

PLANNING COMMITTEE

29 January 2009

Planning Applications for Determination

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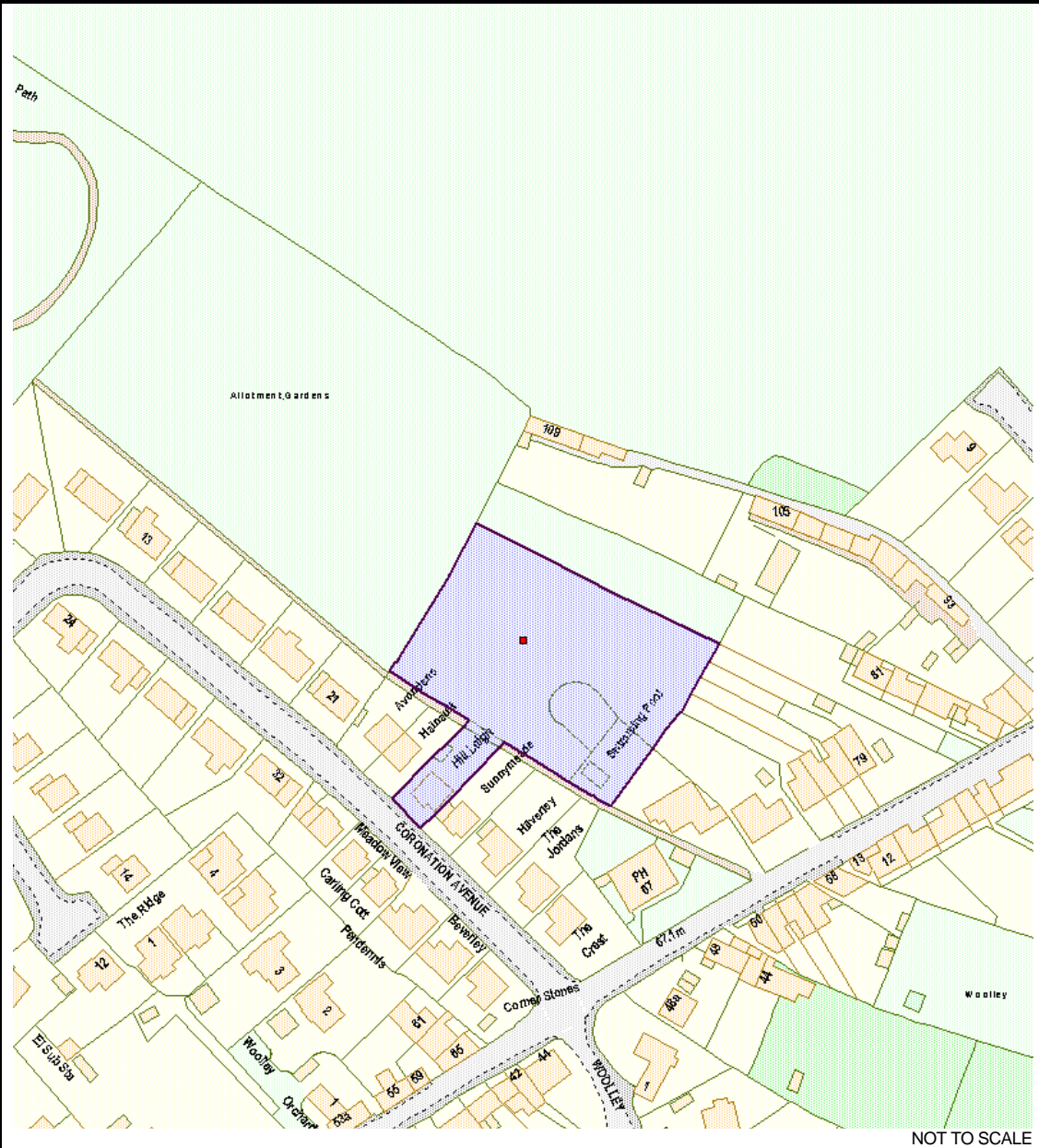
PLANNING COMMITTEE

29 January 2009

ITEM NO: 01

APPLICATION NO: 08/02912/FUL

LOCATION: Land Rear Of 69 Woolley Street Bradford On Avon
Wiltshire



NOT TO SCALE

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SLA: 100022961

01	Application:	08/02912/FUL
	Site Address:	Land Rear Of 69 Woolley Street Bradford On Avon Wiltshire

Parish:	Bradford On Avon	Ward:	Bradford On Avon North
Grid Reference	383304 161332		
Application Type:	Full Plan		
Development:	Demolition of Hill Leigh, and erection of eight 2 and 3 bedroom dwellings and associated parking		
Applicant Details:	Beswick Homes C/o 101 Victoria Road Old Town Swindon Wiltshire SN1 3BD		
Agent Details:	Ian Sullivan Architectural Design Ltd 101 Victoria Road Old Town Swindon Wiltshire SN1 3BD		
Case Officer:	Mick Roberts <i>Phone: 01225 776655 ext 557</i> <i>Email: mroberts@westwiltshire.gov.uk</i>		
Date Received:	06.10.2008	Expiry Date:	01.12.2008

COMMITTEE REPORT

This application was deferred by the Planning Committee of 8 January 2009 to be heard at the following meeting.

This application is brought to Committee because Bradford on Avon Town Council object to the proposed development, contrary to your officer's recommendation.

APPLICATION SITE & SURROUNDING AREA

This site lies within the Town Policy Limits for Bradford on Avon. It is rectangular in shape and has previously been used as an orchard. There are trees on the northwest and northeast sides of the site that are the subject of a Tree Preservation Order. There are also 4 fruit trees within the site.

A footpath runs along the southwest boundary which separates it from the rear gardens of residential properties to the southwest comprising 2 detached two storey houses, 2 bungalows and a pair of two storey semi-detached houses. A Public House, the rear gardens of a two detached bungalows and an adjacent terrace of 4 two storey dwelling are to the southeast of the site. Allotment Gardens adjoin the northwest boundary with a strip of land to the northeast.

It is located within the Woolley Street Conservation Area, with the boundary of that area coinciding with the southwest and northwest boundaries of the site. This area is characterised by clearly identifiable urban forms and layout comprising areas of attractive and locally distinctive stone built terraced houses and areas of detached houses of complementary but less homogenous form and period design.

Woolley Street which is a continuation of Coronation Road comprises detached bungalows with low pitched gabled end roofs. This sits outside of the Conservation Area.

PROPOSAL

This is an application for full planning permission for the erection of 8 dwellings and associated parking and landscaping. It has been submitted with a Planning Design & Access Statement, Extended Phase 1 Habitat Survey, Landscape Specification and Landscape Management Plan.

Access to the site will be achieved by the demolition of Hill Leigh, a detached dwelling on the eastern side of Coronation Avenue. This property is not within the Conservation Area and therefore does not require Conservation Area Consent for its demolition.

The proposed housing on the site would be two storey in height and comprise 6 three-bedroom dwellings and 2 two-bedroom dwellings. These are arranged in a terrace with a walkthrough provide towards the centre of the terrace with ridge line of each pair of properties stepping down across the site. The properties on the end of the terrace have gabled ends to the front elevation with hipped roof to the flank.

Submitted materials are stone facing for wall, timber casement windows with the roofing materials to be agreed.

The scheme has been revised following refusal of planning permission for 9 properties (06/02441) and discussions with Officers in order to address issues arising from the last refusal.

In support of the application the agent states that his client has submitted an extended Phase 1 Habitat Survey which considers the ecology of the site and adjacent habitats and ensures the development proposals seek to ensure that impacts on ecology are avoided or mitigated on ecology are avoided or mitigated within the scheme. The outcome of the preliminary assessment of the site is that habitat rarity is low with minimal roosting potential. He continues that the existing Sycamores and low stone wall are being retained and there is a tree protection area indicated on the landscape scheme. The existing fruit trees to be removed have an approximate life span of less than 6 years. We are proposing to plant new trees in place of, as our landscape proposals again indicate. He continues that the length of the building across the centre of the site has been considerably reduced to firstly respect the distance between our new build and the existing Sycamore trees and the rear properties known as 69 and 71 Woolley Street, by a reduction of units from nine to eight number. The step in levels across the site is also reflected in the proposals. He continues that additional planting can be provided to the boundary of 69 and 71 Woolley Street and this could be conditioned. The majority of the site is screened by an existing low stone wall with a new stone wall being proposed to the rear boundary of no's. 73, 75, 77 and 79 Woolley Street. Car spaces numbered 8 can be re-positioned slightly to accommodate a wider buffer between the public footpath and the edge of car space no. 8. Again, this could be conditioned. The Leylandii hedge is to be retained to the southern boundary. This can be managed and lowered if required. This could be conditioned. A management company is to be set up for the future maintenance of the area outside the curtilage of each plot and its rear amenity, in order to properly manage the area with consistency and expertise of the management company. Additional planting can be provided to the boundary treatments to the properties either side of the access road. There is a substantial hedge to the side with Sunnymede and a grass verge and hedge adjoining Hainault. The external facing proposed is natural stone facing, natural slate roof, timber windows, natural stone heads and cills, black rainwater goods and natural stone chimneys. Finally, the agent states that there are various porch details as replicated on the scheme based upon local architecture of the local vernacular.

CONSULTATIONS

Parish/Town Council

BRADFORD ON AVON TOWN COUNCIL

Parish recommendation:- Refuse on 04/11/2008.

The Town Council recommends refusal. This is inappropriate development in a Conservation Area. There are issues regarding safety and access and materials etc. The Town Council endorsed Mrs Gillian Ellis-King's letter dated 31 October 2008.

This backland proposal by reason of its overall design, density and layout is not in keeping with the characteristics of the surrounding area and does not preserve or enhance the character of the Conservation Area. This contrary to policies H1 and C18.

External

ENVIRONMENTAL SERVICES WCC (HIGHWAYS)

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

1. 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.

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

Reason: To ensure that the development is served by an adequate means of access

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

Reason: In the interests of Highway Safety.

4. Before the access hereby permitted his first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 90m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above the height of 600mm above the nearside carriageway level, and thereafter maintained free of obstruction at all times.

Reason: In the interests of Highway Safety.

ENVIRONMENT AGENCY (NORTH)

This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

Therefore we have no comment to make on this application.

WESSEX WATER

We have no objection in principle to this proposal, providing there is not impact on Wessex Water infrastructure.

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

NATURAL ENGLAND

No comments received

BRADFORD ON AVON PRESERVATION TRUST

Bradford on Avon Preservation Trust urges that the Committee organises a site visit before making a final decision on this application. Only then can they appreciate the enormity of what is being asked in this important part of Bradford on Avon.

The Preservation Trust Planning Committee strongly recommends refusal of this application. It supports the opinion of the Town Council and the views expressed by a member of the public also referred to by the Town Council.

This application is little better than the last one for this site and still totally unsuitable. It does nothing to preserve or improve the Conservation Area, is still overdevelopment of the site, endangering listed trees and entailing the loss of a perfectly good home in Coronation Avenue which will cause traffic and safety problems. Furthermore, the use of close boarded fencing in this area would be totally unsuitable.

Internal

CONSERVATION OFFICER WWDC

The majority of the existing site is an open space on the edge, but within, the Conservation Area. The site of Hill Leigh is outside of the Conservation Area and is proposed to be demolished to form the entrance to the larger site.

There would be a substantial amount of open space left within this site as part of the proposed development. The trees on the north and western boundaries are protected and would be retained. The centre of the site contains a number of ageing fruit trees, the remnants of an orchard on this area, that would be removed. I understand these trees are not worthy of protection in themselves as they are fruit trees that are coming to the end of their lives. However, the use of the area as an orchard is an important feature within the Conservation Area and this should be preserved.

The proposed scheme would replace the removed fruit trees with new orchard planting. These new trees would be sited in a linear form as existing, but moved to the north and eastern part of the site. The use of the site as an orchard would therefore be preserved and the new trees would have a much greater longevity than the existing trees.

The additional planting and landscaping proposed around the boundaries of the site, and the repair of the historic stone walls, would be of benefit to the special character and appearance of the Conservation Area.

The form of the terrace would echo the line of other terraces in the immediate vicinity within the Conservation Area. The central location of the terrace would retain the feeling of space around the building which is so characteristic of the site at present.

The design of the terrace reflects the historic buildings in the Conservation Area and would not harm the special character and appearance of the Conservation Area. The fenestration is varied enough to give visual interest and does not appear to be overly repetitive, and yet the proposed building would not appear visually incoherent. The use of chimneys and a stepped roofline with stone parapets is also welcome.

The quality of materials as stated in the application is high, assuming the window surrounds will be natural stone and the roofing a natural slate.

The parking as proposed would be tucked into the corners inside the entrance and this would seem to be the locations to give the least impact on the visual amenity of the area.

The division of the site to provide separate gardens for each property is a little disappointing as this does remove the sense of openness. However, if the boundaries are implemented in hedging rather than a hard boundary (close boarded timber fences or stone walls) then the effect would be greatly softened. Hedging is shown on the layout plan as the garden boundaries. I would suggest a condition removing permitted development rights for boundary treatments and extensions in order to preserve the special character and appearance of the Conservation Area.

The entrance would require the demolition of Hill Leigh, this does not add to the street scene in a significant way and it is outside of the Conservation Area. There is no objection to its demolition.

The entrance drive is proposed to be 4.5 metres wide. A narrower entrance would be beneficial with regard to the Conservation Area, but if properly landscaped would not have a huge impact.

TECHNICAL SERVICES - DRAINAGE ENGINEER

No comments received

TREE & LANDSCAPE OFFICER WWDC

There has been much interest in this site for a number of years and the need to protect trees within it. Trees worthy of protection were so in 2004 and 5, and included most trees surrounding the site. There are a number of fruit trees within the site that were not protected and it is my opinion that they remain unprotected.

Although some arboricultural information has been included on the landscape scheme, it falls short of providing adequate information in relation to trees on site. If consent is to be granted, an Arboricultural Method Statement (ASM) must be submitted and acceptable before a decision is issued.

With the exception of the ASM, the submission is satisfactory in tree and landscape terms. Although the proposed planting will be juvenile for a number of years, the scheme attempts to address general character issues.

In the schemes favour, existing protected trees and proposed orchard trees will remain in the control of the Council, once the Public Open Space (POS) has been layout and maintained to the satisfaction of the of the Council. In the Landscape Specification and Management documents, it states that the POS will be maintained by the contractor of a period of 12 months, this should be revised to read maintained until formal transfer and in accordance with the section 106 agreement.

Although it's not my area of expertise, I note there is no formal wildlife or habitat survey details on file. Due to the extent of vegetation and foreseeable habitats on site, which vary in state of health, this information should also be submitted and any concerns addressed before determining this application.

Arboricultural Method Statement - Submission Required - pre determination

An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;

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

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

Landscaping scheme to be implemented

The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- The whole scheme shall be subsequently retained.

Reason - In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants in accordance with Policy C32 and C40 of the West Wiltshire District Plan First Alteration 2004.

Implementation Landscape Management Plans

All works relating to landscape maintenance and general management shall be carried out as specified in the approved Landscape Management plan and shall be supervised by the appointed landscape consultant and where appropriate an arboricultural consultant holding nationally recognised qualifications.

Implementation of Arboricultural Method Statement – Once approved

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

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

Arboricultural Supervision

Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

Reason - In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and in accordance with Policy 32 of the West Wiltshire District Plan First Alteration, June 2004

RECOMMENDATION:

There are no arboricultural or landscape reason to refuse this application once an acceptable ASM has been submitted. However any consent must be subject to the aforementioned conditions.

DISTRICT ECOLOGIST, WCC

No comments received

CHIEF FIRE OFFICER - HILPERTON ROAD

No comments received

WILTSHIRE POLICE (COMMUNITY SAFETY)

No comments received

NOTIFICATIONS

Site Notices/Visits

The application was published in the Wiltshire Times as development within a Conservation Area on 24/10/08 with an expiry dated for representations of 14/11/08.

Neighbours

Those submitting objections to the previous application were notified of this application on 14/10/08.

As a result of public consultation 21 letters and e-mails have been received, raising concerns about the proposal. When last reported to the planning committee points set out were summarised as follows.

- The revised plans does not address previous comments
- The site is outside the built up area of the town and close to the Green Belt boundary
- The site was included within the Conservation Area with no highway access
- The proposal is backland development
- It requires access onto quiet residential road
- The design of the house is poor and styles are inconsistent and uncharacteristic of the area - it is superficial pastiche
- The design and layout creates overdevelopment with little regard to compatibility with existing character and densities

- The cul-de-sac approach is not in character with Woolley
- Woolley has a village character. the integrity of which would be threatened by this development
- Result in the destruction of an orchard and a wildlife habitat - the TPOs would not have long-term protection in the development
- Traffic impact on surrounding residents and roads
- Harm to pedestrian safety and danger of unsafe junction
- Contrary to Policies H1 and C18
- The fruit trees should be retained - The entrance would be blind
- The road is quiet
- Design, appearance, layout, scale and density not in keeping with the character and street scene of the area and does not conserve or enhance the character of the Conservation Area on which it will have an adverse impact
- Contrary to West Wiltshire District plan 1st Alteration 2004 Policies C4, C17, C18, C31a, C34a, H1 and H24
- Visibility splays not possible and poor
- Houses are cramped
- Loss of green open space • impact on Conservation Area - Severe effect on residents of Coronation Avenue
- The junction of Coronation Avenue and Woolley Street is already a problem
- Impact on local traffic, highway safety and pedestrian safety - Increase in traffic and parking
- Development is not appropriate for this area
- Queries over land ownership
- Loss of quiet enjoyment and privacy for surrounding residents
- Harm to nature - many species reported in the area
- Backland development bringing traffic and associated noise and disturbance • No cycle parking
- No refuse collection points or waste recycling
- Contrary to PPG13 and PPG15
- Demolition in Conservation Area
- Inadequate access from site to surrounding road network
- Demolition of house will change character of the area
- Impact on services and utilities
- More houses are not needed - other areas such as Kingston Mills could be developed
- Materials should match surroundings and the fencing materials are inappropriate in a conservation area
- Increase in air pollution
- Effect on TPO trees
- Should be 5 houses maximum

The submitted objections to the current application in the main consider that the loss of one unit from the development still gives rise to all those previously raised objections to the last scheme as set out above

RELEVANT PLANNING HISTORY

05/01304/FUL Demolition of Hilleigh and erection of 14 no. 3 refused

06/02441/FUL Demolition of Hill Leigh and erection of 9 no. 2, 3 and 4 bed dwellings and associated parking refused 15/02/2007 for the following reason:-

- 1) The proposal by reason of its overall design, density and layout would neither preserve nor enhance the character or appearance of the conservation area contrary to Policies C17 & C18 of the West Wiltshire District Plan 1st Alteration 2004, and would, furthermore, disrupt the character of Coronation Avenue and the surrounding area contrary to Policies H1 and H24 of the West Wiltshire District Plan 1st Alteration 2004.
- 2) The proposal by reason of its layout does not make provision for the protection of existing TPO trees contrary to Policy C32 of the West Wiltshire District Plan 1st Alteration 2004.

KEY ISSUES

1. Does the scheme preserve or enhance the character of the Conservation Area?
2. Does the proposal affect protected trees?
3. Has to scheme addressed concerns raised by neighbours?

RELEVANT PLANNING POLICIES

Wiltshire Structure Plan 2016

- HE7 Conservation Areas
- DP1 Priorities for Sustainable Development
- DP3 Development Strategy
- DP7 Housing Development at Towns and Main Settlements
- DP9 Development of Previously Developed Land

West Wiltshire District Plan - 1st Alteration 2004

- C17 Conservation Areas
- C18 New Development in Conservation Areas
- C31a Design
- C32 Landscaping
- C38 Nuisance
- H1 Further Development Within Towns
- H24 New Housing Design
- T10 Car Parking

- PPS1 Delivering Sustainable Development (Jan 2005)
- PPS3 Housing
- PPG13 Transport
- PPG15 Planning and the Historic Environment

- SPG Design Principles

OFFICER APPRAISAL

1. Does the scheme preserve or enhance the character of the Conservation Area?

As reported to the Committee in February 2007 detailed consideration was given to the Principle of Residential Development and Impact on the Conservation Area. In this respect as the site lies within the built-up area the principle of residential development here, would not be in conflict with Policy H1

As this site is located within the Bradford on Avon No.2 Conservation Area, key Development Plan policies are those relating to Conservation Areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on Local Planning Authorities, to pay special attention to the "desirability of preserving or enhancing the character or appearance of that area".

The West Wiltshire District Plan Policy C17 states that the special character or appearance of the designated Conservation Areas and their setting in West Wiltshire will be preserved and enhanced. This is consistent with the legal requirement of the Local Planning Authority as set out in PPG15.

Policy C18 states that proposals for new development in a Conservation Area will be permitted only if the following criteria are met.

- a. The development will preserve or enhance the character of the Conservation Area;
- b. The plot layout, scale, form and detailed designs are characteristic of the area;
- c. Historically important boundaries and street patterns, trees, walls, railings and other means of enclosure which contribute to the area's character are retained;
- d. Open spaces and views into, out of and within the area, which are important to its character are protected;
- e. Materials and colours which blend with their setting are used. Traditional local materials will be expected, except in locations away from public view.

The character of the Conservation Area in this location is of open land. As a result, the advice of the Council's Urban Design and Conservation Assistant is in support of the proposal stating that it will not be to the detriment of the character of the Conservation Area or the wider characteristics of the locality. This is still the view made in respect of this latest proposal.

With regard to the layout, scale and form, this proposal has a reduced density of development and, by including a design which echoes the residential development in Woolley Street, the proposal is broadly consistent with the character of the area. This consistency will be further increased by the use of a palette of materials to match development in Woolley Street. A suitable condition to achieve this is recommended.

There are no historically important boundaries on the site.

In respect of the openness of this part of the Conservation Area, the application proposal has been amended and reduced by one unit so that more of the site will remain open.

The concerns of the objectors that the proposal will result in the loss of an important open area are noted. However, on balance the Applicants statement that the proposed terrace has been placed much closer to the southern boundary of the site and footpath so enabling a much greater proportion of the area to remain open and undeveloped, is supported. The incorporation of gardens to the rear of the proposed dwellings coupled with the use of grasscrete will assist in ensuring that the overall open character of this site is retained.

The siting, layout and design of the proposed development is considered to be acceptable as it is considered to be traditional, in scale with and would respect the appearance of the surrounding area. The detailing is not unsympathetic and therefore is acceptable within a scheme of new residential development such as this. The proposal is therefore regarded as being consistent with Policy C31a.

The materials to be employed in this development will match existing residential development in Woolley Street. This can be secured by the imposition of relevant conditions.

The use of close boarded fencing is an acceptable material in a residential area and is already a characteristic of boundary treatments in the area.

The conclusion reached therefore is that the proposed development would preserve the character and appearance of the Conservation Area.

2. Does the proposal affect protected trees?

The trees on the site which are the subject of a tree preservation order are to be retained. The mature hedgerow which separates the application site from the footpath to the rear of properties in Coronation Avenue will, with the exception of the portion required to be removed to facilitate the access road, also be retained. The proposal is therefore consistent with Policy C32.

3. Has the scheme addressed concerns raised by neighbours?

Many of the issues raised by neighbouring residents are covered in the considerations set out above in relation to its impact on the conservation area and any changing character that would result from development this site.

However, there have been concerns about highway access. These issues can be overcome by conditions as recommended by the highway authority. It is considered that there is no reason to justify refusal on any of these grounds and the views of the highway authority are fully supported.

The application has been submitted with a detailed habitat survey but concerns regarding the loss of this site has been raised by objectors. Parts of the site will remain undeveloped, particularly on the boundaries which will allow bushes and some trees to remain around the site perimeter. This will ensure that sufficient natural habitation for wildlife is maintained and any replanting and reinforcement of retained green areas can be provided by the subsequent submission of details of landscaping and a method statement with tree protection measures. There is no reason for objection to the proposal on these grounds.

Protected species are given statutory protection and an informative to the applicant is considered appropriate to prevent any harm.

The design and layout together with the relationship to neighbouring properties is not considered to have any adverse impact on either the existing properties or interalia those currently proposed. Furthermore, your officers are of the view that the current application is a significant improvement on the earlier application and it does not represent overdevelopment of the site.

4. Is there a requirement for affordable housing?

As the proposal is for less than 25 dwellings on a site with an area of less than a hectare, there is no requirement to provide affordable housing.

CONCLUSION

For these reasons set out above, it is considered that this revised proposal would not only preserve and enhance, that is to say not harm, the character and appearance of the Conservation Area. It does not detract from the surrounding area or harm residential amenity, highway safety or other matters of acknowledged importance. Furthermore, it overcomes the previous reason for refusal and it is therefore 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

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

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

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

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

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

3 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.

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

REASON: To ensure that the development is served by an adequate means of access

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

REASON: In the interests of Highway Safety.

7 Before the access hereby permitted his first brought into use the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and points on the carriageway edge 90m from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above the height of 600mm above the nearside carriageway level, and thereafter maintained free of obstruction at all times.

REASON: In the interests of Highway Safety.

8 The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- The whole scheme shall be subsequently retained.

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

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

- 9 All works relating to landscape maintenance shall be carried out as specified in the approved Landscape Management plan unless otherwise approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out.

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

- 10 All works relating to the demolition/development with implications for trees shall be carried out as specified in an arboricultural method statement which shall be submitted to and approved in writing prior to the commencement of any works of demolition/development and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

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

- 11 Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan First Alteration, June 2004 - Policy C32.

Note(s) to Applicant:

- 1 The applicant is reminded to seek the advice of Natural England in respect of any development that may affect species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c) Regulations 1994 and the Protection of Badgers Act 1992.
- 2 The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

RELATED PLANS

Drawing : 001 received on 06.10.2008

Drawing : 007/001 received on 06.10.2008

Drawing : 007/002 received on 06.10.2008

Drawing : 4492/200/001 received on 06.10.2008

Drawing : 69W/LP/070 received on 06.10.2008

Drawing : 0700/SEC/01 received on 06.10.2008

Drawing : 001A received on 06.10.2008

Drawing : 0700/SS/01 received on 06.10.2008

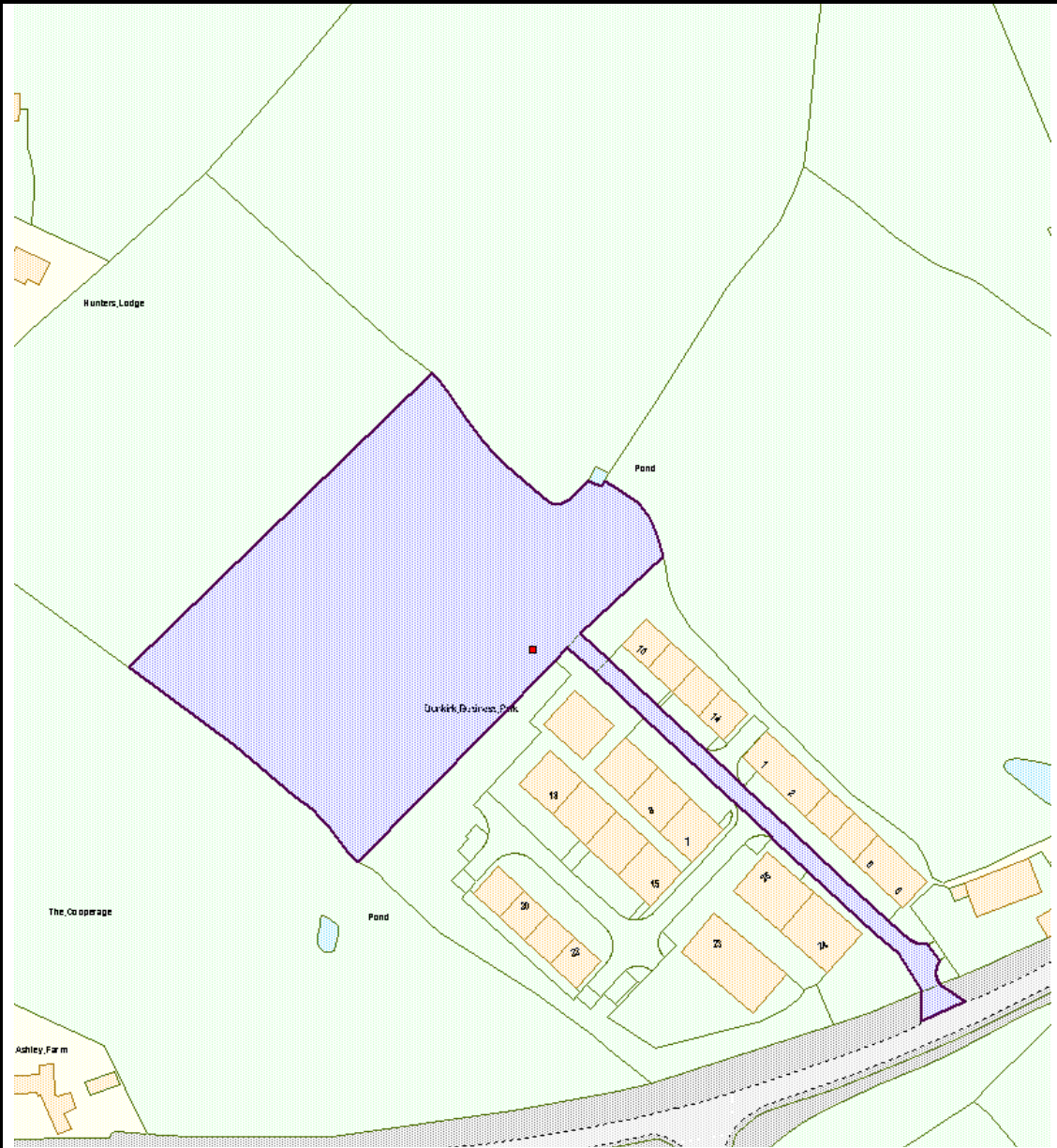
PLANNING COMMITTEE

29 January 2009

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: 20.05.2008

COMMITTEE REPORT

This application was deferred by Committee on 4 December 2008 to allow comments from consultees.

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.

This has now been supported by a Transport Statement prepared by IMA Transport Planning, dated July 2008 but not formally submitted until December 2008.

Further the application has now been supported by a simple flood risk assessment submitted in December 2008.

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 serious 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."

Following receipt of a Transport Assessment the following comments have been made by the Highway Authority on 19 December 2008:

"I feel that the information provided does indicate that the agreed visibility splays could be achieved in both directions should a new ghost island right turn junction be provided at the site entrance. I remain somewhat concerned that traffic speeds could in fact increase should the ghost island junction be provided, but the basic design of the improved junction can be provided, including the agreed splays, within existing public highway. The additional traffic generated by the development remains of concern in relation to the Structure Plan Policy and sustainability.

"Therefore, my in principle objection to the development must remain and I am prepared to offer the following amended grounds for refusal:-

1. The scale of the development is not supported by the Structure Plan Policy T8 and the introduction of additional traffic movement, on the scale of development proposed, at an improved junction within a section of unrestricted "A" class public highway will be detrimental to road safety.
2. The proposal, in a rural location, is likely to further encourage employees and visitors to access the site by means of the private car and is contrary to the key aims of PPG13 which seeks to reduce the growth in the length and number of motorised journeys.

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.

Following receipt of a simple Flood Risk Assessment the Environment Agency removed its objection subject to imposition of conditions on 22 December 2008:

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 the submission of a Transport Assessment in December it is considered that the principle of the highway concerns have not been adequately addressed, especially the sustainability issue and fact that the proposal would intensify and alter an access onto an A-classified road outside of any village or town policy limits. The Highway Authority's objection is set out in detail above and the grounds for refusal have been amended in light of the up to date information and consultation response.

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 consultation responses raised an objection on planning policy grounds. The objection from the Environment Agency has been withdrawn and so the reasons for refusal have been reduced since this was last presented to Committee on 4th December.

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 introduction of additional traffic movement, on the scale of development proposed, at an improved junction within a section of unrestricted 'A' class public highway will be detrimental to road safety; contrary to Policy E6 of the West Wiltshire District Plan 1st Alteration (2004) and Policy T8 of the Wiltshire Structure Plan 2016.
- 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.

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

Drawing : IMA-07-038-005 received on 19.02.2008

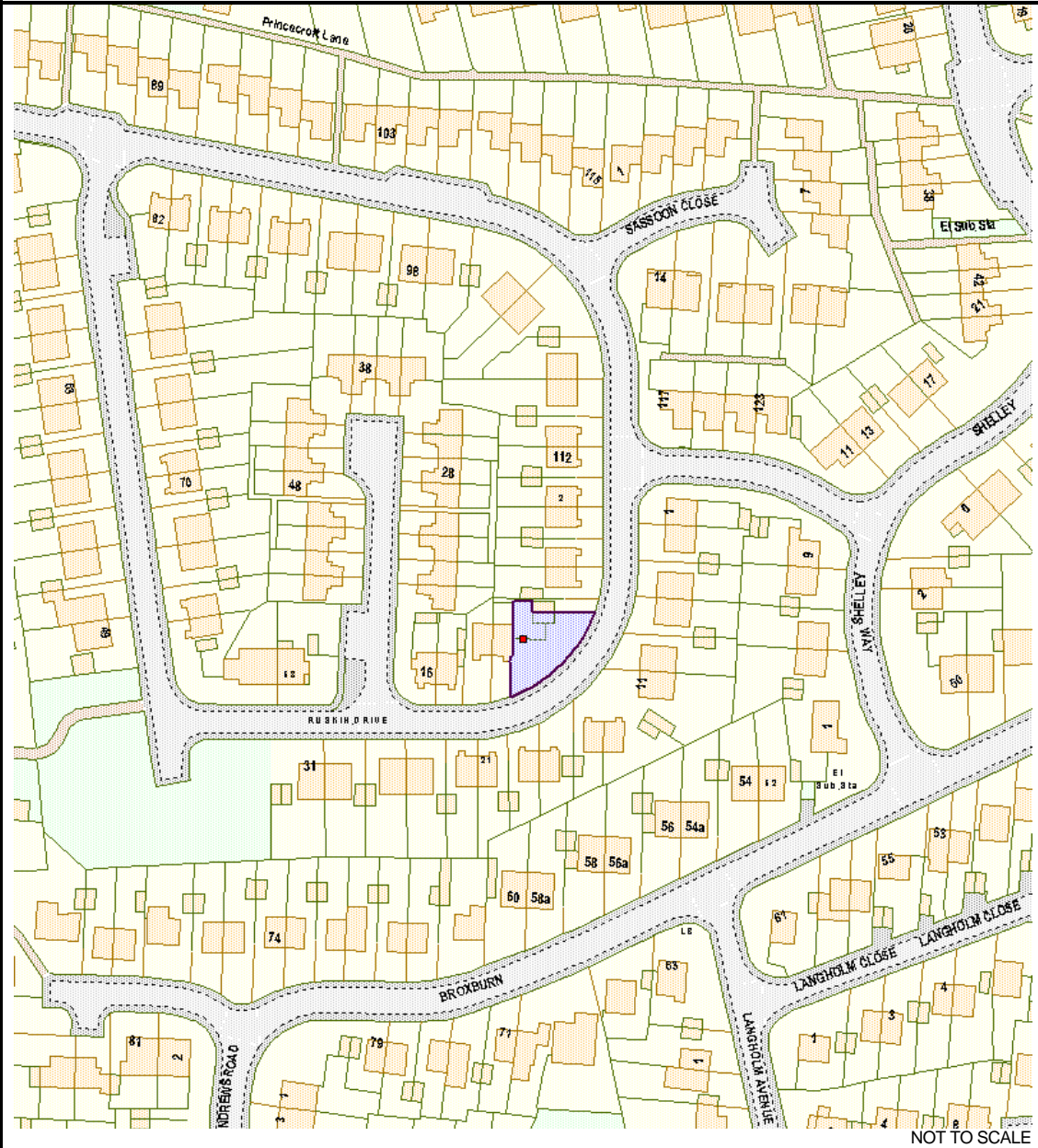
PLANNING COMMITTEE

29 January 2009

ITEM NO: 03

APPLICATION NO: 08/03240/FUL

LOCATION: Land Adjoining 10 Ruskin Drive Warminster Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 08/03240/FUL

Site Address: Land Adjoining 10 Ruskin Drive Warminster Wiltshire

Parish: Warminster Ward: Warminster West

Grid Reference 385898 144640

Application Type: Full Plan

Development: Addition of new two storey dwelling with new single garage

Applicant Details: Mr Michael Gratton
10 Ruskin Drive Warminster Wiltshire BA12 8HS

Agent Details: Mrs Abigail McGillivray
60 Goose Street Beckington Frome Somerset BA11 6SS

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

Date Received: 25.11.2008 Expiry Date: 20.01.2009

COMMITTEE REPORT

This application is brought to Committee because the Warminster Town Council objects and officers recommend permission.

APPLICATION SITE & SURROUNDING AREA

The application site is a 450m² portion of land immediately at no. 10 Ruskin Drive, to the north of the road and on a corner. The surrounding area is primarily characterised by relatively modern semi-detached and terraced residential development.

PROPOSAL

The proposal is for a 2/3 bedroom dwelling as an extension to the existing semi-detached pair of dwellings No's 10 and 12 Ruskin Drive. The new dwelling would be located on a 270m² portion of the site, to the east of the existing dwelling. The design would mirror that of No 10. The development would include an additional garage as an extension to the existing pair of garages (serving No's 10 and 12) on the north eastern portion of the site. An existing hardstanding would be extended to provide for a parking space in front of the new garage. A total of four spaces would be available to serve the existing and proposed dwellings.

CONSULTATIONS

Parish/Town Council

The Warminster Town Council objects on the grounds that this can be considered to be an open plan development and the site is currently an open grassed area.

External

Highway Authority

No objection subject to conditions in relation to the access and surface water disposal.

Wessex Water

No objection

Internal

Tree and Landscape Officer
No comment.

NOTIFICATIONS

Site Notices/Visits

Date of visit:
The site was visited on 5 December 2008.

Neighbours

Four responses were received. Objections are raised on the following grounds:

- overdevelopment of a small site;
- impairment of sight distances onto road;
- harm to the character of the area;
- loss of privacy to surrounding properties;
- inadequate parking;
- loss of value of semi-detached dwelling.

RELEVANT PLANNING HISTORY

The planning history is of particular importance in this case.

Under planning reference 90/00442 FUL, permission was granted on 8 May 1990 for a side extension to No. 10. This permission would have been due to expire on 8 May 1995.

In a subsequent application under planning reference 90/01167 FUL, a proposal to extend the existing house in a similar manner, but to form a new dwelling, was refused on 9 October 1990 because it was considered that such a proposal would represent overdevelopment of the site, with resulting detriment to the character of the area. The applicant appealed against this refusal, but the appeal was dismissed on 7 March 1991.

In 1995, the applicant submitted a planning application to renew permission 90/00442 under planning reference 95/00146 FUL. This application was recommended for permission by the case officer, but the Planning Committee overturned this recommendation and refused the application on 11 April 1995.

However, the original application (90/00442) was still extant on 2 May 1995, and a Building Regulations application (BR95/00271) was submitted to this Council. A site inspection by a Building Surveyor on 3 May 1995 confirmed that the foundations had commenced.

The agent in this case made recent inquiries and officers, after investigation, confirmed on 31 January 2008 the view that a material start had been made on the extension permitted under reference 90/00442 FUL and that this permission therefore remains extant.

The practical implication of the foregoing is that the extension to the dwelling could be completed without any further planning application being required. The extension would occupy the same footprint and be of the same vertical and horizontal dimensions as the dwelling extension now proposed.

KEY ISSUES

Given this site history it is considered that the key issues with this application are the principle of a new dwelling on this site and highway safety. Whilst it is acknowledged that the owner may indeed not decide to proceed with the extension, it should be noted that the officer investigation referred to above was in response to a request by the owner for confirmation that he could proceed with the works.

The issues must also be considered in the light of changed policy circumstances since the earlier cases on this site. In the intervening period Government Guidance in the form of PPG3 (Housing) emerged and was itself superseded by PPS3. Both of these guidance documents promote the efficient use of brownfield land. Policy H1 of the West Wiltshire District Plan 1st Alteration (2004) which supports the principle of further residential development in towns would also obviously not have applied at the time of the previous applications.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further housing development within towns

H24 - New Housing Design

C31A - Design

C38 - Nuisance

PPS 1 - Delivering sustainable development

PPS 3 - Housing

OFFICER APPRAISAL

Principle of Development

The site is located within Warminster Town Policy limits and is private brownfield land. The principle of further housing development in terms of Development Plan Policy and PPS3 is accepted. Development is however required, inter alia, to be appropriate to the surrounding area and not harm neighbouring amenity.

In this case the plan shows a dwelling that would effectively occupy the same space as the permitted extension. The proposal is within an existing residential curtilage. Notwithstanding this, the new building would be aligned on the front elevation with the existing building and would be well set back from the established building line of the dwellings to the north of this corner site. The garage would be immediately adjacent to the existing pair over an existing hard standing parking area, and set back some 9m from the pavement. The additional hardstanding area required to provide access to the garage would be approximately 11m² in extent. The total loss of lawned area is therefore limited. Whilst acknowledging that previous refusals and the appeal decision identified loss of openness and the intrusion of new development in the reasons for refusal it is considered that in more recent times a less restrictive view has been taken in cases of this type, especially with a view to the efficient use of land.

Front and rear amenity spaces that accord approximately with those of other terraced units in the vicinity would be available to both the existing and proposed dwellings. Open space with a minimum depth of 6m would lie to the front of both dwellings with small ornamental trees proposed as part of the boundary landscaping. These would replace a willow that used to be a fairly prominent feature on the corner.

Neighbour comments are noted. However, no new issues of loss of privacy or overshadowing of neighbours would arise. To the front of the new dwelling the nearest neighbouring windows would be some 24m distant. To the rear the garden space is limited, but there are windows to the existing semi-pair that face this direction and, again, the approved extension would provide the same arrangement of upstairs rooms as are proposed in the new dwelling. With regard to parking, the highway authority has not objected to the proposal and the area to be used is already allocated for parking and is adjacent to the existing driveways and garages. The potential change

in value to the dwelling in the semi-detached pair is a possibility. This is however not a planning consideration, and development of this type has been accepted in the recent past. An example of a similar case considered and approved by Committee was 08/03020/FUL, at 7 Kingsdown Road, Trowbridge (Committee of 4 December 2008). A further similarity with this case is that a corner plot was involved.

PPS3 states that the specific outcomes that the planning system should deliver are, inter alia, a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas and a sufficient quantity of housing taking into account need and demand and seeking to improve choice. The proposal would provide fairly modest family private housing in accordance with this goal.

Highway safety

The proposal provides for two off-street parking spaces (one within the garage) for the new dwelling. One additional dwelling is not considered to be likely to result in any unacceptable increase in traffic within Ruskin Drive.

The highway authority does not object to the proposal subject to conditions.

CONCLUSION

Permission is recommended, subject to conditions.

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 provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, the garage(s) shall at all times remain available for the garaging of cars, and shall not be converted for use as living accommodation.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1, H7, H20 & H21.

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

REASON: In the interests of highway safety.

5 The gradient of the proposed drive shall not be steeper than 1: 15.

REASON: In the interests of highway safety.

6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, the garage(s) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

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

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

7 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.

Note(s) to Applicant:

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

RELATED PLANS

- Drawing : 022 001 received on 25.11.2008
- Drawing : 022 002 A received on 25.11.2008
- Drawing : 022 003 A received on 25.11.2008
- Drawing : 022 004 C received on 25.11.2008
- Drawing : 022 005 B received on 25.11.2008
- Drawing : 022 006 A received on 25.11.2008
- Drawing : 022 007 received on 25.11.2008

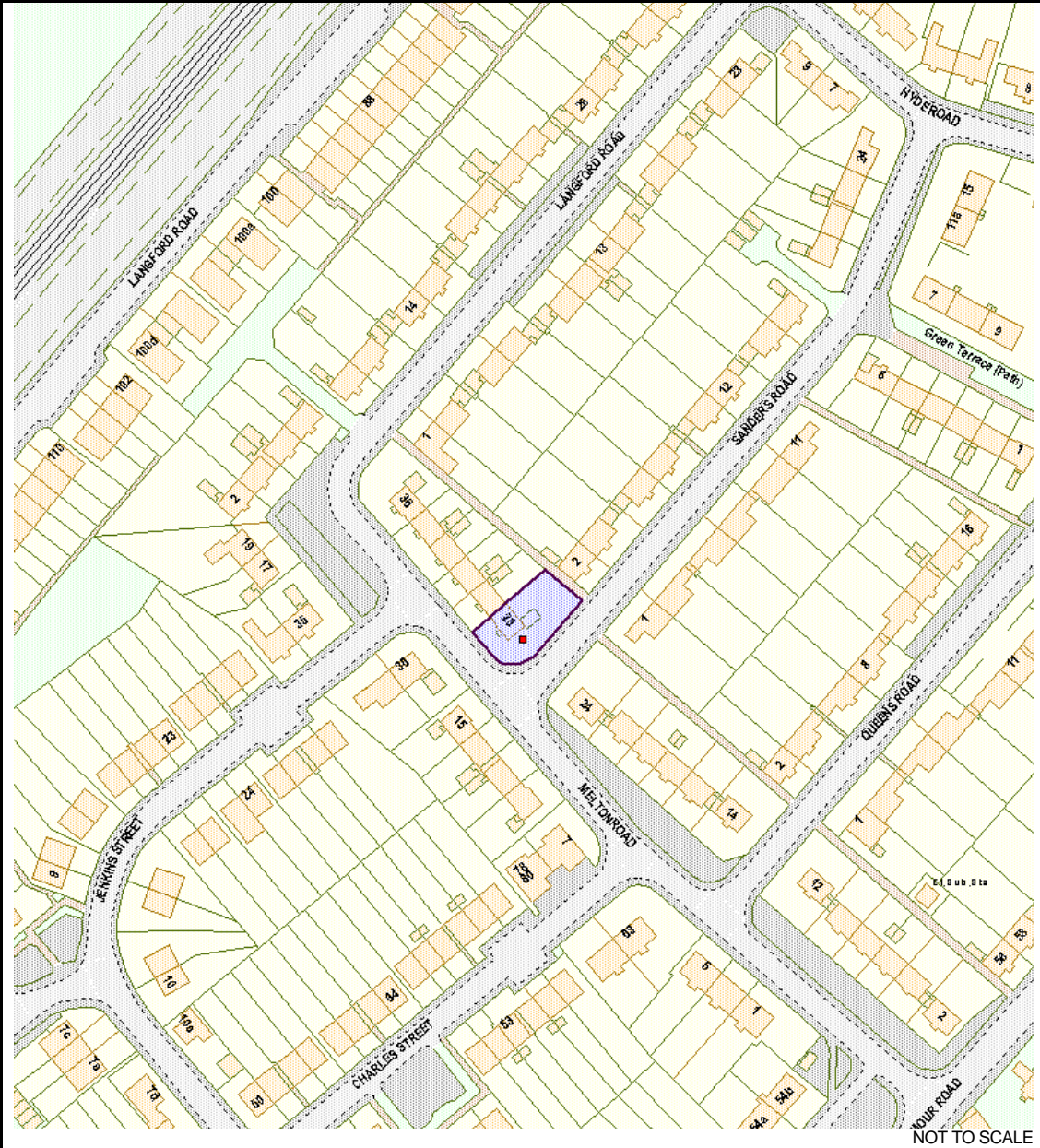
PLANNING COMMITTEE

29 January 2009

ITEM NO: 04

APPLICATION NO: 08/03293/FUL

LOCATION: Land Adjoining 26 Melton Road Trowbridge Wiltshire



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SLA: 100022961

04 Application: 08/03293/FUL

Site Address: Land Adjoining 26 Melton Road Trowbridge Wiltshire

Parish: Trowbridge Ward: Trowbridge North East

Grid Reference 385363 158655

Application Type: Full Plan

Development: Two storey extension to provide two starter flats with ancillary parking

Applicant Details: Mr Simon Ellinger
C/o LP Planning Consultants The Studio 36 The Causeway
Chippenham Wiltshire

Agent Details: LP Planning Consultants
F A O Charlotte Watkins The Studio 36 The Causeway
Chippenham Wiltshire

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

Date Received: 27.11.2008 Expiry Date: 22.01.2009

COMMITTEE REPORT

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

APPLICATION SITE & SURROUNDING AREA

The application site is the side and rear garden of an end of terrace property, 26 Melton Road in Trowbridge. The site is relatively flat and enclosed.

The application site is located in a residential area characterised by a variety of 2-storey dwellings, but generally terraced. The site is within the defined town policy limits.

PROPOSAL

The proposal is a resubmission of a previously refused application under delegated powers. The proposal is for the erection of a terrace extension to facilitate two 1-bedroom dwellings, one at ground floor and one at first floor.

The built form would be a terrace extension on the side garden of a residential 3-bedroom property, measuring 5.8 metres in width, a reduction of 600mm compared to refused application reference 08/02382/FUL. The proposal would have an L-shaped footprint measuring 8.44 metres in depth.

Further the proposal includes the demolition of the existing single garage at the rear of the site and the erection of a replacement in the rear garden, set back by 6 metres from the highway edge. In front of this it is proposed to have one space and then two further spaces to the side. In total the proposal would allow for 4 parking spaces to serve a 3-bedroom property and two 1-bedroom properties.

The proposal retains a garden for the 3-bedroom property and would allow for modest gardens for the 2 flats, one at the rear of the building and one at the front.

CONSULTATIONS

Parish/Town Council

TROWBRIDGE TOWN COUNCIL: Objection on the grounds of street scene which in particular will be out of character with Sanders Road elevation.

External

HIGHWAY AUTHORITY: We would be unhappy to recommend the scheme as submitted for approval with conditions; there just isn't enough information on the drawings. Also we have asked for a fence to be erected instead of the hedge on the South East boundary, to maintain the visibility splay from the parking area at the rear (fence to be erected so that no part is more than 1m above adjacent road level within the splay lines which we identified for the earlier scheme).

We would however be happy to accept a Grampian style condition insisting on full structural details and calculations prior to the start of the development, if better details are submitted regarding the full extent of the retaining wall, what it would be constructed of and a typical cross section showing the design and details of the proposed retaining wall in relation to the footway, the proposed parapeting (i.e. a suitable and sufficient fence or other protection for the public), and the building. This would give the Highway Authority the confidence that the developer has properly considered the implications for his proposed works where they affect the public highway.

22/12/2008

If no further details are submitted we would offer the following as grounds for refusal:

In the absence of details of the proposed retaining structure, there is insufficient information to satisfy the local planning authority that the development will not have an unacceptable impact on the adjacent public highway; therefore I recommend that this application be refused on highway grounds. Reason: in the interests of highway safety.

05/01/2009

NOTIFICATIONS

Site Notices/Visits

Date of visit: 17 December 2008, when a site notice was erected.

Neighbours

1 letter of objection raising the following concerns:

- Lack of privacy
- Nuisance from construction
- No need for the extension
- Insufficient room for parking

RELEVANT PLANNING HISTORY

08/02382/FUL – Proposed creation of 2 new starter flats – Refusal – 16.09.2008

1) The proposal by reason of the siting, scale, bulk, mass, height, width, depth, form and design in this prominent location fails to respect the distinctive architectural style and symmetry of the terrace and the wider spatial characteristics and street scene of the area contrary to Policies C31a and H1 of the West Wiltshire District Plan 1st Alteration (2004).

2) The proposal by reason of the visibility to the south west at the proposed vehicular access is substandard and any emerging vehicle will create a road safety hazard contrary to Policy H1 of the West Wiltshire District Plan 1st Alteration (2004).

3) The proposal by reason of the insufficient size of the proposed car parking spaces cannot adequately provide space for cars to park clear of the highway and allow safe pedestrian access between the parked vehicles and the highway contrary to Policy H1 of the West Wiltshire District Plan 1st Alteration (2004).

4) There are insufficient details to satisfy the Highway Authority and the Local Planning Authority that a safe and satisfactory boundary treatment can be provided.

KEY ISSUES

The key issues to consider with this application are the planning history, highway safety, design and impact on the street scene and neighbouring amenity.

RELEVANT PLANNING POLICIES

West Wiltshire District Plan 1st Alteration (2004)

C31a	Design
C38	Nuisance
H1	Further Housing Within Towns
H24	New Housing Design

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

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

OFFICER APPRAISAL

This is a resubmission of a previously refused application. There have been no material changes in circumstances since the previous refusal and as such if this new scheme can overcome the previous reasons for refusal then approval can be granted.

Previously the scheme was refused for the 4 reasons detailed in the planning history above, 3 of which were suggested by the highway authority.

Reason 1 for refusal related to the detail of design for the proposal. The proposal would extend the terrace, which currently has a symmetrical appearance and is largely unaltered from the original construction. The design of the terrace is quite typical of the area which as a strong and distinctive architectural style and identity. The site is a very prominent and important part of this area at the wide and open junction of Sanders Road and Melton Road. As such the proposal would be clearly visible from a number of approaches.

The proposal would continue the terrace extending flush with the existing frontage over a length of approximately 5.8 metres within approximately 1.6 metres of the boundary of the site. This is only 600mm less than previously proposed and refused. This is not sufficient to overcome the previous reason 1 for refusal. It would still be harmful to the spatial character of the area on this prominent site for several reasons, which cumulatively would create significant harm. Firstly the proposal would disrupt the distinctive architectural style of the terrace by unbalancing its symmetry. Further the proposal's fenestration arrangement is greater in number than is typical of the buildings in this area.

Secondly the proposal would extend in very close proximity to the boundary, at a very prominent and open junction. This would have a dominant impact, especially given the depth of development which would be approximately 8.44 metres which is significantly greater than the norm in this area.

Thirdly the proposal fails to respect the well defined building line that runs through the frontages on Sanders Road, extending past this corner plot in a two storey manner. Extending beyond this line would be harmful to the spatial characteristics of the area and significantly reduce the openness in this part of the architecturally strong and distinctive residential estate.

The applicant has submitted a photograph of an extension in the area as an example of an extension that has been approved previously. However, the maxim of each case being considered on its own merits should be applied, considered against the current policies of the development plan. It is noted that the extension the applicant refers to was for a house alteration and extension, and determined prior to the adoption of the Council's SPG on such matters in 2004.

In summary the proposal still be harmful by reason of the siting, scale, bulk, mass, height, width, depth, form and design in this prominent location fails to respect the distinctive architectural style and symmetry of the terrace and the wider spatial characteristics and street scene of the area contrary to Policies C31a and H1 of the West Wiltshire District Plan 1st Alteration (2004). Reason 1 for refusal has not been overcome.

I now turn to reasons 2, 3 and 4 which related to highway matters. In summary it is concluded that reasons 2, 3 and 4, relating to highway matters have been adequately addressed.

Reason 2 for refusal related to the visibility available from the proposed car parking spaces. This was most significant an issue to the south west, towards the road junction between Melton Road and Sanders Road. The highway authority maintain some concern on this point, however they do not issue it has a reason for refusal.

On balance it is considered that the use of conditions could reasonably overcome this potential issue. The applicant has demonstrated a willingness to amend the scheme to achieve the visibility splays by replacing the existing hedge with a new 1 metre high hedge. Conditions could therefore be reasonably imposed to have this boundary treatment as a wall or fence instead of a natural hedge, thus ensuring visibility in perpetuity. Further, it has to be noted that the roads in this location are unclassified and residential in nature, so lower speeds are likely.

It is noted that this would result in one of the gardens proposed being open to public view which is regrettable. Whilst it does not form a reason for refusal it does point to the cramped nature of the overall proposal including built form, parking and amenity space.

Reason 3 for refusal related to the size of the parking spaces being proposed. The highway authority has removed their objection in regards to the size of spaces provided, which are now up to standard. As such reason 3 for refusal has been overcome.

Reason 4 related to insufficient information and potential harm to stability of the highway. The built form has been moved a further 600mm from the boundary compared to application 08/02382/FUL. As such the impact on the highway is no longer a significant concern, worthy of refusal in its own right. This matter can now reasonably be handled by way of a condition to require more information.

Turning now the erection of a new replacement garage. This poses no concern. It is of a scale and form that is typical of a residential area, and its revised siting would be less prominent in the street scene than that existing. No harm would occur to neighbouring amenity as a result.

Finally the comments received in the consultation process have been noted. The previous application was not refused for amenity issues or the disruption that construction would cause. The comments received have been noted and considered, however they do not raise any further grounds for refusal. The disruption from construction is transient and whilst a nuisance does not give grounds for refusal.

CONCLUSION

The proposal fails to overcome all the previous reasons for refusal and as such this resubmission should also be refused.

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the siting, scale, bulk, mass, height, width, depth, form and design in this prominent location fails to respect the distinctive architectural style and symmetry of the terrace and the wider spatial characteristics and street scene of the area contrary to Policies C31a and H1 of the West Wiltshire District Plan 1st Alteration (2004).

RELATED PLANS

Drawing : TERRACE ELEVATION received on 22.12.2008

Drawing : LOCATION PLAN received on 27.11.2008

Drawing : PROPOSED ELEVATIONS received on 27.11.2008

Drawing : LAYOUT PLAN received on 27.11.2008

Drawing : FLOORPLANS received on 27.11.2008