the risk of accidents, detrimental to highway safety".

Such a conclusion has been proved correct. More active marketing has given rise to greater use and the Parish Council and villagers are concerned that further development will lead to even added use.

The planning history for the site must be considered. Originally permission to use the site for the current purpose was granted in 1968 with access from an airfield. It must be recognised that the site would unlikely gain approval for its present use today due to the access problems. Its current use is permitted through an established use certificate dating from 1988.

When the owners of the property applied for an Established Use Certificate in 1988 as warehousing with ancillary accommodation, there was much concern over the traffic that would be generated and indeed in 1990, WCC objected to a license being held for the operator of the warehouse due to concerns of the access and detriment to the area. In the ensuing 20 years, Lorries have got larger and heavier and it is feared that if this application is approved, even heavier traffic will travel over these narrow lanes in the future.

The Parish Council recommends that if permission is granted, a condition is attached restricting any further building on the site. A speed limit and weight limit should also be placed upon Church Street and The Strand from the High Street to the application site.

The Parish Council recommends that the application is refused and that Members of the Planning Committee visit the site to appreciate the access constraints.

External

THE FRIENDS OF STEEPLE ASHTON - Raise queries about whether conditions applied to the original approval of using the hangar for storage purpose were complied with.

There has been a long history of local protest about the traffic using The Strand to access the site. Over the years, vehicle numbers and their tonnage has become increasingly intrusive and damaging.

The Strand is one of the narrowest lanes in the village. Residents accept the fact that The Strand is a route to the farm. What has always caused anxiety is the frequent passage of large articulated Lorries, plus the accompanying fleets of vans and cars. The size and volume has increased enormously over the last two decades and at every stage of the hangar's commercial use, there have been complaints from the residents whose dwellings are shaken by vehicles larger than the buildings and whose quality of life deteriorates by the year.

As Friends of Steeple Ashton have suggested before, there must be grounds for establishing weight limits and/or permitted traffic levels which would ensure a more reasonable use of the storage available. This idea was given official consideration 20 years ago. It is necessary now.

The Friends of Steeple Ashton would therefore object to any additional construction on the site, whatever its purpose. To set a precedent for building on adjoining land outside the former hangar, or for increasing the space internally for additional storage purposes, seems inappropriate and irresponsible.

THE ENVIRONMENT AGENCY - No objection but recommends that a directive is attached to any permission stating that the applicant contacts the Agency to discuss drainage issues.

COUNTY COUNCIL HIGHWAY AUTHORITY - No objections. The Highway Authority recognises that the access road serving the site is narrow in areas and not considered suitable for an increase in traffic. Therefore, the Authority would not accept any future proposals that would result in any increase in traffic.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 22.10.2008 - The site notice was attached to a pole along The Strand, close to the access entrance to Manor Farm.

Neighbours

4 letters of objection were received from third parties raising the following observations:-

If the existing buildings are replaced with permanent structures, then it would be a matter of time before the applicant would apply to extend them again at a later date and get what they requested in their original application. The proposed units are spaced only 1 metre apart which could in time lead to one permanent structure being created.

The Strand is not suitable for the existing heavy traffic e.g. commercial vehicles both large and small - the road is badly pot-holed and narrow. Some of the vehicles drive at speed and as there is no pavement in certain areas, there is likely to be an accident in the future.

Our bedroom backs onto Manor Farm entrance and if a permanent building does go ahead we are concerned that the vibrations could damage the integrity of our listed property in the future.

If local objections are out-voted, would it be possible that if planning permission were granted a 15/20 mph speed limit be enforced on The Strand, and that the road be resurfaced at the expense of the developer and retained in good condition at all times (not from individual ratepayers) as the existing volume has caused the damage.

There should also be a restriction placed on the size of vehicles using the route from the public highway to the application site.

The existing warehouse facility already has 4 storage outbuildings next to the brick garage, which were erected without the requisite approval of the Council.

It is also submitted that the applicants chose to let the hangar to other third parties only to find that they insufficient space for their own use.

RELEVANT PLANNING HISTORY

79/01386/EUD - Application for Established Use Certificate - Withdrawn - 01.03.1980

88/00227/EUD - Application for an Established Use Certificate as warehousing with ancillary accommodation - Approved 30.08.1988

89/00402/OUT - Residential Development - Refused - 16.05.1989

02/00456/OUT - Residential Development following demolition of existing structures - Refused
03.07.2002

08/01098/FUL - Erection of nine storage sheds - Withdrawn - 11.08.2008

KEY ISSUES

The key planning issue relates to road safety.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C31a - Design
C32 - Landscaping
C38 - Nuisance
E6 - Rural Employment

OFFICER APPRAISAL

West Wiltshire Local Plan Policy E6 clearly states that development proposals involving the extension to an existing employment enterprise should only be permitted provided it does not create significant highway problems. As far as the application is concerned, the applicants and their agent have satisfied the County Council Highway Authority that the proposed sheds would not generate additional traffic to and from the site. On the basis of the above, the District Council would have great difficulty defending a refusal decision on road safety issues, without the support of roads engineers. The highway problems illustrated by the Parish Councils and locals relate to longstanding existing circumstances. That said, the County Council Highway Authority have clearly stated that any further development which would increase traffic flow, would not likely be supported.

Placing speed and weight limits on the public road network (which services the application site) is not considered to be necessary (it should also be noted that the County Council Highway Authority does not highlight this as being necessary) and therefore, any such condition would fail to accord with the "Wednesbury" Principles - which defines six tests which all planning conditions must conform to.

Policies E6, C31a and C38 also refer to the need for development proposals being of an appropriate scale, design and siting to ensure that the surroundings and neighbouring land uses are not compromised. The proposed storage sheds would be erected in close proximity to an existing warehouse facility. In design terms, the sheds would not appear visually obtrusive. The bunding proposal would ensure that the sheds are appropriately screened. However, with the absence of any detailed plans of the bunding, it is necessary to condition the construction of the bund so that the Council is satisfied about its form and landscape planting to satisfy local plan policy C32.

The Council is aware that there are unauthorised outbuildings and external storage associated to the warehouse. This breach was passed to the Council's Enforcement team to investigate and discussions were held with the Development Control Manager to decide on the best course of action. In this particular case, officers decided that if the proposals were to be supported, a planning condition requiring the removal of the unauthorised storage buildings would be appropriate. If however, the application is not supported by Members, enforcement action is an option the Council would need to consider.

Whilst the unauthorised outbuildings fall outside the red line boundary of the application site, they are contained within the blue line denoting the ownership of the application. This provides the Council with the opportunity to condition the removal of unauthorised outbuildings and external storage upon the completion of the 5 no. storage sheds.

CONCLUSION

Whilst the local objections are fully recognised, the fact that the County Council Highway Authority reports that there would be no discernible additional traffic generation, and thus, received the full support of the Highway Authority, there are no material grounds to refuse this application. The design, detailing and siting of the storage sheds is considered acceptable and with a planning condition requiring the removal of the unauthorised outbuildings, the development of the existing premises would accord with the above listed policies.

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

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

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

- 3 Prior to development commencing a plan showing the unauthorised buildings shall be submitted to the Local Planning Authority and these buildings shall be permanently removed from the site before bringing into use the five sheds approved by this permission.

REASON: To avoid a clutter of unauthorised and inappropriate buildings in this countryside location.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 Policy C1.

- 4 Details of the construction of the grassed embankment / earth bund shall be submitted to and approved in writing by the Local Planning Authority, and its construction completed, prior to the first operational use of the storage sheds hereby permitted. The bund shall not exceed 4 metres in height above ground. Where necessary, the details submitted shall include measures to conserve trees and hedges and to prevent spillage of material on to adjacent land.

REASON: In the interests of pollution prevention and amenity.

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

- 5 No materials shall be deposited in a bund other than naturally occurring soil and subsoil, clay, rock, stone, broken brick and broken concrete. All bunds shall be finished with a minimum thickness of 150 mm of topsoil suitable for the planting of grass shrubs and trees in accordance with the approved landscaping scheme.

REASON: In the interests of pollution prevention and amenity.

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

- 6 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.

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies E2, E4 & E6.

- 8 The development hereby approved shall remain ancillary to the main warehouse use in this application.

REASON: To prevent separation of the activity and in the interests of road safety and to prevent additional traffic generation.

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

Note(s) to Applicant:

- 1 The applicants are advised to contact the Environment Agency prior to the commencement of works on site to agree the satisfactory discharge of foul or contaminated drainage. For the avoidance of any doubt, 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.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

RELATED PLANS

Drawing : SITEMAP received on 15.10.2008

Drawing : 0801/F1 B received on 15.10.2008

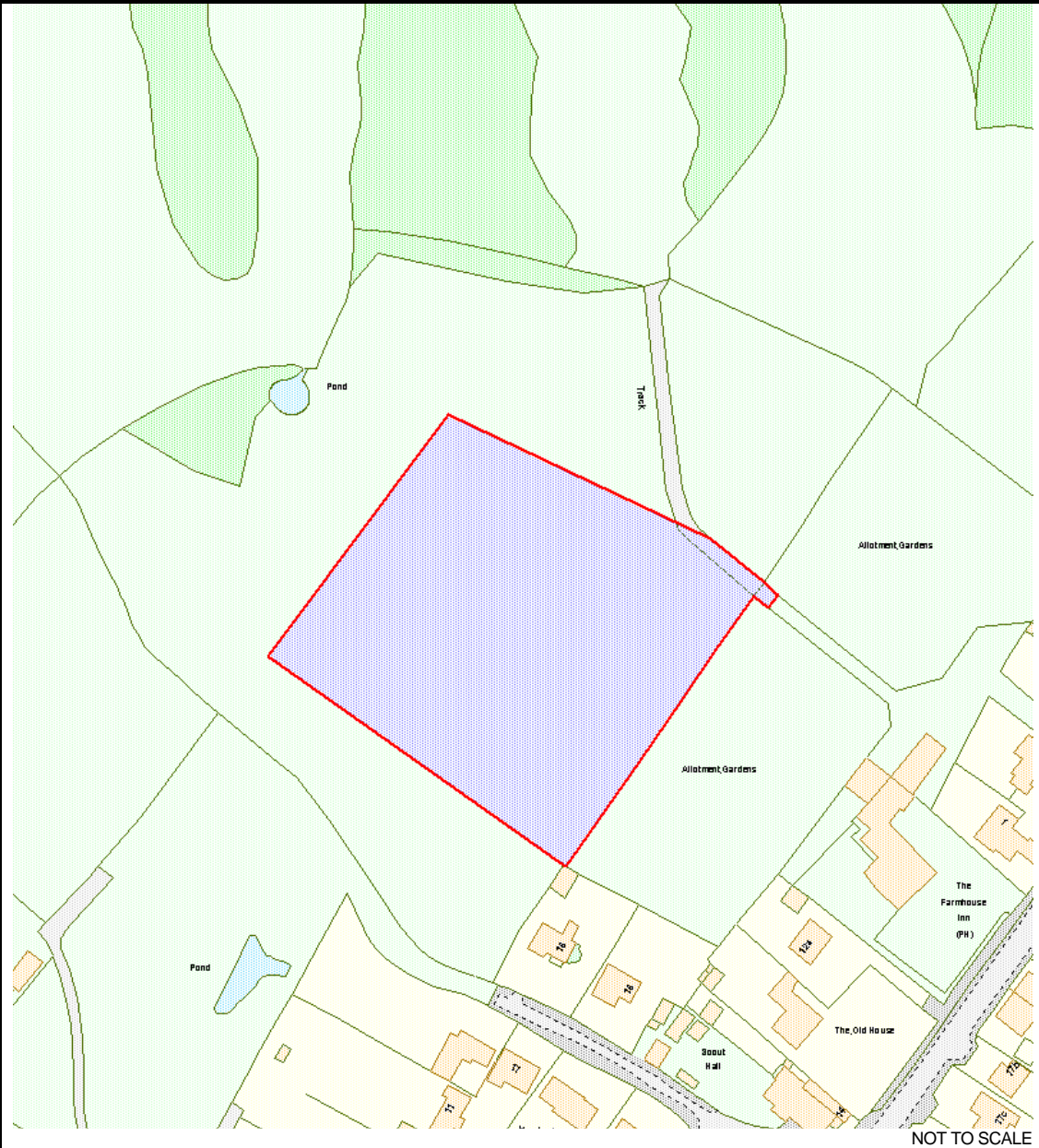
PLANNING COMMITTEE

4 December 2008

ITEM NO: 05

APPLICATION NO: 08/02897/FUL

LOCATION: Land Rear Of Allotments Frome Road Southwick
Wiltshire



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SLA: 100022961

05 Application: 08/02897/FUL

Site Address: Land Rear Of Allotments Frome Road Southwick Wiltshire

Parish: Southwick Ward: Trowbridge And Southwick

Grid Reference 383705 155569

Application Type: Full Plan

Development: Change of use from land forming part of Southwick Country Park to allotments

Applicant Details: West Wiltshire District Council
FAO John Follows Bradley Road Trowbridge Wiltshire BA14 0RD

Agent Details:

Case Officer: Mr James Taylor
Phone: 01225 776655 ext 169
Email: jtaylor@westwiltshire.gov.uk

Date Received: 03.10.2008

Expiry Date: 28.11.2008

COMMITTEE REPORT

This application is brought to the full Planning Committee because it is the Council's own application, in the interests of public transparency in the decision making process.

APPLICATION SITE & SURROUNDING AREA

The application site is currently part of the Southwick Country Park and may be described as grassed open public space. It is an area of approximately 1.1 hectares being 105 metres by 102 metres, approximately.

The site is immediately to the north west of the existing allotments site in Southwick, which can accommodate . The current boundary between the two is a nature hedge and drainage ditch, the boundary runs south west to north east. The application site is flanked by designated public rights of ways.

PROPOSAL

The proposal is for the change of use of the land to allotments. The proposals include sufficient space to establish an additional 44 allotment plots on the 1.1 hectare area. Further provision would be made in the east corner for turning of vehicles.

The proposal includes no additional parking, rather it would make use of the established allotment parking which may accommodate approximately 11-21 vehicles depending on the efficient use of the space.

The proposals include details of the boundary treatment which will be to match the existing 1.2 metre high timber post and rail type arrangement with wire mesh.

CONSULTATIONS

Parish/Town Council

SOUTHWICK PARISH COUNCIL: It was decided by the Parish Council to view this application with favour but they would like a condition applied that a percentage of the allotments are made available to residents of Southwick.

External

HIGHWAY AUTHORITY: "I am of the opinion that adequate car parking can be provided within the curtilage of the site to serve the existing and proposed allotments. I recommend no highway objection is raised."

ENVIRONMENT AGENCY: No objection.

LIBRARIES AND HERITAGE: The Wiltshire Sites and Monuments Record shows that within the proposed area of allotments, a small group of linear features have been recorded as cropmarks on aerial photographs including at least one square enclosure (ST85NW465). An evaluation trench dug in 1995 revealed the remains of a linear earthwork or platform containing medieval finds and sealing an isolated posthole, a possible soak-away, two more linears and a pit or ditch terminal. A large amount of 13th century pottery was recovered from both the earthwork and features it sealed.

The field excavation showed that the bank or platform was sealed below approximately 250mm of soil cover. It and the other archaeological remains it seals should therefore remain largely undisturbed by the digging or rotovating of the allotments. On this basis, there are no archaeological recommendations being made on this planning application. However, if extensive groundworks do become necessary at a future stage, then the applicant should contact this office to discuss.

DISTRICT ECOLOGIST: No objection.

Internal

LEISURE MANAGER: Verbal consultation response was fully supportive as there is a recognized need for additional allotments in the Trowbridge area.

TREE AND LANDSCAPE OFFICER: Verbal consultation highlighted that the boundary treatment should be a stock proof fence, standard height of 1.4 metres with a hornbeam hedge or similar planted inside the fence line which can grow through and be maintained as part of the allotment site.

NOTIFICATIONS

Site Notices/Visits

The application was published by site notice, neighbour notification and advertisement in the Wiltshire Times.

Date of visit: 15 November 2008.

Neighbours

3 letters received, including 2 objections. The following points have been raised:

- welcomes the productive use of land
- would want all public rights of way maintained without diversion.
- Fail to understand why the area to the south is not also utilised.
- The fencing is out of keeping.

- Addition of sheds would be out of keeping and inconsistent with restriction on Fairfield Meadows properties.
- Parking provision may be inadequate and use of vehicles is contrary to the 'green' concept.
- Additional noise and bonfires will impact on neighbouring amenity.
- In summary the proposals are not well thought out and should be reviewed.
- The Country Park is the jewel in the crown of Trowbridge, and the best walk has been lost to the Hope Centre already.
- This will set a precedent and where will it end? We shall all be walking on top of each other disturbing wildlife.

RELEVANT PLANNING HISTORY

None

KEY ISSUES

The key issues to consider with this application are the potential loss of open space for some users balanced against the provision of further public allotment facilities. Further the implications for the visual amenity of the area, highway safety, neighbouring amenity and the public rights of way should be considered.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan - 1st Alteration (2004)

C1 Countryside Protection

R9 Country Parks

R11 Footpaths and Rights of Way

R12 Allotments

OFFICER APPRAISAL

This is an application for further allotment facilities adjoining the existing West Wiltshire allotments in Southwick. This would encroach into the Southwick Country Park of an area approximately 1.1 hectares in size.

The development plan policy relating to allotments, R12 provides no guidance on the provision of additional allotments, rather it focuses on ensuring that existing allotment space is not lost. Policy R9 guides on setting up of the Country Park, but gives no relevant advice on proposals within it.

The proposals would result in the loss of a relatively small portion of the 58 hectare Southwick Country Park. Whilst this is regrettable the proposal would mean that additional allotment plots would become available. The submission has highlighted that Southwick allotments have a waiting list of 37 people, and a further 77 in Trowbridge and North Bradley are on waiting lists for allotments. The addition of 44 allotment pitches would go some way to meeting this local need. Further conversation with officers of the Council's leisure team have confirmed a need for allotments in the Trowbridge area.

Based on the above justification it is considered that the principle of development is acceptable. The 2 letters of objection have been noted, but it is considered that the loss of a small part of the country park is outweighed by the creation of new allotment facilities.

It is accepted that the proposals would change the character of the land over and above the existing open arrangement. The fencing proposed is on balance not considered to be harmful to the rural character of the area. After verbal communication with the Council's tree and landscape officer it has been considered that notwithstanding the submitted plans that a standard stock proof fence with a hornbeam hedge would be more acceptable in this rural location. A condition can be used to ensure that this is forthcoming. Any structures, such as sheds, would require planning permission and as such the Council would retain control; but in principle this does not pose any great concern in the face of the identified need.

The proposals have raised no objection from the highway authority. The district ecologist has raised no principle objections, although requests conditions in regard to the retention of the existing hedge and ditch for wildlife benefit. The proposal would not result in any alteration or loss of the existing public rights of way. No objection has been raised based on archaeological interest, although an informative is suggested in light of the presence of some 13th century finds in the locality.

The 'green' credentials of the proposal have been raised in the letters of objection. Whilst driving to the site may occur, provision for cycle facilities will be made and efforts to encourage sustainable choices have also been made. Further, given the nature of the proposals it is likely that users will choose sustainable options themselves where practical. The site is well related to the existing allotment facilities, on the fringe of the village which is, in turn, well related to Trowbridge and served by public transport. As such walking, cycling and public transport are realistic modes of transport. It is therefore considered to be a reasonably sustainable site, and although not necessarily an ideal location from this point of view it is considered acceptable and no other sites have been identified. Given the pressure for development within policy limits, no better options are likely to come forward.

The issue of neighbouring amenity has been given careful consideration. It is accepted that the allotments may result in some impact on the immediate residential properties with increased activity. However, this is not sufficient to merit refusal and no demonstrable harm would result.

Finally, the request from the Parish Council for a condition has been noted. They request that a percentage of the allotments are made available to residents of Southwick. The intentions of this request are understood, it would be more sustainable and provide for the very immediate need. However, matters of tenure are not matters for consideration as part of the planning process and it is considered that such a condition would not be precise, enforceable or necessary. Rather this is an issue for the allotment managers to determine. An informative has been suggested instead, to draw attention to the matter raised by the Parish Council so that the Council's relevant service manager is aware of their views.

CONCLUSION

Whilst the loss of a small portion of the Country Park is regrettable, the benefits of providing additional allotment facilities in light of the local need for such facilities outweigh this. The proposals accord with the development plan policies and would cause no demonstrable harm, as such they are recommended for permission.

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 Notwithstanding the approved plans and details, prior to the commencement of any works details of the boundary treatment and landscaping shall be submitted to and approved in writing by the local planning authority. This should include stock proof fencing and planting of a hornbeam hedge or similar native species hedgerow on the inside of the fence.

REASON: In the interests of the visual amenity of the area.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy C1.

- 3 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.

- 4 The ditch and hedge to the south east boundary will be retained in situ and the ditch shall not be infilled or altered in any way other than as part of general maintenance.

REASON: In the interests of nature conservation.

POLICY: West Wiltshire District Plan - 1st Alteration (2004) - Policy R12.

Note(s) to Applicant:

- 1 The owners/managers of the site are advised that the site has been identified as having archaeological interests sealed below approximately 250mm of soil cover. If extensive groundworks become necessary during works, or in the future, then the applicant should contact the County Archaeologist at Wiltshire County Council on 01249 705502 prior to their commencement.
- 2 The allotment managers are encouraged to give priority to Southwick residents in their allocation of plots.

RELATED PLANS

Drawing : LOCATION PLAN received on 07.10.2008

Drawing : LOCATION PHOTOGRAPH received on 07.10.2008

Drawing : PFM/SW291008 received on 29.10.2008

Drawing : EXISTING received on 03.10.2008

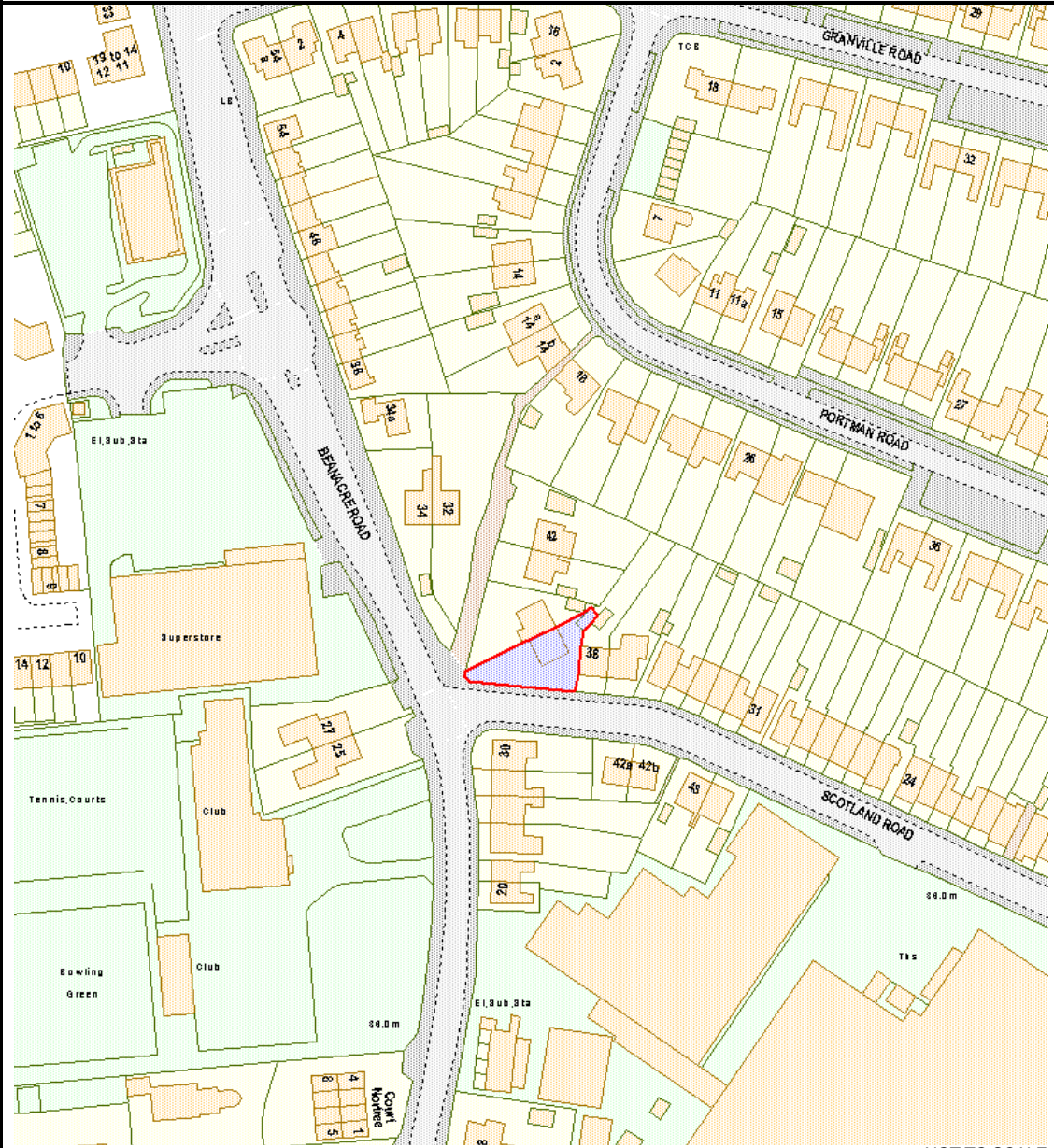
PLANNING COMMITTEE

4 December 2008

ITEM NO: 06

APPLICATION NO: 08/02917/FUL

LOCATION: 39 Scotland Road Melksham Wiltshire SN12 8AJ



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SLA: 100022961

06	Application:	08/02917/FUL
	Site Address:	39 Scotland Road Melksham Wiltshire SN12 8AJ

Parish: Melksham (Town) Ward: Melksham Without

Grid Reference 390235 164659

Application Type: Full Plan

Development: Conversion of semi-detached house to 2 flats and extensions

Applicant Details: Mr T Dermody
25-27 Beanacre Road Melksham SN12 8AG

Agent Details: Farrell And Co
F.A.O Mr Martin Farrell 10 Pulteney Gardens Bath Somerset BA2 4HG

Case Officer: Miss Jennifer Fivash
Phone: 01225 776655 ext 297
Email: jfivash@westwiltshire.gov.uk

Date Received: 10.10.2008 Expiry Date: 05.12.2008

COMMITTEE REPORT

This application is brought to committee because Melksham Town Council object contrary to your officers recommendation.

APPLICATION SITE & SURROUNDING AREA

The property is a semi detached dwelling located on the corner of Scotland Road and Beanacre Road Melksham. The areas character is defined by semi detached and terraced properties located behind the Avon factory. These properties have no or very few garages which means there is on street parking.

PROPOSAL This is a full planning application in two parts, the first is for the conversion of a semi detached dwelling into two flats. The property would be divided to create one ground floor flat and one first floor flat.

The second part of the application is also for two extensions to the property to facilitate the conversion to provide a porch and entrance way and single storey rear extension to provide an additional bedroom and bathroom for the ground floor flat.

The proposed rear extension would be 3.5 metres by 3.1 metres with a height of 3.5 metres at the highest point. The rear extension has an additional step in section which would be 1.8 metres by 1 metre with a height of 3.5 metres at the highest point.

The proposed entrance way would be 2.8 metres by 1.7 metres with a height of 3.15 metres at the highest point.

CONSULTATIONS

Parish/Town Council

MELKSHAM TOWN COUNCIL – object on the following grounds –

- Extra burden of sewage on the current system
- The proposed extensions out of keeping with the current aspect of Scotland Road
- Inadequate ventilation from the kitchen
- Noise from proposed new lounge next to neighbour's bedroom
- Planning Policies U1a, C31a, C38 and C36 apply.

If the application is approved it was asked that adequate sound-proofing is installed. Comments received 29 October 2008.

External

HIGHWAY AUTHORITY – No highway objection subject to conditions. Comments received 30 October 2008.

WESSEX WATER – No objection developer need to contact with regards to connection. There is no existing public/separate surface water sewers in the vicinity of the site. Alternative methods for satisfactory disposal of surface water should be looked into. Comments received 28 October 2008.

Internal

ENVIRONMENTAL HEALTH – No Objection. Ensure that the flat conversation is undertaken in line with Building Regulations 2000 Approved Document E “Resistance to the passage of sound”. Comments received 12 November 2008.

BUILDING CONTROL – No objection subject to complying with Building regulations. Comments received verbally 14 November 2008.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 21 October 2008

Neighbours

1 Objection received

Objections raised concerns over:

- Noise
- The extension being intrusive
- Sewer system being over used
- Water supply
- Division of garden
- Smells

RELEVANT PLANNING HISTORY

None

KEY ISSUES

- Impact on neighbours
- Impact on street scene
- Impact on highway
- Impact on drainage

RELEVANT PLANNING POLICIES

West Wiltshire District Plan – 1st Alteration 2004

H16 Flat Conversions
H1 Further Housing Development within Towns
C31A Design
C38 Nuisance

SPG Design Guide July 2004

SPG Residential Design Guide Adopted November 2005

OFFICER APPRAISAL

The application proposes the division of a semi detached dwelling into two self contained flats. The proposal also includes two extensions to allow for access and adequate living space to the proposed ground floor flat.

Policy H16 states proposals for the conversion of properties into flats will not be permitted if they are any of the following:

- 1 An unreasonable and over intensive sub-division of an inadequate sized property;
- 2 Detrimental to the outward appearance of the building of which they form a part or the character of the local area;
- 3 Have inadequate access or insufficient or inadequate car parking provision;
- 4 Have inadequate or insufficient amenity space around the building;
- 5 Detrimental to the amenity of neighbouring residents;
- 6 Subject to flood risk.

Design

Both flats would have two bedrooms and an open plan kitchen and living area. The ground floor flat would have a bathroom provided by the extension and the first floor would have a shower room.

The two extensions would provide a porch to the front of the existing dwelling and a rear single storey extension to provide a second bedroom and bathroom for the ground floor flat.

According to the design and access statement indicates that the garden would be shared by both proposed flats and not subdivided. This provides more amenity space to both proposed dwellings which complies with policy H1 and H16.

Neighbours

The proposed internal division would not harm the amenities currently enjoyed by the surrounding neighbours. The proposed extensions are both single storey. The porch would be a sympathetic addition to the building and would not harm the privacy of the neighbour. On balance the rear extension would not detrimentally affect the amenities of number 38 due to the extension being single-storey.

The noise transference between properties has been raised as a concern during the consultation process. To reduce the amount of transference the agent has provided information to say that he will be fully complying with Building Regulations to ensure that there is plenty of insulation to overcome these issues.

Street Scene

The proposed conversion of the property into flats would not detrimentally harm the two street fronts on which this property faces. The alterations to the dwelling would blend in with the existing and would blend in with the surrounding area.

Highway

The proposal indicates two parking spaces as well as the drive the Highway Authority are happy with this arrangement as this will allow cars to park off the road instead of on the road which is a predominate pattern along the street. This arrangement is acceptable.

The proposal complies with policy.

CONCLUSION

Permission should be granted because the proposal complies with policy H16, C31a and C38.

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.

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

REASON: In the interests of Highway Safety

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

REASON: In the interests of Highway safety

- 5 The parking provision provided shall be maintained to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

RELATED PLANS

Drawing : SITE PLAN received on 10.10.2008

Drawing : 2208-1 received on 10.10.2008

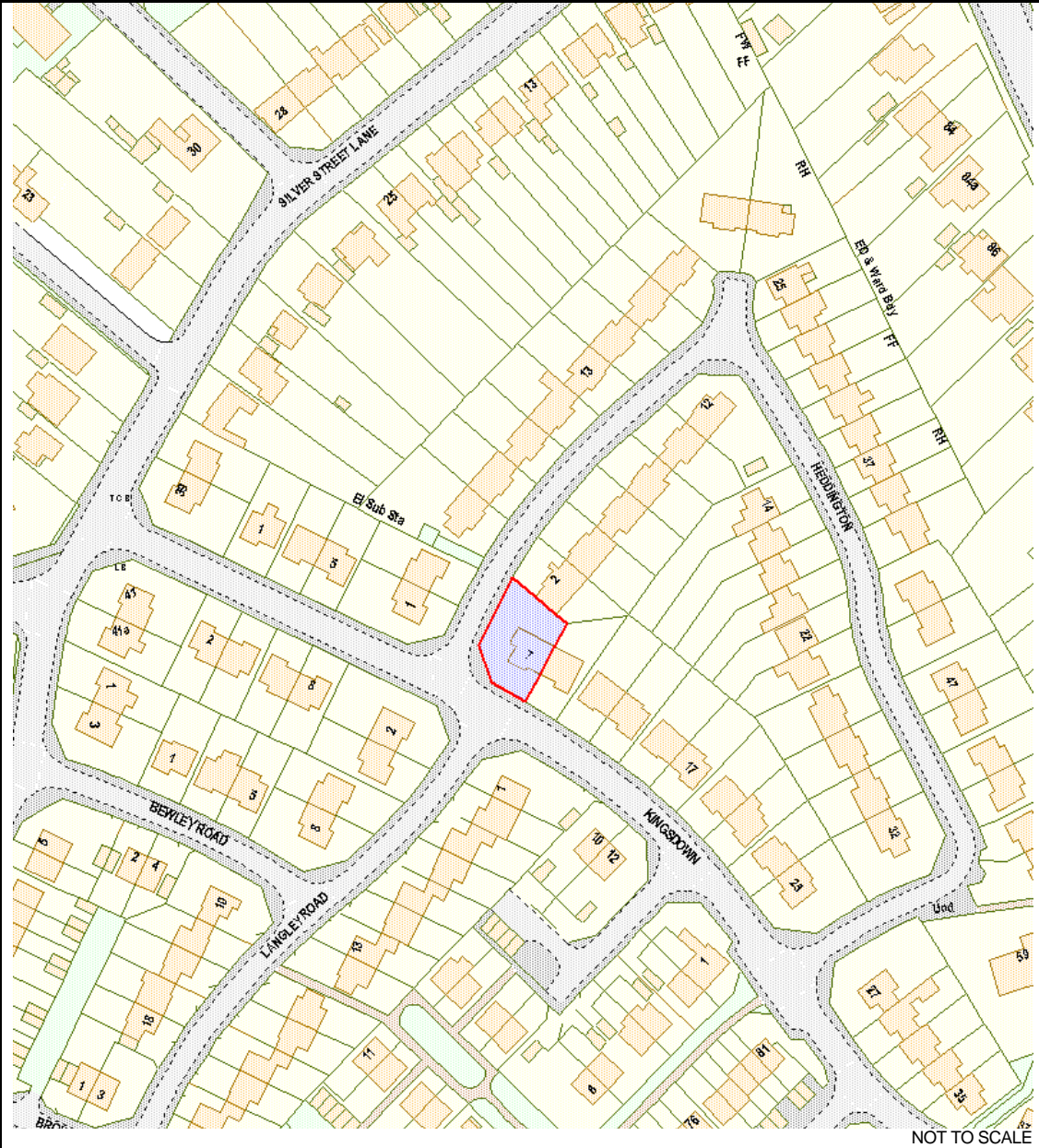
PLANNING COMMITTEE

4 December 2008

ITEM NO: 07

APPLICATION NO: 08/03020/FUL

LOCATION: 7 Kingsdown Road Trowbridge Wiltshire BA14 0LB



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SLA: 100022961

07	Application:	08/03020/FUL
	Site Address:	7 Kingsdown Road Trowbridge Wiltshire BA14 0LB

Parish: Trowbridge Ward: Trowbridge South West

Grid Reference 385175 156186

Application Type: Full Plan

Development: New attached dwelling with parking and access

Applicant Details: Mr James Yard
25 Masefield Road Warminster Wiltshire

Agent Details: Mr Roy Inwood
Brookhaven The Churchyard Westbury Wiltshire BA13 3DA

Case Officer: Mr James Taylor
Phone: 01225 776655 ext 169
Email: jtaylor@westwiltshire.gov.uk

Date Received: 21.10.2008 Expiry Date: 16.12.2008

COMMITTEE REPORT

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

APPLICATION SITE & SURROUNDING AREA

The application site is an open corner plot currently part of the residential curtilage of 7 Kingsdown Road, Trowbridge. It is relatively flat and currently occupied by an attached single storey garage and reception room, which have a flat roof form. To the east of the site is a pair of semi-detached 2-storey dwellings, one of which has had a 2-storey side extension flush with the front elevation.

The area is characterised by 2-storey semi-detached dwellings to the east, west and south of the application site. To the north of the application site the built form is characterised by bungalows. The built form is circa 1970s and typical of its era, as such the area is relatively open and spacious, although a number of properties have undergone alterations and extensions.

PROPOSAL

The proposal is for the erection of a single dwelling as a 2-storey side extension to the existing semi-detached pair and would replace the existing single storey garage and reception room.

The dwelling would be set back from the host building by 1 metre at the frontage and project a further metre at the rear as compensation. It would have a ridge and eaves height the same as the host building however. The proposal would have a width of approximately 6 metres to match the host building properties. The proposal would utilise matching materials to the host building.

The proposal would have an enclosed rear garden and parking to the side/rear for 2 vehicles. The host building would have frontage parking for 2 vehicles.

The built form would project 6 metres closer to the boundary on the corner plot, although a separation of approximately 5.5 metres would be retained. The boundary treatment would remain as existing and as such the frontage would remain open.

CONSULTATIONS

Parish/Town Council

Trowbridge Town Council: Objection as out of character for the area, a cramped form of development and detrimental to the overall street scene.

External

Wessex Water: No objection

Highway Authority: 'I have no highway objections in principle to a new dwelling at this location, the parking provision indicated on the submitted plans are sufficient and the visibility at the proposed accesses is satisfactory.

My only concern relates to the pedestrian-vehicle inter-visibility at the proposed access onto Heddington Close. Vehicles exiting parking bay two (most likely in reverse) would have no visibility of pedestrians using the adjacent footway. I recommend that the boundary fence is removed for the first 2.4 metres from the access. The existing low wall would be acceptable in this area. Please invite the applicant to submit revised plans showing this.'

NOTIFICATIONS

Site Notices/Visits

The application was advertised by neighbour notification.

Date of visit: 29 October 2008

Neighbours

3 letters of objection received raising the following comments:

- Siting of the new access will cause considerable problems.
- Want to retain access to their garage wall for maintenance.
- Would like the boundary at the rear to remain unchanged to maintain privacy and reduce impact of noise.
- All houses in the area are semi-detached. No flats, terraced houses or maisonettes are in this area. The proposal would be out of keeping with the area.
- Hard standing of areas will lead to greater surface water, overloading sewers.
- Garden will be a damp square with no space for waste and recycling, so this will be stored at the front of the building.
- Parking areas have obstacles such as street lights and manhole covers to negotiate.
- deed covenant required the consent of 'the company' to alter the external appearance.

RELEVANT PLANNING HISTORY

None

KEY ISSUES

The key issues to consider with this application are the principle of development, the impact on the street scene, neighbouring amenity and highway safety.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)
C31a Design
C38 Nuisance
H17 Village Policy Limits

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

OFFICER APPRAISAL

Principle of development

The application site is located within the defined Town Policy Limits of Trowbridge where the principle of further housing development is acceptable subject to set criteria identified in Policy H1 of the West Wiltshire District Plan 1st Alteration (2004).

These criteria include the siting, layout and design considerations being satisfactory and in keeping with the surrounding area, not creating inappropriate backland development, adequate disposal of surface water and connection to infrastructure including highways and would not result in the loss of an important visual gap.

National guidance in PPS1 and PPS3 highlights the need for good quality design and a more efficient use of land. As such further housing in sustainable locations is to be encouraged as long as it does not compromise the quality of the existing built form or other acknowledged planning interests.

Impact on the street scene and design considerations

The proposal would extend to the side of an existing semi-detached property. The semi-detached pair can be considered as one building and it is important to retain the symmetry of the building, however this has been unbalanced already by a historic extension to the south east side. In light of this and the 1 metre frontage set-back it is considered that the proposal would cause no harm to the symmetry of the existing building. It would be a copy of the form, proportions and materials of the host building and as such acceptable in these design terms.

Given the siting of the proposal on a prominent corner plot it is important to consider the impact on the street scene. As highlighted already the proposal is an acceptable form of design in the context of the area. The siting is also acceptable because a reasonable separation from the built form and the carriageway would remain, approximately 5.5 metres. As such the proposal would not appear to be overly cramped. Further the proposal respects the spatial characteristics of the locality and the established building lines by retaining much of the side garden.

The concerns of one local resident in terms of creating terraced dwellings and the Town Council who object to the development because they consider it out of keeping, have been noted. However for the reasons described above the proposals would not cause any harm. Government guidance indicates a desire to have a variety of housing types and tenures in areas and this proposal would contribute towards creating a more varied housing type in the locality. Making the building a staggered terrace of 3 is not in itself harmful to the character of the area and is not contrary to any development plan policies.

Impact on the neighbouring amenity

The proposal would reduce the rear amenity space of the existing dwelling, and would create a property with only a modest rear garden space. However this in itself does not cause any harm to either the amenity or the character of the area. The garden spaces are still sufficient and in keeping with modern standards.

The proposal would lead to more windows at the rear, but these would only overlook the northern neighbours drive and garage. The proposal would not cause any dominance or loss of light.

The new access at the rear/side would not cause any significant nuisance from noise or emissions, especially given it is next to the neighbours' driveway to the north.

Highway safety consideration

The proposal would retain the existing frontage access for the existing property, albeit with the loss of a garage compensated for by the creation of additional hard standing. 2 spaces for the existing property would be provided.

The new dwelling would have 2 parking spaces to the rear/side accessing the highway onto Heddington Close. This would not require planning permission as an access onto an unclassified road. Further it is not considered to cause any great harm, although the Highways comments regarding this have been noted. The Highway Authority do not object, rather just request that the boundary treatment is reduced in height to improve visibility. A condition in this regard is considered prudent and justifiable for safety reasons and can be incorporated as part of a boundary treatment condition.

2 letters have been received concerned about this element; however it is not considered that it would cause any harm and the parking and access pose no grounds for refusal

Finally, with regard to the comments from a local resident regarding a covenant this is not a planning issue and irrelevant to the determination of the application.

CONCLUSION

The proposal is acceptable in principle and the details of design are satisfactory. The proposal would contribute to the need for further housing and would make a more efficient use of land without causing any demonstrable harm to acknowledged planning interests. As such the application is recommended for permission.

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.

- 3 Notwithstanding the plans hereby approved 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. This shall include the reduction in height of the northern boundary for the first 2.4 metres from the carriageway edge so as to improve visibility for the new parking spaces. The boundary treatments 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 and in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C32 and H1.

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

REASON: In the interests of highway safety.

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

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

Note(s) to Applicant:

- 1 The developer is encouraged to discuss the disposal of surface waters and the connection and protection of Wessex Water infrastructure with Wessex Water prior to the commencement of any works. They can be contacted on 01225 526000.

RELATED PLANS

Drawing : 2273/1 received on 21.10.2008

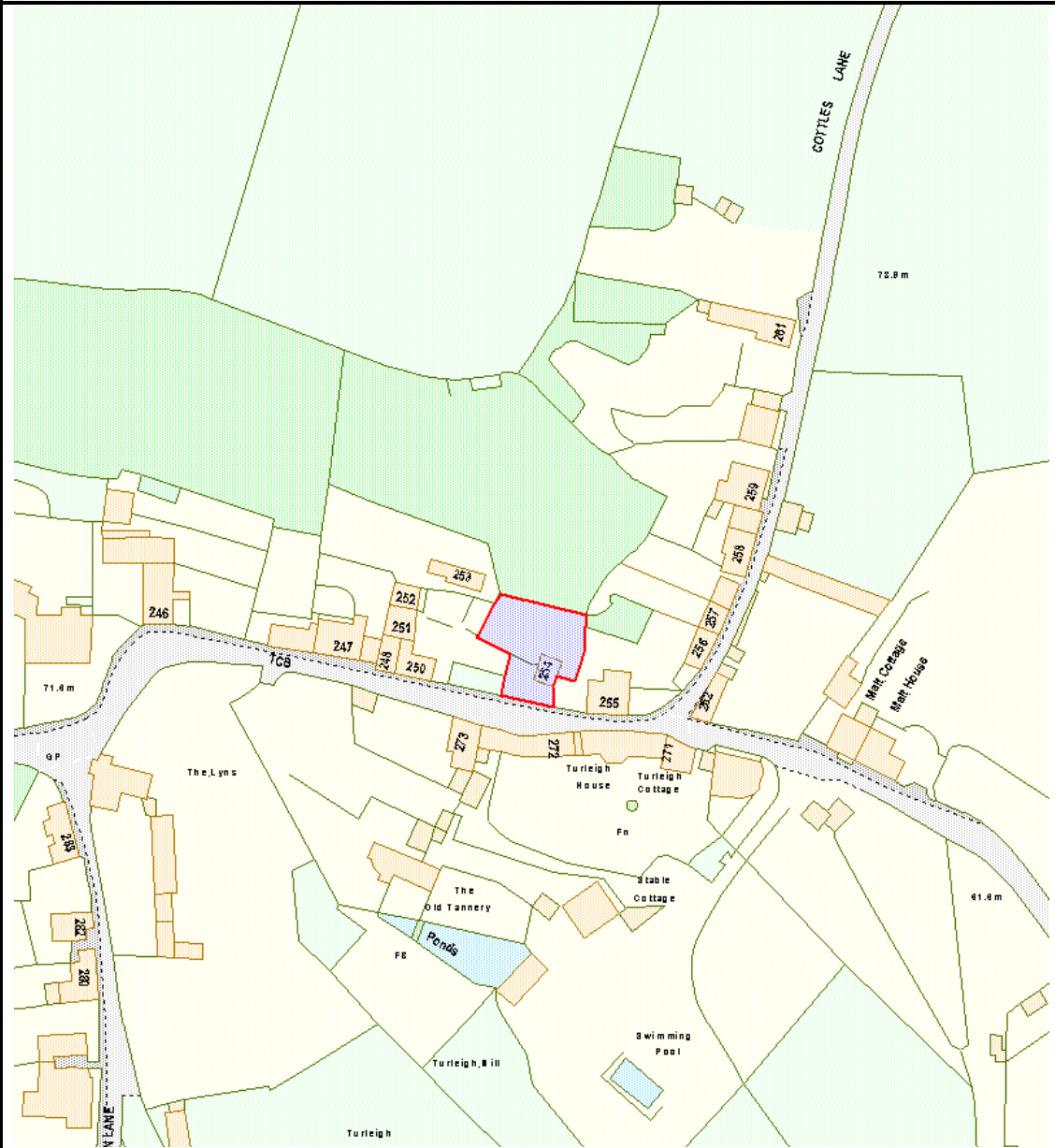
PLANNING COMMITTEE

4 December 2008

ITEM NO: 08

APPLICATION NO: 08/02866/FUL

LOCATION: Rose Cottage 254 Turleigh Wiltshire BA15 2HG



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SLA: 100022961

08	Application:	08/02866/FUL
	Site Address:	Rose Cottage 254 Turleigh Wiltshire BA15 2HG

Parish:	Winsley	Ward:	Manor Vale
Grid Reference	380618 160738		
Application Type:	Full Plan		
Development:	Demolition of single storey outbuilding (garden room) and erect a single storey extension with fenestration alterations and internal alterations, also replace garden building and form two stone faced retaining walls and steps		
Applicant Details:	Mr And Mrs Wall Rose Cottage 254 Turleigh Wiltshire BA15 2HG		
Agent Details:	Llewellyn Harker Ltd Home Farm East Pennard Shepton Mallet Somerset BA4 6TT		
Case Officer:	Mr Kenny Green <i>Phone: 01225 776655 ext 174</i> <i>Email: kgreen2@westwiltshire.gov.uk</i>		
Date Received:	03.10.2008	Expiry Date:	28.11.2008

COMMITTEE REPORT

This application is brought to Committee because Winsley Parish Council object to the proposals contrary to your officer's recommendation.

APPLICATION SITE & SURROUNDING AREA

The property subject to this application is a two storey Grade II Listed Building set within a large, sloping elevated garden located within the Turleigh Conservation Area. The host building is a double fronted 18th century dwelling built from ashlar with a stone slate roof, coped gabled and end stacks.

The application site is also located within the Western Wiltshire Green Belt and an Area of Outstanding Natural Beauty.

Due to the presence of a high stone boundary wall, hedgerow and tree planting along the site frontage, only the very top of the upper floor windows and the roof over the dwellinghouse is visible from the road. Where there is a break in the hedgerow, there are glimpses of the rear garden including views of a timber framed and boarded annexe.

The neighbouring properties (two of which are also Grade II Listed Buildings and mainly residential) are also set within relatively large gardens. Unlike the majority of the neighbouring properties, the application site is set back from the public highway.

PROPOSAL

Under this application, the applicants seek permission to demolish the timber framed boarded outbuilding which is used as a garden room and erect a replacement loggia/garden building with a fully glazed southern elevation which would be built along the northern boundary. The applicants also wish to replace the existing concrete tiled lean-to and felt roofed addition with a single storey

kitchen/dining room extension with a shallow, naturally slated and pitched roof. The applicant also proposes provide a utility room, bathroom, bedroom and store, which would be formed under a stone flagged terrace and be built into the hillside. The applicants also wish to make various alterations to the existing fenestration and make internal modifications.

This application follows pre-application meetings with the Councils Conservation Officer.

CONSULTATIONS

Parish/Town Council

WINSLEY PARISH COUNCIL: - There is no objection to the demolition of the garden house, but there are concerns about the replacement glass fronted loggia, which does not comply with Local Plan Policy C18. The proportion, composition, form, massing and scale of the proposed extensions would alter the essential form of the Grade II Listed Building to the detriment of its character and appearance, which would be contrary to Local Plan Policy C28.

The Parish Council requests that the Conservation Officer is involved in the consideration of this application.

Internal

WWDC CONSERVATION OFFICER - No objections. Due to the simple proportions of the original building, it is difficult to extend. This is evidenced by the harm to the character and setting of the building caused by the existing single storey accretions and the existing detached timber outbuilding. The planning history for the site shows that larger extensions have been resisted.

This proposal would replace the existing accretions with a coherent single storey extension of sympathetic and contemporary appearance, built in natural materials. The proposed extensions would have a larger footprint and ridge height than the existing additions, however, on the grounds that the proposed changes would be such a significant improvement to the character of the Listed Building, such an increase is considered acceptable.

The proposal would not upset or unbalance the proportions of the listed host property and it is submitted that the extension would remain a subservient element.

The site is certainly in need of tidying.

The internal alterations would not result in the loss of any significant historic fabric and there is no policy objection to such work.

The removal of the large timber outbuilding (which is located in close proximity to the dwelling) would enhance the setting of the Listed Building. This element of the proposal is greatly encouraged.

The creation of a garden room to be built against the rear boundary wall poses no conservation objections. The setting of the Listed Building would not be harmed by reason of proximity and its sympathetic design.

The curtilage boundary wall would not be harmed.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 10 October 2008

Neighbours

3 neighbours / third parties submitted letters of support for the application. The letters raised the following points:-

"The alterations would greatly enhance views" from Rose Cottage

The proposals are "very discreet and sympathetic".

The proposals would "enhance the look of the property and would be a definite improvement".

The demolition of the outbuilding will also certainly improve the visual aspect of the premises".

One letter writer did however state that it "is slightly disappointing that the previous plan to provide off-street parking" has been deleted from the scheme.

RELEVANT PLANNING HISTORY

85/00042/FUL - Extensions - Withdrawn 03.04.1985

85/00464/FUL - Garden house extension - Approved 04.06.1985

85/00661/FUL - Temporary access - Approved 24.07.1985

85/00864/LBC - Removal of part of boundary walls and subsequent rebuilding of frontage wall to provide temporary access - Consent 09.10.1985

87/01001/LBC - Replacement of roof light to rear - Consent 18.08.1987

04/01541/LBC - Replace flat roof outbuildings with pitched roof structures, modify internal staircase positions and provide roof windows and dormer window - Refused 07.10.2004

04/01542/LBC - Replace flat roof outbuildings with pitched roof structures and provide dormer windows - Refused 07.10.2004

05/00258/LBC - Internal alterations to staircase and external alterations to outbuildings and stone garden wall - Consent 14.06.2005

05/00267/FUL - Replace and improve flat roof outbuildings - Approved 14.06.2005

08/01849/LBC - Demolition of single storey outbuilding (garden room) and erect a one and a half storey extension with fenestration alterations and internal alterations and replace garden building providing hardstanding for parking spaces and form two stone faced retaining walls and steps - Withdrawn 17.07.2008

08/01853/FUL - Demolition of single storey outbuilding (garden room) and erect a one and a half storey extension with fenestration alterations and internal alterations and replace garden building providing hardstanding for parking spaces and form two stone faced retaining walls and steps - Withdrawn 17.07.2008

KEY ISSUES

Impact on Grade II listed building

Impact on Conservation Area

Impact on neighbouring properties

Impact on Green Belt

Impact on AONB

RELEVANT PLANNING POLICIES

Government Guidance

PPG2 Green Belts

PPS7 Sustainable Development in Rural Areas

PPG15 Planning and the Historic Environment

C2	Areas of Outstanding Natural Beauty
C17	Conservation Areas
C18	New Development in Conservation Areas
C21	Planning Permission in Conservation Areas
C22	Demolition in Conservation Areas
C28	Alterations and Extensions to Listed Buildings
C31a	Design
C38	Nuisance

OFFICER APPRAISAL

This application follows lengthy negotiations with the Councils Conservation Officer and as noted above, it is submitted that the proposed alterations and extension to the Grade II Listed Building is appropriate and sympathetic to the character and appearance of the listed property and to the Conservation Area. The setting of the property would be significantly enhanced following the removal of the timber outbuilding and through simplifying the form and design of the extension built onto the western gable elevation.

The proposals would involve the potential loss of an attractive stone archway formed over an internal stone wall. Through negotiation, it has been suggested by the applicant's agent that the stone archway could be reused above the window serving the proposed ground floor bedroom (on the western elevation) or be relocated below the external stairs or just south of its current position along the wall. In conservation terms, it is considered important to retain such a feature within the curtilage of the listed property, and for this reason, it is recommended that the archway be retained as part of the internal wall. If this application is approved, a planning condition is recommended to require the further submission of details showing the retention of the archway.

Notwithstanding the objection from the Parish Council, your officers submit that the proposed extension, which would be subservient to the host building and built using natural materials, accords with the above listed policies. The internal works would not result in the loss of any historic fabric and therefore, works comprising the replacement of treads on a staircase, infilling existing openings and reinstating blocked up openings and other minor internal modifications are considered acceptable.

The relocated loggia which would be built on the northern boundary, respects the setting of the protected building and the locality without compromising its character or status. Neighbouring amenities would not be detrimentally affected by the proposals. It is further noted that 3 immediate neighbours all support the proposed development.

The proposed development is considered acceptable as far as the Green Belt policy is concerned. The extension follows the same footprint as of the existing, but by lowering the internal ground floor level, the proposed new addition would be better integrated into the garden landscape. It should be noted that the above ground volume is identical to the approved, existing scheme. Similarly, the relocated loggia/ garden room is identical in volume to the one it replaces. On the basis of the above, the proposals would not conflict with the national Green Belt policy or detrimentally affect the AONB.

CONCLUSION

This negotiated application has responded to the raised concerns as highlighted within application references 08/01849/LBC and 08/01853/FUL (i.e. the two recent withdrawn applications) and it is submitted that the proposals comply with the relevant policies. The proposal would respect and compliment the character and appearance of the Listed Building, Conservation Area, Green Belt and AONB without detrimentally affecting neighbouring interests.

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

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

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

- 3 No development hereby approved shall take place until a detailed plan showing the repositioning of the stone archway along the existing and retained internal stone wall has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

REASON: In order to retain an important historic feature and to ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17, C18, C28 and C31A.

RELATED PLANS

Drawing : 3400/1 received on 03.10.2008
Drawing : 3400/2 received on 03.10.2008
Drawing : 3400/3 received on 03.10.2008
Drawing : 3400/4 received on 03.10.2008
Drawing : 3400/5 received on 03.10.2008
Drawing : 3400/6 received on 03.10.2008
Drawing : 3400/7A received on 03.10.2008
Drawing : 3400/8A received on 03.10.2008
Drawing : 3400/9A floor plans received on 03.10.2008
Drawing : 3400/9A elevations received on 03.10.2008
Drawing : 3400/10A received on 03.10.2008
Drawing : 3400/10B received on 28.10.2008
Drawing : 3400/PHA received on 03.10.2008
Drawing : 3400/12A received on 03.10.2008
Drawing : 3400/13A received on 03.10.2008
Drawing : 3400/14A received on 03.10.2008
Drawing : 3400/15 received on 03.10.2008
Drawing : 3400/16 received on 28.10.2008

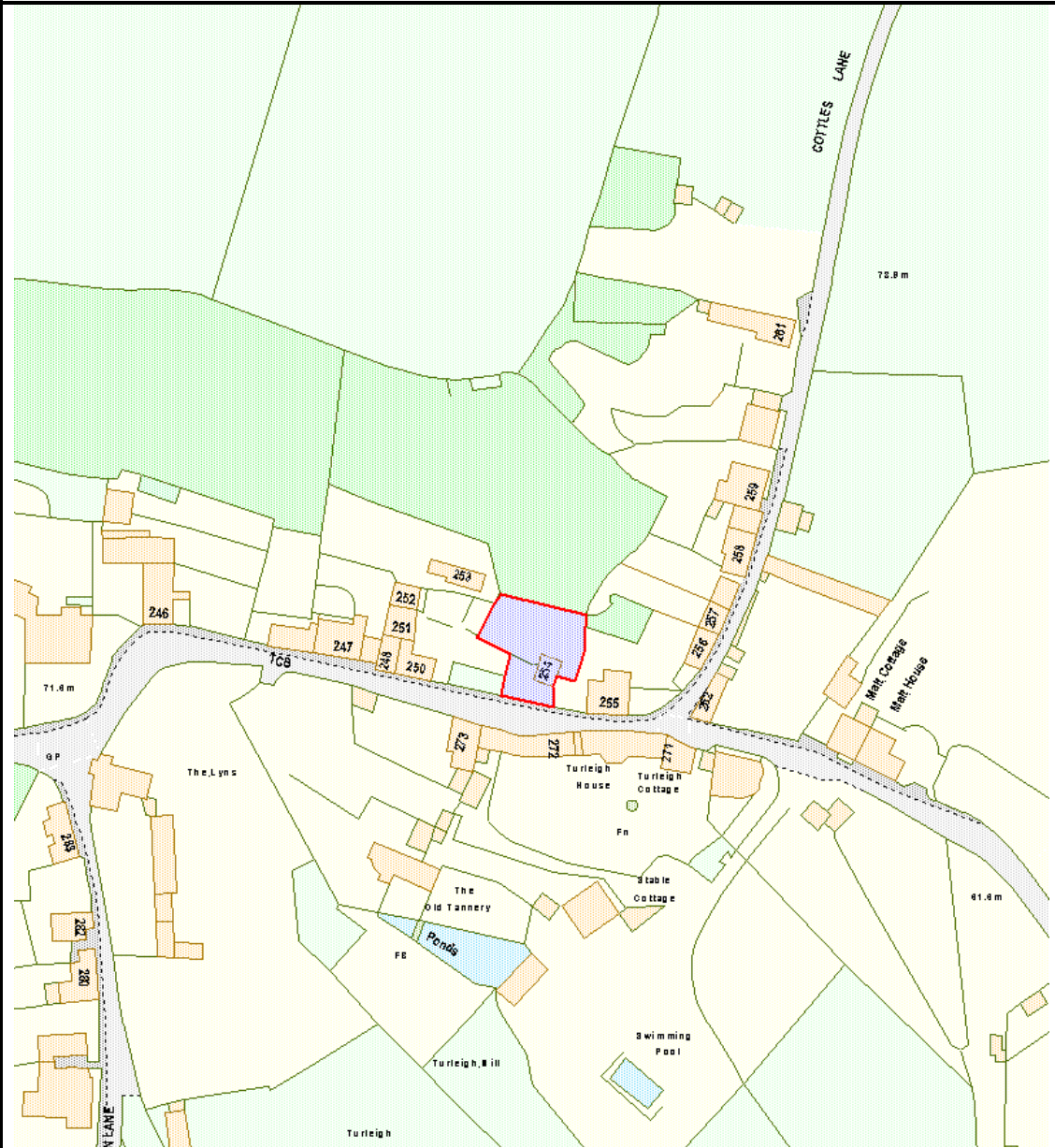
PLANNING COMMITTEE

4 December 2008

ITEM NO: 09

APPLICATION NO: 08/02869/LBC

LOCATION: Rose Cottage 254 Turleigh Wiltshire BA15 2HG



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SLA: 100022961

09	Application:	08/02869/LBC
	Site Address:	Rose Cottage 254 Turleigh Wiltshire BA15 2HG

Parish:	Winsley	Ward:	Manor Vale
Grid Reference	380618 160738		
Application Type:	Listed building		
Development:	Listed building consent for demolition of single storey outbuilding (garden room) and erect a single storey extension with fenestration alterations and internal alterations, also replace garden building and form two stone faced retaining walls and steps		
Applicant Details:	Mr And Mrs Wall Rose Cottage 254 Turleigh Wiltshire BA15 2HG		
Agent Details:	Llewellyn Harker Ltd Home Farm East Pennard Shepton Mallet Somerset BA4 6TT		
Case Officer:	Mr Kenny Green <i>Phone: 01225 776655 ext 174</i> <i>Email: kgreen2@westwiltshire.gov.uk</i>		
Date Received:	03.10.2008	Expiry Date:	28.11.2008

COMMITTEE REPORT

This application is brought to Committee because Winsley Parish Council object to the proposals contrary to your officer's recommendation.

APPLICATION SITE & SURROUNDING AREA

The property subject to this application is a two storey Grade II Listed Building set within a large, sloping elevated garden located within the Turleigh Conservation Area. The host building is a double fronted 18th century dwelling built from ashlar with a stone slate roof, coped gabled and end stacks.

The application site is also located within the Western Wiltshire Green Belt and an Area of Outstanding Natural Beauty.

Due to the presence of a high stone boundary wall, hedgerow and tree planting along the site frontage, only the very top of the upper floor windows and the roof over the dwellinghouse is visible from the road. Where there is a break in the hedgerow, there are glimpses of the rear garden including views of a timber framed and boarded annexe.

The neighbouring properties (two of which are also Grade II Listed Buildings and mainly residential) are also set within relatively large gardens. Unlike the majority of the neighbouring properties, the application site is set back from the public highway.

PROPOSAL

Under this application, the applicants seek consent to demolish the timber framed boarded outbuilding which is used as a garden room and erect a replacement loggia/garden building with a fully glazed southern elevation which would be built along the northern boundary. The applicants also wish to replace the existing concrete tiled lean-to and felt roofed addition with a single storey

kitchen/dining room extension with a shallow, naturally slated and pitched roof. The applicant also proposes provide a utility room, bathroom, bedroom and store, which would be formed under a stone flagged terrace and be built into the hillside. The applicants also wish to make various alterations to the existing fenestration and make internal modifications.

This application follows pre-application meetings with the Councils Conservation Officer.

CONSULTATIONS

Parish/Town Council

WINSLEY PARISH COUNCIL - There is no objection to the demolition of the garden house, but there are concerns about the replacement glass fronted loggia, which does not comply with Local Plan Policy C18. The proportion, composition, form, massing and scale of the proposed extensions would alter the essential form of the Grade II Listed Building to the detriment of its character and appearance, which would be contrary to Local Plan Policy C28.

The Parish Council requests that the Conservation Officer is involved in the consideration of this application.

Internal

WWDC CONSERVATION OFFICER - No objections. Due to the simple proportions of the original building, it is difficult to extend. This is evidenced by the harm to the character and setting of the building caused by the existing single storey accretions and the existing detached timber outbuilding. The planning history for the site shows that larger extensions have been resisted.

This proposal would replace the existing accretions with a coherent single storey extension of sympathetic and contemporary appearance, built in natural materials. The proposed extensions would have a larger footprint and ridge height than the existing additions, however, on the grounds that the proposed changes would be such a significant improvement to the character of the Listed Building, such an increase is considered acceptable.

The proposal would not upset or unbalance the proportions of the listed host property and it is submitted that the extension would remain a subservient element.

The site is certainly in need of tidying.

The internal alterations would not result in the loss of any significant historic fabric and there is no policy objection to such work.

The removal of the large timber outbuilding (which is located in close proximity to the dwelling) would enhance the setting of the Listed Building. This element of the proposal is greatly encouraged.

The creation of a garden room to be built against the rear boundary wall poses no conservation objections. The setting of the Listed Building would not be harmed by reason of proximity and its sympathetic design.

The curtilage boundary wall would not be harmed.

NOTIFICATIONS

Site Notices/Visits

Date of visit: 10 October 2008

Neighbours

3 neighbours / third parties submitted letters of support for the application. The letters raised the following points:-

"The alterations would greatly enhance views" from Rose Cottage

The proposals are "very discreet and sympathetic".

The proposals would "enhance the look of the property and would be a definite improvement".

The demolition of the outbuilding will also certainly improve the visual aspect of the premises".

One letter writer did however state that it "is slightly disappointing that the previous plan to provide off-street parking" has been deleted from the scheme.

RELEVANT PLANNING HISTORY

85/00042/FUL - Extensions - Withdrawn 03.04.1985

85/00464/FUL - Garden house extension - Approved 04.06.1985

85/00661/FUL - Temporary access - Approved 24.07.1985

85/00864/LBC - Removal of part of boundary walls and subsequent rebuilding of frontage wall to provide temporary access - Consent 09.10.1985

87/01001/LBC - Replacement of roof light to rear - Consent 18.08.1987

04/01541/LBC - Replace flat roof outbuildings with pitched roof structures, modify internal staircase positions and provide roof windows and dormer window - Refused 07.10.2004

04/01542/LBC - Replace flat roof outbuildings with pitched roof structures and provide dormer windows - Refused 07.10.2004

05/00258/LBC - Internal alterations to staircase and external alterations to outbuildings and stone garden wall - Consent 14.06.2005

05/00267/FUL - Replace and improve flat roof outbuildings - Approved 14.06.2005

08/01849/LBC - Demolition of single storey outbuilding (garden room) and erect a one and a half storey extension with fenestration alterations and internal alterations and replace garden building providing hardstanding for parking spaces and form two stone faced retaining walls and steps - Withdrawn 17.07.2008

08/01853/FUL - Demolition of single storey outbuilding (garden room) and erect a one and a half storey extension with fenestration alterations and internal alterations and replace garden building providing hardstanding for parking spaces and form two stone faced retaining walls and steps - Withdrawn 17.07.2008

KEY ISSUES

Impact on Grade II listed building

RELEVANT PLANNING POLICIES

Government Guidance

PPG15 Planning and the Historic Environment

West Wiltshire District Plan - 1st Alteration

C28 - Alterations and Extensions to Listed Buildings

C31a - Design

OFFICER APPRAISAL

This application follows lengthy negotiations with the Councils Conservation Officer and as noted above, it is submitted that the proposed alterations and extension to the Grade II Listed Building is appropriate and sympathetic to the character and appearance of the listed property. The setting of the property would be significantly enhanced following the removal of the timber outbuilding and through simplifying the form and design of the extension built onto the western gable elevation.

Notwithstanding the objection from the Parish Council, your officers submit that the proposed extension, which would be subservient to the host building and built using natural materials, accords with the above listed policies. The internal works would not result in the loss of any historic fabric and therefore, works comprising the replacement of treads on a staircase, infilling existing openings and reinstating blocked up openings and other minor internal modifications are considered acceptable.

The proposals would involve the potential loss of an attractive stone archway formed over an internal stone wall. Through negotiation, it has been suggested by the applicant's agent that the stone archway could be reused above the window serving the proposed ground floor bedroom (on the western elevation) or be relocated below the external stairs or just south of its current position along the wall. In conservation terms, it is considered important to retain such a feature within the curtilage of the listed property, and for this reason, it is recommended that the archway be retained as part of the internal wall. If this application is given consent, a planning condition is recommended to require the further submission of details showing the retention of the archway.

The relocated loggia which would be built on the northern boundary, respects the setting of the protected building and the locality without compromising its character or status. Neighbouring amenities would not be detrimentally affected by the proposals. It is further noted that 3 immediate neighbours all support the proposed development.

CONCLUSION

This negotiated application has responded to the raised concerns as highlighted within application references 08/01849/LBC and 08/01853/FUL (i.e. the two recent withdrawn applications) and it is submitted that the proposals comply with the relevant policies. The proposal would respect and compliment the character and appearance of the Listed Building.

JUSTIFICATION FOR RECOMMENDATION:

The proposed development conforms to the development plan and it would have a minimal impact upon the character of the Listed Building therefore there are no objections to it on planning grounds.

RECOMMENDATION: Consent

Condition(s):

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

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

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

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

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

- 3 No development hereby approved shall take place until a detailed plan showing the repositioning of the stone archway along the existing and retained internal stone wall has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

REASON: In order to retain an important historic feature and to ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17, C18, C28 and C31A.

- 4 A full schedule of repairs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the listed building, and subsequently the works shall be carried out strictly in accordance with the approved details.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C28.

RELATED PLANS

Drawing : 3400/2 received on 03.10.2008
Drawing : 3400/1 received on 03.10.2008
Drawing : 3400/3 received on 03.10.2008
Drawing : 3400/4 received on 03.10.2008
Drawing : 3400/5 received on 03.10.2008
Drawing : 3400/6 received on 03.10.2008
Drawing : 3400/7A received on 03.10.2008
Drawing : 3400/8 received on 03.10.2008
Drawing : 3400/9A elevations received on 03.10.2008
Drawing : 3400/9A floor plans received on 03.10.2008
Drawing : 3400/10A received on 03.10.2008
Drawing : 3400/10B received on 28.10.2008
Drawing : 3400/PHA received on 03.10.2008
Drawing : 3400/12A received on 03.10.2008
Drawing : 3400/13A received on 03.10.2008
Drawing : 3400/14A received on 03.10.2008
Drawing : 3400/15 received on 03.10.2008
Drawing : 3400/16 received on 28.10.2008

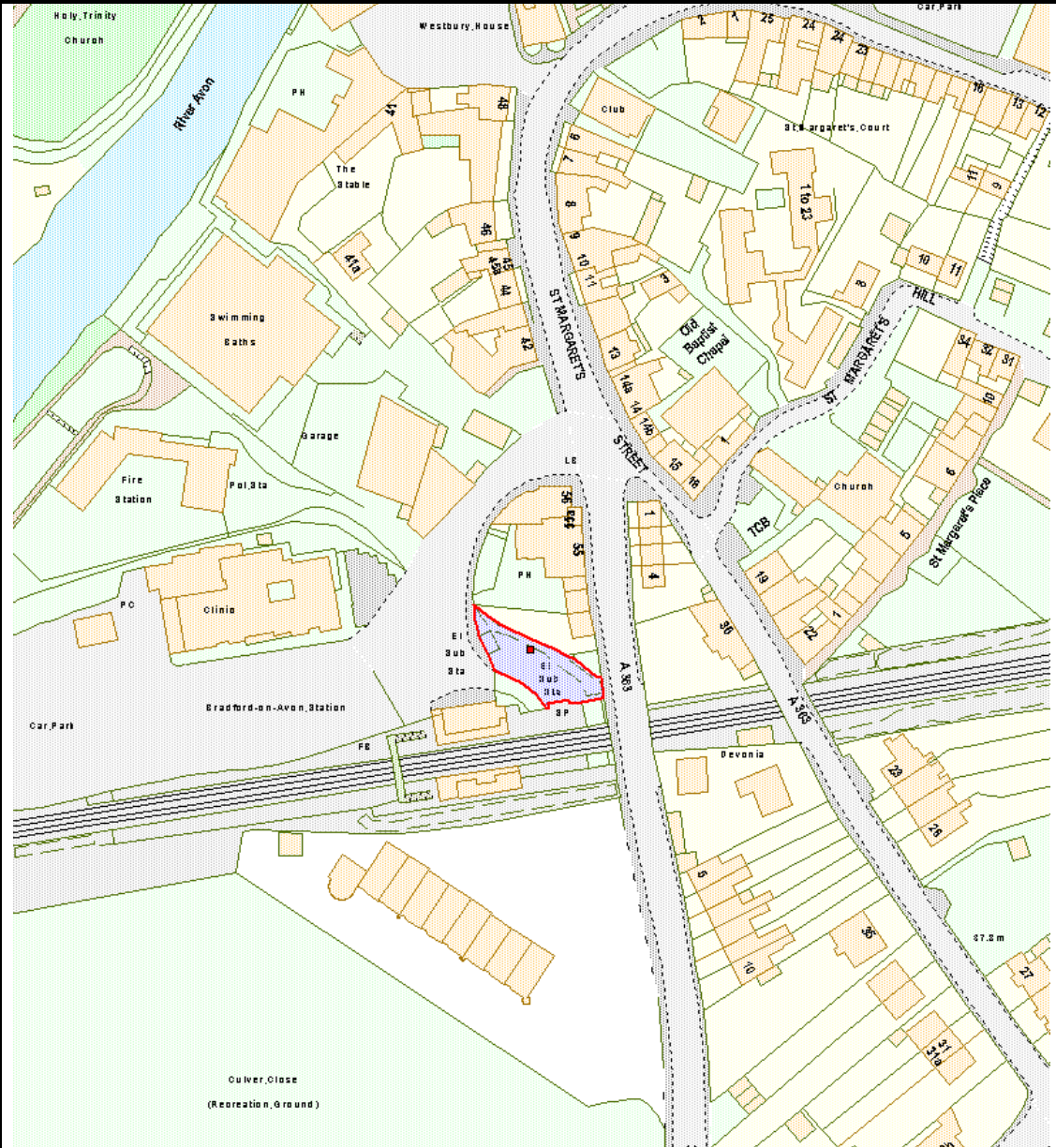
PLANNING COMMITTEE

4 December 2008

ITEM NO: 10

APPLICATION NO: 08/00988/FUL

LOCATION: Land Northeast Of Station Approach Bradford On Avon Wiltshire



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SLA: 100022961

10 Application: 08/00988/FUL

**Site Address: Land Northeast Of Station Approach Bradford On Avon
Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 382537 160697

Application Type: Full Plan

Development: Two storey building for use as fitness centre, class D2 offices, class B1 or health/clinic class D1 with ancillary associated A1 retail strictly for health associated products

Applicant Details: Sires Property
Littledean House Bailbrook Lane Bath BA1 7AB

Agent Details: Ashley Design Associates
The Old Ride Bath Road Bradford On Avon Wilts BA15 2PB

Case Officer: Mr Kenny Green
Phone: 01225 776655 ext 174
Email: kgreen2@westwiltshire.gov.uk

Date Received: 28.03.2008 Expiry Date: 23.05.2008

COMMITTEE REPORT

This application is brought to Committee because the Town Council objects to the proposed development contrary to your officers' recommendation.

APPLICATION SITE & SURROUNDING AREA

This site is a corner piece of raised land located within the Conservation Area in between the Railway Station and the Three Horseshoes public house, both of which are listed buildings. There is a gravelled driveway and gate that provides access to the station platform through the lower part of the site, whilst above there it is overgrown land that forms part of an embankment to Frome Road and the rail bridge and also provides a backdrop to the site.

There is an electrical sub-station and high corrugated iron fence that runs along the northern side of the site. The area is presently dominated by the station buildings, both Grade II listed, the railway line itself and the bridge that takes the main traffic over the railway line. It is bounded to the west by a hard surface car park that provides a large area of open space in a central location for the town centre but is essentially urban in appearance. The embankment area was in a generally untidy state, however it is noted that during site visits to Bradford on Avon, works are in progress to improve the appearance of this parcel of land.

From outside this immediate area there are views of the site from the station platforms and from most parts of the car park. From Frome Road above the site there are views of the upper residential areas of Bradford as noted in the Conservation Area Assessment where it states that "there are however significant views along Trowbridge Road and Frome Road to the hillside terraces". From the road bridge on St Margaret's Road there are even longer views across the site that also encompass the buildings fronting onto Frome Road.

PROPOSAL

This is an application for a two storey fitness centre with associated office (use class D2) or a B1 office use with ancillary associated A1 retail use restricted solely for health related products. It should be noted that the site already benefits from full planning permission for a similar optional scheme (as approved under reference 04/00845/FUL) following the Committee's decision in April 2005, which included a condition stating that the premises approved "shall be used for a D2 (XVIII) or B1 use class only".

The use of the proposed premises has not changed. For the avoidance of any doubt, this application covers material changes made to the fenestration as well as providing a further ground floor extension amounting to about 60 square metres of floor space in addition to what was previously approved.

The proposed development would be a two storey building with hipped roofs with a ridge height of 7 metres. The building would be built in natural stone walls and natural slate roof tiles. The design of the building includes vertical column features either side of the glazing and an entrance porch at the western end of the building. The design and materials of the building were negotiated with the Council's Conservation Officer.

The proposal would also involve the removal of the existing taxi office on the site. The taxi office would be incorporated into the ground floor of the proposed development.

During the processing of this application, amendments were made to the site boundary following negotiations with a neighbouring landowner (which has caused the delay in bringing the application to Committee). In addition, officers negotiated the removal of the upper floor french doors on the northern elevation. Whilst such changes act as material changes to that previously approved, it is submitted that the slight deviation of the site boundary enables greater space around the building to aid future maintenance and the fenestration alterations are made to accord with the views of the Town Council and officers.

CONSULTATIONS

Parish/Town Council

BRADFORD ON AVON TOWN COUNCIL - Recommends refusal on the following grounds:-

The window proportions and details draw attention to the building which will be obtrusive in this sensitive location. The omission of some of the circular windows is welcome but all should be omitted with additional design work undertaken to improve the appearance. The design is not considered suitable for this sensitive site alongside the listed railway station building and the building neither preserves nor enhances the character of the Conservation Area.

The Town Council considers that the opportunity to design a quality modern building or a well considered traditional building to fit-in has been lost.

The Town Council would expect the Conservation Officer to be consulted on such a sensitive site.

External

BRADFORD ON AVON PRESERVATION Trust - The Trust considers the design of this proposed building to be more appropriate to a business park. It is neither good modern architecture nor true local vernacular and does nothing to complement the important neighbouring railway station, a listed building in the Conservation Area.

HIGHWAY AUTHORITY: - No objection to the proposed development providing 6 covered 'Sheffield' cycle stands are provided near the main entrance.

ENVIRONMENT AGENCY: - No objection to the proposed development following the submission of a flood risk assessment by Black & Veatch Ltd. Any approval should be subject to specific planning condition(s) and informatives.

WESSEX WATER: - No objections but requires informatives to be added to any permission covering disposal of surface water and foul flows.

COUNTY ARCHAEOLOGIST: - No objection as the development is unlikely to affect any known archaeology. Furthermore, the potential for any archaeology is considered to be low.

Internal

POLICY OFFICER: - It is understood that planning permission has already been obtained for a similar development at this site and the new application is for revised plans. There is a need to improve the balance between housing and employment in Bradford on Avon and a proposal to provide additional new employment opportunities in a central location should be supported where appropriate. Policy E4 in the West Wiltshire District Plan First Alteration 2004 forms one of the main policy tests for this application. Providing the application conforms to the criteria of Policy E4; the application should be regarded as consistent with policy. Criteria B of Policy E4 is particularly relevant in terms of ensuring that the proposed development does not harm the character, appearance or environment of the site and its surrounds.

Conclusions:

Provision of new employment opportunities should be supported in central locations providing the proposed development does not harm the character, appearance or environment of the site and its surrounds. In this case, it would appear that the proposal accord with the above listed policies.

CONSERVATION OFFICER: - No objections subject to the use of natural materials as detailed on the application.

ENVIRONMENTAL HEALTH: - No objections subject to conditions.

TREE AND LANDSCAPE OFFICER: - No objections to proposed development and confirmed that there is no need to TPO any of the trees on site. If the application is granted, a planning condition is necessary requiring the provision of trees and appropriate landscaping.

NOTIFICATIONS

Site Notices/Visits

Date of visit: The site was originally visited by the case officer and a site notice displayed at the site frontage with the car park on 16.04.2008. Following the submission of revised plans on 17 July, the site was re-visited on 04.08.2008 with another site notice displayed.

Neighbours

No third parties made any representation in respect of this application.

RELEVANT PLANNING HISTORY

04/00845/FUL - Two storey fitness centre or offices use Class D2 (Class XVIII) or B1 - Approved 22.04.2005.

KEY ISSUES

Assessing the acceptability and appropriateness of the design and use of materials of the extended ground floor

Assessing the acceptability and appropriateness of the fenestration changes

Noting that the site already benefits from a similar development scheme (as approved by the Committee) in April 2005.

RELEVANT PLANNING POLICIES

Wiltshire Structure Plan

DP4 - Towns and Main Settlements
DP5 - Town Centres, District Centres and Employment Areas
T5 - Parking
HE7 - Conservation Areas and Listed Buildings
RLT1 - Recreation, Sport and Leisure

West Wiltshire District Plan - 1st Alteration 2004

C17 - Conservation Areas
C18 - New Development in Conservation Areas
C31a - Design
C38 - Nuisance
R16 - Indoor Facilities
E4 - Premises outside Employment Policy Areas
T10 - Car Parking
SP5 - Secondary Retail Frontages
U3 - Flooding

Government Guidance

PPS1 - Delivering Sustainable Development
PPG13 - Transport
PPG15 - Planning and the Historic Environment

OFFICER APPRAISAL

Following the decision of the Council to approve planning reference 04/00845/FUL, which established the principle of the redevelopment of the site for the proposed uses, the key issue to consider under this application rests with whether the approximate 60 square metre extension to the ground floor footprint and the change of fenestration are acceptable in policy terms.

Whilst the objections of both the Town Council and the Preservation Trust are duly noted, they are not considered valid grounds to refuse this application.

The Council has already accepted that a two-storey building built with natural dressed stone walls and a natural slated roof is appropriate at the site. The fenestration changes consists of removing a circular window on the south elevation and adding two vertically aligned windows as well as install another vertically aligned window within the frontage of the ground floor addition. On the northern elevation, the applicants wish to install fewer windows than previously approved (2 instead of 5, but have French doors accessing the rear patio area). Two further circular windows would be replaced with square windows on the side elevations to produce a more traditional façade.

Government Guidance regarding the renewal of, or amendments to, a planning approval, clearly states that such applications should only be refused where there has been some material change of planning circumstances since the original permission was granted, such as a change in the relevant Planning Policy for the area or if the proposal is significantly and materially different in any other way to the original.

The previous application was considered against the West Wiltshire District Plan 1st Alteration dated 2004 (which remains the appropriate Local Plan) and since that there have been no material changes in planning policy affecting this development; no changes made to government guidance (contained within PPG15 - Planning and the Historic Environment dated 1994) and since that the design is similar to that which was previously approved, there is no planning grounds to refuse this application.

The design and detailing of the proposed development has not changed significantly and as a consequence, the recommendation remains supportive.

Officers maintain that the development is in keeping with the Conservation Area in terms of its scale, design, access, highways issues, parking provision and environmental considerations (e.g. landscaping).

District plan policy allows for uses which encourage vibrancy and vitality in town centres; both use options presented would therefore be acceptable in principle. Research in the past has indicated that there is a need for a new sports hall in Bradford on Avon and Policy R16 permits sporting and recreational facilities providing that they are in scale and harmony with their locality and do not create parking problems. Similarly policy E4 permits new employment proposals providing that they do not harm the character appearance or environment of the site and are easily accessible. Given the central location of the site, the maximum car parking standards would not be expected and it is duly noted that the Highway Authority have raised no objection.

Policy C18 which deals with new development in Conservation Areas and states that proposals for new development in a conservation area will be permitted only if detailed criterion are met which requires that the development will preserve or enhance the character or appearance of the conservation area; and the plot layout, scale, form and detailed designs are characteristic of the area. Traditional local materials will be expected, except in locations away from public view.

It is recognised that the site is prominently positioned within the public realm, being one of the key sites that would be viewed by many people using the car park or the train station, and therefore traditional materials are essential in order to safeguard the character of the area. In this particular case, the applicants fully recognises the sensitive locality and has produced an acceptable development in terms of its scale, form and detailed design of the extended approved building to be in keeping with the special character and appearance of the Conservation Area.

Officers further submit that the proposed changes to the approved development would not create an over-dominant development, the materials to be used are acceptable in the Conservation Area and the building, built in these materials, would constitute an enhancement of this site, which currently does nothing to preserve or enhance the special character and appearance of the Conservation Area. In addition, and as mentioned previously, the removal of the taxi office (which is a shed type structure) would bring about a significant enhancement of the Conservation Area. As was previously the case, the taxi office would be incorporated into the proposed fitness centre building. Officers therefore can see no reason not to support the application.

The proposed changes to that previously granted would have nominal impact on the setting of the nearby listed buildings. There is however an importance in maintaining the visual relationship between the railway station, the platform and bridge and the surroundings. As previously submitted by officers, the proposed scheme would, as described above, create an intermediate roofline which would result in a clear progression around this end of the car park.

CONCLUSION

The design, form, scale, massing and materials of the (amended) proposed building would conserve and enhance the special character and appearance of the Conservation Area and would not have a detrimental impact on the setting of the surrounding listed buildings of the railway station and the public house by reason of its sensitive design and scale and use of traditional materials. The proposed development is acceptable in policy terms and would not result in a detrimental impact on highways matters. Therefore the application is recommended for permission.

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 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 A sample wall panel, not less than 1 metre square, shall first be constructed on site and approved by the Local Planning Authority before construction proceeds. The panel shall then be left in position for comparison while the development is carried out. The development shall be carried out in accordance with the approved sample.

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

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

- 4 There shall be no pedestrian access created from the site onto the Frome Road.

REASON: In the interests of highway safety so as not to encourage vehicles to stop on Frome Road.

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

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

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

- 6 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.

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

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies E2, E4 & E6.

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

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

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

- 10 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.

- 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 The development hereby permitted shall not begin until a scheme to deal with any contamination of the site has been submitted to and approved by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination, and the measures to be taken to avoid risk to the public or the environment when the site is developed which shall be implemented before the development begins. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of public health and safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C37.

13 Prior to the commencement of any development the site shall be subject to:

- i) a desk study identifying all previous uses and potential contaminants associated with such uses;
- ii) a conceptual model of the site indicating sources, pathways and receptors and risks arising from contamination at the site;
- iii) a site investigation and risk assessment works providing information of risk to all receptors that may be affected, including those off site;
- iv) submission of the results of the site investigation and risk assessment and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken;
- v) that the above is carried out to the satisfaction of the Local Planning Authority.

Site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: The site is immediately adjacent to a railway and to electricity substations. As a result there is potential for land contamination. The site overlies a minor aquifer and is immediately adjacent to a major aquifer. The above listed measures are required in the interests of preventing unacceptable risk to controlled waters.

14 That prior to the occupation of the hereby approved development, six 'Sheffield' cycle stands shall be provided within the application site to the satisfaction of the local planning authority.

REASON: To encourage the use of sustainable transport modes.

15 Following the completion of works on the site, the applicant/developer shall submit a verification report which shall confirm the remediation measures that have been undertaken in accordance with the required method statement and set out the measures to be put in place for maintenance, further monitoring and reporting to the satisfaction of the local planning authority.

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/developer is advised to note the content of Wessex Water's letter dated 22 April 2008 relative to the disposal of surface water and making connections to the public water and foul systems.
- 2 The applicant/developer is advised to note the content of the Environment Agency's letter dated 5 November.

RELATED PLANS

- Drawing : 2237:07:04 received on 17.07.2008
- Drawing : 2237:07:02 rev c received on 17.07.2008
- Drawing : 2237:07:03 received on 17.07.2008
- Drawing : 2237:07:01 rev b received on 25.11.2008