

# PLANNING COMMITTEE

31 MAY 2007

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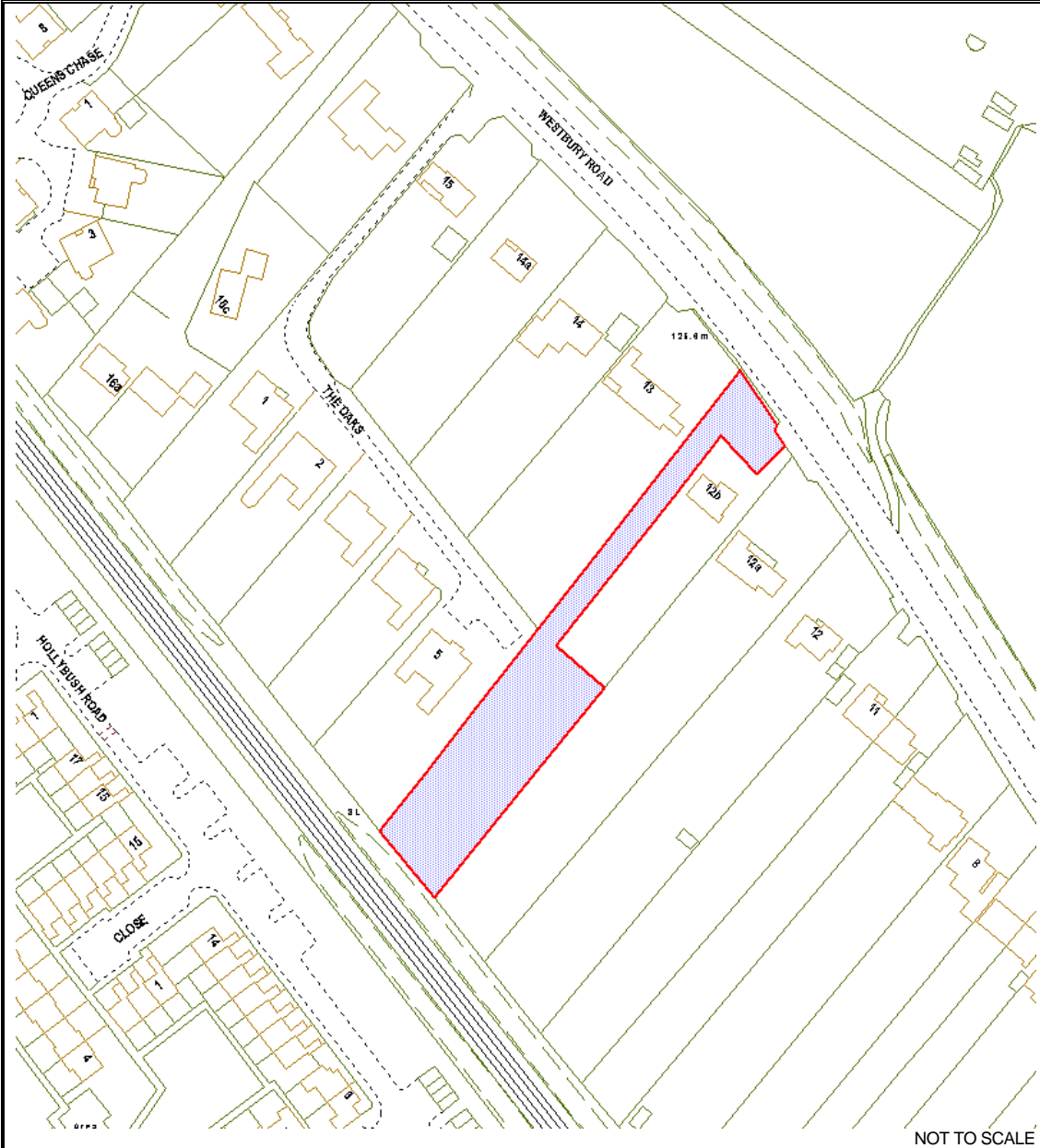
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 01

APPLICATION NO: 06/01396/FUL

LOCATION: Land Rear Of 12B Westbury Road Warminster  
Wiltshire



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SLA: 100022961

**01 Application: 06/01396/FUL**

**Site Address: Land Rear Of 12B Westbury Road Warminster Wiltshire**

Parish: Warminster Ward: Warminster West

Grid Reference 387395 145760

Application Type: Full Plan

Development: Detached house and garage

Applicant Details: Mr And Mrs I Britten  
12B Westbury Road Warminster Wiltshire

Agent Details: Mr Alan Barnes  
Yew Tree Cottage 5 Church Street Norton St Philip Bath BA2 7LU

Case Officer: Miss Julia Evans

Date Received: 02.05.2006 Expiry Date: 27.06.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - 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 is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

Upon approval:

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

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

The scheme shall be properly maintained for a period of five 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.

The whole scheme shall be subsequently retained.

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

POLICY: West Wiltshire District Plan - 1st Alteration, 2004 - Policies C32 and C40.

- 5 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.

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

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

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

- 7 The first 5 metres of the driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing to the Local Planning Authority.

REASON: In the interests of highway safety.

- 8 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.

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

- 9 Five trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428 in the earliest planting season following implementation of this permission. The trees shall be thereafter maintained for a period of five years including the replacement of any tree(s), or any tree(s) planted in replacement for it, which die, are removed or become damaged or diseased within this period with tree(s) of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

REASON: In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice.

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

**Note(s) to Applicant:**

- 1 You are advised that the fence to the existing dwelling should be chamfered by 1m to allow for emergency vehicle access to the site.
- 2 You are advised to ensure that no drainage, ground level changes, lighting or landscaping matters should impact on Network Rail property or the functioning of the railway.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application was deferred by the Planning Committee at its meeting on the 24 August 2006 to allow "further investigation of the impact of widening the access, the existing and proposed levels within the site and the relationship with existing trees and the exact position of the house." The application was originally brought before the Planning Committee because Warminster Town Council objected to the application and your officer's recommended permission.

This is a full planning application for one dwelling on land to the rear of Westbury Road. Access to the plot would be gained from an existing access off Westbury Road, currently serving 12B. The proposed property would be located adjacent to the existing development at The Oaks.

The property proposed is a large, four-bedroomed detached dwelling over two storeys, with a sun room and utility area, both single storey at the rear, a detached garage is proposed to be positioned to the front of the property.

The plot currently forms part of the garden of 12B Westbury Road, which is approximately 150 metres in total length. It is heavily wooded with various species of trees. The proposal would divide the garden of 12B approximately in half. The site area is approximately 2,250m<sup>2</sup>.

The site lies within the Warminster Town Policy Limit (Policy H1), within a brownfield housing allocation (Policy H3), within an Area of High Archaeological Interest (Policy C15), over an area of Groundwater Source Protection (Policy U4), and within an area of additional tree planting (Policy C40).

The additional negotiations required by the Planning Committee have been undertaken, and have resulted in a widened access, sectional information, and an Arboricultural Report.

## CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Object. State: - "Members main concern was yet another vehicle accessing Westbury Road where the signage for The Oaks is extremely poor. Councillor Syme recommended refusal on grounds of access, poor positioning within the site having a detrimental effect on the neighbour's amenities and concern over sewerage disposal. Councillor Sultana de Maria seconded. Councillor Davis noted that there were very little changes from the first application and it would be nice to feel that the neighbours had been consulted and amicable agreements reached. Voting was 6-0 in favour of refusal."

- HIGHWAY AUTHORITY: No objection subject to a recommendation that the north-west and south-west corners of the fence to the existing dwelling is chamfered, 1m from the corner, to allow ease of manoeuvring by fire appliances, in the event they have to access the site. Amended plans to illustrate this should be provided and to conditions.

- WESSEX WATER: No objection subject to conditions stating:

"The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

"A condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site."

- NETWORK RAIL: No objection subject to:

"1. DRAINAGE - Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains.

"2. SAFETY - No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land.

"3. GROUND LEVELS - The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels.

"4. SUPPORT - The developers should ensure that their proposals do not cause surcharging of cutting slopes or retaining walls.

"5. SITE LAYOUT - It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure.

"6. ENVIRONMENTAL ISSUES - The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

"7. LIGHTING - Should the development included proposals for external lighting, I must point out that this may conflict with Network Rail's signalling system. The developers should be required to obtain Network Rail's approval of their detailed proposals.

"8. LANDSCAPING - In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence."

- COUNTY ARCHAEOLOGIST: No comments received.

## INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: No objection.
- LANDSCAPE OFFICER: States: - "The submitted Arboricultural Method Statement in conjunction with Tree Detail Drawing No. 06454-1 amended January 2007 is satisfactory; therefore, there are no further arboricultural objections to this application, subject to conditions.
- HOUSING SERVICES: No comments received.

## PUBLICITY RESPONSES

The application has been advertised with a Public Interest Site Notice and neighbour notifications have been undertaken.

Letters of objection were received from three properties prior to the Committee meeting in August. They raised the following planning matters: -

- Loss of privacy to surrounding dwellings;
- The size and height of the property is excessive;
- Design and materials are not in keeping;
- Too many trees will be removed; and
- Access is not suitable.

Additional Comments: -

Since the previous Committee meeting a further eight letters of objection have been received from the remaining properties in The Oaks raising the following points, three of which are from the same property, and two of these have been supported by comments from Planning consultants.

- The proposed building would have a strong visual impact on the immediate neighbourhood;
- The garage would be clearly visible from all parts of The Oaks;
- The area is already heavily built up;
- Westbury Road is already too busy;
- Loss of views;
- Does not follow the building line of The Oaks; and
- Overbearing impact on neighbouring properties and loss of sunlight.

In addition, one property has withdrawn its original objection to the proposal.

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP1	Priorities for sustainable development
DP2	Infrastructure
DP3	Development strategy
DP7	Housing in towns and main settlements
DP8	Affordable housing
DP9	Reuse of land and buildings
T6	Demand management
C1	Nature conservation
C5	The water environment
HE2	Other sites of archaeological or historic interest

## West Wiltshire District Plan - 1st Alteration 2004

C7	Protected species
C15	Archaeological Assessment
C16	Archaeological Investigation and recording
C31a	Design
C32	Landscaping
C36	Noise
C38	Nuisance
C40	Tree Planting
H1	Further housing development within towns
H2	Affordable housing within towns and villages
H3	Urban Brownfield allocation (land rear of Westbury Road)
H24	New housing design
T10	Car parking
U1	Infrastructure
U1A	Foul water disposal
U2	Surface water disposal
U4	Groundwater Source Protection Areas
I1	Implementation

## SPG

Residential Design Guide (Adopted November 2005)

Affordable Housing (Adopted August 2005)

## National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG16	Archaeology and Planning
PPG24	Planning and noise

## RELEVANT PLANNING HISTORY

Not applicable on the site, but number 5 The Oaks was granted planning permission in 1995 (reference 95/01184/FUL).

## KEY PLANNING ISSUES

The key issues in the determination of this application are whether the proposal is in accordance with policy and whether there are any material considerations to outweigh the policy.

## PLANNING OFFICER COMMENTS

The following Planning Officer comments were reported to Committee last August:-

"The site is located within the town policy limits where the principle of housing development is acceptable subject to satisfactory detailed criteria, adequate and convenient servicing and infrastructure, and the development not resulting in the loss of important open space or visual gap or constituting inappropriate backland development. The site is classed as brownfield land and as such, its reuse is encouraged in preference to the development of greenfield sites.

"Clearly the site involves backland development. A similar pattern of development already exists on the sites immediately adjoining and at other points on this road.



"Backland development is not ruled out entirely, especially in this area where it is common, however, the development must be suitably accessed. This proposed development would be accessed via a private drive off an existing access to Westbury Road. This access would be approximately 97 metres in length and would pass beside the entire length of the existing property and their garden, bounded by a close-boarded fence. The Highway Authority have not objected to this access or the entrance onto Westbury Road and are satisfied that this arrangement is acceptable.

"The design of the dwelling is particularly large, with four bedrooms and three large reception rooms. The dimensions of the property are approximately 15.75 metres in width by 10.5 metres in depth, with a height of 8.6 metres to the ridge and sloping to 5.6 metres at eaves.

"This property would be entirely hidden from view from Westbury Road, but would be visible from The Oaks. As access is not gained from The Oaks, the proposed dwelling would not be part of the street scene as such. However, the building would be visible over the boundary treatment existing, and would be dominant at the end of this road.

"The proposed property is shown to be located some 67 metres from the existing property and an even greater distance to the other properties on Westbury Road. There are no windows facing the existing property 5 The Oaks and the proposed property would have no impact on the amenity of the residents surrounding the property.

"It is acknowledged that a number of mature trees will be removed as a result of this development, however, the block plan shows that the majority will remain in situ and the plot will remain substantially wooded. None of these trees are protected by a Tree Preservation Order and the site is not located in a conservation area, therefore the trees are not protected by planning legislation

## Conclusion

"The site lies within the town boundary of Warminster where the principle of development of this brownfield site is acceptable subject to appropriate details. The amenity of existing properties is maintained and the scheme will make a more efficient use of the site, and is considered to result in a scheme which meets the policies and objectives of the District Plan".

Since this time your officers have undertaken the additional investigations required by the Planning Committee in August. These were: -

- Access widening;
- Site levels; and
- The relationship of the trees with the proposal.

Revised plans were received for the first two points, with the following responses received from the consultees.

## Access Widening

The access has been widened and subject to conditions concerning surfacing and surface water disposal, the Highway Authority are satisfied that the proposal raises no highway objection.

A neighbour has independently contacted the Highway Authority as regards the suitability of the widened access for emergency vehicles. The Highway Authority conclude in their response to this neighbour that: "The 3.7 metres access width is for access and operating space; a lesser width can accommodate access only, and in this instance the straight length of drive would therefore be adequate. The entrance has been widened and can take a fire engine, (and also allow two cars pass so it is very unlikely that any vehicles would have to reverse onto the highway)". Consequently in view of these two responses from the Highway Authority it is not felt that a refusal on highway grounds could be supported. An informative has been attached as regards visibility splays.

## Site Levels

The applicant has now provided a revised drawing showing finished floor levels and the ridge height of the proposed height. This is shown to be at exactly the same level as the ridge height of number 5 The Oaks. Further conditions could be attached as regards sections and finished floor levels.

The previous case officer examined the amenity of the proposal. The neighbour at 5 The Oaks is concerned that the proposed dwelling will reduce the daylight enjoyed by the eastern elevation of their property. However, the proposed property is shown as being located directly to the east of the existing property and the existing property would only be affected in the early morning. The neighbour's consultant quotes Council's Supplementary Planning Guidance - House alterations and extensions as to their should "be a minimum distance of 15m between a gable and habitable rooms." For extensions located in front of existing windows, the 25-degree projection line can be used to gauge if the height of the extension is acceptable. Applying the line from the first floor window in the east elevation of 5 The Oaks the proposed property is clearly sufficient distance away to prevent any loss of light to this room.

The boundary between these two properties is a 2 metre high wooden fence, which already casts a certain degree of shadow onto the pool area. The proposed property is located 4 metres from this boundary and the existing property, 5 The Oaks, is approximately 9 metres further away. The amount of daylight and sunlight to habitable rooms in the existing property will not be affected except in the very early morning.

The proposed utility room is a single storey structure located at the rear of the property. The neighbour at 5 The Oaks requested this be removed, but this is not considered necessary as the wall is proposed to be 2.5 metres high with a roof sloping away from the boundary. This utility room would have little effect on the amenity of the neighbouring property as it would not protrude significantly higher than the existing fence. The proposal is therefore considered in accordance with Policy C38 of the West Wiltshire District Plan 1st Alteration 2004 as it has no detrimental effect on the amenity of the surrounding neighbours.

In addition to the utility room being moved, the neighbour at 5 The Oaks also requested that the proposed dwelling be moved forward to be in line with his property to less impinge on his light. The property as proposed is located set back from 5 The Oaks by approximately 5 metres, following the approximate diagonal building line of The Oaks. The applicants have not agreed to this. If the proposed property were to be moved forward it would become much more prominent in the street scene of The Oaks, contrary to some of the objections. It is your Officer's opinion that it is not necessary to move this property forward, especially as it would result in the loss of two additional trees including a large silver birch, which contributes more than most to the wooded appearance of the area. As examined above the current position of the property would not affect the amenity of this neighbour.

## Trees and Landscaping

The Council's Landscape Officer was consulted on the proposal after the Planning Committee's consideration of the application. He considered the proposal as submitted at that time provided insufficient information to provide a detailed response, and that it should be refused. The applicant has provided an Arboricultural Report, and subject to suggested conditions, no objection is now raised to the proposal.

## CONCLUSION

The proposal is considered acceptable as to the principle of development, subject to the suggested conditions being attached.



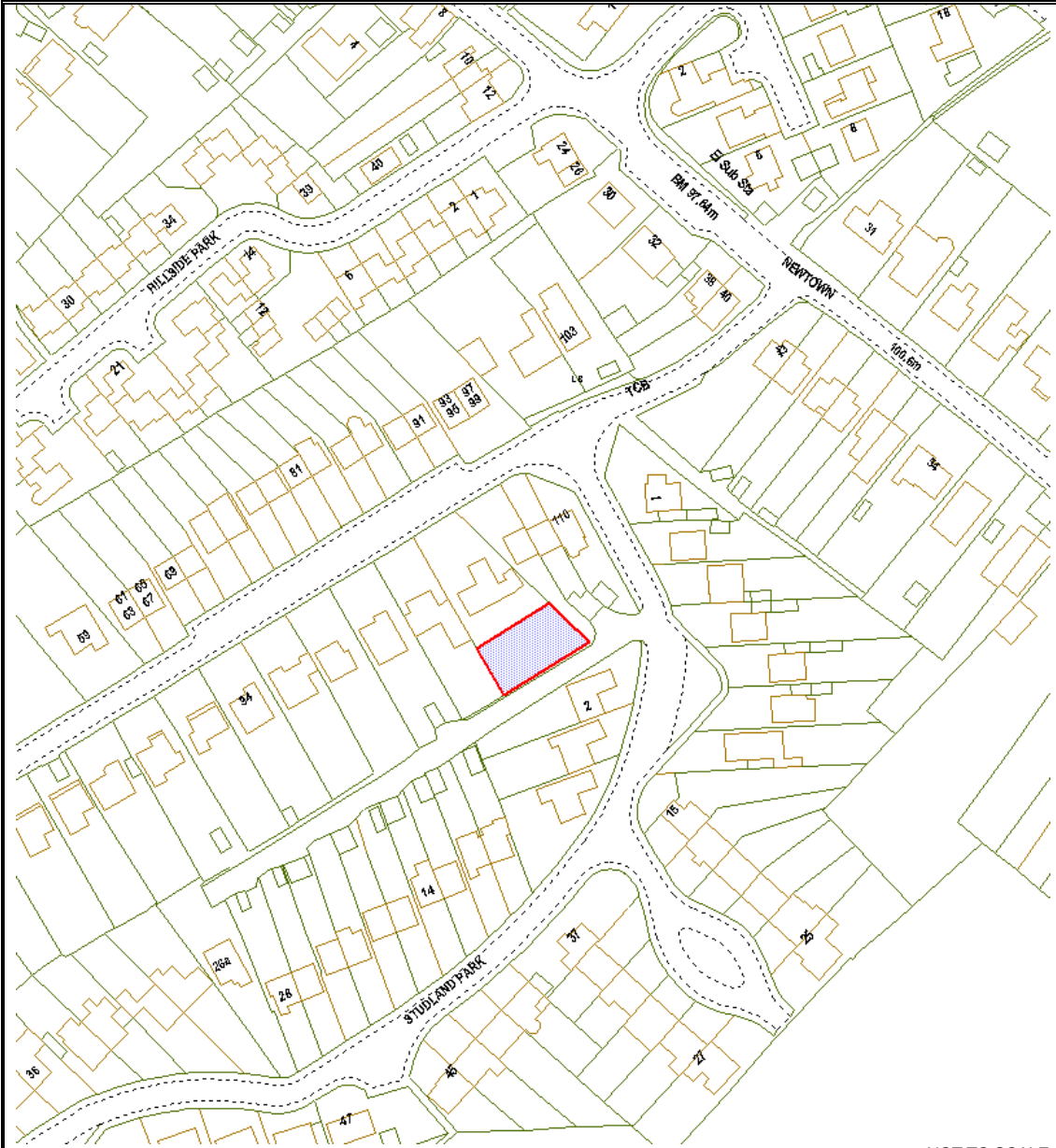
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 02

APPLICATION NO: 07/00844/FUL

LOCATION: Land Rear Of 104 The Butts Westbury Wiltshire



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SLA: 100022961

**02 Application: 07/00844/FUL**

**Site Address: Land Rear Of 104 The Butts Westbury Wiltshire**

Parish: Westbury Ward: Westbury Laverton

Grid Reference 387780 151156

Application Type: Full Plan

Development: Erection of a chalet bungalow

Applicant Details: Mr John Balch  
89 Manor Road New Milton Hants BH25 5EH

Agent Details: Ronald A Ogborne  
31 Southcliffe Road Christchurch Dorset BH24 4EW

Case Officer: Mr Matthew Perks

Date Received: 08.03.2007 Expiry Date: 03.05.2007

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

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

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

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	Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.  REASON: In the interests of highway safety.
6	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.
7	The velux windows to the front and rear roofslopes shall be obscure-glazed and of a fixed type.  REASON: In the interests of neighbouring amenity.
<b>Note(s) to Applicant:</b>	
1	The applicant is advised to contact Wessex Water at 01225 526000 with regard to the connection to water infrastructure as well as the possible need for diversion works.

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is referred to Committee because the Westbury Town Council recommends refusal and your Officers recommend permission.

This is an application for full planning permission for the erection of a bungalow and garage on the land to the rear of 104 The Butts, Westbury. The dwelling would occupy a footprint of approximately 100 square metres and would have a master bedroom within the roofspace. The roof ridge height would be 6.1m. On-site parking for two vehicles would be provided in addition to the proposed garage.

The site is ±360 square metres in extent, roughly rectangular in shape, and is located to the rear of number 104 The Butts. Access would be gained via a service road off of Studland Park. The area is characterised by a mixture of dwelling types including detached, semi-detached and terraced dwellings.

### CONSULTATION REPLIES:

#### WESTBURY TOWN COUNCIL

Objection on the following grounds:

- "- Lack of access;
- Overdevelopment of the site;
- Loss of amenity to surrounding residential properties."

### STATUTORY CONSULTEES

#### HIGHWAY AUTHORITY

Does not object to the proposal. Conditions are suggested with regard to parking, turning space and the proposed driveway.

## WESSEX WATER

Recommends the need for agreement to be reached on sewer connections and water supply. The disposal of surface water must also be addressed to the satisfaction of the LPA. Diversion works may be necessary.

## PUBLICITY RESPONSES

Neighbours were notified of the proposal. 4 Letters of objection were received. Grounds for objection are:

- Access is not an adopted road. Inadequacy of the access and highway safety, including hazards to pedestrians and children playing;
- the chalet bungalow would not be a true bungalow such as 2 Studland Park and would therefore be higher;
- increased traffic on Studland Park itself;
- loss of privacy and overshadowing;
- the proposal would set a precedent for similar development, making the access more hazardous and changing the character of the area;
- building in back gardens is unacceptable.

## RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

- C38 Effects of development on neighbouring properties
- C31A Design
- H1 Housing development in towns
- T10 Parking

SPG House Alterations & Extensions

- PPS1 Delivering Sustainable Development
- PPS3 Housing

## RELEVANT PLANNING HISTORY

A proposal for two new dwellings on this site (Ref. 05/00336/OUT) was refused on 8 April 2005.

A revised application for one dwelling was refused by Committee (05/02904/OUT) on 16.02.2006. The applicant appealed this decision, and the Inspector allowed the appeal in a letter dated 19 January 2007.

## KEY PLANNING ISSUES

Where the Inspector allowed the appeal, the principle of residential development on this site is established. The Inspector provided comments on the form future development on the site should take. If the proposal accords with the Inspector's comments and is of a form approximating the appeal proposal, the application should be granted permission.

## PLANNING OFFICER COMMENTS

The proposed dwelling would occupy the identical site to the appeal proposal. Although the appeal application was only for outline permission, the illustrative plan submitted at the time reflected a bungalow with the same footprint as that now proposed, with a bedroom occupying the roofspace. This footprint was considered in detail by the Inspector. The position of the building on the site would have been very similar, as would be the position of the garage.

In considering the detail of the proposed dwelling, there would only be one clear-glazed window to the roofspace habitable room, facing east and overlooking neighbouring parking and garaging areas. No unacceptable loss of privacy would arise. Two obscure-glazed velux windows are proposed, one each to the north and south roofslopes. On this aspect the Inspector imposed a condition in his decision for no window openings in the roof space other than on the eastern side of the building. The proposed velux windows would serve the stairway and bathroom and could be conditioned so as to be of a non-opening type. All other openings to the dwelling would be at ground floor level, with a 1.8m high fence proposed to surround the property. The siting of the building and the orientation of windows would therefore be such that that there would be no unacceptable impact on neighbouring amenity, nor would the building itself be unacceptably overlooked or overshadowed by neighbouring dwellings.

The highway authority is satisfied with the access and parking arrangements subject to appropriate conditions.

The proposal plans include landscaping of the site.

## CONCLUSION

It is considered that the application is acceptable seen in the light of the appeal decision, the relationship of the dwelling to surrounding properties and access and parking. The application should therefore be granted permission.





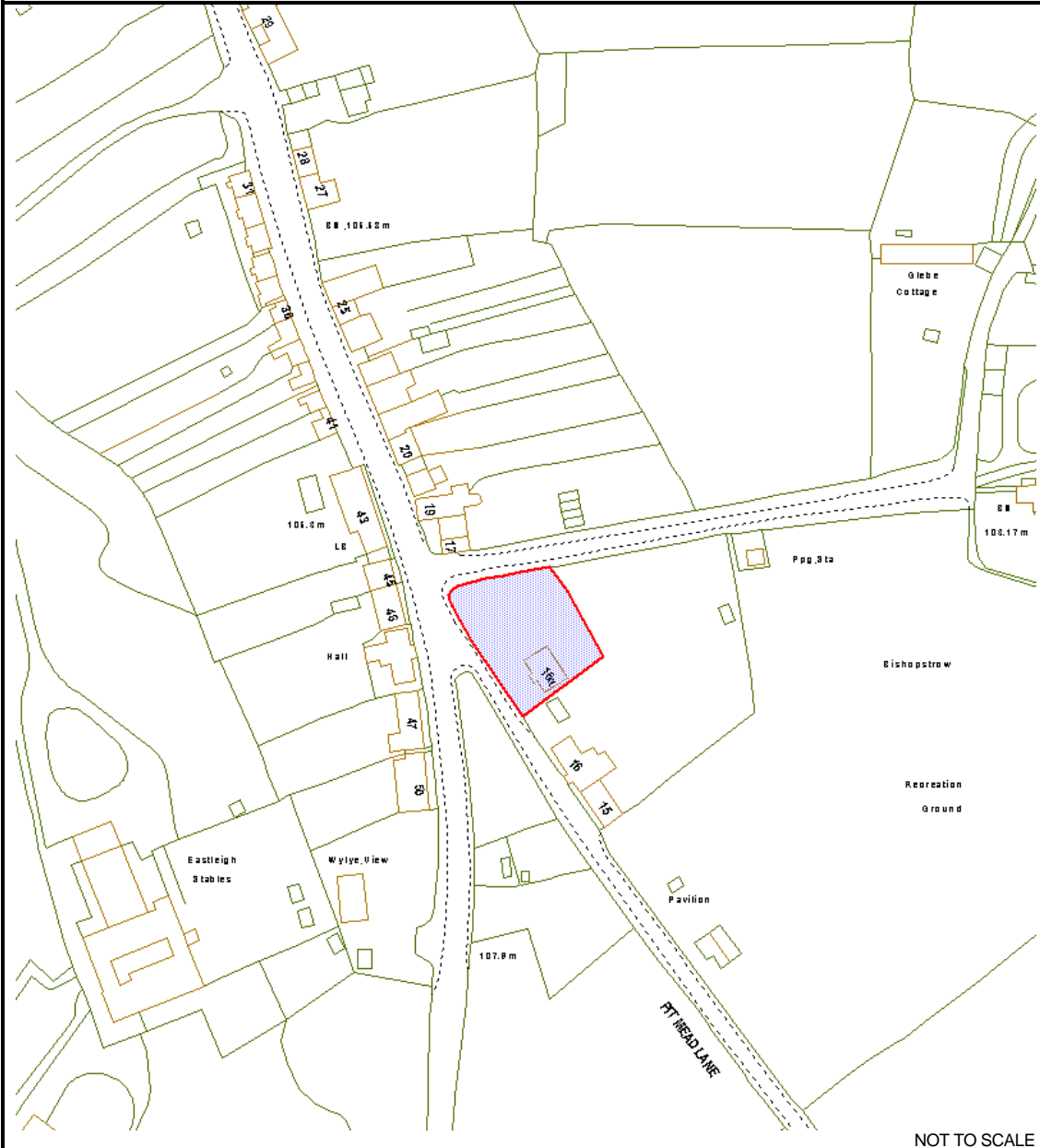
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 03

APPLICATION NO: 07/00045/FUL

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



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SLA: 100022961

**03 Application: 07/00045/FUL**

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

Parish: Bishopstrow Ward: Mid Wyllye Valley

Grid Reference 389373 143721

Application Type: Full Plan

Development: Replacement dwelling

Applicant Details: Mr P Parsons  
The Bungalow 16A Cobbett Rise Bishopstrow Wiltshire BA12 9HW

Agent Details: Mr Peter Withey  
3 Hill Deverill Warminster Wilts BA12 7EF

Case Officer: Mr Matthew Perks

Date Received: 03.01.2007 Expiry Date: 28.02.2007

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 The development hereby permitted shall begin before the expiration of three years from the date of this permission.  
  
REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.
- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
  
REASON: To ensure that the development harmonises with its setting.  
  
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A.
- 3 Details of all external window frames, rooflights and doors which shall be of timber construction shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.  
  
REASON: To protect and preserve the character and appearance of the Conservation Area.  
  
POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17 & C18.

- 4 The proposed rooflights shall be of a conservation type.
- REASON: To protect and preserve the character and appearance of the Conservation Area.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C17 & C18.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part A, Class(es) E of the Order shall be carried out without the express planning permission of the Local Planning Authority.
- REASON: The implementation of permitted development rights on this site would be unacceptable.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

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

The application was initially submitted for a chalet bungalow with dormers to the front and rear, as well as a rear extension with a bathroom in the roofspace. This proposal was subsequently reduced, eliminating the dormers and the room above the rear extension element, creating a bungalow with rooms to the roofspace served by rooflights. A single detached garage is also proposed. The new dwelling would replace an existing nondescript bungalow with a footprint of approximately 72 square metres.

The proposed dwelling would occupy a footprint of approximately 95 square metres and would have a roof ridge height of 6m. Proposed materials are natural stone with brick quoins, wood-framed fenestration and clay plain roof tiles.

The site is located to the south of Church Lane at the three-way intersection with the main Warminster road and Cobbett Rise (or Pitmead Lane, see neighbour comments below). The dwelling would occupy a similar position to the bungalow to be demolished, approximately 1.5m from the boundary and set back from the street frontage by  $\pm 4$ m. The existing access would be retained, but additional manoeuvring space would be provided to the driveway. The garage would replace existing derelict buildings in the easternmost corner of the site.

The application has been submitted at the same time as an application for consent for the demolition of the existing bungalow, since the site falls within the Conservation Area.

In the light of certain of the comments received a final version of the drawing omitting previously proposed a brick "band coursing" has been submitted.

## CONSULTATION REPLIES

### BISHOPSTROW PARISH COUNCIL

The Parish comments as follows:-

#### Original Application

The Parish pointed out that the property is a focal site at the heart of the "old" village. The proposed chalet bungalow-style building would have been crammed into one end of the site and would neither preserve nor enhance the appearance of the conservation area. The building would have been 48% larger in footprint and 150% larger in volume than the existing. The 6m height would be double that of the existing and would dominate the centre of the village, intruding on the privacy of the properties to the north, west and south and would result in a loss of the light to Rose Cottage, the immediate neighbour. The application should be refused and any revised plan should include:- the retention of the existing access, a possible increase in footprint but reduction in height using a low pitched roof. Consideration could be given to a design that appears as a conversion of an existing farm building such as a cow byre. It is accepted that a future design may be a larger building, but consideration should be given to "...erasing the General Development Order rights for the site".

"Vermin Control. The bungalow and the wooden sheds to its rear are vermin infested. The meeting asked that the landowner be required to carry out a vermin control programme before demolition begins to prevent rodent migration into the neighbouring properties.

Recommendation. Providing a correct risk assessment is carried out, the appropriate precautions taken and the site is cleared of rubble, Bishopstrow Parish Meeting unanimously approved the application to demolish the existing building."

#### Revised Application

The agent removed two front dormers and limited a rear extension to the building to one storey in height in a revised plan. The Parish commented as follows:-

"The meeting expressed extreme disappointment that the developer appears to have paid no attention to the key concerns outlined in my earlier letter. Yes there has been a limited reduction in overall size and the dormer windows have gone. But the replacement design does nothing to limit the visual frontal impact of the proposed dwelling and only marginally reduces the impact on Rose Cottage to the south of the site. The proposed dwelling remains twice the height of the existing building and the proposed velux windows are, if anything even less in keeping with the detail of neighbouring properties than the dormers they replace. The design retains the brick 'band coursing' which is not replicated anywhere else in the main part of the village

As I said in my earlier letter; a chalet bungalow is completely inappropriate as there are no other such properties within the Parish boundaries along the line of the Bishopstrow Road. It remains the view that '... the proposed building, crammed into one end of the site, is totally inadequate and unsympathetic and will not '... preserve or enhance ..' the character and charm of the Bishopstrow conservation area.' That view has now hardened given the total failure to present a

more sympathetic design. On the issue of size; the meeting expressed the opinion that the developer well knew the planning limitations on the site when he purchased the plot. The unanimous view was that the existing single story building must be replaced with another single storey building (bungalow) of an appropriate size and design. If there is to be leeway over the phrase '... not materially larger ...' (Wiltshire Plan Policy H20) then the concession should be over ground footprint and not building height. We note the application is for the whole site, not for a part site, so we see no reason why the building should not be placed more centrally in the plot. The landscape scheme for the entire site, including boundary wall treatment, must be agreed before construction starts. It should be prepared by suitably qualified specialist. Although we cannot comment directly on future plans, it is the village intent that no additional dwelling be built on that plot. The site must be a single hereditament incapable of sub-division at a future date for the purposes of further building.

Recommendation. It is the unanimous recommendation of Bishopstrow Parish Meeting that this application be rejected on the grounds that the proposal is neither sympathetic to the requirements for a new development in the Bishopstrow Conservation Area nor meets the requirements for replacement dwellings in "Open Countryside" Policy H20. We would be happy to meet with the developer and his architect in order to reach a suitable conclusion."

## STATUTORY CONSULTTEES

### HIGHWAY AUTHORITY

No objections.

### WESSEX WATER

No objection.

### INTERNAL CONSULTTEES

N/A

### PUBLICITY RESPONSES

A public notice was posted and letters were sent to neighbours.

7 Letters of response were received to the original proposal. Objections were:

- the dormer windows and brick banding are not appropriate in the village;
- it appears that the design anticipates another dwelling in the garden space;
- although the building is on the footprint of the original it looks pushed up too close to the neighbouring Rose Cottage;
- A building with a bigger footprint, but lower would be more acceptable, located centrally on the plot;
- The address for the plot is incorrect. It is actually 16a Pitmead Lane. (This comment is noted, but the application record is based on Council's GIS database for the property);
- Building would be too large;
- Overlooking onto rear garden of Rose Cottage;
- Dormer windows are not acceptable;
- Wood design above the front door is not in keeping with the era of the other buildings in the village;
- Electricity supply pole must be moved;
- "Utter poverty of design";
- Building will dominate the centre of the village;
- High degree of loss of privacy to 50 Bishopstrow.

There were three responses to the advertising of the revised plans. Objections were:

- Building even less in keeping with surrounds - quoins are retained and rooflights;
- Building too dominant;
- Design could perhaps reflect village hall over road;
- blatant disregard for previous comments;
- mock Tudor beams from front porch are of wrong era;
- garden of Rose Cottage overlooked;
- developer clearly intends a second dwelling on site;
- low standard of architecture;
- no need for a "massive" 156m<sup>2</sup> for the new dwelling to be viable;
- total contempt for design;
- permitting the dwelling would be an "absolute distaste visually" and would constitute a gross dereliction of duty on the part of committee and WWDC;
- only concern of applicant appears to be financial gain at whatever cost to the village.

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C18 - New development in Conservation Areas.

C22 - Demolition in Conservation Areas

H20 - Replacement dwellings in the countryside and settlements without village policy limits

## RELEVANT PLANNING HISTORY

None

## KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with Development Plan policies on demolition and new development in Conservation Areas as well as replacement dwellings outside of town or village policy limit areas.

## PLANNING OFFICER COMMENTS

In this case it is considered that the demolition would result in the removal of the nondescript dwelling on site would represent an enhancement to the appearance of the conservation area. Certain derelict outbuildings would also be removed from site.

The design replacement dwelling is clearly controversial to the Parish and residents, with an apparent consensus being that a detached dwelling of a single storey in height with a low-pitched roof centrally located on the property would be appropriate in this setting. There is also concern that the siting of the building makes provision for a second dwelling at a future date.

The site currently, because of the locality of the existing bungalow at one end, provides an open gap at a focal position within the village, with the existing building situated close to the southern boundary. The existing building is of (relative to the majority of the rest of the Conservation Area) modern materials and has an uncharacteristic form including a shallow-pitched roof. The Conservation Area along Bishopstrow (Warminster Road) is characterised primarily by linear terraced double storey development. Spaces between individual buildings are limited. Materials are predominantly natural stone with brick quoins under tiles. Variations from the double storey norm include the Village Hall opposite the site.

The proposed building would be located on approximately the same footprint as the existing. It would be located to the north of the boundary of the only adjacent residential property and some 14 to 15m from the rear boundary (beyond which is the garden to the neighbouring "Rose Cottage" which wraps around the rear of the site). Rose Cottage itself would be approximately 15m distant to the south and no windows would be orientated to face that building. There is an outbuilding between the proposed dwelling and Rose Cottage. A proposed garage would be located on the boundary between the new dwelling and the portion of rear garden space of Rose Cottage to the east. No unacceptable loss of privacy or overshadowing would arise given the relative orientations of the buildings, proposed window positions and separation distances.

The building has been designed as a bungalow with roof-space rooms in an attempt to address the criterion in Policy H20 of the District Plan which states that replacement dwellings in the open countryside will only be permitted where "...the new dwelling is not materially larger than the dwellings to be replaced and such a replacement does not perpetuate a serious traffic hazard, form an isolated development away from public services or adversely affect the rural scene." There is no definition in the Policy of the term "...not materially larger..." but Council has in the past allowed flexibility in interpreting this policy. In this case, although the dwelling would occupy the same locality on site, the footprint would be increased by approximately 32% and the roof ridge would be raised to 6m.

It is considered that there are mitigating factors that would justify the increase in size in this context. The existing building is modest in proportions and the shallow roof ridge angle gives the building a wholly incongruous appearance in relation to others in the Conservation Area. The majority of dwellings within the Conservation Area are double storey structures with fairly steep roof pitches. Gable-ends as well as hipped roof structures exist in the proximity of the site.

The proposed dwelling replaces the alternative of a non-viable rebuild of the two-bedroomed existing dwelling in accordance with Policy H20. The proposed dwelling would still be a building of modest proportions grouped with Rose Cottage to the south. The building would be of materials appropriate to the surrounding development. The Parish is amenable to considering a larger building but would prefer an increase in footprint, with a shallow-pitched roof and a structure more centrally located on site. It is considered that placing a single storey building with a larger footprint and shallow pitched roof centrally on the property would result in the loss of an important gap in the Conservation Area and the introduction of structure isolated (unlike the linear development form in the vicinity) from, and unrelated to its neighbours.

## CONCLUSION

On balance, it is considered that the application should be granted permission. The existing open gap in the Conservation Area on this focal site would be retained, there would be no unacceptable harm to neighbouring amenity, and the building would be of materials and appearance that would enhance to appearance of the Conservation Area given the demolition of the existing incongruous structure. These are mitigating factors which justify departing from a strict interpretation of Policy H20 of the District Plan. Appropriate conditions, including the restriction of permitted development rights on the site, should however be made applicable.





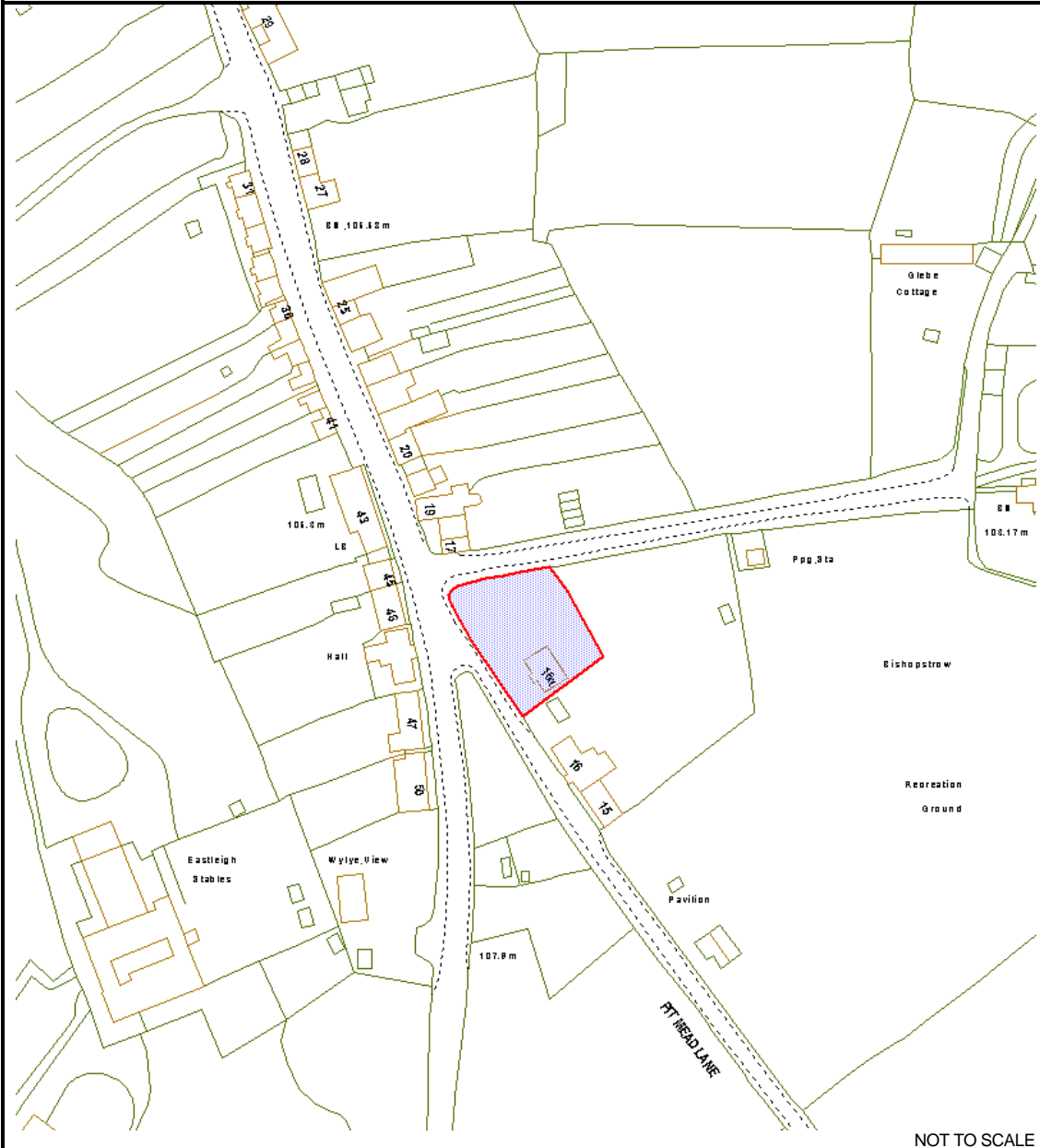
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 04

APPLICATION NO: 07/00048/CON

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



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**04 Application: 07/00048/CON**

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

Parish: Bishopstrow Ward: Mid Wylde Valley

Grid Reference 389373 143721

Application Type: Conservation Area

Development: Demolition of substandard building

Applicant Details: Mr P Parsons  
The Bungalow 16A Cobbett Rise Bishopstrow Wiltshire BA12 9HW

Agent Details: Mr Peter Withey  
3 Hill Deverill Warminster Wilts BA12 7EF

Case Officer: Mr Matthew Perks

Date Received: 04.01.2007 Expiry Date: 01.03.2007

**REASON(S) FOR CONSENT:**

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

**RECOMMENDATION: Consent**

**Condition(s):**

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

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

- 2 The buildings shall not be demolished before a contract for the carrying out of works for the re-instatement or redevelopment of the site has been entered into, and any necessary planning permission has been granted for the redevelopment for which the contract provides.

REASON: To ensure that the character and appearance of the conservation area is conserved.

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

**Note(s) to Applicant:**

- 1 The applicant is advised to contact the Environmental Health office at West Wiltshire District Council with regard to the possible need for vermin control prior to demolition.

# COMMITTEE REPORT

## APPLICATION DETAILS

This application is referred to Committee because it is related to Application 07/00045/FUL (Replacement dwelling at 16a Cobbett Rise, Bishopstrow) which also appears on this agenda. The Bishopstrow Parish Council recommends refusal of application 07/00045/FUL and officers recommend Permission.

This is a Conservation Area consent application for the demolition of a bungalow at 16a Cobbett Rise, Bishopstrow. This dwelling has a footprint of approximately 72m<sup>2</sup>. The building is of nondescript appearance with a lean-to conservatory to the rear. The application site is located within the Bishopstrow conservation area.

The application has been submitted at the same time as an application for a replacement dwelling on this site.

## CONSULTATION REPLIES:

### BISHOPSTROW PARISH COUNCIL

The Parish comments as follows:-

"Vermin Control. The bungalow and the wooden sheds to its rear are vermin infested. The meeting asked that the landowner be required to carry out a vermin control programme before demolition begins to prevent rodent migration into the neighbouring properties.

Recommendation. Providing a correct risk assessment is carried out, the appropriate precautions taken and the site is cleared of rubble, Bishopstrow Parish Meeting unanimously approved the application to demolish the existing building."

## INTERNAL CONSULTEES

### HERITAGE DEVELOPMENT OFFICER

No comments received.

## PUBLICITY RESPONSES

A public notice was posted. Three responses were received, one of which was withdrawn. A second had no objection. The third contained comments focussing on the proposed replacement building rather than the demolition, objecting to the new dwelling on the grounds of treating "...the question of design with utter contempt...", the profit motive of the applicant at "...whatever cost to the village scene..." and the size of the proposed dwelling relative to the structure to be demolished.

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C22 - Demolition in Conservation Areas

## RELEVANT PLANNING HISTORY

06/02420/FUL - Replacement dwelling - Withdrawn

06/03024/FUL - Replacement dwelling - pending consideration

## KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with development plan policy on demolition in Conservation Areas, and whether there are any material considerations to outweigh this policy.

## PLANNING OFFICER COMMENTS

Policy C22 of the West Wiltshire District Plan, 2004 states that consent will only be granted for the demolition of buildings in conservation areas where the proposed demolition and any replacement development will not adversely affect the character or appearance of the conservation area. Furthermore, proposals to rebuild demolished buildings will be expected to include the reuse of old building materials where appropriate.

In this case, the demolition would result in the removal of a structure that is of nondescript design in a pebbledash finish and a lean-to style PVC conservatory. Certain derelict outbuildings would also be removed from site. It is considered that, notwithstanding proposals for a new building on site, the removal would enhance the appearance of the Conservation Area.

Whilst records do not reflect vermin infestation on this site, the applicant should be advised to consult with Council's Environmental Health section in this regard, given the Parish Council's comments.

## CONCLUSION

The removal of the dwelling would comply with Policies C17 and C22 of the District Plan and should be granted consent subject to appropriate conditions for the re-instatement of the site.

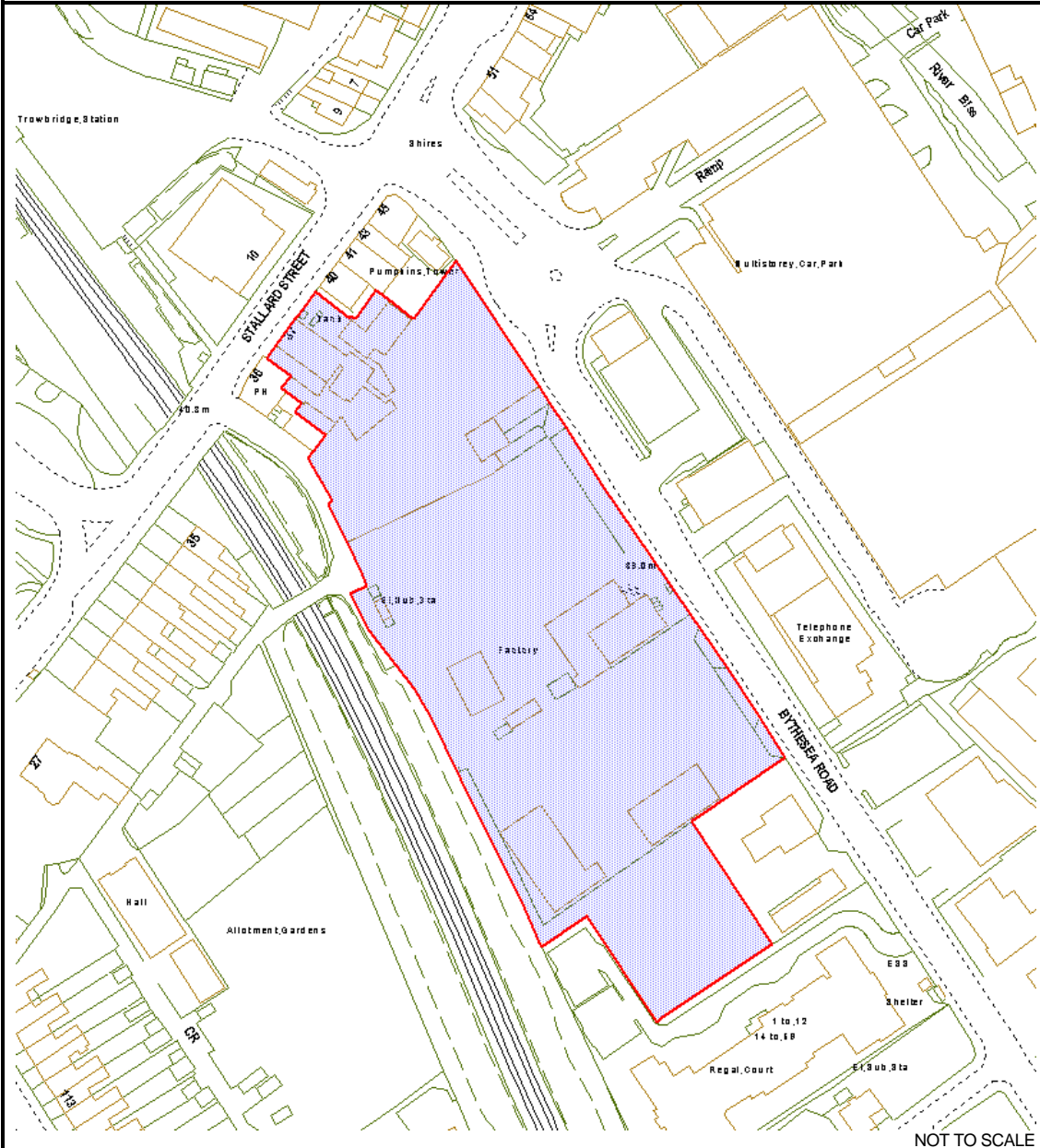
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 05

APPLICATION NO: 07/00678/OUT

LOCATION: Former Wincanton Site Bythesea Road Trowbridge  
Wiltshire



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**05 Application: 07/00678/OUT**

**Site Address: Former Wincanton Site Bythesea Road Trowbridge Wiltshire**

Parish: Trowbridge Ward: Trowbridge North East

Grid Reference 385311 157769

Application Type: Outline Plan

Development: Outline application for the mixed use redevelopment of the site for retail, B1(Office) residential development with associated servicing and landscaping

Applicant Details: Parkridge Developments Ltd And Wincanton  
C/o Holmes Antill Home Farm Barn Loughborough Road Prestwold  
Loughborough

Agent Details: Holmes Antill  
Home Farm Barn Loughborough Road Prestwold Loughborough  
Leics

Case Officer: Mr Peter Westbury

Date Received: 22.02.2007

Expiry Date: 24.05.2007

**JUSTIFICATION REASON:**

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

**RECOMMENDATION:**

**That the application be referred to the Secretary of State as a departure from the Development Plan, which the Council is minded to grant permission subject to the satisfactory completion of a Legal Agreement to secure:**

- The provision of up to 30% affordable housing;
- A financial contribution towards the cost of improved cycle pedestrian accessibility;
- A financial contribution towards the development of a car park guidance scheme for Trowbridge;
- The establishment of an executive role for the local authority in terms of car park management (particularly charging policy).

**In the event that the application is remitted back to the Local Planning Authority and on completion of the Legal Agreement, the Development Control Manager be authorised to issue the decision.**

**Condition(s):**

- 1 Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
  
REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.
- 4 Before development commences on site, a masterplan for the development of the site shall be submitted to and approved in writing from the Local Planning Authority prior to any development commencing on the site. The development shall be undertaken in accordance with the approved details.  
  
REASON: In the interests of the proper planning of the site.
- 5 Retail floorspace on the site shall be limited to up to 7,000 square metres, of which at least 6500 square metres will be in units of 750 square metres or more. Units greater than 50 square metres in size shall be used for the sale of non-food goods only.  
  
REASON: In the interests of the proper planning of the site.
- 6 The B1 floorspace hereby approved shall be limited to office floorspace of up to 1,200 square metres.  
  
REASON: In the interests of the proper planning of the site.
- 7 Residential development on the site shall be limited to up to 70 residential units.  
  
REASON: In the interests of the proper planning of the site.
- 8 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.  
  
REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 9 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.  
  
REASON: To prevent the increased risk of flooding.



- 10 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water storage capacity during 1 in 100 year (climate change) conditions has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To alleviate the increased risk of flooding.

- 11 The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

REASON: To prevent pollution of the water environment.

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

REASON: To prevent pollution of the water environment.

- 13 Before development commences on site, a scheme showing the location of inspection manholes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details.

REASON: To enable discharges from individual premises or buildings to be inspected and sampled.

- 14 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C14 & C15.

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

REASON: In the interests of pollution prevention.

- 16 Before the development is first brought into use/occupied, the access arrangements shall be completed in accordance with the approved details shown on Drawing numbered 2006-587-SK-03 Rev A.

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

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

REASON: In the interests of highway safety.

- 18 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the Local Planning Authority until the whole of the development is complete

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C40.

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

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

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

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

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

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

- 21 Before development commences on site, a schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority. The development shall be completed with the materials on the approved schedule.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17, C18, C27 and C31A.

- 22 Prior to the commencement of any work on site details of all security measures including CCTV proposed for the development shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.
- REASON: In order to ensure the development is satisfactory and in the interest of public safety.
- 23 The parking spaces to be provided on the site, together with any access thereto, shall be constructed and made available concurrently with the development to which they relate.
- REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.
- 24 Prior to development commencing on the site, details of the hours of operation for all proposed uses on the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed uses shall adhere to the approved hours of operation hereby approved.
- REASON: In the interests of protecting the amenity of the area.
- 25 The development hereby permitted shall not begin until a scheme of suitable noise attenuation works has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.
- REASON: In order to safeguard the amenities of the area in which the development is located.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38.
- 26 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an Ecological Survey for bats. Any mitigation measures to limit the impact on these species shall be undertaken in accordance with the approved details.
- REASON: To ensure the protection of any wildlife on the site.
- 27 No part of the development shall be brought into use/occupied until a strategy for the design and provision of signage has been approved in writing by the Local Planning Authority. The Strategy will include details of signage primarily for the benefit of pedestrians and cyclists, and its scope will need to be wide enough to ensure that the proposed development is signed both to and from key destinations in the town. The details will be implemented in accordance with the approved details.
- REASON: In the interests of public amenity.
- 28 No part of the development shall be brought into use/occupied until a Green Travel Plan has been prepared (generally in accordance with "Development Related Travel Plans In Wiltshire - Good Practice Guide") and approved in writing by the Local Planning Authority. The Green Travel Plan shall be implemented hereafter as part of the operation of the site.
- REASON: In the interests of achieving a sustainable development.

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

REASON: In the interests of public health and safety.

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

- 30 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

REASON: In the interests of proper planning of the area.

- 31 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 3 Classes A and C of the Order, in respect of the A3 uses shall be carried out without the express planning permission of the Local Planning Authority.

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

POLICY: West Wiltshire District plan - 1st Alteration 2004 - Policy SP3.

**Note(s) to Applicant:**

- 1 In formulating detailed proposals for the design of the development hereby approved, the Applicant is advised that consideration should be given to the setting of the nearby listed building and the conservation area.
- 2 The applicant is reminded to seek the advice of English Nature 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.
- 3 Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001").

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because of its importance to the regeneration of the centre of Trowbridge.

This is an application for outline planning permission for the redevelopment of 1.2 hectares at the former Wincanton site on the edge of Trowbridge town centre. All matters are reserved for subsequent approval except the means of access. The redevelopment includes:

- Up to 7,000 square metres of retail floorspace of which at least 6500 square metres will be in units of 750 square metres or more and units greater than 50 square metres in size shall be used for the sale of non-food goods only.
- Up to 1,200 square metres of B1 floorspace
- Up to 70 residential units including a proportion of affordable housing
- Up to 240 car parking spaces and a new signalised access to the site from Bythesea Road.

The application site is defined as previously developed land. It is located between Bythesea Road and the main railway. The application site comprises a series of buildings formally used by Wincanton, car parking and service areas. The Applicants' description of the site contained in the Development Framework is as follows:

"The development site is formed out of three parcels of land. The northern elements, referred to as Shires House, comprises of a parcel of land of approximately 0.74 Ha. The land is characterised by its irregular perimeter shape and numerous boundary conditions, the site also contains the highest density of existing structures... The plot is much more regular in shape. Overall the site provides 0.37 Ha of development land. The southern plot is a landlocked section of overgrown waste land, but provides the most regular parcel of land. The site is 0.137 Ha in area."

The main building on the site is Shires House which is on the site of a former foundry, part of which remains.

Part of the application site is within the Trowbridge Town Centre Conservation Area. Accordingly as this application is in outline, it was advertised as a departure to the Development Plan. The Rose and Crown Public House is immediately adjacent to the application site and is a Grade II listed building.

In support of their application, the Applicants have submitted the following:

- Planning Statement in support of application
- Promotional Statement for Application
- Development Framework
- Design and Access Statement
- Retail Planning Statement(RPS)
- Archaeological Report
- Archaeological Watching Brief
- A Sustainability Checklist
- Transport Assessment Report
- Accessibility Statement
- Phase 1 Environmental Audit
- Phase 2 Environmental Assessment
- Geo-environmental Investigation Report
- Desk Study of Potential Military Contamination

The Design Statement confirms that the application proposal will include the following key elements:

- provide new and active facades to all streets and public spaces;
- place car parking and servicing away from frontages;
- screen inactive spaces with single aspect accommodation;
- include a finer grain of development in the northern part of the site;
- provide a new pedestrian route from the station to the town centre;
- place larger format retail units in the centre of the site in response to the scale of the Shires Shopping Centre;
- position servicing to the rear of buildings;
- introduce a finer grain of predominantly residential development in the southern part of the site.

The Access Statement includes an Access Strategy, which confirms that the proposal will include the introduction of active frontages to Bythesea Road and Stallard Street and the creation of improved pedestrianised links in the area. The Applicants also state that a Green Travel Plan will be provided.

#### CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: No objection

#### STATUTORY CONSULTATIONS

- STRATEGIC PLANNING AUTHORITY: Comments expected by Monday 21 May 2007.
- HIGHWAYS AUTHORITY: No objection subject to the imposition of conditions and the delivery of relevant improvements through a legal agreement.

Also comment:

"The traffic implications of the proposed development have been carefully assessed using "PARAMICS". Distinct from conventional traffic modelling packages, PARAMICS is a microsimulation tool that has the capability to examine complex traffic problems and solutions with far more reliability."

- ENVIRONMENT AGENCY: Object stating that PPS23 has introduced a precautionary principle which "requires developers to demonstrate that the risks associated with historic contamination are acceptable or that they have been overcome."

In response to this the Applicants submitted Contaminated Land Surveys which have been passed to the Environment Agency. At the time of the preparation of the Officer's Report they had not provided additional comments on the content of these reports.

- ENGLISH HERITAGE: No objection.

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

- NATURAL ENGLAND: Objection subject to the receipt of additional information in relation to assessing whether there would be any adverse effect on legally protected species.
- WILTSHIRE WILDLIFE TRUST: Holding objection pending the receipt of additional information.
- WESSEX WATER: No objection subject to the imposition of conditions.
- COUNTY ARCHAEOLOGIST: No objection subject to the imposition of a condition.
- EDUCATION AUTHORITY: No comments received.

#### INTERNAL CONSULTATIONS

- PLANNING POLICY: No objection. Acceptable in policy terms.
- CONSERVATION/HERITAGE OFFICER:

Representation concludes that because the application is in outline:

"It is therefore not possible to fully assess the implications for the conservation areas and listed buildings affected by the proposal."

- HOUSING SERVICES: No objection. Recognise that there is a demonstrable need for affordable housing in the town.

- ENVIRONMENTAL HEALTH: No objection subject to a condition related to mitigation in respect of Contaminated land.
- ECONOMIC DEVELOPMENT: No comments received.
- REGENERATION OFFICER: Supports the Application.
- LAND DRAINAGE AND CIVIL ENGINEER: No objection

"I have no comment on the application as land drainage is unaffected."

## PUBLICITY RESPONSES

The application was advertised on site, in the local press and in writing to neighbouring properties. As a result two representations were received making the following comments:

- Believe that the site should be developed, but expressing hope that "it will be developed with sensitivity, good design, using materials that suit the area and which enhance the towns visual landscape and roofspace and adds value to the community".
- A walkway linking the station to the town "is to be applauded".
- Concern about increased traffic flow.
- Concern that the private access lane for St. George's Terrace is clearly defined.
- Existing lay-bys used by neighbouring businesses should be retained.

## RELEVANT PLANNING POLICY

### Regional Spatial Strategy (RPG10)

- VIS1 Expressing the Vision
- VIS2 Principles for Future Development
- VIS3 Achieving the Vision
- SS2 Regional Development Strategy
- SS3 The sub-regional strategy
- SS6 Other designated centres for growth
- EN4 Quality in the Built Environment
- EC6 Town centres and retailing
- HO1 Levels of housing development 1996-2016
- HO3 Affordable housing
- HO5 Previously developed land and buildings
- HO6 Mix of housing types and densities
- TRAN1 Reducing the need to travel

### Wiltshire Structure Plan 2016

- DP3 Development Strategy
- DP4 Housing and Employment Proposals
- DP6 Hierarchy of Shopping Areas
- DP7 New Housing at Towns and Main Settlements
- DP8 Affordable Housing
- DP9 Use of previously developed land
- T6 Transport - Development Management
- HE2 Other Sites of Archaeological or Historic Interest
- HE7 Conservation Areas and Listed Buildings

## West Wiltshire District Plan 1st Alteration

C14	Archaeological Field Evaluation
C18	New Development in Conservation Areas
C21	Planning Permission in Conservation Areas
C27	Impact on listed buildings and their setting
C31a	Design
R4	Open Space in new housing developments
H1a	Housing Land Provision
H2	Affordable housing within towns and villages
H24	New housing design
T3	Transport Provision for new developments
T10	Car Parking
SP1	Town Centre Shopping
SP3	Out of Centre Shopping
LE1	Leisure and Entertainment
TC2	Traffic Management and Pedestrian Priority
TO3	Hotels, Guest Houses and Self Catering Accommodation
CF1	Community Services
U1	Infrastructure
U3	Flooding
I1	Implementation
I2	The Arts

Design Guide: Principles Supplementary Planning Guidance (SPG)  
Residential Design Guide Supplementary Planning Document (Draft)  
Affordable Housing SPG  
Open Space SPG

## Trowbridge Urban Design Framework (UDF)

West Wiltshire Community Strategy 2004-2014  
West Wiltshire District Council Corporate Plan 2005-10

## National Planning Policy Guidance/ Statements:

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres
PPG13	Transport
PPG15	Historic Environment
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk

## RELEVANT PLANNING HISTORY

Application 06/01711/OUT - Outline application for the mixed use redevelopment of the site for retail, B1(Office) residential development with associated servicing and landscaping submitted by Parkridge Developments Limited and Wincanton - Refused on 31 August 2006 for the following reasons:

"1 The applicants have failed to demonstrate either the quantitative or qualitative need for additional retail floorspace and that there are no suitable and viable sites available within firstly, the defined Primary Retail Frontages and secondly edge of centre locations and that the proposal will not harm the vitality and viability of the nearby centre of Trowbridge contrary to the requirements of Policy SP3 of the West Wiltshire District Plan First Alteration 2004.



2 The applicants have failed to provide sufficient information to enable the Local Planning Authority to make a full and comprehensive assessment that the application proposal will make sufficient provision to maximise sustainable accessibility and that there are adequate measures to accommodate trips where local infrastructure lacks adequate capacity contrary to the requirements of policies T3, T6, T9, T10 and T11 of the West Wiltshire District Plan First Alteration 2004.

3 The applicants have failed to provide sufficient information to enable the Local Planning Authority to make a full and comprehensive assessment that the application proposal will make sufficient provision of affordable housing as required by Policy H2 of the West Wiltshire District Plan First Alteration 2004.

4 The proposed development would lead to unacceptable risk of flooding by virtue of the generation of surface water run-off contrary to Policy U3 of the West Wiltshire District Plan First Alteration 2004. The applicants have failed to provide sufficient information in the form of a Flood Risk Assessment to enable the Local Planning Authority to make a full and comprehensive assessment of the impact of and mitigation for such an eventuality."

The Applicants for this application have since lodged an Appeal against this decision of the District Council to refuse this application. An Inquiry to hear evidence in respect of this Appeal is due to commence on 5 July 2007.

## KEY PLANNING ISSUES

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh policy.

Specifically in the context of this outline application, consideration must be given to the appropriateness of the site to accommodate the range of uses proposed. The Planning Officer's comments have been divided under the following headings:

- Retail development
- Office development
- Residential development and the provision of affordable housing
- Historic Environment
- Design
- Highways Considerations
- Ecology
- Relationship with the proposals at Waterside
- Whether the proposals have overcome the earlier reason for refusal?
- Reasons for reference to the Secretary of State

## PLANNING OFFICER'S COMMENTS

### Retail development

Unlike the earlier application for planning permission for the redevelopment of this site (06/01711/OUT), the Applicants have now demonstrated that there is a need for this retail development. The advice of the Policy Section of the Council is that on the basis of the information submitted, there is a need for the proposed comparison retail floorspace and that the development would not adversely affect the town centre as a whole.

In addition to the application site and the former Tesco's site, there are no other suitable or viable sites in Trowbridge, either in the primary retail frontage or at the edge of the town for the required provision of retail development, particularly in the short-term. The approved minutes of a pre-application meeting between the Applicants and the Strategic Planning Authority state:

"... following a lead from the Ushers Inquiry that the greater detail provided in the application, including a mix of uses, the more likely the County Council were to support the application as it provided certainty both in terms of potential impact and the ability to clawback trade which was a recognised strategic aspiration for Trowbridge."

The conclusions of the Retail Planning Statement provided by the Applicant are accepted. The Application site is an important "edge of centre" site which is "highly accessible" by a choice of means transport. It is also generally accepted that it is preferable to other identified sites such as the Ushers Site, land at Court Street/ Castle Street and additional Land at Court Street.

It is further accepted that the need for additional retail floorspace required in Trowbridge mean that both the Application site and Former Tesco site could both come forward. Both schemes would not harm the vitality or viability of existing retail development in Trowbridge.

#### Office Development

As with the earlier refused application, the application states that provision would be made for 1,200 square metres of office development. The proposed office development will contribute to encouraging new employers in Trowbridge and will act as a catalyst for the economic growth of the town.

#### Residential development and the provision of affordable housing

The applicants have indicated that the site is capable of accommodating up to 70 dwellings. The form this residential development will take will be considered at a later stage. However, the application site is an appropriate location for residential development. It is a sustainable location being in close proximity to bus and rail services and in short walking distances of existing retail development and amenities. As a previously developed site, the application site is a site which policy and guidance at all levels states that housing development should be concentrated.

The Trowbridge Urban Design Framework identifies the site as an appropriate location for housing development.

The Applicants have indicated that affordable housing would be provided to a level which is in accordance with Development Plan Policy. It must be provided at a level of 30% of the total dwellings on the site. This would be secured through an appropriate legal agreement.

#### Historic Environment

As an outline application there is no detail of the exact siting of the proposed buildings on the site. They will, however, be required to comply with the Trowbridge Urban Design Framework set out above.

The Council has a statutory duty to preserve and enhance the character and appearance of a conservation area as well as to protect the character of a listed building or its setting. Policy C21 of the adopted Local Plan states that planning permission will not be granted in outline form for development in a conservation area or where it would affect the setting of a listed building. In this case, only a small part of the whole site is within the conservation area and only part of the development would affect the setting of the listed building. In addition, the development of the site should comply with the principles set out in the adopted Supplementary Planning Guidance 'Trowbridge Urban Development Framework'.

This application for outline planning permission represents a further stage in achieving the regeneration of this part of Trowbridge. Should planning permission be granted, the outline application will provide certainty for the market to move forward with the preparation of detailed proposals for the site and will assist in forming the framework for the future development of the site.

In order to facilitate the regeneration of this site, the application has been processed as an outline application. This means that it is a departure from policy C21 of the Development Plan and has been advertised as such. Although not a 'significant' departure (only a small part of the whole site is affected), the application will therefore have to be referred to the Secretary of State, if the Council is minded to grant permission, because part of the land to be development is in the conservation area.

All details of siting, design and external appearance will be considered as part of a reserved matters application but a note is recommended to be appended to the decision notice which draws attention to the need to consider the setting of the listed building and the conservation area.

## Design

As the application is in outline, with details of scale, materials and design reserved for subsequent approval, it is not possible to confirm that the development will be acceptable in this regard. The detailed design of the proposal will be matters for consideration at Reserved Matters stage. It is nevertheless acknowledged that in support of this application, the Applicants have indicated that their intention is to deliver a scheme which is consistent with the Trowbridge Urban Design Framework (UDF) and policies of the Development Plan. It is recommended that a condition be attached to require the Developer to submit a masterplan for approval. This will assist in achieving a scheme which is consistent with the requirements of the Trowbridge UDF. The design and materials to be used can be controlled by condition.

## Highways Considerations

The application site is in a sustainable location located between the centre of Trowbridge and the railway station. It will also be well served by public transport, which the Applicants have indicated will be improved as a result of this redevelopment.

Although the Highways Authority have stated that in their view the Transport Assessment which accompanies the Application "paints a number of areas in a far better light than is really the case", they do conclude that appropriate and necessary improvements and mitigation can be applied which would make the scheme acceptable. These measures are as follows:

1. Cycle safety measures are introduced. A contribution for cycle/pedestrian accessibility should be sought.
2. A Car Parking Strategy should be implemented.
3. A Green Travel Plan.

The Highways Authority have indicated that the proposal can be accommodated safely on to the local highway network. This is subject to no part of the development being brought into use/occupied until the access arrangements illustrated on drawing numbered 2006-587-SK-03 Rev A have been completed to the satisfaction of the local planning authority.

In addition, the Highways Authority states that a combined public realm and accessibility scheme is implemented in accordance with the details outlined above, and Plan 2006-587-SK03 Revision A.

## Ecology

An objection has been raised to the proposal by Natural England requiring the submission of additional information in relation to assessing whether there would be any adverse effect on legally protected species. In order to address this, a condition is recommended to require the Applicants to submit an Ecological Survey prior to development commencing on site.

## Relationship with the proposals at Waterside

The redevelopment of the former Wincanton site is seen as a vital part of the redevelopment of Trowbridge as are the proposals for the Waterside development, which have outline planning permission (05/02884/OUT).

The traffic flow models prepared by the Applicant have incorporated the modelling work undertaken by the Applicants for the Waterside development. Therefore the impact of the proposals on Bythesea Road has been considered.

In terms of design, both proposals will be required to be consistent with the Trowbridge UDF.

Whether the proposals have overcome the earlier reason for refusal?

There were four reasons for refusing the first application for the redevelopment of this site (06/01711/OUT) as set out above.

For the reasons set out above, Reason 1 has now been overcome.

With the agreed measures to be funded through a Legal Agreement, the proposal makes sufficient provision to maximise sustainable accessibility and includes adequate measures to accommodate trips. Reason 2 has therefore been overcome.

The Applicants have confirmed the number of dwellings to be provided on site and that they are prepared to provide affordable housing in accordance with Development Plan policy. Reason 3 has therefore been overcome.

Reason 4 related to concern about the unacceptable risk of flooding by virtue of the generation of surface water run-off contrary to Policy U3 of the West Wiltshire District Plan First Alteration 2004. The Applicants have now provided information to the satisfaction of the Environment Agency. They have recommended that conditions be attached to any decision to require the provision of details of mitigation in relation to surface-water run-off. In the light of this, it is considered that the fourth reason for refusal can no longer be supported.

## Reasons for reference to the Secretary of State

If the Council is minded to grant planning permission this application would have to be referred to the Secretary of State under the terms of the Town and Country Planning (Shopping Development)(England and Wales) (No.2) Direction 1993, Article 3b. This is a development of over 2,500 sq. metres which will exceed 20,000 sq. metres when aggregated with other development which is within 10 miles.

In addition, if the Council is minded to grant planning permission, this application would have to be referred to the Secretary of State because Development Plan Policy C21 states that planning permission will not be granted in outline form for development in conservation areas. The reason why Officers regard this as an acceptable departure is set out above.

## CONCLUSION

This proposal represents an important stage in the process of regenerating this edge of town site. It is acknowledged that as an outline application much of the detail of this proposal is yet to be determined. However, this proposal is consistent with the principles of the Development Plan policy and the Trowbridge UDF and no material considerations have been identified to outweigh this policy consideration which cannot be secured by condition or a planning agreement. The application should therefore be recommended to the Committee.



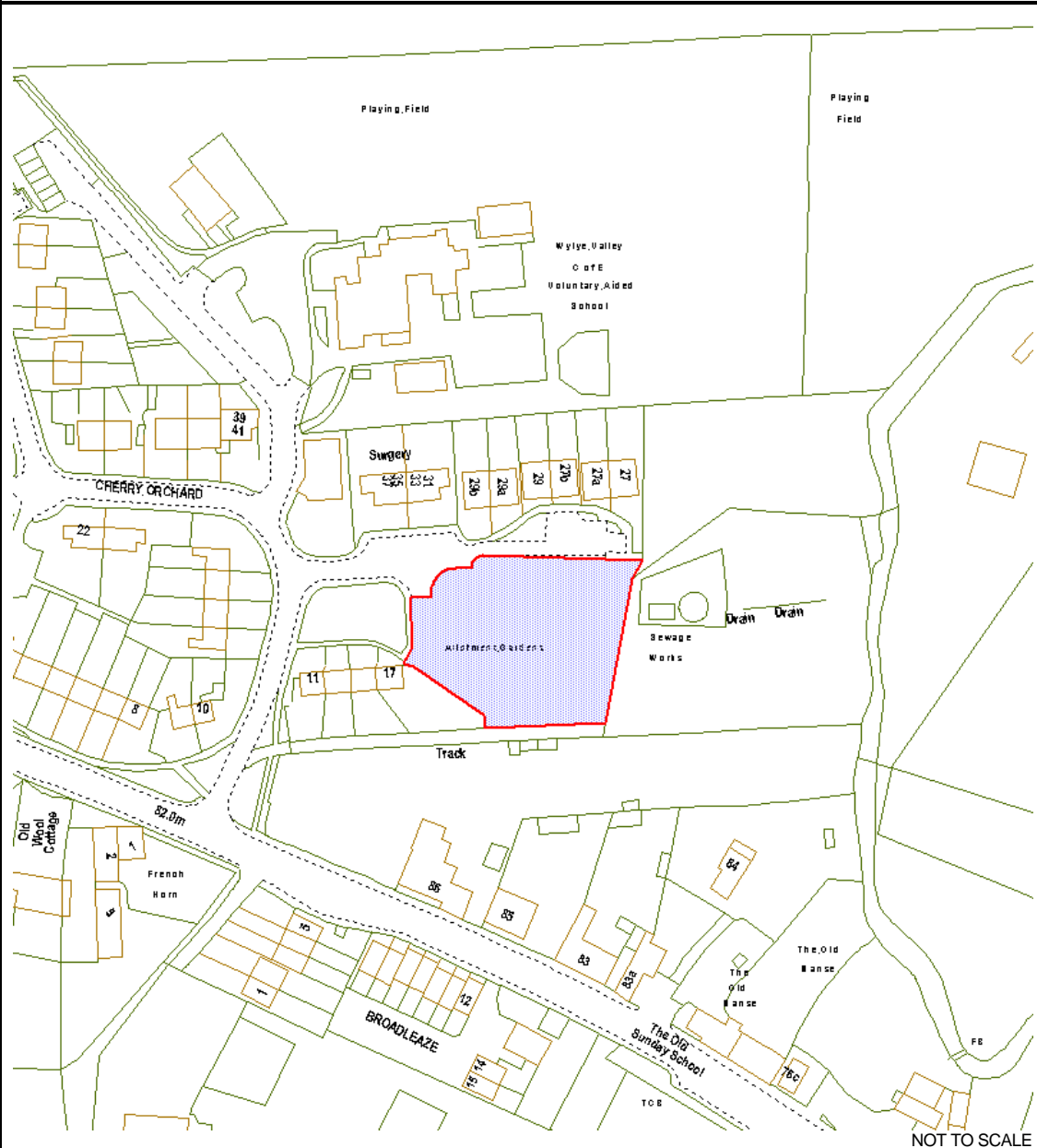
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 06

APPLICATION NO: 06/03588/OUT

LOCATION: Land Adjoining Sewage Works Cherry Orchard  
Codford Wiltshire



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**06 Application: 06/03588/OUT**

**Site Address: Land Adjoining Sewage Works Cherry Orchard Codford Wiltshire**

Parish: Codford Ward: Mid Wylze Valley

Grid Reference 396938 139883

Application Type: Outline Plan

Development: New development of 6 no. houses with 12 parking spaces

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

Agent Details: Quattro Design Architects Ltd  
1 Great George Street Bristol BS1 5RR

Case Officer: Mrs Judith Dale

Date Received: 24.11.2006 Expiry Date: 19.01.2007

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 4 The development hereby permitted shall not be commenced until either improvement works have been carried out to the sewage treatment works receiving flows from this development, or satisfactory alternative works for the disposal of sewage have been provided to serve the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details and subsequently maintained in a serviceable condition.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies U1 & U1A.

- 5 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.

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

- 6 Prior to the commencement of any work on site, including any demolition, an Arboricultural Management and Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of working procedures, monitoring and remedial works. 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 1st Alteration 2004 - Policy C32.

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

Upon approval:

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

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

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

The whole scheme shall be subsequently retained.



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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C32 and C40.

- 8 Ten, non ornamental trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428 in the earliest planting season following implementation of this permission. The trees shall be thereafter maintained for a period of five years including the replacement of any trees, or any trees planted in replacement for it, which die, are removed or become damaged or diseased within this period with trees of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

REASON: In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice.

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

- 9 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.

- 10 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.

- 11 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These details shall include provision within the site for the prevention of surface water disposal onto the highway

REASON: To ensure that the development can be adequately drained and in the interests of highway safety.

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

- 12 The first 5m of the access 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.

- 13 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.
- REASON: In the interests of amenity and road safety.
- 14 The dwellings hereby granted shall be retained as affordable within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan - 1st Alteration 2004 for so long as the dwellings remain on site.
- REASON: To accord with the terms of the application and to secure the delivery of affordable housing on the site in accordance with Council policy.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H2.
- 15 The siting and layout of the proposed development shall accord generally with that indicated on drawing 1727 P C02 A, and no part of any dwelling, either as originally approved or subsequently extended, shall be constructed within 25 metres of the existing boundary of the STW as indicated on that plan.
- REASON: In the interests of residential amenity.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no first floor windows shall be subsequently inserted in the rear elevation of Plot 1 beyond those approved under any reserved matters application subsequent to this outline permission.
- REASON: In the interests of residential amenity.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38
- 17 Prior to the commencement of the development hereby permitted, a Construction Method Statement detailing the potential risks to the River Avon System Site of Special Scientific Interest and candidate Special Area of Conservation, and their mitigation, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out strictly in accordance with these details.
- REASON: In the interest of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.
- 18 The development shall be carried out taking account of the recommendations contained within the Ecological Survey submitted as part of the application.
- REASON: In the interest of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.

### **Note(s) to Applicant:**

- 1 The applicant is advised to consult with Wessex Water, the Environment Agency, the Council's Drainage Engineer and the Council's Environmental Health Officer with regard to the required sewage treatment infrastructure to enable this development to proceed. For clarification, this permission does not presuppose or advocate any solution to address this matter.
- 2 The applicant is advised to consult with Wessex Water on proposed arrangements for connection to its system for water supply.
- 3 The applicant is advised that the proposed ridge height of the development shall not exceed that of the existing dwellings at numbers 11 to 17 Cherry Orchard.
- 4 The applicant is advised to consult with the Council's Drainage Engineer with regard to the disposal of surface water into the nearby Chitterne Brook.
- 5 The applicant is advised that this is a rural exceptions site to serve local priority need in the area.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because the applicant is the District Council, with the proposal forming part of the Council's housing private finance initiative (PFI) to deliver at least 400 new affordable homes throughout the district.

It is an outline application for the erection of 6 no. affordable dwellings on land adjoining the sewage works at Cherry Orchard. The site measures approximately 0.15 hectare, is generally rectangular in overall shape, and currently comprises an area of overgrown former allotment land at the head of one of the residential cul-de-sacs off Cherry Orchard. The site is predominately level with its northern boundary fronting an existing unadopted section of road already serving three pairs of bungalows; its eastern boundary adjoining a small private sewage treatment works owned by the West Wiltshire Housing Society; its south boundary formed by a private access track, and its western boundary by the garden of number 17 Cherry Orchard.

There are significant groups and individual trees within the site, predominately on the eastern side and in the northwest corner.

The application is in outline form with all matters reserved for subsequent approval. However, an illustrative layout plan has been submitted which proposes 6 dwellings in two no. terraces of three, fronting onto a new access taken from the northwest corner. Eight parking spaces are provided in a separate bay opposite the dwellings, with two spaces each for the end units incorporated within their respective curtilages to provide for a total of twelve.

Design is for later consideration but supporting information accompanying the application suggests two-storey dwellings to a ridge height of approximately 9.5 metres.

The site lies directly outside the village policy limits for Codford, within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and falls to be considered as an "exception site" providing 100% affordable housing.

The application was originally accompanied by an Initial Tree Assessment, a Habitat Survey and Protected Species Assessment, a Planning Statement and an Access Statement, and later by an Arboricultural Impact Assessment. It has been revised during the planning process to address those matters of infrastructure and amenity referred to in the main body of this report.

## CONSULTATION REPLIES:

### - CODFORD PARISH COUNCIL:

#### Original Plans

The Parish Council support the principle of this application but originally had reservations about the inadequacy of the existing sewerage treatment work, concern for the provision of this housing for residents of Codford and that a flood risk assessment should be completed.

#### Revised Plans

"No objections to this application, provided that the sewerage improvement works are undertaken at the same time or before the building starts."

## STATUTORY CONSULTATIONS

### - HIGHWAY AUTHORITY:

#### Original Plans

"For the purposes of the outline application, the principle of the development is acceptable. However, the proposed layout is not acceptable for the reasons given below and, as the road will serve more than five dwellings each should be designed and constructed to an adoptable standard."

The advised revision was for a minimum of six metres behind all parking spaces to allow vehicles to reverse and for a footway across the site frontage to link with the existing.

#### Revised Plans

".....I note that the site has been re-arranged. There is now 6m behind the car parking spaces, and there is a turning head at the end of the cul-de-sac. I do require that there is a boundary between the parking and the road to the properties to the north.

I can also confirm that on the basis that two of the properties front the existing highway, I am satisfied that the access road will not need to be adopted and can be considered as a private drive. Therefore I recommend no highway objection be raised subject to the following conditions....."

These are incorporated as conditions 11-13 in the Planning Officer's recommendation.

### - ENVIRONMENT AGENCY: No comment to make.

(A pre-application consultation with the Environment Agency commented that a formal flood risk assessment would not be required, that the Agency had no records of flooding incidence at the site, and that surface water runoff should be controlled as near to its source as possible through a sustainable drainage approach to surface water management).

### - WESSEX WATER:

#### Original Plans

Comments that the Council should be satisfied with any arrangements for any disposal of foul and surface water flows generated by the development, and that the developer should agree a point of connection with Wessex Water for the satisfactory supply of water.

#### Revised Plans

Confirms that its original comments remain unaltered.

## - NATURAL ENGLAND:

### "1. River Avon System Site of Special Scientific Interest and Candidate Special Area of Conservation

As you are aware, the site is close to the Chitterne Brook, which enters the River Wylye, part of the River Avon System Site of Special Scientific Interest and candidate Special Area of Conservation, with national and international legislation.

The Habitat Regulations &c. (1994) require that the significance of any potential effect on the qualifying interest of the cSAC be fully assessed before an application can be determined.

The nature conservation importance of the river system arises from the range and diversity of riparian habitats and associated species. The cSAC qualifying features include one habitat (floating vegetation of water crowfoot *Ranunculus*) and five species (brook and sea lamprey, bullhead, salmon and Desmoulin's whorl snail). All are dependent upon the maintenance of high water quality and sympathetic habitat management.

Any development adjacent to the river carries the risk of damage to the river ecosystem through habitat loss and pollution, both during and after construction. In this instance the proposed development is in the vicinity of the river and we would be concerned with the following:

For example through accidental spillage or run-off carrying exposed, soil or building materials into the river.

Natural England is of the opinion that the development need not cause significant damage to the nature conservation interests of the SSSI/cSAC, provided that the applicant can demonstrate that appropriate measures will be taken to ensure the river system is protected from any pollution or other disturbance. In particular, we recommend that the applicant be asked to produce a construction method statement detailing the potential risks and how these will be addressed. This should be conditioned and approved by the local authority prior to any building work commencing.

- Increased Demand on Water Resources.

Increased abstraction can affect flows within the river system, therefore we would suggest that water saving measures within the new housing should be included as a matter of course."

## 2. Protected Species

Thank you for providing the habitat and protected species survey carried out by Chalkhill Ecological Consultants.

We endorse the survey findings and recommendations, and advise that these should be incorporated into planning conditions. In particular, further survey work for reptiles and badgers, by an experienced ecologist, will be required prior to vegetation clearance and development commencing.

## INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: The proposal seeks to develop vacant allotment gardens, which have reverted to scrub land, for affordable housing. The proposal site is located just outside of the current identified village policy limits and is technically in countryside. The entire village and surrounding countryside is within the Cranborne Chase and Wessex Downs AONB. The proposal forms part of the wider District Council affordable housing PFI project.

Although outside of the current village policy limits the proposal site is well located to the rest of the village, being sited at its geographic centre. The proposal site is surrounded by residential uses along three sides and has a very clearly defined hard boundary along its eastern edge. Although identified on the OS base map as an allotment, the site is not safeguarded as such. On the ground the site has reverted to scrub land and is in a generally unkempt state. Given its location in relation to the village I consider this (in policy terms) to be a good rural affordable housing exception site.

Codford is one of two higher order settlements within the Wylde Valley. It has a small number of services and amenities. In particular, I note that the proposal site is very well located to the village school. Given its rural location, public transport links to neighbouring significant settlements (Trowbridge, Warminster and Salisbury) are good. Accessibility to employment opportunities in the south of the district is also relatively good.

I have calculated the proposal's gross development density. This stands at 30 units per ha, which is within the density range set out in PPG3 and is the minimum density set out in PPS3. Given the affordable housing need and rural location, I consider this to be a pragmatic and broadly appropriate scale of development.

I note the presence of a small sewage treatment facility to the immediate east of the site. This facility is current not a significant sewage treatment works and does not incorporate a sewage treatment works buffer zone. During my visit to the site I was unable to detect any obvious smell related nuisance from this facility. Given the close proximity of existing housing I do not consider this facility to be a constraint to development. I suggest that Wessex Water are consulted as part of the application process.

- HOUSING: " I can confirm that Codford is regarded as rural and as such the usual AH policy applies - 50% AH provided on site, preferably rented, on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's Preferred Development Partnership. In this case that would result in 3 houses.

There are 57 households in priority need in Codford (information provided by Housing Needs on the 21st November 2006).

The needs are supported from the waiting list and the housing needs survey. The WL indicates that 59% of households require 1 beds, 23% of households require 2 beds and 18% of households require 3 beds.

The Housing Needs Survey confirms that the greatest desire is for 2 beds across all tenures.

.....I note that West Wiltshire District Council is making this application for the PFI scheme and would therefore provide 100% affordable rented accommodation in perpetuity. It is therefore unlikely that the scheme will be viable to provide 50% at nil subsidy but we would expect this to be tested via an open book exercise in the same manner as any other applicant."

- ENVIRONMENTAL HEALTH: "I can confirm that we have, in the past, received complaints regarding odour from the plant although these have not been substantiated by this department. It is possible that complaints would have been directed in the past to Dave Brooks, Engineer Manager, in the Property & Estates Services Department or to the owner of the sewage treatment works, West Wiltshire Housing Society. Complaints may also have been made directly to either of these two.

As you state, the premises are to be built in very close proximity to the sewage treatment works and it is, therefore, inevitable that any future occupants of the dwellings are likely to experience odours from the sewage treatment works.

As you may be aware, the Code of Practice on Odour Nuisance from Sewage Treatment Works (DEFRA) states that the operational and complaints history of a sewage treatment works and other potential odour issues should be carefully considered by Planning Authorities before permitting new development in the immediate vicinity.

My limited knowledge of this particular sewage treatment works would suggest that it is likely to require upgrading if further premises are to be connected into it. The permission of West Wiltshire Housing Society would be required in order to connect into it. Alternative (new) treatment plant could, of course, be used and would require the permission of the Environment Agency.

I would direct you to Dave Brooks, the Environment Agency and West Wiltshire Housing Society for further clarification on these matters.

Environmental Health would object to this development in view of the close proximity to the sewage treatment works. I have no other concerns regarding this development."

#### Revised Plans

There would be no objection if the upgrade of the STW was the replacement with an enclosed package treatment works.

- DRAINAGE OFFICER: "I have looked through the application in respect to land drainage and have the following comments to make: -

- a) Disposal of surface water into the nearby Chitterne Brooke (non-Main River) will require approval from this office.
- b) Disposal of foul drainage into an adjoining private foul sewerage system and/or sewage treatment works must be approved by the owner of that system.
- c) I understand a Flood Risk Assessment will be made available.
- d) The proposal is situated very close to a failing sewage plant which no doubt presently causes concern with odour, noise and visual impact issues. The current Wessex Water Policy requires a distance of 400m between a new STW and existing dwellings in order to address the above issues. The proposed development does not appear to consider this requirement."

- LANDSCAPE AND ARBORICULTURAL OFFICER:

#### Original Plans

"Although a general tree survey has been carried out, it is insufficient and does not deal with retained trees on site as a fixed constraint. These trees are an important component of the local area and buffer to the sewage works that must be protected. For this reason a Tree Preservation Order will be made. Before a full detailed assessment can be made on these proposals, an Arboricultural Impact Assessment and Tree Protection Method Statement must be submitted.

Recommendation: - Until this arboricultural information has been received, it is recommended that the application be refused, as it does not conform to Policy C32."

#### Revised Plans and submission of Arboricultural Impact Assessment

"..I can confirm the content is acceptable. It is important that where trees have been identified for removal that more suitable replacement species are planted as recommended by the report. These should be included within a detailed landscape scheme, which should address in particular the removal of trees along the eastern boundary and the Beech at the front of the site.."

## NON-STATUTORY CONSULTATIONS

- CRANBORNE CHASE & WEST WILTSHIRE DOWNS AREA OF OUTSTANDING NATURAL BEAUTY: "Codford is in the Wylde Chalk River Valley landscape character area, and the AONB landscape character assessment [on our website] gives quite a bit of detail about the key characteristics, settlement, and built character. I suggest the applicant/their architects consult the landscape character assessment to help them appreciate the issues and inform the preparation of the proposals.

I note that the application area is outside the current development boundary and is for outline permission only. It appears that development here would consolidate the joining of the two Codford communities. It is also a little surprising that the proposal is so close to the sewage works as I know other authorities have policies that provide a separation between housing and such treatment works. In terms of sustainability for the village as a whole it seems a great pity to convert what was allotment land, and therefore probably quite a productive resource, into housing.

The position within the AONB could enable the Planning Authority to require a full application so that the potential impact could be assessed. I note the only information provided about the proposed development is essentially the same on two plans and shows only the footprint of the buildings. As the architects appear to have been working on the project for some months I would suggest they should be in position to demonstrate the form, layouts, and elevations of the buildings. In addition, I would expect them to be able to demonstrate how the buildings would be especially sustainable, and how such things as solar panels, bin storage for recycling, garden sheds for bicycles, and -Separate handling of rubbish and storage of the different types between collections are to be dealt with. Such issues are particularly problematic in small houses that often accommodate small children.

The AONB Management Plan recognises the problems associated with the shortage of affordable houses and is, therefore, supportive of the principle of providing such homes to enable young people to live and work in the AONB. However, such social and economic matters do have to take second place to conserving and enhancing the natural beauty if there is any potential conflict.

I should also point out the Council has a duty, under section 85 of the Countryside and Rights of Way Act 2000, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when performing any of its functions.

Whilst it is very positive to have a tree survey undertaken to inform the site layout, I have to say it is rather disappointing that none of the layout plans show any of those trees. It appears that the trees would not only contribute to the character of the site but also provide some softening and screening of the development when viewed from the bridleway on the hill to the northeast. I would strongly recommend that no further action is taken processing the application until an appropriate landscape plan, with retained trees, is provided along with the details of the buildings mentioned above.

The plans show a 'wildlife area' but there is no information how this would be managed or who would be responsible for that. Without that information and appropriate arrangements in place I would suggest the term is, in practice, fairly meaningless.

If you are minded to recommend the application be approved, I would strongly propose that the matters set out above are addressed and a landscape management plan is required."



## PUBLICITY RESPONSES

The application was advertised by site notice as a Development of Public Interest and neighbours were also notified. One letter of objection was received on the following grounds: -

- The development lies outside Village Policy Limits and must be statutorily barred
- The Local Authority is the applicant and has a "fatal conflict of interest"
- Impact on existing sewerage water treatment plant which is already substandard
- Pollution of Chitterne Brook following the "already lax water discharge controls (which) are exceeded on a regular basis";
- "To hide behind the minimal comment from Wessex Water" is objectionable since Wessex Water have no statutory obligations in respect of the Cherry Orchard plant and have refused to adopt responsibility because it is already substandard;
- Increase in nuisance levels of this plant which are already unacceptable during periods of high pressure and low winds.

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP7 Housing in Towns and main settlements
- DP8 Affordable Housing
- DP9 Reuse of land and buildings

West Wiltshire District Plan - 1st Alteration 2004

- C1 Countryside protection
- C2 Areas of Outstanding Natural Beauty
- C7 Protected species
- C31a Design
- C40 Tree Planting
- R12 Allotment land
- H22 Affordable housing on rural exception sites
- H24 New housing design
- T10 Car parking
- U1 Infrastructure
- U1A Foul water disposal

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

## RELEVANT PLANNING HISTORY

None.

## KEY PLANNING ISSUES

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

- The principle of residential development outside the Village Policy Limit, including the loss of allotment land;
- The impact of the development on the Area of Outstanding Natural Beauty
- The capacity of existing infrastructure, particularly drainage;
- Design and amenity considerations;
- Highway and access considerations.

## PLANNING OFFICER COMMENTS

### The Principle of Development

While residential development outside the identified Village Policy Limit is normally unacceptable, Policy H22 provides that "in exceptional circumstances, proposals for affordable housing may be permitted on sites physically related to a village but outside Village Policy Limit" provided that: -

- It meets an established local need;
- The need is in line with maintaining a socially balanced community;
- That controls are in place to ensure that the affordable housing is retained as such in perpetuity;
- The scheme can be satisfactorily serviced and accessed and the need outweighs any detrimental impact on the built and natural environment.

During the pre-application consultation on this potential PFI site, the Housing Enabling Manager confirmed, at that time, that there was a demonstrable need of 49 for affordable rented housing in the village. This has been updated with information from the waiting list and the Housing Needs Survey current at the time the application was submitted.

The Planning Policy Manager confirms that the site is well located to the rest of the village, is surrounded by residential development on three sides, is well located to village services and amenities such as the school and public transport, has accessibility to employment opportunities and in policy terms, would "be a good rural affordable housing exception site."

With regard to the loss of allotment land, this is not acceptable under policy R12 unless it can be demonstrated that there is no longer demand for such a use locally. Although the land is described as Allotment Gardens on the Ordnance Survey map, the site is heavily overgrown and currently unused and it has been confirmed by the applicant (ie the District Council) that 'cultivation has long-since ceased'. On this basis, there would appear to be no identified demand for allotment use and no conflict with policy R12.

The density at 30 units per hectare, although at the lower end of the range advised by former PPG3, is broadly appropriate in this rural location and in keeping with surrounding development.

The submitted Planning Statement confirms that the development is to provide "100% affordable housing to be secured in perpetuity by Section 106 Agreement." Members will note that the same security can be achieved by condition rather than Legal Agreement, and in line with Government advice in Circular 11/95, this approach is being recommended in this instance.

The matter of adequate services is dealt with later in this report.

### Impact on the Cranborne Chase Area of Outstanding Natural Beauty

Within Areas of Outstanding Natural Beauty, although priority will be given to landscape over other considerations, proposals for new development essential to the economic and social well being of the rural community will be permitted having regard to scale, design, siting, landscape and other environmental considerations.

In this particular case, the site immediately adjoins existing residential development at the eastern end of the village and would "round-off" the current irregular boundary of this former allotment land. The eastern part of the site with its significant tree cover, is to be retained as an 11-16 m wide wildlife buffer between the proposed dwellings and the adjoining countryside to reduce the impact on the surrounding landscape.

A letter from the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty office, while supportive of the principle of providing affordable housing, expresses concern that the scheme is in outline form only, shows only the footprint of the dwellings, provides no elevational information or includes any details on the sustainable aspects of the development. Concern is also expressed over the lack of a landscape plan in respect of the retained trees and a landscape management plan in respect of the proposed wildlife area.

In terms of District Plan policy, it is acceptable to determine an outline application submitted within an Area of Outstanding Natural Beauty, with appropriate conditions to ensure that the subsequent development does not detract from the landscape priority.

At the request of the Landscape Officer, an Arboricultural Impact Assessment has been subsequently submitted. This concludes that of the three general groups of trees on the development site, only the one in the southeast corner is worthy of retention, while the group in the northwest corner by the proposed access road would benefit from removal and replacement with more suitable species. The Landscape Officer confirms that the content of the report is acceptable and supports suitable replacement planting where trees are to be removed.

On the basis of this replacement planting to maintain overall levels of tree cover within this sensitive transitional site, it is considered that the long term landscape quality of the area will be retained.

#### The Capacity of the Existing Infrastructure

The provision of infrastructure is important in all new developments and is a material consideration in determining the acceptability of a proposal. Policies U1 and U1a of the District Plan will not permit developments unless adequate drainage and sewerage treatments are available, or suitable arrangements are made for their provision.

The existing facility is effectively 2 no.sewage treatment plants, one serving 10 properties plus the Doctor's surgery and the school, and the other serving 50 properties. Consultations with the relevant agencies confirm that there is an existing capacity problem with this current plant which is located immediately east of the application site and owned by the West Wiltshire Housing Society. Wessex Water advises that the District Council should be satisfied with the arrangements for the disposal of foul flows; the Council's Drainage Engineer comments that the proposal is situated very close to a sewerage plant; the Property and Estates Manager states that "we know that the plant will not accommodate any additional dwellings"; the Environmental Health Officer comments that "knowledge of this particular STW would suggest that it is likely to require upgrading if further premises are to be connected into it."

The Parish Council raises the inadequacy of the existing treatment plant as a major concern and requests that no further developments are allowed in Cherry Orchard until adequate facilities for the whole estate are provided.

In this particular case, the STW are privately owned, and the Housing Society would clearly have to be in agreement with any upgrade to its existing facilities. In an exchange of correspondence, the Society confirms that -

"In principle, the Society is happy for the proposed developments to share the existing STW, subject to them paying for the necessary upgrade works to the plant."

While planning permission could be refused for this development on the grounds that it does not strictly comply with Policies U1 and U1a, Circular 11/95 advises that in a situation where other works may be required which the developer has no power to carry out, or which would need the consent of a third party, it may be appropriate to impose a Grampian condition (ie worded in a negative form) which would prohibit the development coming forward until a specific action has been taken. The example quoted in this Circular actually refers to inadequate sewerage facilities.

In this particular case, an appropriately worded condition is included as number 4 of the recommended conditions.

## Design and Amenity Considerations

In connection with the above foul drainage consideration, the concern has been raised about the proximity of the proposed dwellings to the existing/upgraded sewerage treatment works in terms of amenity, and in particular, odour pollution.

In his consultation response, the Council's Drainage Engineer comments that current Wessex Water policy advises a distance of 400 metres between a new sewage treatment works and existing dwellings to address issues of odour and noise. While the current application concerns an existing STW, rather than a new facility, it clearly raises the question of whether the construction of new dwellings, originally within 19 m of the boundary of this sewage treatment plant, is acceptable.

In an exchange of correspondence with Wessex Water, they have commented as follows: -

"With regard to the Cherry Orchard site the adjacent treatment works is a private installation and not in the ownership or operation of Wessex Water. I do not have any details of the construction or operation of this particular works, however, as indicated on ordnance survey maps it does not appear to be very big. Within Wessex Water, sites of this size would normally be constructed as small package plants. Assuming the operation of the sewerage system and the treatment installation does not allow sewage to become septic we would not normally expect potential for odour nuisance over a wide area. British Standard 6297 (I believe this is now superseded by BS EN 12255) recommends that for a small works serving more than one property using conventional treatment, dwellings should be at least 25 metres away. It advises that this distance should be progressively increased for larger works.

The requirement for restricting development in close proximity to treatment works is to prevent odour nuisance from the normal operation of the works. It would appear that there are existing properties the order of 30 to 50m away from the treatment works. It would therefore be worth checking with your environmental health officer to see if there are any existing complaints.

I understand that the developer has indicated that the foul drainage from this site will discharge to a private system. Your drainage engineers and EHO and possibly the Environment Agency will need to ensure that adequate provision is made for treatment. If it discharges to the existing sewage treatment installation then it could impact on the treatment capability and odour emission."

Consultation with the Council's Engineering Manager confirms that while there have been complaints in the past about smell from this sewage works, and only from one source, these have ceased recently. The Environmental Health Officer also confirms that complaints have been received in the past, but that they have not been verified by that department.

In line with the advice from Wessex Water that "dwellings should be at least 25 metres away", the layout has been revised to meet that distance between the wall of the nearest dwelling and the boundary of the STW. As a result of further consultation:

- Wessex Water maintains its original consultation comments (no basic objection), but notes that the developer could be asked to demonstrate that the new properties would not be affected by odours.

- The Environmental Health Officer has commented that if the upgrade of the facility was its replacement with an enclosed packed treatment works, the original objection could be withdrawn.

Members will be aware that Policy C38 of the District Plan states that -

"Development will not be permitted if amenities of its occupiers would be affected adversely by the operation of existing or proposed neighbouring uses."

Consultation with, and advice from, relevant agencies suggests that while the proposed development, as revised, is not ideal from the perspective of odour pollution, objections are unlikely to be sustained if reasonable distances are maintained and the future upgrade of the facility is in the form of an enclosed package treatment works.

It is a further point to note that there are already existing bungalows to the north of the application site which are currently located within approx 22m of the boundary of the existing STW, and thus in a potentially less favourable position than the proposed dwellings. On this basis, an amenity objection might be difficult to justify.

In terms of other design and amenity considerations, the scheme is generally acceptable but the relationship with adjoining dwellings will require some attention to detail with regard to the following -

- The positioning of first floor windows in the rear elevation of the most westerly dwelling (Plot 1) to minimise overlooking and loss of privacy to the existing property, number 17
- The actual design detail of the westerly (side) elevation of this dwelling which faces onto the head of the cul-de-sac and is in a prominent position
- Information submitted in support of the application suggests dwellings with a ridge height of approximately 9.5 metres. This is considered excessive for a two-storey dwelling, inappropriate on this transitional countryside site, and should be no higher than those dwellings immediately adjoining.

#### Highway and Access Considerations

The revised housing and access layout is acceptable to the Highway Authority in terms of principle, and subject to appropriate conditions, will be acceptable in detail; parking levels and siting are also adequate.

#### CONCLUSION

The proposed development, as an exception site for affordable housing, is considered acceptable in principle, and subject to appropriate details, would deliver six sustainable and much needed affordable homes under the Council's PFI initiative. It is clear that there are currently drainage problems which need to be resolved prior to the implementation of the development, but this can be secured by appropriate conditions. The amenity issues surrounding the proximity of the proposed houses to the STW is possibly an ongoing concern, but the details require by Condition 4 should ultimately resolve this matter.

On balance, the development is recommended for permission.

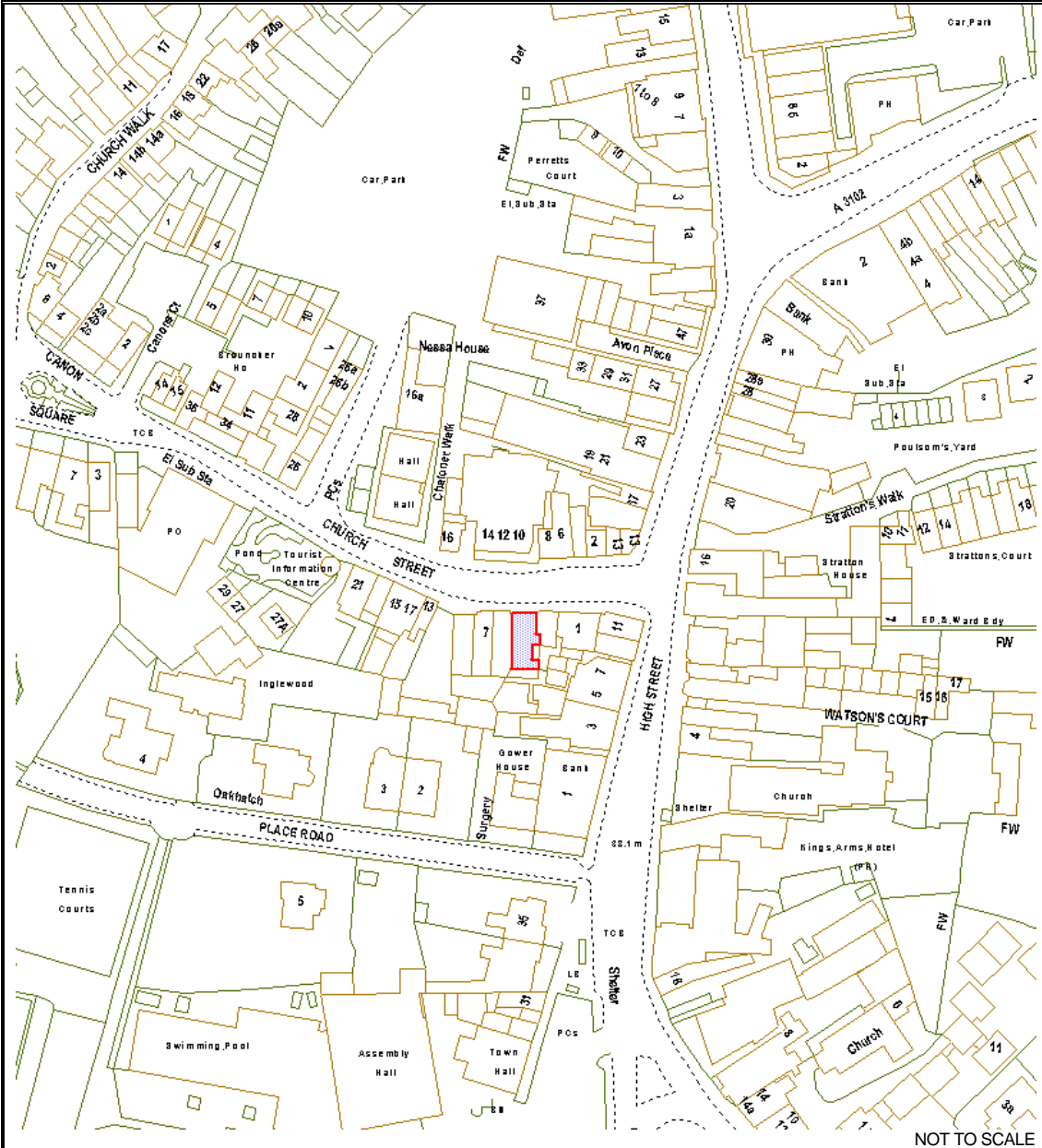
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 07

APPLICATION NO: 07/00510/FUL

LOCATION: 5 Church Street Melksham Wiltshire SN12 6LS



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**07 Application: 07/00510/FUL**

**Site Address: 5 Church Street Melksham Wiltshire SN12 6LS**

Parish: Melksham (Town) Ward: Melksham Spa

Grid Reference 390439 163739

Application Type: Full Plan

Development: Change of use from A1 to A2

Applicant Details: Miss Faye Cottrell  
20 The Stocks Melksham Wiltshire SN12 6PL

Agent Details:

Case Officer: Mr James Taylor

Date Received: 02.03.2007 Expiry Date: 27.04.2007

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

**Note(s) to Applicant:**

- 1 The applicant is advised that any signs in connection with the change of use may require express advertisement consent. For further help in this matter they should contact the planning office on 01225 770344.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because Melksham Town Council objects contrary to your officer's recommendation for permission.

The proposal is for the change of use of a ground floor unit on Church Street from A1 (Retail) to A2 (Financial Services). Specifically the proposal is for an independent estate agents with ancillary art gallery with works displayed for sale. The applicant may also offer financial services as part of the A2 use of the building at a later date.

The site is located within the primary retail frontage. There are no alterations to the building proposed as part of the application. The application site is located within a designated Conservation Area, and within the primary retail frontage.

The applicant has supported their scheme with a survey of the town centre.

#### CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL: Objects on the following grounds:

- Detrimental effect on retail space within Melksham;
- Contradicts regeneration plans for the town.

#### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections.

#### INTERNAL WWDC CONSULTATIONS

- REGENERATION OFFICER: No objection.

#### PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement and neighbours were notified.

One letter of objection received from a District Councillor referring to the now superseded PPG6 and the current PPS6 which seeks to ensure the right mix of frontages.

#### RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

- SP1 Town centre Shopping
- SP4 Primary Retail Frontages
- C17 Conservation Areas
- C20 Changes of Use in Conservation Areas
- C31a Design
- C38 Nuisance

- PPS1 Delivering Sustainable Development
- PPS6 Planning for Town centres
- PPG15 Planning and the Historic Environment

#### RELEVANT PLANNING HISTORY

99/00639/FUL - Change of use from class A1 (retail) to class A2 - Permission - 24.06.1999

#### KEY PLANNING ISSUES

Section 72 of the Planning (Listed building and Conservation Area) Act 1990 states that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area.

The key issues in relation to this application are the potential impact on the shopping function and vitality of the town centre. The impact on the neighbouring amenity and character and appearance of the Conservation Area must also be assessed.



## PLANNING OFFICER COMMENTS

The application site is located in the primary retail frontage of Melksham on Church Street and is therefore subject to Policy SP4 of the West Wiltshire District Plan 1st Alteration (2004). This states that changes from A1 to A2 and A3 uses at ground floor level will only be permitted having regard to the existing mix of uses, where they do not prejudice the shopping function of the primary retail frontages or individually or cumulatively harm the vitality of the town centre.

The application is specifically for an independent estate agents with ancillary art gallery displays within the unit. The art would be available for purchase.

As part of the application a survey of the Town centre was conducted which indicated over 50 A1 shops, 12 A2 units, of which 4 were estate agents, and over 24 A3/A4/A5 uses. Further their survey highlighted at least 12 empty shops.

Site inspection of the immediate locality in Church Street and around the corner north and south along the High Street reveals a variety of uses at ground floor level. The majority of uses however are independent small-scale retail outlets, but also includes major stores such as Woolworths and Boots within the primary retail frontage. Also in the area are existing A2 uses, most notably and in prominent locations on the both corners of High Street and Church Street are 2 estate agents. However, notwithstanding their prominent position, it is still considered that the dominant use in the primary retail centre is A1.

Further, it is noted that the application site lies within 10 metres of the boundary with the secondary retail frontage to the west. In this area there were at least two empty shops, indeed the application site is currently vacant. The premises was granted planning permission for change of use in 1999 from A1 to A2. It is unclear if this was implemented and then changed back to A1 under permitted development. However, this does raise the issue that the change of use, if granted, could easily be returned to retail at any point under current permitted development rights.

Current Government advice on this matter is contained in PPS6 and this is in accordance with the Development Plan objectives of maintaining the viability and vitality of the town centre. It is considered that the vitality of the town centre would be maintained and the proposed ancillary art gallery makes for an interesting and alternative option within the Town centre. The comments of the Town Council and a District Councillor have been noted. However it is considered that there is reasonable existing mix in the primary retail frontage. The application site is in close proximity to vacant secondary retail frontage premises, there is a recent permission in 1999 for the same change of use and the premises are not currently occupied. Therefore the proposals would not, in the view of your officers harm the function of the town centre.

The Town Council refers to the regeneration proposals for Melksham. This was a study prepared by consultants on behalf of Melksham First which included suggested proposals for the town centre and sought views on these. It is at a very early stage and does not form part of the Local Planning Authority's adopted policy. Each planning application must be considered on its own merits and based on the Development Plan policies in the first instance and then on other material considerations. The regeneration proposals can be considered material. However, very little weight should be given to these as they have not been adopted. The Council's own Regeneration Officer has raised no objection on the basis that there are a number of vacant premises in the locality and it is better to occupy this one than to continue this trend, given its secluded location.

The proposal would not involve any alterations to the external appearance of the building. As such the character and appearance of the Conservation Area would be preserved. The proposal would be for use of the unit as estate agents. This would not cause any harm beyond the use of the premises for retail purposes and as such no harm to neighbouring amenity would occur.

Finally the Highway Authority have raised no objection in their consultation response and that the application site is in close proximity to public transport facilities and the public car parks within Melksham Town centre.

## CONCLUSION

The proposal would cause no harm to the shopping function and vitality of the primary retail frontage. It would preserve the character and appearance of the Conservation Area and would not harm neighbouring amenity or highway safety.



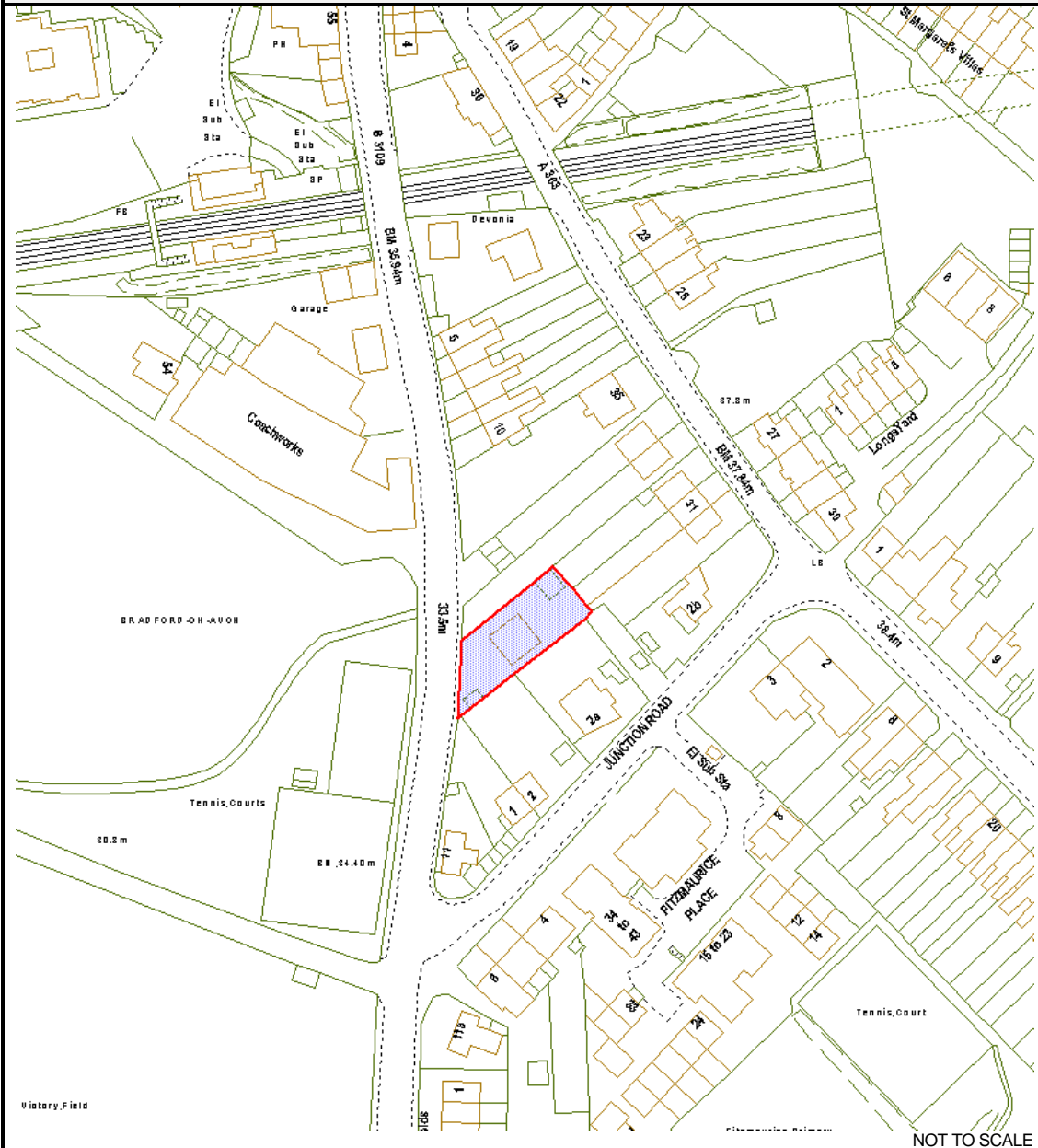
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 08

APPLICATION NO: 07/00874/FUL

LOCATION: 10A Frome Road Bradford On Avon Wiltshire BA15 1LB



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SLA: 100022961

**08 Application: 07/00874/FUL**

**Site Address: 10A Frome Road Bradford On Avon Wiltshire BA15 1LB**

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 382597 160561

Application Type: Full Plan

Development: Two single storey extensions

Applicant Details: Mr And Mrs Brown  
10 Mead Pastures Woodham Walter Maldon Essex CM9 9PY

Agent Details: Casa Architects  
F A O Ian Walker Bath Brewery Toll Bridge Road Bath BA1 7DE

Case Officer: Mr James Taylor

Date Received: 13.03.2007 Expiry Date: 08.05.2007

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is brought to Committee as the Town Council objects to the proposals contrary to your officer's recommendation.

This is a full planning application for the erection of 2 single storey extensions to the southwest and northeast elevations of the building. The extensions and other alterations to the building are of a contemporary nature, utilising Terne coated stainless steel for the roofs, and timber cladding to the walls. To the southwest elevation it is proposed to replace the existing dilapidated structure with a contemporary flat roof extension, approximately 6 metres wide and 4-4.7 metres long. This would wrap around the side of the building for 3 metres projecting up to 1.4 metres. To the north east elevation it is proposed to replace the existing porch with a 6.5 metre wide and 1.5 metre long extension of a flat roof design.

Further the application includes the recladding of parts of the existing southwest elevation to match the extension and the enclosure of part of the garden area.

10A Frome Road is a 1960s detached dwelling construction located within the Bradford on Avon Conservation Area. The frontage onto Frome Road has pedestrian access only and vehicular access to the other side of the building, where the front door of the property is located. The Frome Road frontage is raised above road level by approximately 1.5 metres, and set back approximately 8-18 metres. The north east elevation is dominated by the substantial roof slope and has a modest porch, which it is proposed to replace. The building is constructed from reconstructed stone with artificial stone tiles to the roof.

### CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Recommends refusal. The house, built in the late 1960s is typical of the period and somewhat incongruous in its setting. Proposals to alter the building should seek to improve its integration in the surroundings and should not make the building more obtrusive. The design and form of the extensions and materials proposed are not characteristic of the area. The proposal fails to conserve or enhance the Conservation Area contrary to Policy C18 of the District Plan.

### PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement and neighbours were notified. No comments received.

### RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C17 Conservation Areas  
C19 Alterations in Conservation Areas  
C31a Design  
C38 Nuisance

SPG Supplementary Planning Guidance on House Alterations and Extensions

PPS1 Delivering Sustainable Development  
PPG15 Planning and the Historic Environment

### RELEVANT PLANNING HISTORY

None.

## KEY PLANNING ISSUES

Section 72 of the Planning (Listed building and Conservation Area) Act 1990 states that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the Conservation Area.

The key issues with this application are the potential impact on the character and appearance of the Conservation Areas, design and neighbouring amenity.

## PLANNING OFFICER COMMENTS

The property is of limited architectural or historic significance, and has modest but dilapidated single storey elements to the southwest and northeast elevations. The existing building is relatively prominent within the Conservation Area, particularly from approaches on Frome Road leaving the Town Centre. The replacement of the existing dilapidated elements and the maintenance of the building in principle are therefore to be encouraged.

The proposed extensions are of a contemporary nature, utilising timber cladding to the walls and a metal material to the flat roofs. The alterations to the north east elevation would not be visible within the public realm and as such would not harm the character and appearance of the Conservation Area. Further, the proposals would not cause any harm to the appearance, form or design of the elevation, which is of limited merit. The proposals to the north east are very modest and sympathetic in terms of scale and form, indeed the materials, given the age of the building would be in keeping. Further, the proposals would help to add interest to an elevation currently dominated by its extensive roof form, but would be subservient to the whole.

The proposed extension to the southwest elevation is slightly larger than the existing, dilapidated extension. It would be in scale and harmony with the host building. It would be contemporary in design, but given its small scale and good quality design in the context of the existing building it would not be overly prominent in the street scene. It would be visible in the public realm, however it is considered to be an enhancement over the current arrangement and would not increase the prominence of the building in the Conservation Area.

It is accepted that the host building is not the most attractive element in the Conservation Area. However, the modest extensions would be sympathetic to the building and harmonise within the site and therefore the broader context of the Conservation Area. Indeed it may be argued they enhance the character and appearance of the Conservation Area given the existing dilapidated and unsympathetic structures that would be replaced. The replacement of the small area of stone cladding with timber to the southwest elevation would help tie the proposed development in with the host building, adding continuity to the development.

In summary the Conservation Area would be preserved by the proposals they are sympathetic in terms of form and scale. Although the materials are not characteristic of the local area they are acceptable in the context of the 1960s development of the host building and given the very limited scale of the proposals. The application is therefore considered to be in accordance with the Development Plan with regard to the Conservation Area and design. The contemporary nature of the extensions would cause no harm. Indeed there are period properties with similar extensions elsewhere within the town.

The proposed extensions would not harm neighbouring amenity, and no objections have been received from the occupiers of neighbouring dwellings.

## CONCLUSION

The proposed development would be sympathetic to the host building, and as such can be considered to be of a suitable design to preserve the character and appearance of the Conservation Area.

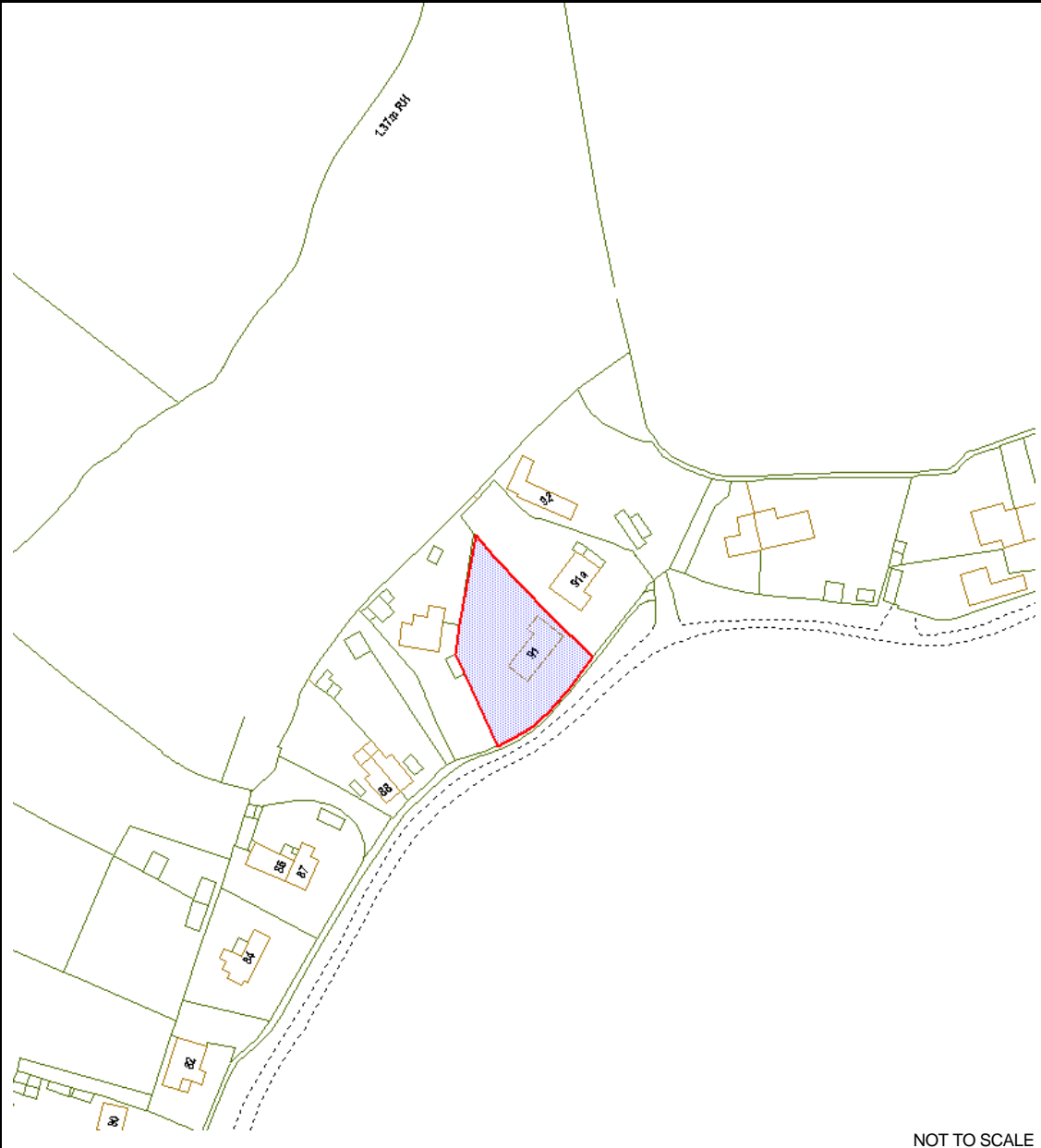
## PLANNING COMMITTEE

31 May 2007

ITEM NO: 09

APPLICATION NO: 07/00739/FUL

LOCATION: 91 The Common Broughton Gifford Wiltshire SN12 8ND



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SLA: 100022961



**09 Application: 07/00739/FUL**

**Site Address: 91 The Common Broughton Gifford Wiltshire SN12 8ND**

Parish: Broughton Gifford Ward: Avonside

Grid Reference 387195 164581

Application Type: Full Plan

Development: Detached double garage

Applicant Details: Mrs D Ducker  
91 The Common Broughton Gifford Wiltshire SN12 8ND

Agent Details:

Case Officer: Mrs Judith Dale

Date Received: 27.02.2007 Expiry Date: 24.04.2007

**REASON(S) FOR PERMISSION:**

**This application proposes a renewal of planning permission for which there is no material change in circumstances.**

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

## COMMITTEE REPORT

### APPLICATION DETAILS

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

This detailed application is for the erection of a double garage in the front garden of this detached cottage which occupies a substantial triangular plot on the north side of the Common. The proposal is for a stone built structure, approximately 6 metres wide and 7 metres deep, under a pitched gable roof, 4 metres to ridge and clad in second-hand clay pantiles. It is to be sited in the southwest corner of the plot, immediately behind the existing 1 metre high front boundary wall and accessed via an existing, although unused access point, identified by a pair of five-barred gates.

The application site is visually prominent in the overall streetscene, and is located within the Broughton Gifford Conservation Area. The proposal itself, is a renewal of permission 01/01901/FUL, granted permission in March 2002.

### CONSULTATION REPLIES:

- BROUGHTON GIFFORD PARISH COUNCIL: Broughton Gifford Parish Council has viewed the application for a renewal of permission for a detached garage at 91 The Common and objects to the application due to the siting of the proposed garage being to the front of the property boundary, imposing on the natural character of the existing house and its surroundings. It would be more sympathetic were it at/or behind the line of the house in keeping with other properties in the area.

### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: On the basis that the garage will utilise an existing access, I do not wish to raise a highway objection.

### INTERNAL WWDC CONSULTATIONS

- HERITAGE OFFICER: No comment received.

### PUBLICITY RESPONSES

The application was advertised by site notice and in the local press and neighbours were notified - no letters of comment or objection were received.

### RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C17 Conservation Areas

C18 New development in Conservation Areas

C21 Planning Permission in Conservation Areas

C31a Design

C38 Nuisance

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

### RELEVANT PLANNING HISTORY

01/01901/FUL - Erection of garage - Permission 18.03.2002.

## KEY PLANNING ISSUES

The key issue raised by this application is the impact of the development on the character and appearance of the Conservation Area.

## PLANNING OFFICER COMMENTS

While the principle of development in Conservation Areas is acceptable, policy C18 only permits development which complies with certain criteria. In this particular case, those that are relevant are:

- that the proposal preserves or enhances the character and appearance of the Conservation Area;
- is of a scale and design which is characteristic of the area
- does not result in the loss of an open space or important views in and out of the Conservation Area.

The application site occupies an important location on the fringe of the Common, and although not particularly visible from the main road which passes along the southern edge, nonetheless contributes generally to the backdrop of buildings around this area. Generally, the focal points are the dwellings themselves set back from the road which skirts the Common, and the largely stone walls which identify the front boundaries; garages and other outbuildings, in the main, are set back behind the front elevations of the dwellings where they do not dominate. Open spaces, however, are an important element in the streetscene and it is the relationship of these spaces to buildings which largely contributes to the character and appearance of this part of the Conservation Area.

This proposal is for a substantial building 7 metres wide and 4 metres in height, sited immediately behind the front boundary wall on an open part of the garden partly screened behind existing planting. The main dwelling is set back approximately 9 metres from the front boundary and the proposed garage, although not sited directly in front of this building, would dominate the frontage and detract from the setting of the dwelling; additionally, the existing and important open space would be lost to the detriment to this part of the Conservation Area and to the character and appearance of the area as a whole.

The accompanying Design and Access Statement, justifying the particular siting of the garage, states that:

"The position of the garage, just inside the garden wall, near the southeast corner of the garden adjacent to existing double gates, is crucial. The land/garden slopes down from the south to the north dropping about 4 feet. Because the house is so old it stands in a hollow at the lowest level, the land surrounding it being well over 3 feet higher. Thus if the garage were to be built immediately next to (alongside) the house and away from the road it would be on the high ground well above the house level. Thus it would take all the south light (and sun) not only from the living room but also from the room above (which is used as a study) making both rooms extremely dark and cold. Because the house is so old the ceilings are only just over 6 foot high so the garage would be nearly level with the upstairs room. Also the mains water and sewerage pipes for 90 The Common run through the centre of the south lawn which prohibit any building work there. There is NOT A BUILDING LINE for any of the houses or garages around The Common. The adjacent road, running along the north side of the Common, twists and turns, with the houses at random distances and angles to the road and each other. Some are within a metre of the road others are much further away, garages are in front, alongside or behind houses. Thus the place chosen for the proposed garage is the only feasible position and would be in keeping with the random positions on the rest of The Common."

Notwithstanding this justification, the particular design and siting of the proposed garage is considered to be contrary to Policy C18 of the District Plan and as a "new" proposal would be recommended for refusal. However, this application is a renewal of a previous permission granted in March 2002, but which has not been implemented. Planning legislation makes it clear that unless there has been a material change in planning circumstances, a refusal of an earlier permission would be unacceptable and likely grounds for an award of costs against the Council in the event of a subsequent appeal. In this particular case, there does not appear to be any such change in circumstances:

- the current proposal is identical to that previously approved;
- the former District Plan, adopted in 1996, had a similar policy (C12) against which this proposal was originally judged;
- the Conservation Area status and boundaries have not altered in the interim.

Since the current application was submitted within the five-year time limitation of that previous permission, (February 2007) this application is reluctantly recommended for permission.

## CONCLUSION

Despite the proposal being poorly sited and visually intrusive, and ultimately contrary to policy C18 of the District Plan, there has been no material change in circumstances since the original permission was granted for the development in 2002. On this basis, there are no reasons to resist a renewal of this previous permission.



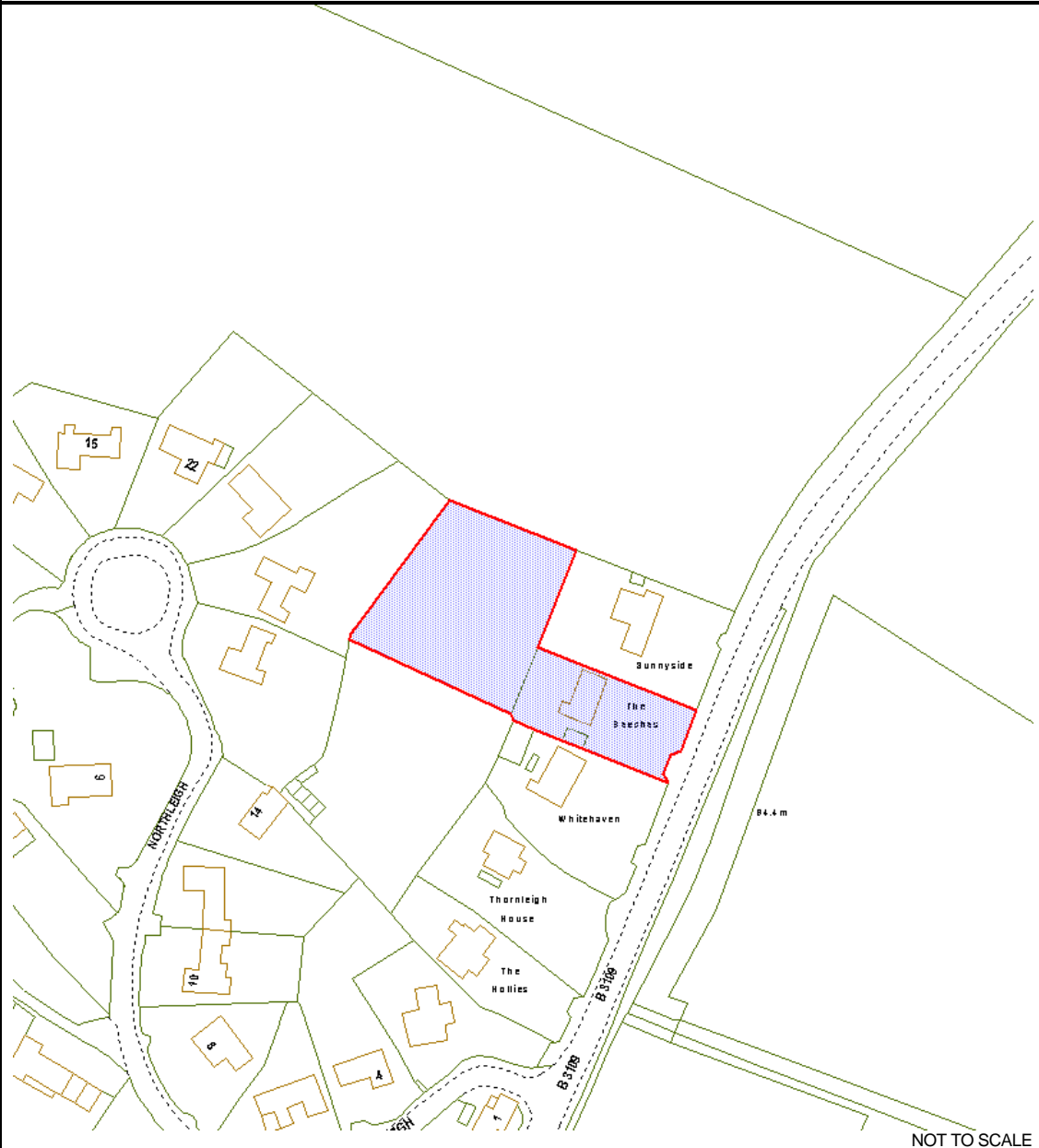
## PLANNING COMMITTEE

31 May 2007

ITEM NO: 10

APPLICATION NO: 07/01318/FUL

LOCATION: The Beeches Leigh Road Bradford On Avon Wiltshire  
BA15 2RQ



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SLA: 100022961

**10 Application: 07/01318/FUL**

**Site Address: The Beeches Leigh Road Bradford On Avon Wiltshire BA15 2RQ**

Parish: Bradford On Avon

Ward: Bradford On Avon North

Grid Reference 383206 162085

Application Type: Full Plan

Development: Variation of Condition 2 attached to 06/02026/FUL to extend the period of time for demolishing the existing garage and resurfacing of its former ground area

Applicant Details: Mr J D Thomson  
The Beeches Leigh Road Bradford On Avon Wiltshire BA15 2RQ

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 16.04.2007

Expiry Date: 11.06.2007

**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 Within 18 months of the date of this permission, reference 07/01318/FUL, the existing garage as shown on the approved plan shall be demolished and its former ground area surfaced to provide a hardstanding area for ancillary car parking for the main dwelling and shall be maintained as such thereafter.

REASON: To maintain the openness of the Western Wiltshire Green Belt and to ensure that an adequate area for parking is maintained.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies GB2 & T10.

- 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, no windows or doors to the North, South or West elevations, other than those approved as part of planning permission 04/01934/FUL, shall be added above ground floor level of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

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

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

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

**Note(s) to Applicant:**

- 1 The applicant is advised that some of these conditions may already have been discharged and that this permission should be read in conjunction with planning permissions references 04/01934/FUL and 06/02026/FUL, granted on 9.12.2004 and 25.08.2006 respectively.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Planning Committee because the applicant is a member of the Council's Staff.

The Beeches is one of six dwellings dating from the 1960s fronting Leigh Road. The existing property is a bungalow set some 25 metres back from the highway. There is a detached prefabricated garage to the immediate south of the bungalow and a flat roofed sunroom to the rear. The accommodation is on one floor and comprises a kitchen, dining room, living room, three bedrooms and a bathroom.

In August 2006, planning permission was granted to vary a condition on application 04/01934 to state that within 6 months of the commencement of any development on the site in connection with this permission, the garage should be demolished and its former ground area replaced with hardstanding (Application Reference: 06/02026/FUL). As a consequence Condition 2 attached to 06/02026/FUL read:

"Within 6 months of the date of this permission, reference 06/02026 approved on 24.08.06, the existing garage as annotated on the approved plan shall be demolished and its former ground area surfaced to provide a hardstanding area for ancillary car parking for the main dwelling and shall be maintained as such thereafter."

Therefore the current approval required the removal of the existing garage by 25 March 2007. This application was submitted on 14 March 2007. This application seeks to vary this condition. In support of their application the applicants state:

"we would like to extend the period for which the existing garage may remain in place as it currently providing essential storage for materials, tools, appliance and other possessions."

The Applicants seek permission for a further 18 months from the date of the permission.

### **CONSULTATION REPLIES**

- BRADFORD ON AVON TOWN COUNCIL : No comments received.

### **PUBLICITY RESPONSES**

Neighbouring properties were consulted. As a result no objections were received.



## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP12 The Western Wiltshire Green Belt

West Wiltshire District Plan - 1st Alteration 2004

GB2 Western Wiltshire Green Belt

C1 The Countryside

C31a Design

C38 Nuisance

T10 Car Parking

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS7 Sustainable Development in Rural Areas

Supplementary Planning Guidance (House Alterations and Extensions)

## RELEVANT PLANNING HISTORY

04/01934/FUL - Alterations and extension - Permission 9.12.2004

05/02892/FUL - First and ground floor extensions to the dwelling (Permission 03.02.2006)

06/01794/FUL - Application to vary a condition relating to first floor windows/doors. Granted 25.08.06.

06/01798/FUL - Application to delete condition removing permitted development rights. Granted 25.08.06.

06/02026/FUL - Vary condition on application 04/01934 relating to removal of existing single garage. Granted on 25.08.06.

## KEY PLANNING ISSUES

The main issues for this application are the presumption against inappropriate development in the Western Wiltshire Green Belt and the planning history of the application site.

## PLANNING OFFICER COMMENTS

This application is the latest in the long line of applications relating to the redevelopment of this site.

This application seeks to vary a condition which was included in August 2006 in order to ensure that the existing garage on the site is removed when all the development is complete. The removal of the garage would assist in ensuring that the openness of the Green Belt is maintained in this location.

By varying this condition the requirement to remove the garage would remain. The condition would be amended to allow for the retention of the existing garage for a further 18 month period from the date of the permission. This would allow for the suitable storage of building material required as part of the alterations to the main dwelling, which are on going.

The condition would therefore read as follows:

"Within 18 months of the date of this permission, reference 07/01318/FUL, the existing garage as annotated on the approved plan shall be demolished and its former ground area surfaced to provide a hardstanding area for ancillary car parking for the main dwelling and shall be maintained as such thereafter."

Your Officers consider that this would be appropriate variation and would afford the applicants the flexibility that they require to keep building material secure during the construction period.

#### CONCLUSION

There are no objections to the variation of the condition to allow it to remain in-situ for a further 18 months.



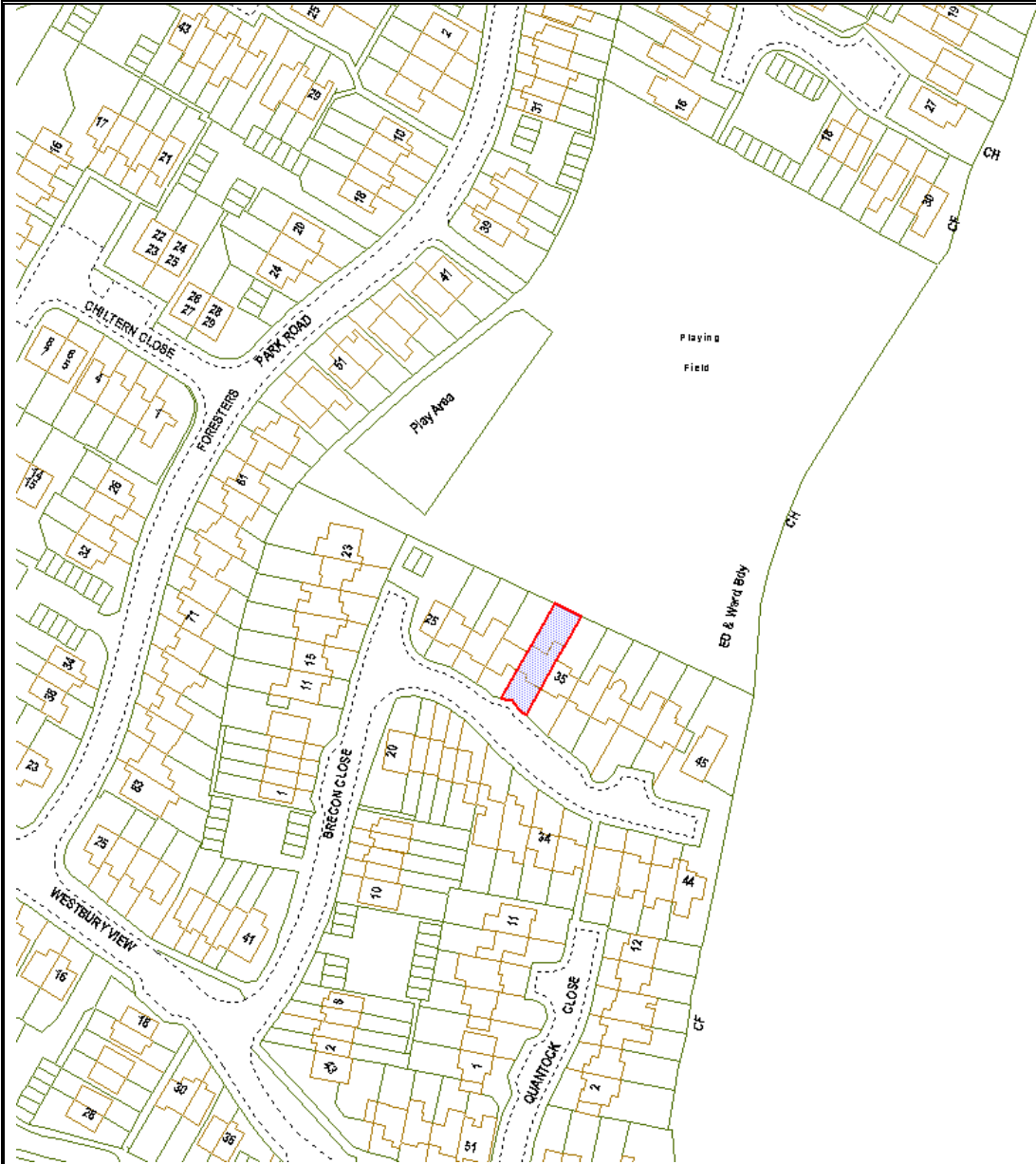
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 11

APPLICATION NO: 07/00561/FUL

LOCATION: 33 Brecon Close Melksham Wiltshire SN12 7RZ



NOT TO SCALE

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SLA: 100022961

**11 Application: 07/00561/FUL**

**Site Address: 33 Brecon Close Melksham Wiltshire SN12 7RZ**

Parish: Melksham (Town) Ward: Melksham East

Grid Reference 391569 163809

Application Type: Full Plan

Development: Proposed first floor rear extension

Applicant Details: Mr Lee Parsons  
33 Brecon Close Melksham Wiltshire SN127RZ

Agent Details: A Harlow & Son  
46 Longford Road Melksham Wiltshire SN12 6AT

Case Officer: Mr James Taylor

Date Received: 21.02.2007 Expiry Date: 18.04.2007

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposal by reason if its incongruous size, scale and design would have an adverse impact on the neighbouring amenity, contrary to Policy C38 of the West Wiltshire District plan 1st Alteration (2004).

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Planning Committee at the request of Councillor Oakman when he was Ward Councillor prior to the recent local elections.

This is a resubmission of a previously refused application reference 06/03493/FUL and has not been altered since the last application. The application is for a first floor extension to the rear of the existing property. The proposed extension would be approximately 2.8 metres in width and 3.6 metres in depth. The plans indicate that from ground level it would be approximately 6 metres in height incorporating a pitched roof.

The host dwelling is a two-storey semi-detached property with an attached neighbour to the east. There is a previous single storey rear extension to the property. The proposal is to build an additional bedroom on top of the existing extension.

### **CONSULTATION REPLIES:**

- TROWBRIDGE TOWN COUNCIL: No objections

### **PUBLICITY RESPONSES**

The proposal was publicised by letters to the neighbouring properties. No comments were received.

## RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a Design

C38 Nuisance

SPG Supplementary Planning Guidance on House Alterations and Extensions

## RELEVANT PLANNING HISTORY

06/03493/FUL - Proposed rear first floor extension - Refusal - 11/01/2007

## KEY PLANNING ISSUES

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

## PLANNING OFFICER COMMENTS

This application is identical to the previous application on this site that was refused planning permission by the Council on 11 January 2007 under application reference 06/03493/FUL. No additional information has been submitted, no material alterations have been made to the site or to the proposals and there have been no changes in planning policy since this time.

The Supplementary Planning Guidance - House Alterations and Extensions states that a two-storey rear extension more than two metres in length or close to the boundary with another house is likely to have an adverse impact on the neighbour, although the shape, design and orientation of the properties must also be taken into account.

To assess the possible impact the 45-degree projection lines can be used as a guide. A 45-degree line projected from the middle of the neighbouring property's windows shows the acceptable length of extensions. It ensures that the occupiers of these properties will have at least 90 degrees of open view in front of their windows and therefore maintain reasonable levels of light into the building. According to this method the length of the proposed extension located on the boundary with the neighbour to the east is unacceptable and would be to the detriment of the amenity of the neighbours to the east.

Further the proposed extension creates a two-storey development on the neighbouring boundary resulting in a loss of daylight to the rear garden of the neighbouring property to the east. Moreover due to its size and location, the proposed development would have a dominant and overbearing impact on the rear garden of the neighbouring property contrary to Policy C38 of the District Plan.

## CONCLUSION

This application is identical to the previously refused application on the site. The proposed development because of its size, scale and design would have an adverse impact on the neighbouring amenity, contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004). For these reasons it must be concluded that the application should be recommended for refusal.



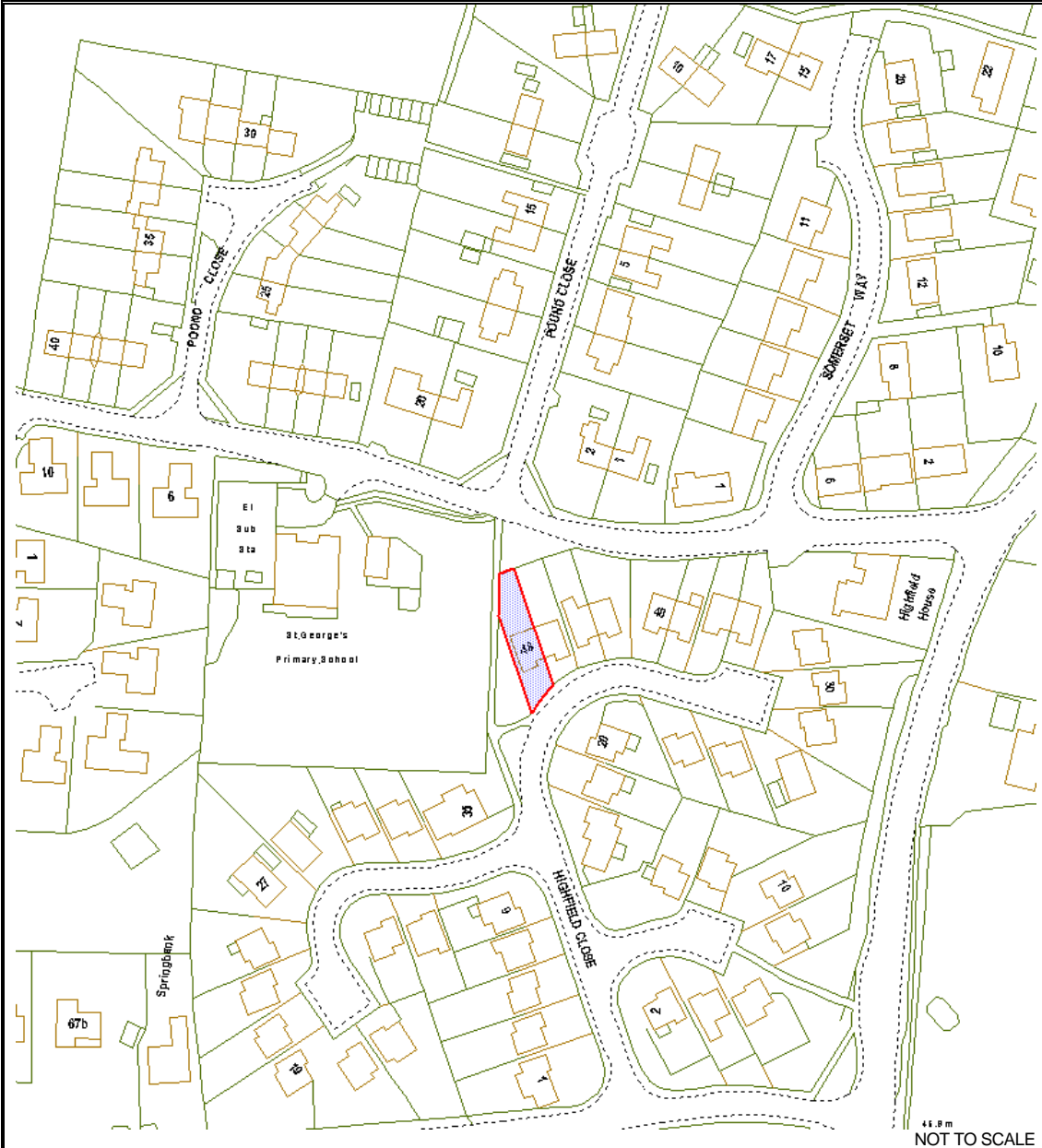
# PLANNING COMMITTEE

31 May 2007

ITEM NO: 12

APPLICATION NO: 07/00383/FUL

LOCATION: 48 Highfield Close Semington Wiltshire BA14 6JZ



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SLA: 100022961



**12 Application: 07/00383/FUL**

**Site Address: 48 Highfield Close Semington Wiltshire BA14 6JZ**

Parish: Semington

Ward: Summerham

Grid Reference 389626 160490

Application Type: Full Plan

Development: Second storey extension

Applicant Details: Mr J Collins  
48 Highfield Close Semington Wiltshire BA14 6JZ

Agent Details: Mr S Filipowicz  
36 The Common Broughton Gifford Melksham Wilts

Case Officer: Miss Andrea Levin

Date Received: 07.02.2007

Expiry Date: 04.04.2007

**REASON(S) FOR PERMISSION:**

**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 The first floor shower room window on the east elevation of the extension shall be glazed with obscure glass and shall be maintained as such in perpetuity.

REASON: To prevent any overlooking of the neighbouring property.

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

# COMMITTEE REPORT

## APPLICATION DETAILS

This application is brought to Committee because the Parish Council objects contrary to officer's recommendation.

This is a full planning application for a second storey on an existing single storey rear extension. The proposed extension would have a gable frontage and would measure 3.29 metres in width, 2.8 metres in depth and 6.18 metres in height from ground floor to ridge height. This would stand 1.9 metres below the ridgeline of the host dwelling. The extension would be constructed from brick and interlocking roof tiles to match the existing.

The extension would provide a bathroom extension and an en-suite for the master bedroom. Two windows are proposed for the extension, one North facing, and one East facing. The extension would be approximately 3.2 metres from the boundary with the adjoining property.

48 Highfield Close is one of a group of semi-detached mixed brick properties of similar size and character. The property has a moderately sized rear garden surrounded by a 1.8 metre boundary fence.

## CONSULTATION REPLIES

### SEMINGTON PARISH COUNCIL

The Parish Council objected to the proposal on the following grounds:

- A window of the extension looks directly at the rear bedroom window of the neighbouring property.
- It represents over-development of the property in relation to its location.
- It has the potential to compromise the privacy of neighbouring gardens.
- This extension at the rear would look out of place in relation to other properties in the Close.
- It has the potential to block light and obscure the view from the rear of the neighbouring property.
- Permission for this extension, if granted, would create a precedent for all other houses in this location to apply for similar extensions.

## PUBLICITY RESPONSES

Neighbours were notified and two letters of objection were received from local residents raising the following issues:

- The proposal would overlook the rear garden of Number 46 Highfield Close
- The proposal would make it possible to see into the back windows of the house, where the inside of the bedroom, the lounge and the kitchen will be clearly visible.
- The proposal would block a substantial amount of light from the back of the house
- The proposal would have a negative effect upon the value of the neighbouring property.
- If successful it is possible that further properties within the area will apply for 2-storey extensions, significantly altering the character of the area.
- When the single storey extension was built the building work persisted for 8 months, 7am -11pm, including weekends. The addition of a further extension would mean enduring further disruption.

## RELEVANT PLANNING HISTORY

05/00359/FUL - Rear single-storey extension - Permitted 18.04.2005

## PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a - Design

C38 - Nuisance

SPG - Planning Design Guidance (House alterations and extensions)

### KEY PLANNING ISSUES

The main issues to consider regarding this application are the potential impact on the host dwelling and the neighbouring amenity.

### PLANNING OFFICER COMMENTS

The proposal would be constructed from materials that would enable it to harmonise with the existing dwelling, and it would utilise a pitched roof design, which would conform to the SPG for house alterations and extensions. The ridgeline of the proposal would stand approximately 1.9 metres below the ridgeline of the main property, which would provide a subsidiary element to the host dwelling. Furthermore, the property is located within a plot of more than sufficient size to accommodate this extension. It is therefore not considered to be over-development of the property, as stated in the Parish Council objection.

The proposed extension would measure 2.8 metres in depth and would be positioned to the northwest approximately 3.2 metres away from the boundary with the adjoining property (Number 46). As a result of this, as well as the orientation of the property, there would be no significant loss of daylight to the adjoining property. The window proposed for the East elevation of the extension would not result in loss of privacy to the rear garden or habitable rooms of the adjoining property or any other properties within the close, as it would be an additional bathroom, therefore likely to be maintained as obscure glazed. This would conform to C38 of the West Wiltshire District Plan.

The SPG on house alterations and extensions provides guidelines in terms of size of extensions and acceptable fields of view. The proposed extension would be of a subservient form to the rear of the property that would not be visually harmful or prominent to the street scene. As the proposal would protrude 2.8 metres beyond the rear building line of the existing property and the neighbouring properties, it would not bring the extension within a 90° field of view of any windows of the neighbours' habitable rooms.

With regard to other objections received, it is believed that as the proposal would be positioned on the rear of the property it would not result in any visual harm to the street frontage, therefore would not look out of place in relation to other properties within the Close. Further to this, it cannot be considered that the proposal would create a precedent for similar extensions, as any other applications submitted from this locality would be considered on their own merits.

The issue of the proposal devaluing the adjoining property is not a material consideration, therefore cannot be addressed in this report.

### CONCLUSION

When considered in terms of the guidance criteria contained in Council's SPG on household alterations and extensions and relevant District Plan policy there would be no adverse impact on the host dwelling or the neighbouring amenity as a result of the development.