

**West Wiltshire District Council
Planning Committee 16 February 2006**

Agenda item no. 8

**PLANNING APPEALS UPDATE REPORT
4 January 2006 – 2 February 2006**

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom.	Appeal type
05/01961/FUL	Land adj Merlin Way and Lancaster Road, Bowerhill, Melksham	Melksham	Hot food takeaway cabin	COM	Permit	WR
05/01319/FUL	26 and 26A Warminster Road, Westbury	Westbury	Change of use to a restaurant and takeaway of ground floor and retention of first and second floors as a self contained maisonette with the formation of a new independent access	COM	Permit	WR
05/01279/FUL	Hayleyian Farm, East Lane, Holt	Holt	Change of use of two agricultural building to B1/B8 use and the provision of car parking spaces	DEL	Refuse	WR
05/01925/FUL	12 Tory Place, Bradford on Avon	Bradford on Avon	Erection of a conservatory	DEL	Refuse	WR
05/01200/REM	162 Woodrow Road, Forest, Melksham	Melksham	Erection of one house (approval of all reserved matters)	DEL	Refuse	WR
05/02334/ADV	Oval Motors, Warminster Road, Westbury	Westbury	Motor retailer signage name and display - revised proposals	COM	Permit	WR
05/02135/FUL	9 Elmdale Road, Trowbridge	Trowbridge	Alteration and extension of existing house and erection of two attached 4 bed houses with front curtilage parking	COM	Permit	WR
05/02439/FUL	Picquet Cottage, Tynings Lane, Bratton	Bratton	Alterations to house comprising replacement of flat roofed dormer with pitched roof dormers, rebuilding of existing rear wing on same footprint, insertion of new rooflight in rear roof slope	DEL	Refuse	WR
05/01262/FUL	Moonrakers, 6 Butts Lane, Keevil	Keevil	Demolition of bungalow and erection of a new dwelling	COM	Permit	HRG
05/00859/OUT	147B Westbury Leigh, Westbury	Westbury	Renewal of outline planning permission for residential development (00/01349/OUT)	DEL	Refuse	WR/ HRG
05/01737/FUL	71 School Lane, Shaw, Melksham	Melksham without	House extension and annex	DEL	Refuse	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or com	Officer recom.	Appeal type	Appeal Decisn
04/02337/OUT	14 Ash Grove, Westbury	Westbury	Demolition of existing lean-to, relocation of gable end windows and back door and construction of 2 flats plus parking for 4 cars	COM	Refuse	WR	Dismissed
05/00622/OUT	Biss Farm, Upton Scudamore, Warminster	Warminster	New dwelling	COM	Refuse	WR	Allowed
04/00941/REM	Phase 7B Marina Drive, Staverton	Staverton	Erection of 64 dwellings, with associated parking, internal access roads, landscaping and other works	COM	Approval	INQ	Withdrawn *
04/02297/FUL	Frogmore House, Frogmore Road, Westbury	Westbury	Redevelopment to form 50 sheltered apartments, plus manager accommodation, 14 affordable apartments, landscaping and car parking	COM	Refuse	INQ	Dismissed *
04/02295/LBC	Frogmore House, Frogmore Road, Westbury	Westbury	Refurbishment of listed building as part of redevelopment scheme	COM	Refuse	INQ	Dismissed
05/01256/FUL	Land at Sandridge Common, Melksham	Melksham	Ghost island right turn junction to provide access to future residential development	COM	Refer to SOS	WR	Allowed *
05/01560/FUL	1 Hare Knapp, Bradford on Avon	Bradford on Avon	First floor extension	DEL	Refuse	WR	Dismissed
05/01419/FUL	West Ashton Road, Adj to 1 Clarendon Avenue, Trowbridge	Trowbridge	Erection of two semi - detached dwellings	DEL	Refuse	WR	Dismissed
05/01270/OUT	10 Newtown, Westbury	Westbury	Erection of detached bungalow	COM	Permit	WR	Allowed
05/00611/FUL	20 Corfe Road, Melksham	Melksham	Two storey extension	DEL	Refuse	WR	Allowed

* additional notes on decision below

- I = Inquiry H = Hearing WR = Written Representations
- Del = Delegated decision Comm = Committee decision

❖ Points of interest arising from decisions

04/00941/REM Phase 7B Staverton Marina – Members will recall a decision on this being reported to a previous meeting. This refers to the second application for the same site and confirms that the duplicate appeal has been withdrawn.

04/02297/FUL and 04/02295/LBC Frogmore House, Frogmore Road, Westbury - This appeal was for the development of Frogmore House to provide 50 sheltered apartments and 12 affordable apartments. The main issue was whether the level and type of affordable units was reasonable. The Council wanted a mix of tenures with the majority being social rented because there is an undisputed need for these. The Appellants challenged this stance on the grounds that the prioritisation of need is a valid approach. On this point the Inspector commented:

“For a Council or developer to adopt a unilateral position when deciding on which type of affordable housing to provide goes against the flexibility of approach advocated in the Circular. If this stance is taken by the developer, it would result in a ‘first come first served’ situation where the more costly or least popular forms of provisions would only come forward when all the need for the alternative options has been satisfied. Such cherry picking would be unfair to developers and in my opinion, it is therefore reasonable for the Council to expect that at least some of the priority needs are addressed even on smaller sites”

The Inspector concluded,

“The developments could be considered to meet the broad requirements of the Local Plan policy H2 in that it provides a percentage of affordable housing that would meet the local need. However, this view only takes into account a strict compliance with the wording of the main body of the policy. The identified objectives of the policy area are set out in the supporting text, which is also part of the adopted plan and I have found that the scheme would conflict with these objectives.

Although the proposals would have benefits, these would not outweigh the harm that would be caused to the Council’s aim of providing sufficient affordable housing, in a mix of types that would meet at least part of the identified priority local need.”

These are useful comments in support of the Council’s affordable housing policy.

05/01256/FUL Land at Sandridge Common, Melksham – This appeal refers to one of three applications submitted in respect of the proposed development at Land East of Melksham. The Inspector noted that one application had been referred to the Secretary of State and the other application, on the adjacent to the site, included an indicative through route connecting the site to Snarlton Lane. He concluded that written representations indicate it is controversial, however the appeal did not relate to those applications and his decision is without prejudice to their outcome. The main issue in this appeal was if it was premature pending the decision on the adjacent sites or could it be permitted with conditions without the need for a s106 Agreement. He acknowledged that although the adjacent residential development is plan led there is no absolute commitment to it pending the Secretary of State’s decision. However he was convinced that no prudent developer would build such an unprofitable ghost island and junction unless and until further development is a certainty. There was therefore is no good reason to withhold permission.

Conditions - He rejected a Grampian condition to secure financial contributions towards more roadworks as the application was for preparatory roadworks in one particular place with no explicit commitment or assurance of subsequent profitable development. He did imposed a condition that works should not commence until permission has been granted and contracts let for the residential development it is to serve.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries February 2006 – May 2006

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
04/02221/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Erection of public house with ancillary staff flats, car parking, landscaping and access arrangements	Inquiry	CC	7 Feb
05/00194/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Erection of public house with ancillary staff flats, car parking, landscaping and access arrangements	Inquiry	CC	7 Feb
05/01709/FUL	Land Adjacent Hackett Place Hilperton	Hilperton	Erection of public house with ancillary staff flats, car parking, landscaping and access arrangements	Inquiry	CC	7 Feb
05/00349/FUL	Land Rear Of And 36 Silver Street Lane Trowbridge	Trowbridge	Redevelopment of the site for 22 residential properties with associated access, parking, amenity space and landscaping	Inquiry	CC	21 Feb
05/00608/OUT	Parcel Rear Of 20, High Street, Bulkington	Bulkington	Erection of 25 dwellings and sports pavilion	Hearing	CC	14 Mar
04/01063/OUT	Land East Of Southview Farm Drynham Road, Trowbridge	Trowbridge	Outline application for residential development, recycling mini bank, open space, equipped childrens play area, provision of landscaped flood protection area and associated infrastructure	Inquiry	CC	23 May
04/00385/FUL	Land East Of Furnax Lane, Warminster	Warminster	Section 73 application for the carrying out of warehouse and storage with access road and parking without complying with Condition 03 imposed on planning permission reference 01/02033/FUL	Hearing	CR3	23 May