

PLANNING COMMITTEE

7 JUNE 2007

Planning Applications for Determination

Item No	Application No	Location	Parish	Page No
01	06/02785/FUL	Construction of three golf holes - change of use from agricultural land to recreation - Land North West Of Leigh Grove Farm Leigh Grove Bradford On Avon Wiltshire	South Wraxall	01
02	06/03845/FUL	New pavilion, changing rooms, spectator stand and floodlighting to sports field and removal of existing pavilion - Bradford On Avon Sports And Social Club Trowbridge Road Bradford On Avon Wiltshire	Bradford On Avon	15
03	07/01018/FUL	Construct a food grade building for the loading of bulk road tankers with milk powders - Westbury Dairies Ltd 4 Stephenson Road Northacre Industrial Park Westbury Wiltshire	Westbury	25
04	07/00778/FUL	Erection of permanent single storey dwelling for caravan storage/agricultural worker (to replace temporary caravan) - Land North East Of Fairfield Farm Devizes Road Semington Wiltshire	Semington	29
05	07/00745/FUL	Ground floor rear extension including toilets, disabled toilets and disabled access - Church Institute Tynning Lane Bratton Wiltshire BA13 4RR	Bratton	35
06	07/00671/OUT	New development of four houses with eight car parking spaces - Land Adjoining Baytree Farm Corsley Wiltshire	Corsley	41
07	07/01060/LBC	Subdivision of existing house to form two dwellings - Maxcroft House 3 Maxcroft Lane Hilperton Wiltshire BA14 7PY	Hilperton	51
08	06/03175/FUL	Proposed extension and garage - 4 Smallbrook Road Warminster Wiltshire BA12 9LN	Warminster	57
09	07/01084/FUL	Proposed front and rear extensions - 6 Alderton Way Trowbridge Wiltshire BA14 0UE	Trowbridge	61

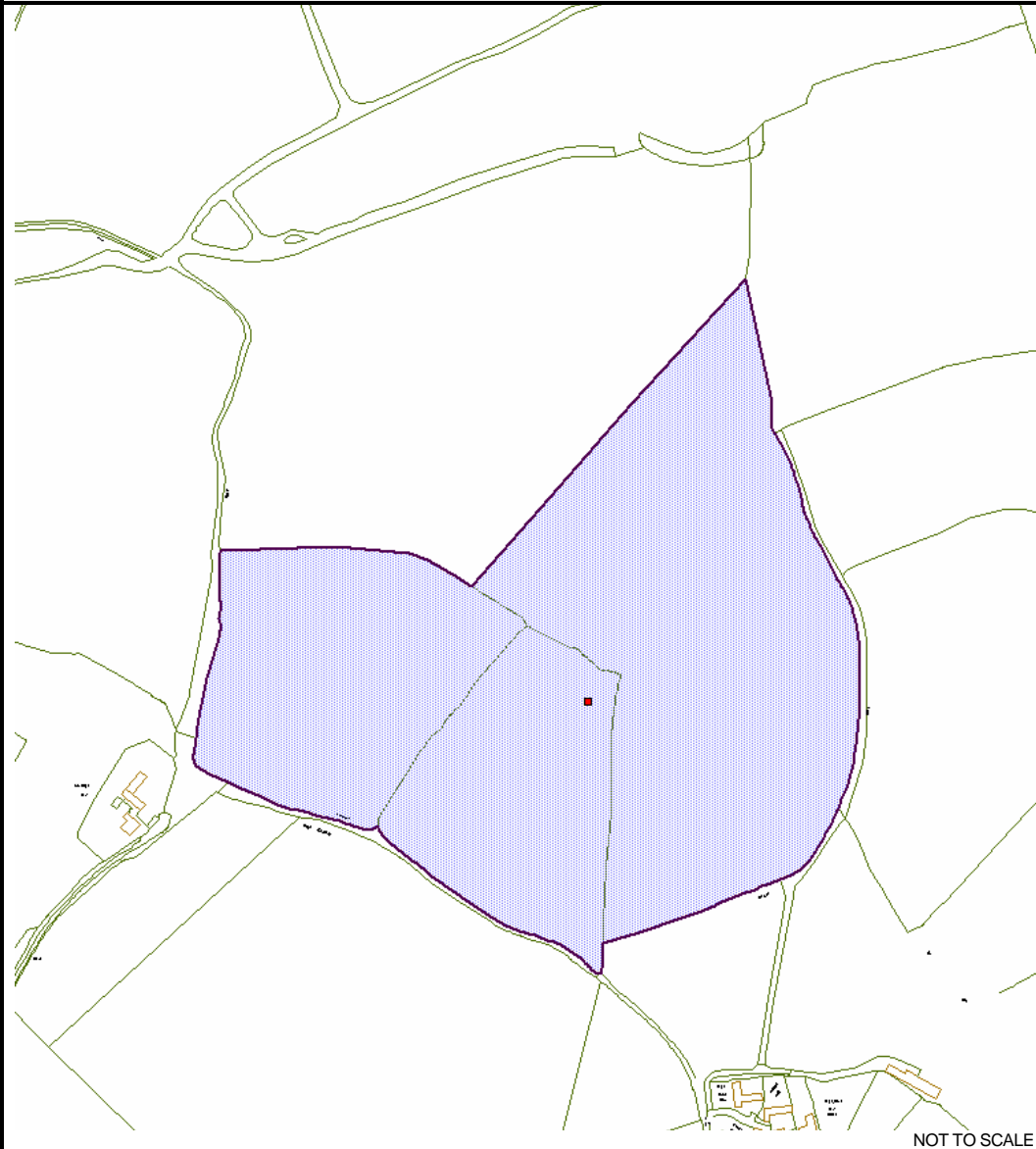
PLANNING COMMITTEE

7 June 2007

ITEM NO: 01

APPLICATION NO: 06/02785/FUL

LOCATION: Land North West Of Leigh Grove Farm Leigh Grove
Bradford On Avon Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 06/02785/FUL

**Site Address: Land North West Of Leigh Grove Farm Leigh Grove Bradford
On Avon Wiltshire**

Parish: South Wraxall Ward: Atworth Whitley And South
Wraxall

Grid Reference 382717 162761

Application Type: Full Plan

Development: Construction of three golf holes - change of use from agricultural
land to recreation

Applicant Details: J A James And Sons
Cumberwell Golf Club Bradford On Avon Wiltshire BA15 2PQ

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 11.09.2006 Expiry Date: 11.12.2006

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 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, fencing and other means of enclosure and any change
in levels.

Upon approval:

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

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

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;
- A schedule of tree works conforming to BS3998;
- Details of the works requiring arboricultural supervision to be carried out by the Developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.

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

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

- 4 All works relating to the development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by a qualified arboricultural consultant.

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

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

- 5 No tipping operations or construction works shall be carried out outside the hours of 0800 to 1700 on Weekdays and 0800 to 1200 on Saturdays. No tipping or works on site shall take place on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the locality

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies C36 and C38.

- 6 Topsoil removed from the surface of the site shall be retained for subsequent use on the site following tipping.

REASON: To conserve the topsoil for subsequent use.

POLICY: Wiltshire and Swindon Structure Plan 2016 Policy C13.

- 7 Upon completion of the tipping operations the final profile of the fill shall consist of permeable and obstruction free material including topsoil and subsoil to a depth of 1m and finished with a layer of not less than 0.25m of topsoil.

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

POLICY: Wiltshire and Swindon Structure Plan 2016 Policy C13.

- 8 Only inert waste, soil and subsoil shall be tipped at the application site.

REASON: In order to clarify the terms of the permission.

- 9 Wheel washing facilities for vehicles leaving the site shall be operated throughout the period of landfill, recontouring and landscaping.

REASON: In the interests of Highway Safety

Policy: West Wiltshire District Plan 1st Alteration 2004 Policy R14.

- 10 Tipping and the recontouring of land shall cease no later than four years from the date of this permission.

REASON: In order to protect the amenities of the neighbouring property and to ensure that the development is completed within a reasonable timescale.

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

- 11 There shall be no external lighting of the development hereby permitted.

REASON: In the interests of neighbouring amenity, countryside and green belt protection.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies C1, C38 and GB2.

Note(s) to Applicant:

- 1 The applicant is advised that this permission does not extend to the processing or sorting of the imported material. This would be a separate operation requiring planning permission from the County Council.
- 2 The applicant is advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
- 3 If the developer needs to increase the quantities of their current abstraction license (17/53/001/s/448) to irrigate these extra three fields, they should contact the Agency's Regulatory and Technical Water Resources Team on 01278 484644.
- 4 The proposed development is situated within 250 metres of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site.
- 5 The development is situated within the Source Protection Zone 2 of Holt Boreholes as defined in the Environment Agency's Policy and Practice for the protection of Groundwater. The following points must be borne in mind:

- If detrimental consequences to the water environment are likely, then agreed mitigation measures would be necessary.
- The applicant should be aware that it is their responsibility to ensure that the development does not adversely affected any existing legal water interests in the area.
- Local water interests in the area such as wells, springs and private abstractions must not be adversely affected either.

6 During construction the following should be taken into account:

- The increased volume of traffic must be taken into consideration and mud and dust on the road must be minimised
- Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface, groundwater or any neighbouring watercourses.
- Water containing silt should not be pumped directly into a river, stream, pond or surface water drain. Silty water produced from the site during construction phase or from excavations should be irrigated over grassland or a settlement lagoon is provided to remove gross solids. This agency must be advised if a discharge to a watercourse is proposed.
- Storage of fuels for machines and pumps should be sited well away from any watercourses. the tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.
- The Environment Agency must be notified immediately of any incident likely to cause pollution.

7 The applicant is informed by Natural England that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licenses required as described in Part IV B of the Circular 06/2005.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee at the request of Councillor Repton who has expressed concerns regarding land-filling at the site. This application was previously presented at Committee on the 8th March 2007. The item was deferred from this Committee for three reasons;

1. To obtain details of existing and proposed levels
2. To obtain more information on the relationship between the proposed and existing golf holes
3. To obtain a legal opinion on whether this application is a matter for West Wiltshire Committee or Wiltshire County Council.

These issues are addressed in the planning officer's comments.

This is a full planning application for the construction of three golf holes together with associated landscaping and ground works including the change of use of land from agricultural to recreation on land adjoining Cumberwell Park Golf Club, Bradford on Avon. The application site is 15.76 Hectares in size comprising part of three existing agricultural fields. The application site is located in the open countryside on agricultural land and within the Western Wiltshire Green Belt. The application site lies approximately 1 mile to the North of Bradford on Avon between the hamlets of Great Cumberwell and Leigh Grove. The site is bordered by Bridal Path Number 26 to the west and south of the site and by a footpath to the east of the site.

The proposed additional three golf holes will form part of a 9 hole loop and provide additional capacity at the course.

The applicant sought a 'screening opinion' under Regulation 5 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999 and was advised that this proposal did not require an Environmental Impact Assessment.

CONSULTATION REPLIES

SOUTH WRAXALL PARISH COUNCIL

No objections but the Parish Council is unsure as to whether the allocation of 42 holes has now been completed.

BRADFORD ON AVON TOWN COUNCIL

Whilst the Town Council has no objections in principle to the extension of the golf course, it is essential that if there is to be any further landfill in this area that the Town Council must be consulted.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

Comment as follows; "Whilst I have no highway objection to the proposed 3 golf holes, I have been informed by a Rights of Way officer that Bridleway 24 runs along the south side of the southern most tee. In order to protect the users of the bridleway it has been suggested that a catch screen would be appropriate, details of which should be submitted to and approved in writing by the Local Planning Authority."

WESSEX WATER

No objections raised

NATURAL ENGLAND

Comment 'based on the information provided English Nature has no objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal'.

ENVIRONMENT AGENCY

Raise no objections but request that the decision notice includes certain information.

CORPORATE AND LIBRARY SERVICES

Commented on the 1st November 2006 : Recommend that more information should be supplied prior to the determination of the planning application. This information should be collected by means of an archaeological field evaluation carried out according to a brief set out by this office by a professional qualified archaeologist.

No decision on approval of this scheme should be made until the results of the evaluation have been made known. If the excavation results are positive, it may be necessary for me to recommend further excavation, specified by an appropriate planning condition and carried out prior to development.

Subsequently commented on the 14th December 2006: In total five trenches were excavated by machine under archaeological conditions to investigate a feature noted from aerial photographs. Despite the archaeological potential, the report concludes the cropmark is a succession of post-medieval field boundaries and drains of probable late 18th-19th century date.

In light of these results no further archaeological work on the site is necessary and the condition on the planning consent can now be discharged.

WILTSHIRE COUNTY COUNCIL WASTE AUTHORITY

Raise no objections but suggest several conditions

REGIONAL DEVELOPMENT AGENCY

No comments received

INTERNAL CONSULTEES

LEGAL AND DEMOCRATIC SERVICES

They describe the application and note that the proposal seeks to create additional golf holes which involve the introduction of inert waste to the site. The land will be moulded to create golf holes and involves both cutting and filling.

The Town and Country Planning Act 1990 provides that applications for planning permission which relate to a county matter shall be determined by the county planning authority.

County matters are defined in The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003/1033 which specify that the following additional matters are county matters:

"(a)(i) The use of land:

- (ii) the carrying out of building, engineering or other operations; or
- (iii) the erection of plant or machinery used or proposed to be used, wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste;

(b) the use of the land or the carrying out of operation for any purposes ancillary to any use or operation specified in para (a) above, including the formation, laying out, construction or alteration of a vehicular access to any public highway."

Annex A to PPS 10 acknowledges that difficulties may arise in respect of applications that are properly to be decided by a district planning authority but which involve the use of large amounts of engineering fill for such purposes as levelling or landscaping of sites or the construction of bunds or embankments. In such cases, it is suggested that developers are questioned about the purpose of certain types of development.

They refer to two case law examples. In *R V Berkshire CC ex p Wokingham DC* (1996) 73P & CR 430, the applicant applied for planning permission for B1 and B2 units, recycling and transfer stations, access road, parking and landscaping. The Court of Appeal held that since the major part of the proposed development in terms of size was the waste recycling and transfer station, with associated buildings and access road, it clearly constituted a county matter. The applicants were entitled to include county matters and non-county matters in the same application.

The case of *Golf Operation Limited v First Secretary of State* (2005) EWHC 2218 (Admin) involved an application for development comprising an 18 hole golf course and a 9 hole golf course with ancillary facilities. It was intended to construct as part of the course, a series of mounds 2-4 metres high between the fairways. The construction required the importation of about 429,000 cubic metres of inert waste, which would fund the construction of the golf course. Although this was not a case where the issue of whether the application was a county matter seems to have been in dispute, it is clear from the judgement that the application had been dealt with by Northamptonshire County Council because it was considered that the extent of the importation of waste material made it a county matter.

They have therefore concluded:

"In conclusion, in order to determine whether this application should be dealt with by the County Council, you need to consider whether the carrying out of building, engineering or other operations is wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste. If the answer to this is yes, then it should be dealt with by the County Council. If the answer to this is no, then it should be determined by the Committee. In making this assessment, I would suggest that you also take into account the various factual differences between the planning application you are dealing with and the facts of the Golf Operations Limited case. For example, the applicant has estimated that 150,000 cubic metres of material as opposed to 429,000 cubic metres will need to be imported and the application is for a 3 hole extension as opposed to a completely new course."

POLICY AND CONSERVATION

Are satisfied that the proposal meets Policy R14 and that the proposal will not have an adverse impact on the Green Belt. Also they do not believe that the proposal will have a significant impact upon wildlife habitats or traffic generation. The proposal is welcomed because it will enhance the commercial recreation provision on site. It will also contribute to maintaining a diverse economic base for this part of the district.

ECONOMIC DEVELOPMENT

No comments to make

LANDSCAPE OFFICER

No objections subject to conditions

ENVIRONMENTAL HEALTH

Recommend permission

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties through the local press and by site notices. Five letters of objection were received raising the following issues;

- Landfill activities under the guise of creating more golfing facilities
- Precursor to further applications for extensive tipping and more golf courses
- No evidence that further area of golf course are required locally
- Nuisance from noise, dust and heavy lorry traffic
- Excellent farmland will be lost
- No waste planning permission in place
- Construction phase should be time limited
- Removal of hedgerow
- Potential harm to wildlife
- Previous land-raising activities have harmed the appearance of the area and reduced traffic on paths and bridleways
- Suggested conditions regarding times of construction, length of construction work, future plans, footpaths.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

DP12 Western Wiltshire Green Belt

C1 Nature Conservation

C5 The water environment

C13 Land restoration

RLT1 Recreation, sport and leisure

West Wiltshire District Plan - 1st Alteration 2004

GB2	Control of development in Green Belt
C1	Countryside protection
C6a	Landscape features
C32	Landscaping
C36	Noise
C38	Nuisance
C40	Tree Planting
R1	Recreational space
R11	Footpaths and rights of way
R14	Golf courses
E6	Rural employment
E9	Agricultural land
T12	Footpaths and bridleways
U4	Groundwater protection zone

National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG17	Planning for Open Space, Sport and Recreation

RELEVANT PLANNING HISTORY

None on the application site itself but the following is relevant for land to the north west of the site:

92/00884/FUL - Additional 18 hole golf course amendments to design and siting of clubhouse incorporating steward's accommodation - Permission 07.06.1994

94/00790/FUL - Change of use of agricultural land to extension of eastern golf course with revised routing plan - Permission 08.11.1994

03/01243/FUL - Extension to golf course (revised application) - Permission 09.10.2003

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of the principle of the development, legal interpretation of whether the application is a district matter, impact on the countryside/landscape, Green Belt, protected species and wildlife, neighbouring amenity and highway safety issues.

PLANNING OFFICER COMMENTS

Principle of development

Planning policy R1 of the West Wiltshire District Plan 1st Alteration 2004 advises that the maintenance and improvement of formal or informal outdoor recreational facilities in the Plan area will be sought. Policy R14 of the West Wiltshire District Plan 1st Alteration 2004 is broadly supportive of golf course development subject to several criteria. The relevant criteria in this case include impact on the Green Belt, conservation of the natural beauty of the landscape, loss of high grade agricultural land, traffic generation and highway safety, effect on public rights of way. These issues will be dealt with in turn in this report. The application site is located on grade 3b agricultural land. Policy E9 of the West Wiltshire District Plan 1st Alteration 2004 guards against development of the most versatile agricultural land defined as grades 1,2 and 3a. This proposal would not therefore result in the loss of the best and most versatile agricultural land in the district.

Policy R1 of the West Wiltshire District Plan 1st Alteration 2004 advises that the effective use of existing recreational areas and the creation of new amenities will be encouraged where needs and opportunities are identified. In this case the golf course opened in 1994 and after a year, membership stood at 580. In 1999 an additional 9 holes were opened and membership has steadily grown to over 1500. Information has been submitted with the application demonstrating that demand for golf may be outstripping supply on the weekends and this is an important rationale for this current proposal. It should also be recognised that six holes have been granted previously to which these three additional holes will provide a nine hole loop.

Legal interpretation of whether the application is a district matter:

The Committee requested that a legal view be sought on the application. The conclusions of the legal department is that; "in order to determine whether this application should be dealt with by the County Council, you need to consider whether the carrying out of building, engineering or other operations is wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste. If the answer to this is yes, then it should be dealt with by the County Council. If the answer to this is no, then it should be determined by the Committee.

This guidance clearly states that the proposed works should be wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste. This is a planning application for an additional three holes as an extension to an existing golf course making it a 36 hole golf course. There also exists permissions in place for an additional six holes and this current proposal is required to finish a further 9 hole loop. The applicant advises that Cumberwell Golf Course is now the largest golf course in Wiltshire. On this basis it seems clear that this is a bonafide application to provide a relatively small extension to the golf course. It cannot therefore be "wholly or mainly for the purposes of depositing waste." It is clear therefore that the application is not a county matter but is a district matter.

A thorough consideration of case law has highlighted only one example of a golf course being determined by a County Council rather than a Committee. This was the case of *Golf Operations Limited v First Secretary of State* (2005). This involved development comprising an 18 hole golf course and a 9 hole golf course with ancillary facilities included the creation of very substantial mounds between fairways and the importation of about 429,000 cubic metres of waste. This differs considerably from the application before this Committee which is for a small extension to an existing golf course as opposed to the creation of a completely new golf course. The levels of waste importation are much smaller in this case and the land contouring does not involve the creation of large odd shaped mounds.

Whilst an element of landfill would take place it should be made clear that land levels will be reduced in other areas. The land is sloped and the applicant makes clear that changes in topography can prove unpopular with the less mobile. By cutting and filling, the site may be made more level. It is important also to recognise that the proposed holes will relate to the land to the north of the site forming additional holes to those already under construction. The land to the north is raised above the application site and the difference in heights needs to be bridged to some degree to help the proposed development harmonise with the existing holes under construction. On the basis of the above any landfill works are not considered to be excessive and no objections are raised on this basis. Policy R14 advises that the use of imported material will be strictly controlled to avoid harm to the environment. This proposal involves the importation of materials but in this case the proposal would not harm the environment. There are clear differences between the *Golf Operations Limited* case and the current proposal which is before the Committee for determination.

It should also be noted at this point that all previous planning applications which have been made to develop this large golf course have been dealt with by the Committee without challenge from the County Council. The determination of the current application by the Committee is therefore entirely consistent with the legislation, case law and the planning history of the site. The County Council have also acknowledged that if the Committee believe the primary purpose of the application is to extend and improve the golf course, then the application could be regarded as an engineering or other operation and dealt with by the Committee.

Green Belt

The application site is located entirely within the Western Wiltshire Green Belt. Paragraph 1.6 of PPG 2 advises that the use of land in Green Belts has a positive role to play in fulfilling the following objectives;

- To provide opportunities for access to the open countryside for the urban population;
- To provide opportunities for outdoor sport and outdoor recreation near urban areas.

The use of land as a golf course is defined in the Annex to PPG 17 as an open space that may be of public value. The use of Green Belt land for a golf course extension would therefore be consistent with achieving these objectives of Green Belt land. Paragraph 3.12 of PPG 2 further advises that in relation to the control of development that the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. This proposal is consistent with the purposes of including land within the Green Belt.

The proposal involves some grading of land which will be considered in more detail later. The grading of the land is illustrated in detailed cross sectional drawings and contour maps. This illustrates that whilst the ground will be raised in some areas it will also be reduced in height in areas as well. It is not considered that the proposed golf course extension would on this basis harm the openness of the Green Belt and the undeveloped character of the land would be retained. It should also be made clear that no ancillary buildings are proposed in this application.

Impact on the Countryside/Landscape

Policy C1 of the West Wiltshire District Plan 1st Alteration 2004 advises that development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation. This proposal would provide a continued source of employment and would allow for increased rural recreation. The proposal would therefore be consistent with the above local plan policy and represents an acceptable use within the countryside.

The applicant has commissioned a landscape and visual appraisal for the development. The wider landscape character of the area is defined by the Countryside Agency Countryside Character Volume 8: South West as Character Area 107. The key landscape characteristics include 'rolling, open, high wold plateaux moulded by physical and human influences, with arable and large blocks of woodland, divided up by small narrow valleys. The existing golf course is a strong modifying influence on the agricultural nature of the landscape and also contributes strongly to the local landscape character.

The land falls gradually away from the site to the north, east and south east, but rises quite steeply to the west to meet previously filled land forming the edge of the golf course land. The site comprises three irregularly shaped fields bounded by low hedges and ditches with occasional trees. The site is surrounded by agricultural land to the south and east.

The report on the applicant's behalf notes that the zone of visual impact is essentially restricted to the north and east of the site due to the combined screening effects of the existing golf course and the characteristic rolling landform of the adjacent farmland. The site is mostly viewed from distance with many views filtered by intervening vegetation. It should also be noted that where close range viewing is more possible from the immediate bridleway and footpath the site is viewed very much within the context of the existing golf course.

The report acknowledges that during the construction period the site would take on the appearance of tipped land with construction machinery and lorries at the site. This would have a moderately adverse visual impact on the site. These works would however be of a temporary nature.

The Council's Landscape Officer was consulted on the application and he has raised no objections to the proposed works. He notes that there are no landscape or arboricultural reasons for refusal. The Landscape Officer has however requested several conditions these relate to a landscaping scheme being submitted and an arboricultural method statement being submitted and a scheme of works then implemented. Given the above there is no reason to refuse the application on the grounds of landscape or countryside impact.

The Committee deferred the previous application because they wanted clearer information regarding the details of the existing and proposed levels and plans displaying the relationship between the proposed golf holes and those which are nearing completion to the north of the application site. The applicants have submitted additional information including existing and proposed contour heights, sections both East-West and North-South through the site which are more clearly annotated, contour plans showing existing and proposed levels in relation to the surrounding land and a composite plan showing the existing 36 hole golf course in relation to the proposal. These additional details help to clearly illustrate how the proposal will impact on and relate to the landscape. The view of Officers remains that the proposal would not harm the landscape or countryside.

Wildlife issues and protected species

The application has been supported by an ecological report. The report advises that the fields are of minimal nature conservation value and there are therefore no significant impacts associated with their loss. The hedges are of low nature conservation value however removal of hedgerow may have some adverse ecological impact. The Ecological survey advises that certain impacts could be minimised and a condition could be placed on the permission as recommended by the landscape officer to address these recommendations.

The report concludes that in the medium and long-term that there would be a beneficial impact as a consequence of the replacement of intensively managed arable farmland with golf course, which would include a substantial element of species-rich grassland on the roughs. Trees and shrub planting would be carried out in order to provide mitigation in the long term for the loss of stretches of hedgerow.

Natural England were consulted regarding the application and were given the submitted ecological survey details no objections were raised by Natural England to the proposal on this basis.

Highway Safety

The proposal does not involve the creation of any additional areas of highway. Players who would use the course would park in the existing car parking spaces at and surrounding the clubhouse. The existing access arrangements to the golf course would remain unchanged. The Highway Authority were consulted on the application and they have raised no objection to the creation of the golf holes. They have however suggested that a catch net may be suitable given the proximity of bridleway 24 to the south of the site. Wiltshire County Council do however have adopted standards on public rights of way on golf courses and safety zones. This is designed to avoid harm to passing pedestrian traffic. The proposed golf holes accords with these guidelines and it is not therefore necessary to request that safety nets be erected. Notwithstanding this the use of large safety nets may not be acceptable in the Green Belt and their impact on the countryside would need to be considered carefully. The proposal should not therefore harm the safety of users of the bridleway or footpath which run proximate to the site. The proposal will not affect either the bridleway or footpath which are in the vicinity of the site.

Neighbouring amenity

Neighbour objections have been received regarding noise, dust and nuisance which may be caused by the development. There exists several dwellings in the area of the application site located to the south and south west of the site. The closest residential property is Frankleigh Farm and the building is approximately 40m from the application site. Other neighbouring properties are at least 140m from the application site itself. The property which is closest to the site would be adjacent to the westernmost field which forms part of the application site. This field remains

largely unaltered as part of the proposal except for the north east corner. Frankleigh Farm would be in excess of 250m from the area where works would commence. The concerns of the neighbours are noted and it is anticipated that there would be some level of disturbance or nuisance caused during the works to complete the golf holes. These neighbouring properties are however a reasonable distance from the area where works would take place. A refusal of this planning application on this ground would be difficult to sustain. Notwithstanding this it is recommended that a condition be imposed controlling the hours of works during construction.

It should also be stressed that works would be of a temporary nature and any problems associated with the development would therefore be transient. The applicant has recognised the concerns of the neighbours to the site and has expressed a willingness to cause the minimum disruption possible during the development. In particular the applicant has advised that during construction they would take account of the prevailing weather conditions and not undertake work in the areas that are near to any properties that may be affected. The wind also tends to be predominantly south westerly thus carrying and sound or dust particles away from the properties. It should also be noted that vegetative screening separates neighbouring properties from the site. For these reasons your officers are of the opinion that a refusal on the basis of harm being caused to neighbouring properties could not be sustained on appeal. This view is supported by the Council's Environmental Health department who have raised no objections to the proposed works.

Other Issues

The site was identified as a site where archaeological finds and features may exist. A survey was undertaken which involved the digging of trenches. Nothing was found and the Assistant Archaeologist has confirmed that no further archaeological work on the site is necessary.

The issue of precedent has been raised in representations received on the application. Only the application put forward can be considered and possible speculation regarding future proposals does not form a material planning consideration in this case.

Concern has been raised that the applicant may not have the requisite licences to operate at the site. This is outside of the scope of planning control and does not therefore represent a material consideration in this case. It should however be made clear at this stage that the Environment Agency regulate a 'duty of care' system as regards waste. This involves the granting of permissions to dispose of waste and transfer notes tracking waste. This system is strictly controlled by the Environment Agency under separate legislation from planning. Of course this does not absolve the Local Planning Authority from the requirement to monitor any conditions placed on a planning permission.

The Environment Agency and Wessex Water have been consulted on the application regarding the drainage implications and wider environmental impacts of the proposal. They have not objected to the proposal but the Environment Agency have suggested a number of informatives.

CONCLUSION

The proposal is acceptable and permission is recommended subject to conditions.

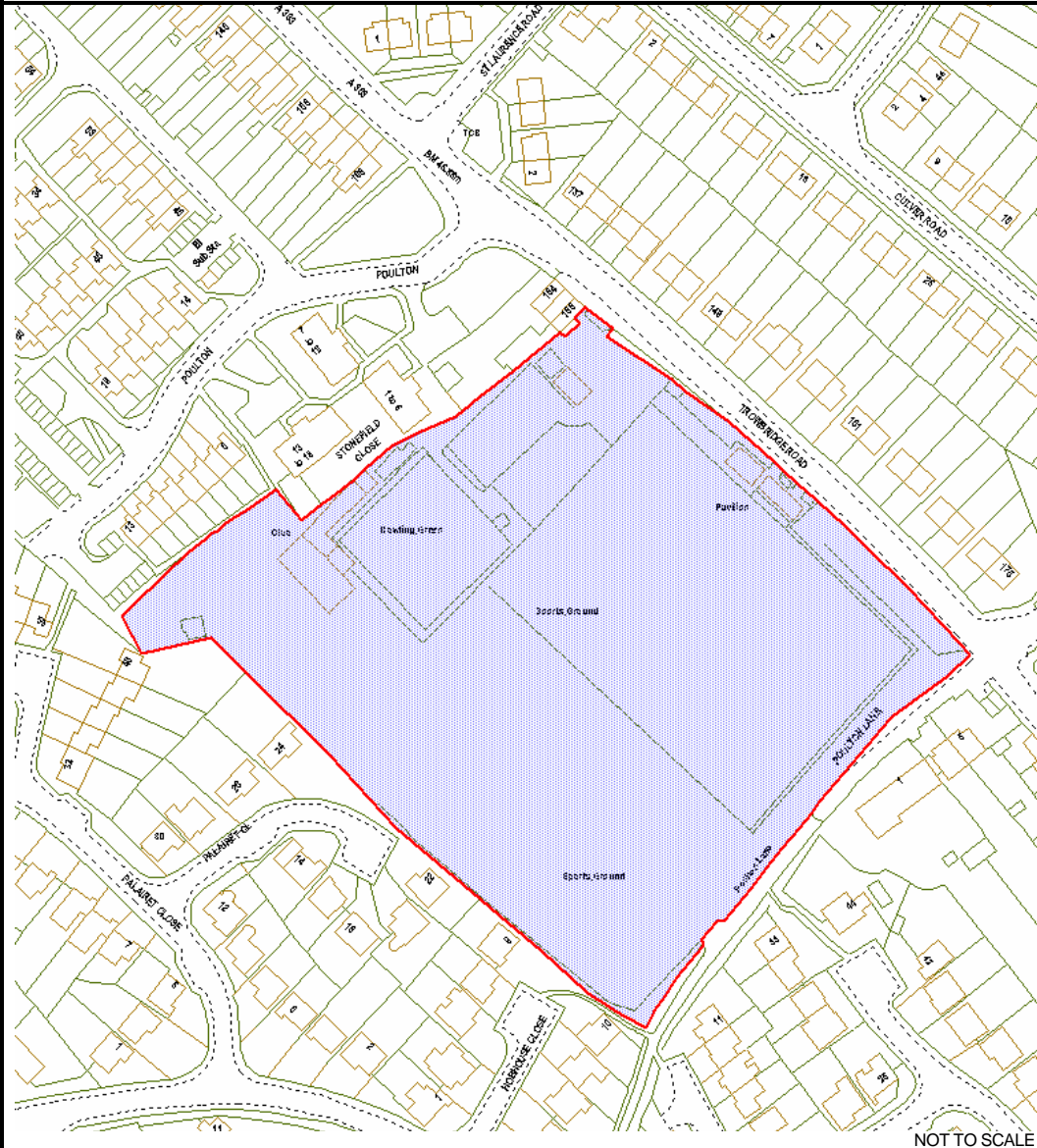
PLANNING COMMITTEE

7 June 2007

ITEM NO: 02

APPLICATION NO: 06/03845/FUL

LOCATION: Bradford On Avon Sports And Social Club
Trowbridge Road Bradford On Avon Wiltshire



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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

SLA: 100022961

02 Application: 06/03845/FUL

**Site Address: Bradford On Avon Sports And Social Club Trowbridge Road
Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 383000 160094
Application Type: Full Plan
Development: New pavilion, changing rooms, spectator stand and floodlighting to sports field and removal of existing pavilion
Applicant Details: Dajam Ltd
6 Longs Yard Bradford On Avon BA15 1DH
Agent Details: Bradford Town Football Club
FAO Mike Burbidge 6 Longs Yard Bradford On Avon BA15 1DH
Case Officer: Mr Mark Reynolds
Date Received: 20.12.2006 Expiry Date: 21.03.2007

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 pavilion and the spectator stand 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 The lighting hereby permitted shall be used only between 15.00 hours and 22.00 hours on Mondays to Fridays and between 15.00 hours to 21.00 hours on Saturdays, Sundays and Bank Holidays.

REASON: In order to minimise nuisance to neighbours.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C35 and C38.

- 4 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.
- 5 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.
- 6 The floodlighting shall be installed and operated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These details shall include rear louvres for the four floodlight units directly adjacent to Trowbridge Road, details of the finish of the floodlights and details of the inclination of the lanterns. Development shall then take place in accordance with the approved details.
- REASON: In the interests of highway safety and amenity.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C38.
- 7 During the construction phase of the development no plant machinery or equipment shall be operated outside the hours of 0730 to 1900 Mondays to Fridays and 0800 hours to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays.
- REASON: In the interests of neighbouring amenity.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C38.
- 8 No materials shall be burnt on site.
- REASON: In order to minimise nuisance.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C38.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Bradford on Avon Town Council object to the application and Officers recommend permission. Further Councillor Repton has requested that the application be brought to committee in the interests of public debate.

This is a full planning application for the redevelopment of Bradford on Avon sports and social club. The proposals involve a new pavilion building, spectator stand, changing rooms and the installation of eight floodlights surrounding an existing sports pitch.

The proposed pavilion would be 28.3m in length, 9.5m in width, 6.9m in height to ridge level sloping to 2.8m at eaves level. The pavilion building would incorporate changing rooms, showers, equipment store, club room and committee room. The pavilion would be constructed in reconstructed random stone, stained timber boarding on the sides and brown concrete roofing tiles.

A new spectator stand is also proposed to provide thirty seats. This structure would be constructed in black prefinished RHS steel. The structure would be clad in grey metal sheeting. The structure would be 6.6m in length and 2.7m in width standing 2.8m in height. The proposed floodlights would be 15m in height sited at the fringes of the playing field.

The application site is an existing sports and social club facility located on Trowbridge Road, which is the main access road into Bradford on Avon from the south. The site is bordered by residential areas on all sides

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

The Town Council recommends refusal.

The proposals relate to the building a new pavilion and the installation of floodlights in a residential area where houses are close to the pitch or the practice area. It also impacts on views from the conservation area and the design and appropriateness of structures, also apply. The Town Council welcomes efforts to upgrade sports and recreational facilities within the town and the principle of the proposals submitted here, but is not satisfied with important aspects of this submission. We divide our detailed comments into two parts.

Pavilion

The Town Council considers that the design of this building is satisfactory, indeed attractive, in most respects. It is however concerned that the rear, that is street, elevation is uninspired, presenting a vista of roofing tiles unrelieved by any features, both to the Trowbridge road residents and pedestrians on the east footway. It is also on an important entrance to the town.

The Town Council recommends refusal of permission for the building until this aspect of the design is rectified.

Floodlighting

Three aspects are relevant here.

- a. The potential nuisance and loss of amenity to residents caused by light spill.
- b. Whether the designs of the pylons and light arrays are satisfactory.
- c. The impact of the pylons and illumination on the view from higher elevations of the town conservation area.

The Town Council believes that there has been inadequate consultation on this sensitive issue with local residents, and none since a non-specific public meeting about two years ago. The light spill on residents is not discussed and light measures at residential boundaries are difficult to infer from the data provided. No drawings or other design details of the structures are provided beyond a statement that the football authorities require 15m (around the height of a three-storey house). This is however, not specified in the Football Associations' guidelines presented.

It goes without saying that the use of lights in all circumstances would be need to be restricted (eg to 3 hours no more than 3 times a week). In this event the adverse impact of distant views from higher ground would probably be acceptable.

We recommend refusal of the lighting proposals unless and until agreed conditions can be imposed to protect the amenity of local residents following consultation with them, and satisfactory designs of pylons and arrays are forthcoming. Serious consideration should be given to the use of retractable pylons.

The Town Council believes that a bat survey in Poulton Lane should be also considered as one of the implications of the development.

The Town Council acknowledges receipt of the new designs of the pylons and recommends that they be hydraulically raised when they are needed. The Planning and Town Development Committee would like to ascertain the exact positioning of the floodlighting and how it is beamed to surrounding neighbours.

The Planning and Town Development Committee welcomes the statement that the use of the floodlights will be restricted but this needs to be a planning condition and details given of how it will be enforced.

It is possible to have retractable lighting.

STATUTORY CONSULTEES

WESSEX WATER

Comment as follows;

'Water supply - we anticipate that the demand will be similar to the current site usage, and therefore should not be an issue.

Surface water drainage - The applicant proposes to dispose of surface water to soakaways such that we have no further comment.

Foul drainage - we do not anticipate any significant increase in foul flows from the site, such that the existing public sewerage system should be adequate'.

NATURAL ENGLAND

Is now able to withdraw the objection to the proposed development. They had previously commented that they objected on the basis that there was insufficient survey work to demonstrate that the development would not harm legally protected species.

HIGHWAY AUTHORITY

The application is for the replacement of existing facilities, therefore no highway objection is raised.

A street lighting engineer at the Highway Authority has suggested some modifications to the floodlighting.

INTERNAL CONSULTEES

ENVIRONMENTAL HEALTH

'This proposal is to upgrade an existing ground to meet new standards not for approval of a new facility. The sports ground is adjacent to residential properties on all sides of the site. The properties on the Trowbridge Road, Stonefield Close and Poulton Lane are most likely to be affected should any negative issues arise as a result of this proposal.

Any illumination installed as part of the proposal should be so designed to prevent a loss of amenity to residential properties adjacent to the site. The details submitted with the application are considered satisfactory.

Recommendation: Approval'.

BUILDING CONTROL

As this is a new building we would await the Building Regulations submission/consultation prior to checking plans for compliance with the Building Regulations in all respects.

HERITAGE DEVELOPMENT OFFICER

The proposals are approximately 100m from the Conservation Area and no objections are raised.

LEISURE SERVICES

No comments received

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, by site notice and in the local press. Letters were received raising the following objections;

- Light pollution/spillage resulting in a loss of amenity
- Existing lights causing a nuisance
- Pylons are too high
- Attitude of club not acceptable
- Club are being dishonest in their statement of usage of the floodlights
- Floodlights to be telescopic?
- Failure to notify neighbours
- Floodlights will be unsightly
- Excessive lighting
- Need condition limiting hours of operation
- Increased noise, cars, crowd
- Harm to views from the conservation area
- Bat roosts in Poulton Lane and bats fly across the football field
- Loudspeakers should not be installed
- Loss of privacy from rooflights
- More use of the premises
- Philips drawings are not accurate or scaled
- Loss of a view
- Need to safeguard the countryside
- Lights may sway
- Lights not shown on plans

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016
RLT1 - Recreation, sport and leisure

West Wiltshire District Plan 1st Alteration (2004)

C30 - Skylines

C31a - Design

C35 - Light pollution

C36 - Noise

C38 - Nuisance

R1 - Recreational space

T10 - Car parking

U1 - Infrastructure

U1a - Foul water disposal

U2 - Surface water disposal

PPS 1 - Delivering sustainable development

PPG 15 - Planning and the historic environment

PPG 17 - Open space, sport and recreation

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key planning issues in this case are planning policy, design of pavilion and spectator stand, highway safety, floodlighting and its impacts upon neighbouring amenity, protected species and impact on the setting of the Conservation Area.

PLANNING OFFICER COMMENTS

The application site is currently operating as two sports pitches including one football pitch, bowling green and car parking area. The site includes a clubhouse building adjacent to the bowling green. There exists two single storey buildings on site which would be removed to make way for the new pavilion building.

Bradford Town football club currently play in the Toolstation Western League - Division 1. When the club was allowed entry to this league they were advised that from the 2007/2008 season grading requirements were changing and to continue to play in the Toolstation Western League Division 1 the facilities would need to be upgraded at the club. The league have advised that as of the 31st March 2008 ground grading criteria must be complied with. This must include separate dressing rooms for each team of a minimum size, changing rooms for match officials, internal male and female toilets, floodlighting to an advised lux reading of 180, and seated spectator accommodation. The proposals have been designed to meet these requirements of the Football Association (FA) under its 'Grading Category G' document which is supplied in support of the application. Any club who fails to meet the required standard will be unable to retain membership of the Toolstation Western League - Division 1.

Planning Policy:

The site is an existing recreational facility. Policy R1 of the West Wiltshire District Plan 1st Alteration 2004 advises that the maintenance and improvement of formal and informal outdoor recreational facilities in the plan area will be sought. The current proposal to enhance the facilities at Bradford on Avon sports and social club is therefore broadly in line with the District Council's policy emphasis on safeguarding and enhancing the districts recreational spaces. PPG 17 likewise seeks to promote the enhancement of existing open space and sport and recreational facilities. On this basis there are no in principle policy objections to the enhancement of this recreational facility.

Design of pavilion and spectator stand:

The proposed pavilion would replace two existing single storey buildings which are of no visual merit and the removal of these buildings is to be welcomed. The proposed pavilion building would be a large building constructed in reconstructed random stone as the predominant building material with stained timber sidings. A concrete interlocking tile roof is proposed. These materials are characteristic of this part of Bradford on Avon and no objections are raised in this respect. The pavilion building would back onto Trowbridge Road. The road is raised above the level of the sports field. This would result in only the roof of the pavilion being visible from the road although the building is one and a half stories in height it would not therefore detract from the character of the area. Rooflights would be incorporated in the elevation facing Trowbridge Road at first floor level, which has caused concern that overlooking may occur of properties fronting onto Trowbridge Road. The rooflights would however be high level additions and would not facilitate overlooking of Trowbridge Road. Furthermore there exists a gap of approximately 20m to the front of these properties. These rooflights would also help to break up the mass of the roofscape.

The pavilion has been designed with a ground floor and first floor balcony to allow viewing of the sports pitch. The design is functional and would introduce a more aesthetically pleasing and permanent structure in place of two existing buildings which are of little merit.

The proposed spectator accommodation would be low profiled and would not be visible from beyond the site. The stand would be positioned adjacent to an existing spectator stand. The spectator stand has been designed to match the existing stand and there are no objections raised to the design of the stand.

Concerns have been raised regarding a potential loss of amenity that may result from increased use of the sports facility. This application is required to bring the facilities up to standard to allow Bradford football club to continue to play in the Toolstation Western League - Division 1. Notwithstanding this, Policy R1 of the West Wiltshire District Plan 1st Alteration 2004 promotes the enhancement of existing facilities and there would be no objections raised to the increased use of the existing facilities for recreational purposes.

Objections have been received that there may be increased use of the facilities for social functions. There exists a clubhouse adjacent to the bowling green and this already provides a function as a social club at the site. It is common to find sporting clubs operating social facilities and it should be remembered that this is an existing sports and social club. Further this is a central and sustainable location accessible by a variety of transport modes other than the private car and therefore represents an acceptable location for such uses. Neighbouring dwellings are a reasonable distance from the pavilion and there exists parking facilities within the site. Notwithstanding this the applicant has indicated that the premises are not licensed and that there is no intention at this stage to make an application to license the premises. The building's use for social functions will, the applicant advises be very limited.

Highway safety:

There exists adequate parking levels within the application site and the access arrangements to the site are considered satisfactory. The Highway Authority have been consulted on the application and have raised no objections to the proposals. It is noted that the works are required to bring the existing facilities up to date and not to increase traffic levels to the development. Given the above there are no objections raised on grounds of highway safety.

Floodlighting and impact on local amenity:

Concerns have been raised that the proposed floodlights would be too large and that they would appear as unacceptably large additions to the site. The floodlights are required to be 15m in height in order to help to minimise light spillage from the site. Floodlights are commonly required to be 15m in height as have been provided at Bradford on Avon rugby club under permission Ref: 04/01553/FUL. There exists tall trees within the area bordering the sports ground in places. There are telegraph poles and lighting columns adjacent to the site along the Trowbridge Road. There is therefore a number of tall vertical structures within the area. The proposed floodlights would be 20cm in width for the first 7.7m in height and 15cm in width for the remainder of the column. Foot brackets would be required for maintenance of the flood lights. The monopole structures would not have an adverse impact on the local skyline and represent features which you would commonly expect to witness at a sports ground.

Considerable concern has been raised regarding the impact of the floodlighting on neighbouring amenity. The site exhibits residential properties on all four sides of the development. The floodlighting is proposed to surround the existing football pitch which is surrounded by a barrier. The floodlights would be 35m from housing to the north east, within 20m of housing to the south eastern boundary of the site, 70m from properties to the south west and 45m from properties to the north west of the site beyond the car park.

In support of the application floodlighting light pollution calculations have been submitted with the application. The light pollution calculations indicate that light spillage would be nil lux for properties to the north, west and south west of the site. The properties to the south east of the site may experience lux levels above this. There does however exist a dense vegetative boundary with properties to the south east of the site of approximately 3m in height. This would help to mitigate any limited light spillage which may occur to these properties. It should however be emphasised that light spillage to these properties would be limited in any event.

Policy C35 of the West Wiltshire District Plan 1st Alteration 2004 advises that proposals which include a lighting scheme will be permitted only where the minimum amount of lighting necessary to achieve its purpose is proposed; glare and light spillage from the site is minimised; there is no adverse impact on the amenity and safety of neighbouring uses and on transport users, including pedestrians. It is considered that the proposal accords with these guidelines. The Environmental Health department have been consulted on this application and have recommended approval of the application on the basis of the submitted information. The Highway Authority have suggested that the details of the floodlighting should be conditioned to ensure that a minimum of glare occurs for neighbouring properties and the Trowbridge Road. This is to be secured by condition to avoid an unacceptable loss of amenity from light spillage.

The pitch will of course be illuminated and correspondingly the pitch will be more visible when the floodlights are on and this ought to be recognised. Notwithstanding this the lights have been designed to minimise light spillage and the alterations to the visibility of the pitch from beyond the site are not strong amenity considerations. It should also be recognised that the proposed floodlights are only to be required several times a week for relatively short periods during the winter months.

The fallback position for the applicants were this application to be refused is that they may install mobile floodlights which would be impermanent development. Were this to happen then the planning authority would be unable to control any aspect of the floodlighting whereas because permanent floodlights are proposed at present this gives the Council the opportunity to control the extent and usage of the lighting.

Suggestions have been received that telescopic floodlighting could be used instead of fixed mono-poles. The applicant had considered this possibility but has advised that the cost of these floodlights would become prohibitively high. Objections have also been received that the lights are not shown on the plans. They are however marked on the 1:500 site plan showing the new pavilion and floodlights.

Protected species:

Objections were received regarding the presence of bats on and near the site. Following this the applicants employed an ecologist who considered the presence of protected species. The findings of the ecologist were forwarded to Natural England who have now withdrawn their objection to the proposals. On the basis of the ecologists comments Natural England have advised that the intended timing and level of use of the floodlights should not have any additional impact upon bats foraging in the area. The changing facilities were also found to be of low potential for roosting bats.

Impact on the setting of the Conservation Area

The sports and social club are approximately 100m from the conservation area boundary. The area within which the application site is located is largely characterised by post war residential developments typically constructed in reconstituted stone with concrete tiled roofs. Within this context the development is considered acceptable. The proposed pavilion building and additional spectator stand should have no impact on the setting of the conservation area. The floodlights may be visible from certain aspects within the conservation area however they have been designed to minimise impact and given the separation distances involved to the conservation area it is not considered that any harmful impact will occur. The Heritage Development Officer has been consulted during the processing of the application and raises no objections to the proposed scheme.

Other issues:

Concern has been raised that there is a need to safeguard the countryside. The application site is however located within the built up area of Bradford on Avon and not in the countryside.

The potential for a loss of view has been raised in representations received. Loss of a view is not however a material planning consideration.

An objection has been received noting that the lights may sway or represent a hazard to neighbouring properties and participants playing football on the sports pitches. Each application is considered on the planning merits of the case. Issues controlled by other legislation are not therefore part of this consideration. References to the safety of the floodlight structures are matters for Building Control or the Health and Safety Executive.

A neighbour has suggested that controls over noise from the site should be put in place. It is important to note here that the facility will continue to run as it currently does. It would not be reasonable to now condition noise emissions from operation of the site on match days because the Council cannot currently control this and no intensification of use is proposed.

CONCLUSION

The proposal is acceptable for the above reasons and permission is recommended.

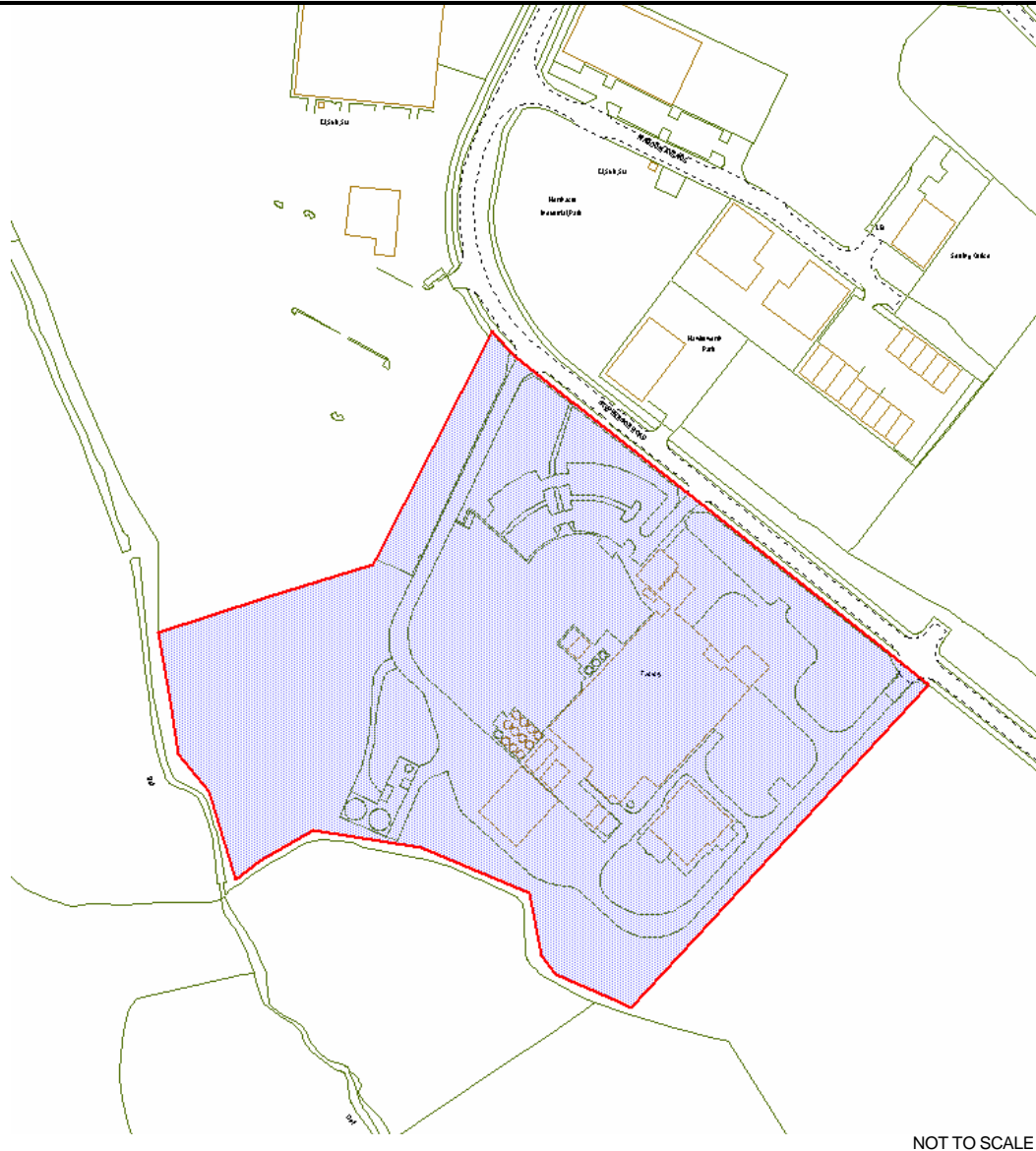
7 June 2007

7 June 2007

ITEM NO: 03

APPLICATION NO: 07/01018/FUL

LOCATION: Westbury Dairies Ltd 4 Stephenson Road Northacre
Industrial Park Westbury Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 07/01018/FUL

Site Address: Westbury Dairies Ltd 4 Stephenson Road Northacre Industrial Park Westbury Wiltshire

Parish: Westbury Ward: Westbury Ham

Grid Reference 385590 152136

Application Type: Full Plan

Development: Construct a food grade building for the loading of bulk road tankers with milk powders

Applicant Details: Westbury Dairies Ltd
4 Stephenson Road Northacre Industrial Park Westbury Wiltshire
BA13 4WD

Agent Details: Whitland Engineering Ltd
Unit B West Street Whitland Carmathenshire SA34 0AE

Case Officer: Mr Mark Reynolds

Date Received: 15.03.2007 Expiry Date: 10.05.2007

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 because Heywood Parish Council object to the application and Officers recommend permission.

This is a full planning application to construct a building for the loading of bulk road tankers with milk powders. The proposed building would be 17m in length, 10m in width and it would stand 7.8m in height to ridge level of the proposed pitched roof.

The proposed building would be positioned on the north east of the Westbury Dairy site on an area which is currently an open yard. Entry to the building would be via a roller shutter door. The building would be constructed using insulated security walling of polymar composite and a thermo-roof constructed of two plastic coated membranes.

The application site is located within an employment policy area in the Northacre Industrial Park.

CONSULTATION REPLIES

WESTBURY TOWN COUNCIL

No objections

HEYWOOD PARISH COUNCIL

(The neighbouring Parish Council) Comment as follows;

'The business generated is likely to result in a material increase in traffic movements and these movements will aggravate the existing difficulties caused by inappropriate use of Storridge Ward, approval of the application should be conditional to the formal routing of Westbury Dairies goods traffic to/from North of Westbury through West Wilts Trading Estate (WWTE), via the link road/B3097 junction. Improvement to the safety and suitability of this junction is fundamental to this route and to permitting new business in the Brook Lane Trading Estate, Northacre Industrial Park and WWTE'.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

No highway objection is raised

ENVIRONMENTAL HEALTH

No objections

PUBLICITY RESPONSES

The proposal was publicised by letters to the neighbouring properties, to which no comments have been received.

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

E2 - Employment Policy Area

C31a - Design

C36 - Noise

C31a - Design

C38 - Nuisance

RELEVANT PLANNING HISTORY

00/00792/OUT: Employment development B1, B2 and B8 (outline) including details of realignment of Brook Lane: Permission 14.07.2000
00/01350/REM : Reserved matters - milk processing and manufacturing facility with ancillary office and amenity block, energy centre, miscellaneous plant, associated highways, car and lorry parking and landscaping (Revision of 00/00824/REM) : Approval : 02.11.2000
03/01323/FUL: Proposed chiller unit : Permission : 10.09.2003
04/00281/FUL: New balancing tank and chemical building : Permission : 08.04.2004
05/00047/FUL: Erection of two silos and one water tank : Permission : 01.03.2005
05/00314/FUL: Erection of high water silo : Permission : 04.04.2005
05/02984/FUL: Silos : Permission 25.01.06

KEY PLANNING ISSUES

The key planning issues in this case to consider are the impact of the building upon the surrounding area.

PLANNING OFFICER COMMENTS

The proposed structure would be located within the existing complex of buildings which form Westbury Dairies. The building would be approximately 40m from the access road and there exists a landscaped barrier which separates the application site from the road. The proposed building would be located backing on to the existing large dairies building and there are no objections raised to the development on design grounds.

Concerns have been raised by Heywood Parish Council that the proposal may result in an increase in traffic movements. The agent has indicated that the proposal would not result in an increase in traffic movements. This is because the proposal is designed to improve the loading operations of tankers which are already coming to the site to be loaded with milk powder. It is not designed to increase the level of tanker loading. The applicants have indicated that current traffic movements for bulk road tankers is forecasted at only 3 loads/per week which would not be an increase upon current levels.

The Parish Council also raised concerns that traffic should be routed through the West Wilts Trading Estate to the north of Westbury. The applicant has indicated that the movement of milk powders is almost always to the north through the West Wilts Trading Estate. It is considered that the concerns of Heywood Parish Council have therefore been overcome. The Highway Authority have raised no objections to the proposal on the grounds of highway safety and their views are supported here.

Heywood Parish Council have suggested that a condition should be put on the permission routing Westbury Dairies goods traffic to/from the North of Westbury through the West Wilts Trading Estate. This type of condition would however be unenforceable, unnecessary and not related to the modest development being applied for, and as such cannot be supported by Officers.

The proposal involves the transportation of milk powder and the Environmental Health department were consulted on the application to which they have raised no objections. The proposal is therefore recommended for permission.

CONCLUSION

There would be no increase in production or traffic movements and there is no reason why permission should not be granted.

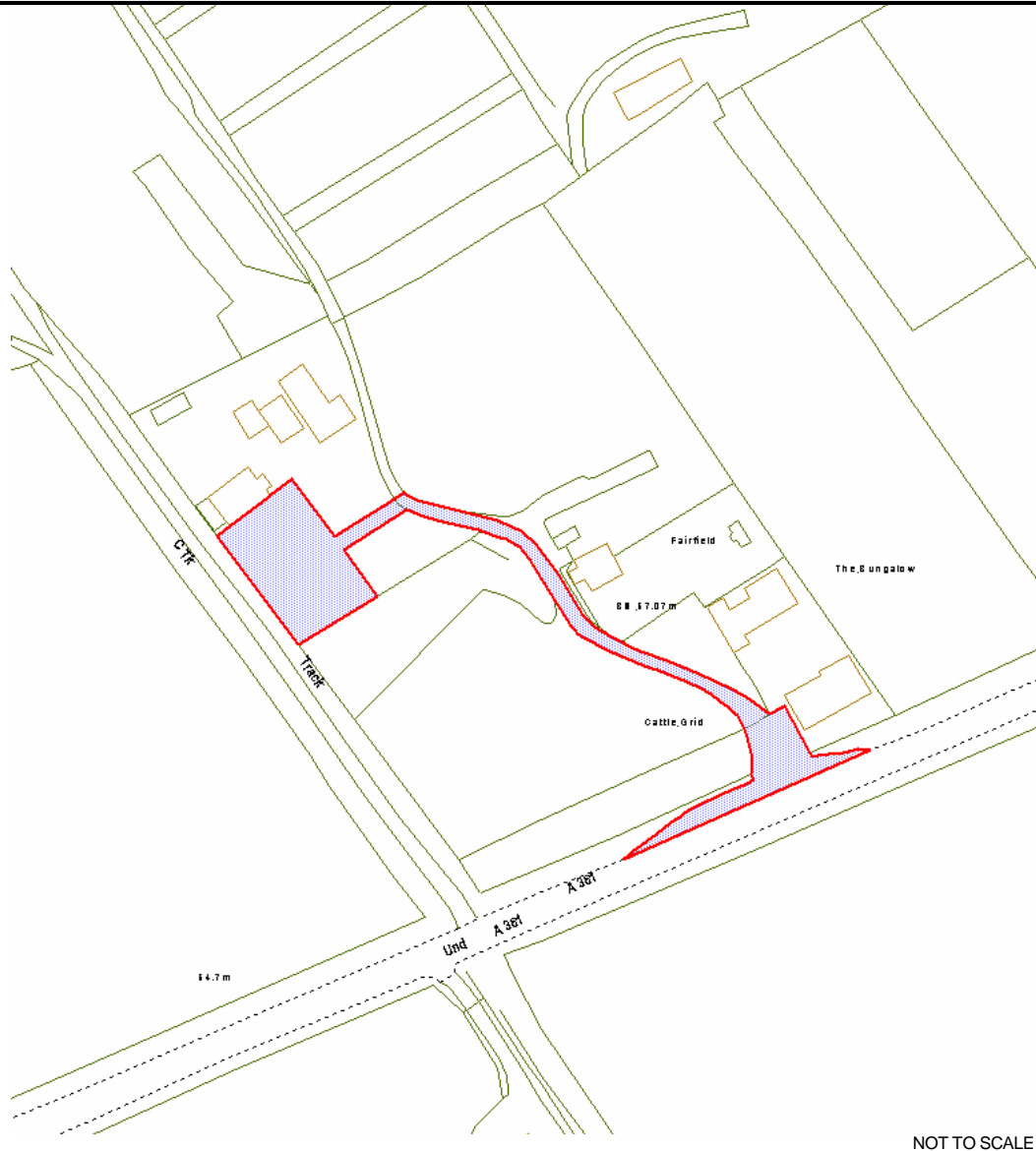
PLANNING COMMITTEE

7 June 2007

ITEM NO: 04

APPLICATION NO: 07/00778/FUL

LOCATION: Land North East Of Fairfield Farm Devizes Road
Semington Wiltshire



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SLA: 100022961

04 Application: 07/00778/FUL

Site Address: Land North East Of Fairfield Farm Devizes Road Semington Wiltshire

Parish: Semington Ward: Summerham

Grid Reference 388937 159890

Application Type: Full Plan

Development: Erection of permanent single storey dwelling for caravan storage/agricultural worker (to replace temporary caravan)

Applicant Details: Mr And Mrs J Wallis
Fairfield Farm Devizes Road Semington Wiltshire BA14 6JD

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

Case Officer: Mr James Taylor

Date Received: 05.03.2007 Expiry Date: 30.04.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the inadequate justification for a functional need for workers to be on hand at most times and the availability of a range of dwelling and tenure types in the area, albeit not on-site, fails to meet the functional test as set out in PPS7. The proposal is therefore contrary to Policies H19 and C1 of the West Wiltshire District Plan 1st Alteration (2004) and Planning Policy Statement 7: Sustainable Development in Rural Areas, paragraph 10 and associated Annexe A paragraphs 3 and 4.
- 2 The proposal by reason of its use of uncharacteristic materials to the local area and its residential design would create an incongruous feature in a rural agricultural landscape, contrary to Policies C1 and C31a of the West Wiltshire District Plan 1st Alteration (2004).

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee at the request of Councillor Carbin.

This is a modified application following refusal of planning permission 06/03305/FUL. The current full planning application is for the erection of a permanent single storey structure in relation to a rural occupational dwelling for a caravan storage facility. The proposed dwelling would be a single storey structure timber clad with a roof of grey/green asphalt shingles. It would have a floor area of approximately 120 square-metres, approximately 13.5 metres long and 8.2 metres wide. It would comprise of a living room and kitchen, three bedrooms, a bathroom, and modest utility. It would be no higher than 4 metres to its ridge. This is smaller than the previously proposed structure by some 30 square-metres.

In addition the application has been supplemented with a proposed uni-lateral undertaking, a design and access statement and a security survey/advice from the Wiltshire Constabulary. The latter is not part of the public file for security reasons, however extracts selected by the applicant and their agent are available on the public file.

The application site is located to the north side of the A361 Devizes Road between Trowbridge and Semington, less than 1km to the west of Semington and 1km to the east of the Paxcroft Mead residential development of Trowbridge. The application site is approximately 120 metres from the highway, obscured from view by mature hedgerow to the south of the application site. To the north of the proposed dwelling is the extensive caravan storage facility, which has one vehicular access at the point of the proposed dwelling.

The caravan storage facility was originally a farm diversification scheme for the Fairfield Farm adjacent to the proposal. However it is now a separate business, and is not related to the farmhouse. Part of the site has agricultural storage buildings of steel frame construction that are not suitable for conversion to residential use. The surrounding area is open countryside of a gently undulating appearance and agricultural character.

CONSULTATION REPLIES:

- SEMINGTON PARISH COUNCIL: No objection subject to the proposal being tied to the use of the land/nature of the business, further a condition to prevent the sale of the dwelling as a separate entity.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections.
- ENVIRONMENT AGENCY: Does not wish to comment.
- WESSEX WATER: No objections.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: Unacceptable in policy terms. Whilst sympathetic to the security needs of a commercial enterprise the proposed solution is not supported by planning policy. The applicant implies that the security requirements of the business override planning policy. However, the applicant has not provided any evidence to show the extent of the threat posed by criminal activity, or its frequency. West Wiltshire has one of the lowest levels of crime in the country- although, the perception of crime remains real.
- HOUSING SERVICES: Located outside the Village Policy Limits and therefore would only support suitable applications for 100% affordable housing as per Policy H22.
- ENVIRONMENTAL HEALTH: No objections
- PROPERTY AND ESTATE SERVICES: No comment to make.
- ECONOMIC DEVELOPMENT: No comment to make.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties and a public notice. 5 letters have been received supporting the application.

- Concerned that the Council want no security at the site.
- Security needed to prevent theft and vandalism of caravans
- Need 24-hour access to caravan and personal help of caravan store manager
- Log cabin would be in keeping with the environment and this is supported by this Government who are continually promoting Green issues.

- Used to have a 24-hour presence when the business was run by the farmer, but now the operation has been separated from the farm.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C1 Countryside Protection
C31a Design
C32 Landscaping
C38 Nuisance
H19 Development in Open Countryside
H22 Affordable Housing on Rural Exception Sites

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas

RELEVANT PLANNING HISTORY

84/01356/FUL - Storage of caravans - Permission - 18.12.1984 (NB There have been several further changes of use granted to extend the facility)
92/01387/FUL - Stationing of caravan for security guard - Permission - 26.01.1993
95/01228/FUL - Stationing of caravan for security guard (renewal) - Permission - 20.11.1995
03/00565/FUL - Use of caravan for night watchman at caravan storage facility - Permission - 28.05.2003
06/03305/FUL - Erection of permanent single storey dwelling for caravan storage/agricultural worker - Refusal - 21.12.2006.

KEY PLANNING ISSUES

The key issue in this application is if the proposed occupational dwelling is justified in open countryside and therefore acceptable in principle. Further it should be considered if the dwelling is commensurate with the established functional need and then consider any other environmental considerations such as highways, amenity and design. The planning history on the site is another material consideration.

PLANNING OFFICER COMMENTS

The Principle of the Proposal

The development plan policy most relevant to the principle of this development is H19: Development in Open Countryside. This states that new dwellings in the countryside and in settlements without Village Policy Limits will not be permitted unless justified in connection with the essential needs of agriculture or forestry. This is because new residential development in open countryside is not considered to be sustainable, as there are inadequate facilities and services to support further development. Furthermore it is Council policy that new residential development should be directed towards existing settlements in sustainable locations.

National government guidance from 2004 in Planning Policy Statement 7 on Sustainable Development in Rural Areas highlights at paragraph 10 that isolated new houses in the countryside require special justification for planning permission to be granted. At Annexe A it specifies the criteria by which an application for an agricultural, forestry and other occupational dwellings shall be considered. Paragraph 15 of this Annexe states that other occupational dwellings may be acceptable but the same stringent tests that apply to agricultural dwelling applications must also be applied. No guidance is offered on what other occupational dwellings may relate to, however it is considered that this proposal which is based on a dwelling for a rural caravan storage facility can suitably fit into this category.

It is necessary to test the principle of the development against the guidance in Annexe A of PPS7 paragraphs 3-13. The applicant states that the need relates to the employment of 2 full-time and 2 part-time staff, and has shown that the caravan storage facility has been established and profitable for at least 3 years. They state that the farmhouse is not available for purchase and the current owner-occupier has stated that they do not wish to sell their property. There are no other residential properties on the site, however 2 bungalows reasonably well related to the site. One of these is adjacent to the main road and is available on the open market, however the applicant states that a satisfactory compromise on the price cannot be reached. However it is noted that the application site is within 1km of the fringes of the village of Semington and the residential development of Paxcroft Mead in Trowbridge.

Further, it is necessary for there to be an existing functional need for the occupational dwelling. The applicant states that it is necessary for 24-hour on site security so that any intruder may be confronted immediately. The Caravan Site Storage Owners Association insists that a resident night watchman is available and the applicant states that the security is paramount to the business viability. A letter from the Wiltshire Constabulary, which highlights that on-site security, would be beneficial, has now supplemented the application since the refusal in 2006. In addition the applicant states that 24-hour service is an attraction of the business, however this is not considered as relevant as security. Indeed this type of service may be introduced by other means such as security code access.

The applicant's justification, the relevant development plan policies and the national guidance in PPS7 and its annexe have all been considered. The additional information from the Wiltshire Constabulary has also been considered along with the applicant's willingness to enter into a unilateral agreement. However it is still considered that although 24-hour security is an acknowledged necessity this can also be achieved through other means such as a night watch or security cameras. As such this does not justify the proposed occupational workers dwelling. Further it is noted at paragraph 6 of PPS7's Annexe that the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although by itself it will not be sufficient to justify one. This application is similar in that it relates to security, however there are no animal welfare grounds. The additional justification of offering an enhanced customer service is also understood but is not sufficient to outweigh planning policy. Reason 1 for refusal of application 06/03305/FUL has therefore not been overcome.

Although the existing farm buildings on site are not suitable for conversion and the existing farmhouse is not available for purchase. The site is within 1km of the fringes of well-established residential settlements, and 2km of a huge range of residential properties of varied tenure and type in Semington, Hilperton and Trowbridge. Such distances can reasonably be covered in the event of a security incident to provide additional support to on-site security measures. It is regrettable that the bungalow for sale at the entrance of off the A361 was not available at a mutually agreeable price, and that this farm diversification business has been severed from the agricultural operation and therefore the existing farmhouse.

For a combination of the above reasons it is considered that the principle of the development is unacceptable and it fails to meet a functional test. The security of the caravans is not considered to be significantly different to the security necessary at any warehouse facility, which would not normally have residential accommodation for the security. These stringent government tests are set out to prevent the creation of residential development in inappropriate rural locations.

It is noted that temporary permissions for a caravan for a security guard have been allowed and later renewed, however these were allowed as they can run concurrent with the temporary use of the land for caravan storage. Whilst mindful of the national guidance in circular 11/95 it is considered that this proposal does not meet the functional test set out in more recent national guidance in PPS7. Further the applicant's willingness to enter into a unilateral agreement does not overcome this objection to the very principle of the development.

Scale of the Proposal

PPS7's Annex A goes on in paragraph 9 to state that the size of the occupational dwelling must be commensurate with the established functional requirement. As reasoned above there is not considered to be a functional need, however the scale of the development has been considered in relation to the guidance in Annex A. The dwelling should meet the requirements of the enterprise, rather than those of the owner or occupier. The application has been amended in this regard to represent a 3-bedroom dwelling with modest facilities. The additional fringe facilities of garaging, storage rooms and en-suite facilities, along with the general size of the built form have been reduced compared to the previous application. Although the principle of the development is not acceptable as highlighted above it is considered that the proposal is now commensurate with the applicants justification. It would allow for family accommodation for what is in this case a family run enterprise. Therefore on balance it is considered that reason 2 has been adequately addressed. However this in no way mitigates the fact that the very nature of the proposal is unacceptable, nor should influence the design merits of the scheme.

Other Material Considerations (including Design, Amenity and Highway Safety)

The proposed design of the dwelling is still an area of concern despite the reduced scale of the development. It is considered that the use of a timber clad structure with grey / green shingle roof has no context in this agricultural landscape. Whilst it is acknowledged that the proposal would be well screened this does not mitigate the use of inappropriate materials that are incongruous to the locality. Further it is noted that the building has a very domestic appearance and would be poorly related to the existing farm complex. Since the applicant has not provided sufficient justification for the occupational dwelling then it must be concluded that a building of such a residential appearance is inappropriate in the open countryside contrary to Policies C1 and C31a of the West Wiltshire District Plan 1st Alteration (2004). This is exacerbated by its poor relationship with the existing complex of farm buildings and bungalows. As such it is considered that reason 3 for refusal on application 06/03305/FUL has not been adequately addressed.

No other relevant additional information has been provided in this application and previous comments in the consultation process remain consistent with those made in application 06/03305/FUL. The letters of support have been noted, however it is not considered that these address the fact that the proposal is contrary to the development plan policies. It is stressed however that the Council is not opposed to security for the site, it is that other means would be more appropriate in the planning context. Further the applicant has not demonstrated that the scale of threat is so significant that it outweighs planning policy.

CONCLUSION

The proposed development has not addressed all the previous reasons for refusal, and it is considered that inadequate justification for the development has been made and that the design is incongruous in the rural agricultural landscape. As such the proposal is contrary to the development plan policies and government advice and should be recommended for refusal.

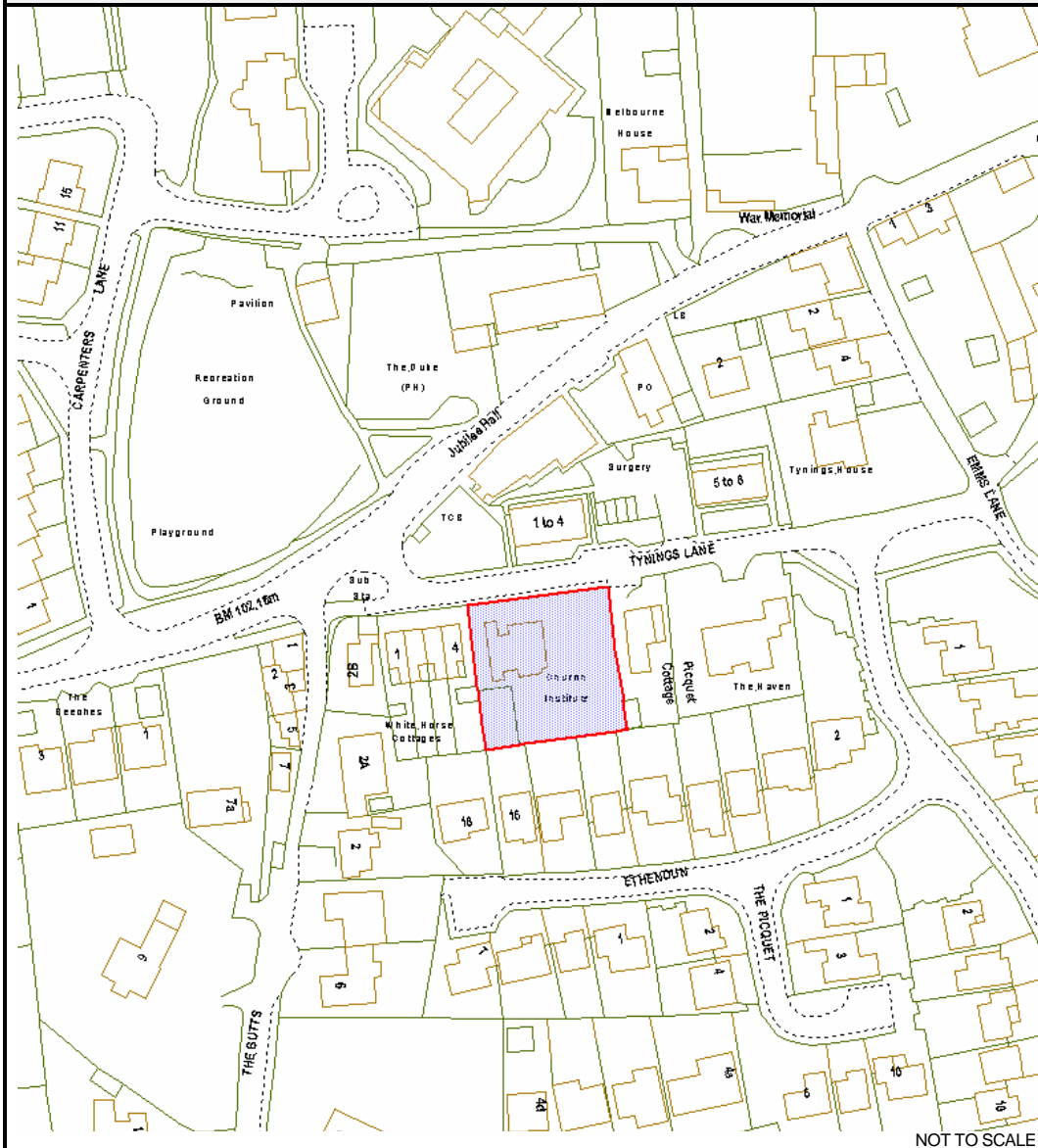
PLANNING COMMITTEE

7 June 2007

ITEM NO: 05

APPLICATION NO: 07/00745/FUL

LOCATION: Church Institute Tynings Lane Bratton Wiltshire BA13 4RR



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SLA: 100022961

05 Application: 07/00745/FUL

Site Address: Church Institute Tynning Lane Bratton Wiltshire BA13 4RR

Parish: Bratton Ward: Ethandune

Grid Reference 391499 152359

Application Type: Full Plan

Development: Ground floor rear extension including toilets, disabled toilets and disabled access

Applicant Details: Bratton Parochial Church Council
C/o Mr D Berry Melbourne House Bratton Wiltshire BA13 4RL

Agent Details: Mr John Hughes
8 Westbury Road Bratton Westbury Wiltshire BA13 8TE

Case Officer: Mr James Taylor

Date Received: 28.02.2007 Expiry Date: 25.04.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed development by reason of the length, size and scale of the extension, which would not be sympathetic to the scale, form and composition of the building, would be harmful to the character and appearance of the Conservation Area contrary to Policies C19 and C31a of the West Wiltshire District Plan 1st Alteration (2004).
- 2 The proposed development by reason of the length, size, scale and siting of the extension would not be sympathetic to the scale, form and composition of the existing building, contrary to Policy CF3 of the West Wiltshire District Plan 1st Alteration (2004).
- 3 The length and configuration of the ramped access and creation of additional doors and windows on the west elevation, together with their proximity to the boundary, would be harmful to the amenity and privacy currently enjoyed by the occupiers of the neighbouring dwellings by reason of overlooking and potential for increased general activity in this area, contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004).
- 4 The proposed development by reason of the loss of allotment sites, without adequate information, justification, or agreement for alternative provision would be contrary to Policy R12 of the West Wiltshire District Plan 1st Alteration (2004).

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the Planning Committee at the request of Councillor Swabey.

This is a full planning application for the erection of a rear extension to create additional facilities, and the creation of a new disabled access to the side of the building.

The proposed extension would be constructed from materials to match the host building with dimensions of approximately 6.4 metres in width and 14 metres in length. It would be approximately 2.6 metres high to the eaves and 6.3 metres up to the ridge. The proposed extension would be sited to the rear of the building, projecting to the south boundary. The side elevation would run parallel to the west elevation 4.8 metres from the boundary. The extension would provide new toilet and disabled toilet facilities, 2 additional stores, an oratory, a new kitchen and would free up existing space for use as storage.

Further it is proposed to erect a 1.8 metre fence along the western boundary, and create disabled access. This would involve blocking up the existing steps, and creating a ramped access immediately adjacent to the boundary running 27.5 metres up to a new entrance to the building at the rear of the extension facing west. The access ramp then returns and continues to a disabled door and then runs to the front of the building via steps.

The Church Institute is an attractive, historic building within the village of Bratton. It is located on Tynning Lane, known as the Church Institute and is used for a variety of community events, meeting etc including the village pre-school. It is constructed from red brick with plain tiles to the roof, stone detail to the fenestration and Tudor style detail to the front gables. It is raised above the road levels and access is obtained via 2 existing sets of steps to the front of the building. It has an enclosed garden area to the sides and rear, part of which to the south west of the application site is used for allotments. The existing western boundary is a 1 metre high picket fence. The surrounding land use to the rear and east and west is residential. It is noted that the rear has a very modest extension existing which includes a flat roof.

The Church Institute is unlisted, but located within a designated Conservation Area. It is also noted that the site forms part of a locally designated area of special landscape character. Albeit unlisted, the building is of some historic and architectural interest.

CONSULTATION REPLIES:

- BRATTON PARISH COUNCIL: No objection.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection.
- WESSEX WATER: No objection.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: Due to its rear location away from public views, and subject to satisfactory materials no objection in principle, but the scale is contrary to Policy C19 - Refuse.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. 6 letters have been received, 4 of objection and 2 of support.

The following objections were received:

- Unnecessary;
- Parking and highway safety problems exacerbated by increased facility;
- Overlooking;
- Loss of light - particularly in the winter months;
- Retaining wall and boundary fence are unacceptable;
- Loss of allotments;
- Design is energy inefficient;
- Unnecessarily large - objects to size and scale.

The following comments of support were received:

- Without planning permission the provision of pre-school education in the village will be jeopardised after 40 years;
- The proposals will have a beneficial impact on the neighbouring properties;
- Refurbished hall will be a valuable and necessary asset to the village;
- Provides much needed and improved facilities to users;
- Present accommodation is insufficient and the kitchen and toilet facilities are inadequate and unsatisfactory;
- The oratory of St Giles is in the process of being sold and its loss will put additional pressure on the Institute's facilities.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

- C3 Special Landscape Areas
- C17 Conservation Areas
- C19 Alterations in Conservation Areas
- C31a Design
- C38 Nuisance
- R12 Allotments
- CF1 General Community Facilities and Services Aim
- CF3 Villages and Rural Areas

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

RELEVANT PLANNING HISTORY

02/00748/FUL - Vehicular access and car park for the disabled - Refusal - 03/07/2007.

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 to consider regarding this application are the potential impact on the neighbouring amenity, the design of the host building and the character and appearance of the Conservation Area. Further the loss of allotments must be considered and the impact on the special landscape character must be assessed.

PLANNING OFFICER COMMENTS

The proposed extension and access would provide additional facilities that would be available as a community facility. Such development under Policy CF3 will be permitted having regard to scale, siting, design, highway, parking and other environmental considerations. As it is located in a Conservation Area and involve alterations to an unlisted building Policy C19 is relevant in addition to the standard design policy of C31a. C19 states that development will be permitted where 4 set criteria are met, including that the design is sympathetic to the scale, form and fenestration of the building.

The proposed extension would replace the existing modest extension, which dates, according to the applicant's design statement from 1978. This includes a rather unattractive and uncharacteristic flat roof. The proposed extension would result in a substantial increase in the length of the building on the west elevation, increasing by approximately 9.5 metres compared to the existing. It would be a 14-metre increase in length on the original without considering the existing extension. However even given the existing extension then it is still considered that the proposal is not proportionate or of a scale that is sympathetic to the host building.

The Council's Heritage Development Officer supports this view. It is noted that the proposal would utilise matching materials to the existing, and its form and height is reflective of the existing building. These elements in design terms are considered sympathetic, however they do not in any way mitigate the scale and disproportionate nature of the extension. It must be concluded therefore that the extension is contrary to Policies CF3, C19 and C31a.

It is accepted that the application is limited to the rear and that it would not be overly prominent in the public realm, but for these reasons it is not considered that the character and appearance of the Conservation Area would be harmed because of the size and scale of the proposed extension.

The proposal includes the erection of a 1.8 metre high boundary fence, which considering its position away from the public realm would not be harmful and be erected under permitted development. This boundary treatment, combined with the separation of the proposal from the boundary by approximately 4.5 -5 metres, and the relative orientation of buildings, would not cause significant loss of light to neighbouring properties

In 2002 planning permission for the creation of a vehicular access in this position was refused in part due to the increase in general activity and noise. Whilst it is accepted that this application is quite different in nature with only pedestrian access, it is still considered that due to its location adjacent to the boundary with residential properties and its scale and length of over 20 metres that there would be a significant increase in the general activity and noise. This would not be neighbourly and would be harmful to the amenity of the neighbouring properties, in particular the adjoining neighbour.

Further, the varying levels on the site and the creation of the built form leads to overlooking of the neighbouring property. It is acknowledged that the existing 1 metre high picket fence means that the neighbouring property is exposed at present, however there is no formal access at this point or overlooking windows. The proposal would increase the activity at this point and despite the erection of a 1.8 metre fence would still lead to opportunities for overlooking from the raised areas outside the two new entrances on the west elevation of the building. People at these points would be able to look directly over the fence into the neighbouring properties, and since there is proposed access to the building at this point it is reasonable to consider that this would cause harm over and above the existing arrangement. Further the creation of toilet windows on the west elevation is not considered to be neighbourly. The proposal would be contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) because it would harm the neighbouring amenity.

The potential loss of allotments on the application site may now be considered. It is noted in the consultation process that objection is made to the loss of allotments on the site. It is not a registered WWDC allotment site and relatively limited in size. Its loss may not be significant in terms of the community facility, but no information of this regard has been supplied. Further no alternative site has been proposed for the allotments to replace those that would be lost. Based on the current information it must be concluded that the application is contrary to Policy R12 of the West Wiltshire District Plan 1st Alteration (2004). However the suggested wording for the reason for refusal is reflective of the limited information available in regard to this aspect of the proposals.

Due to the application site's position within the built environment of the village, it is not considered that any harm in terms of the special landscape character would occur.

There have been objections that the proposals are not necessary and that it would not be energy efficient. Neither of these issues are relevant to the application based on the development plan policies. Building Control regulations would ensure that the building meets with the Government stipulated levels of energy efficiency.

There have been letters of support for the application that have been given consideration and weight. It is concluded that the principles of extension and providing disabled access are acceptable, however this scheme is not an appropriate means of achieving these objectives.

CONCLUSION

The size and scale of the proposed extension would not be sympathetic to the existing building and would harm the character and appearance of the Conservation Area. The proposed ramped access and window configuration would be likely to result in loss of amenity to neighbours. Inadequate information has been provided with regard to the loss of allotments.

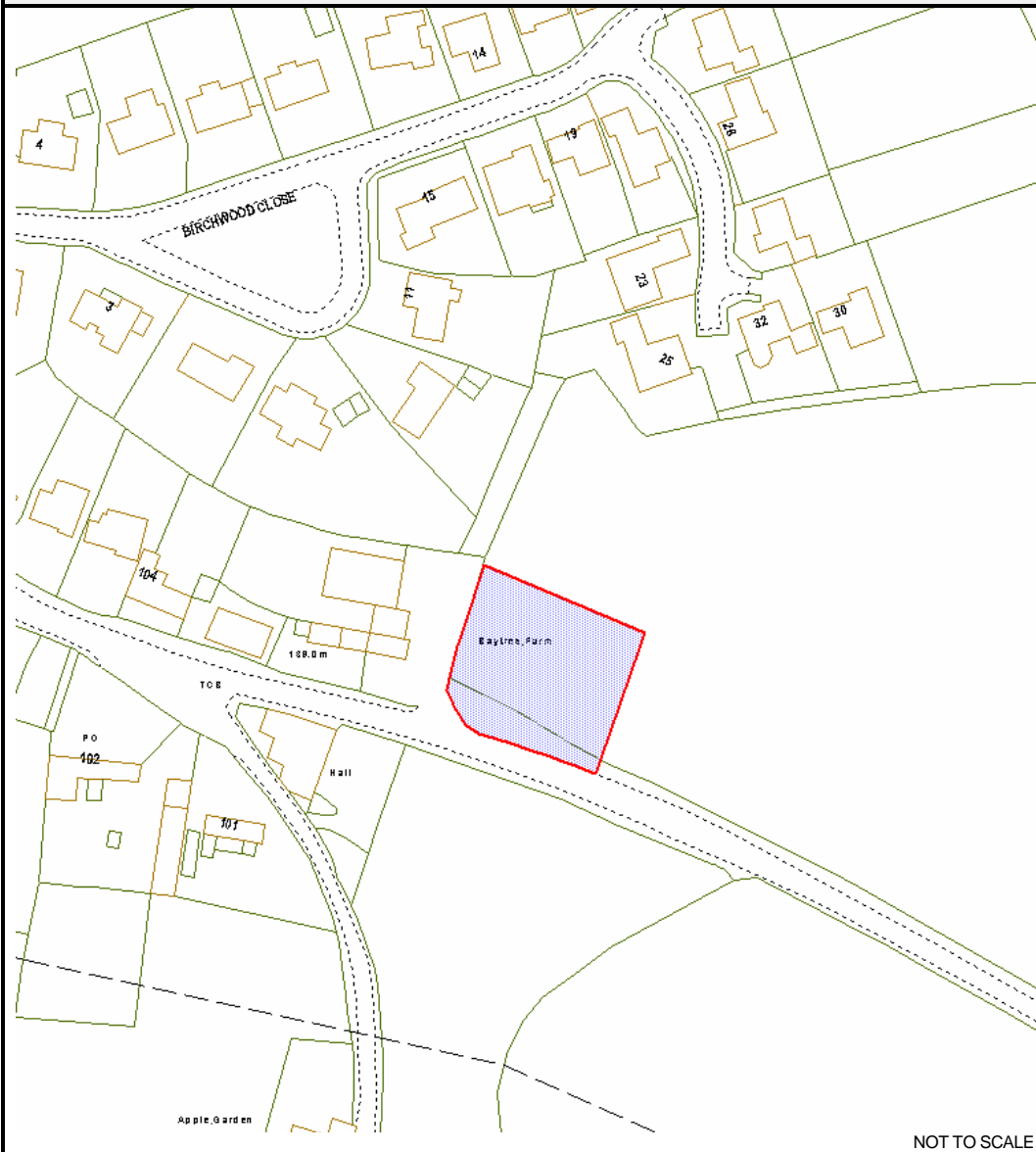
PLANNING COMMITTEE

7 June 2007

ITEM NO: 06

APPLICATION NO: 07/00671/OUT

LOCATION: Land Adjoining Baytree Farm Corsley Wiltshire



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SLA: 100022961

06 Application: 07/00671/OUT

Site Address: Land Adjoining Baytree Farm Corsley Wiltshire

Parish: Corsley Ward: Shearwater
Grid Reference 382219 145392
Application Type: Outline Plan
Development: New development of four houses with eight car parking spaces
Applicant Details: West Wiltshire District Council
Bradley Road Trowbridge BA14 0RD
Agent Details: Quattro Design Architects Ltd
1 Great George Street Bristol BS1 5RR
Case Officer: Mr Mark Reynolds
Date Received: 15.02.2007 Expiry Date: 12.04.2007

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 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.

- 2 Application for approval of the reserved matters (scale, layout, appearance, access and landscaping) 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 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.

- 4 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.

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

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

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

- 6 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.

- 7 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.

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

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

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

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

REASON: In the interests of pollution prevention.

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

- 10 Details of the proposed footpath shall be submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interests of highway safety.
- 11 The proposed entrance shall be constructed to have 6m minimum radii and be a minimum of 5.5m in width for the first 10m and the access road shall be properly consolidated and surfaced (not loose stone or gravel) prior to the occupation of the dwellings.
- REASON: In the interests of highway safety.
- 12 The gradient of the proposed access within 10 metres of the carriageway edge shall not exceed 1 in 15.
- REASON: In the interests of highway safety.
- 13 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.
- 14 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.
- REASON: To minimise the risk of pollution of the water environment.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.
- 15 The dwellings hereby granted permission shall remain as affordable units within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan 1st Alteration 2004 and for local need as defined in Policy H22 (a) and (b) of the West Wiltshire District Plan 1st Alteration 2004, for so long as the dwellings remain on site.
- REASON: The site is in an area where residential development is not normally permitted unless justified as an exemption for affordable housing.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies H2 and H22.
- 16 No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road or footpath in accordance with the approved plans.
- REASON: To ensure that the existing hedges of value are adequately protected.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies C1, C7 and C32.

17 This permission relates only to drawing No.1727-P-BT-1.

REASON: In order to clarify the terms of the permission.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because West Wiltshire District Council are the applicants.

This is an outline planning application for a development of four dwellings with eight car parking spaces. This outline application leaves all matters reserved.

The application site is located on agricultural land outside the village policy limits for Corsley Heath. It is for an affordable housing development forming a rural exception site. The site is bordered to the south by the A362 and is located within a Special Landscape Area.

The application is accompanied by a Parish Housing Needs Survey for Corsley which indicates that a need exists for affordable housing within the District.

A habitat survey and protected species assessment has also been submitted in support of the application.

CONSULTATION REPLIES

CORSLEY PARISH COUNCIL

'The Parish Council considered the above planning application and raised no objections to the outline planning application for four two bedroom homes. They did however raise the following issues of concern:

A, access to the properties from the A362 and the need for a third lane rather than the suggested use of the existing field gate.

B, a better mix of housing, to include a three bedroom home and a bungalow

C, waste water and sewage given that Corsley has no mains drainage

D, the parish council understands that the land outside the marked area for housing which runs alongside the road is not owned by the applicant.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

No objections subject to conditions

NATURAL ENGLAND

Comment as follows;

'Legally protected species - Natural England endorses the ecological consultants' recommendations regarding nesting birds and reptiles.

Wider biodiversity - Natural England supports the recommendations regarding the hedgerow retention, planting and lighting.'

ENVIRONMENT AGENCY

No objections but makes comments which have been forwarded to the applicant.

WILTSHIRE WILDLIFE TRUST

No objections

CRANBORNE CHASE & WEST WILTSHIRE DOWNS AREA OF OUTSTANDING NATURAL BEAUTY

Have provided detailed comments the main points being:

- lack of a landscape character assessment for site and context
- Creating a new access would put young children at risk, may result in removal of hedgerow
- Danger of ribbon development
- Lighting in the AONB
- Inaccuracy in submitted information

WESSEX WATER

No objections

INTERNAL CONSULTEES

PLANNING POLICY

Support the application noting that they consider that the proposal would not result in a pattern of development which would involve serious encroachment into the landscape.

HOUSING SERVICES

Comment as follows:

'I can confirm that Corsley 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 2 houses.

There are 9 households in priority need in Corsley on our waiting list.

The needs are supported from the waiting list and the housing needs survey. The WL indicates that 52% of households require 1 beds, 26% of households require 2 beds and 22% of households require 3 beds.

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

A Parish Housing Needs Survey was undertaken for Corsley in 2006 and this supports the need for Affordable Housing in this location (copy enclosed).

PUBLICITY RESPONSES

The proposal was publicised by site notice and in the local press, and neighbours were notified. Two letters were received raising the following objection:

- Highway safety concerns
- Inaccuracies in supporting statement
- Development is outside of village policy limits

PLANNING POLICY

Wiltshire & Swindon Structure Plan 2016

- DP1 Sustainable Development
- DP8 Affordable Housing
- DP14 Housing, employment and related development in the open countryside
- C8 Area of Outstanding Natural Beauty

West Wiltshire District Plan - 1st Alteration 2004

- C1 Countryside protection
- C2 Area of Outstanding Natural Beauty
- C3 Special Landscape Areas
- C7 Protected species
- C31a Design
- C32 Landscaping
- C35 Light pollution
- C38 Nuisance
- H19 Development within open countryside
- H22 Affordable housing on rural exception sites
- T10 Car parking
- T12 Footpaths and bridleways
- U4 Ground source protection area

Other planning Guidance

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- SPG Affordable Housing

RELEVANT PLANNING HISTORY

88/00281/FUL - Erection of six industrial starter units - Permission 07.06.1988

88/00542/FUL - Change of use from agriculture to garden centre - Refusal 05.07.1988

KEY PLANNING ISSUES

The key planning issues in this application are the policy principle, justification as an exception site; countryside impact, ecology, highways and planning history.

PLANNING OFFICER COMMENTS

Planning Policy:

The principle of developing a site for housing outside the designated village policy boundary is generally discouraged under policy DP14 of the Structure Plan and H19 of the District Plan. However the provision of affordable housing is encouraged in the area through policy DP8 of the Structure Plan and H2 of the District Plan.

Notwithstanding the general presumption against housing development outside the village policy limits, policy H22 of the District Plan allows for affordable housing as an exception to this presumption. It is this policy against which this application should be judged.

Affordable housing is defined in the District Plan (policy H2) as:

"... housing comprising low cost market housing and subsidised housing, provided for people who are unable to resolve their housing needs in the local private sector market because of the relationship between housing costs and incomes".

This application is submitted by the District Council as part of the Council's housing private finance initiative (PFI). The proposed dwellings are intended to be for affordable rented accommodation, and would fall within the definition of affordable housing for the purposes of the planning policy. If granted permission, conditions could be imposed to secure the occupancy for those groups defined in the policy.

In order to be considered as an exception site within the terms of the planning policy, the proposed site must be well related to the village but outside the village policy limit. In this case the site adjoins an existing garden centre to the west and housing exists to the north of this. Corsley Heath is designated as a settlement with a village policy limit which is capable of sustaining further residential development. The village policy limit is located directly to the west of the application site and continues to the north of the agricultural field within which the application site is located. The site is therefore physically well related to the village of Corsley Heath and can be considered as a candidate for an exception site for affordable housing.

Policy H22 then requires that such a proposal should comply with 4 criteria:

1. There must be demonstrable local need
2. Need is in line with the aim of maintaining a socially balanced community
3. There are permanent controls to secure the benefits of the scheme permanently
4. The scheme can be satisfactorily serviced and accessed.

Each one will be considered in turn.

Local Need:

The housing needs survey has confirmed that the greatest need is for No.2 bed units across all tenures and that there are nine households in priority need. There is therefore a clear and demonstrable housing need for this form of development.

Socially balanced community:

The demographics of the area indicate that there is a high proportion of owner-occupied properties relative to those available for rent. The additional properties for rent would therefore enhance the social balance of the village.

Permanent control:

The development must provide permanent controls to ensure that the properties remain available to meet local affordable needs in the future. This should be a requirement of any planning permission granted. Such controls can be secured by condition on a permission.

Satisfactory serviced and accessed:

The highway and access arrangements are considered in more detail under Highway safety below.

There are no public sewers or foul sewage disposal works at the site therefore private facilities will need to be provided. There have been no objections raised by Wessex Water to this approach and the issues of delivery of these services will be considered further in the building regulations submission. The details of foul drainage will also need to be further assessed by the Environment Agency who will require a consent to discharge and the applicant is aware of this. There exists water mains within the vicinity and connection can be agreed at a later date.

Planning History:

Planning permission has been granted in planning Ref: 88/00281/FUL for the erection of six industrial starter units on a larger site within the same field. These were large buildings and would have involved the creation of a larger access of 10.5m in width than is proposed here. The development does not appear to have been implemented at any point but still represents a material consideration in the determination of this application.

Impact on countryside:

The site is adjacent to an AONB which is located to the south of the A362. The application site is located in open countryside. The District Council commissioned Chris Blandford Associates to complete a comprehensive Landscape Character Assessment for the District. The application site is located within an area designated as F4: Corsley Greensand Hills. This area is characterised by its rolling hills, creating a strong contrast between a sense of enclosure on the valley floor and the openness on the hilltops. Farmland is the dominant land use in the area with mainly pastoral, small to medium sized generally regular fields enclosed by hedgerows with hedgerow trees. The condition of the hedgerows varies between fairly gappy in places and intact in others. The tree clumps framing views in every direction give the area a slightly wooded feel. Several farmsteads are scattered over the area whilst small villages and hamlets can be found both on the hills and valley floors. A sense of peacefulness is apparent across the entire area, away from the busy A362. A network of footpaths and narrow sunken winding lanes connects the various settlements in the area.

This particular site is a characteristic open field which is enclosed by hedgerow. The field is relatively flat and provides a rural buffer between the settlement of Corsley Heath to the west and a linear row of six properties bordering the A362 to the south. This proposal will inevitably result in the development of land which would normally be unacceptable. The introduction of four dwellings and associated access and parking would in this case read as an extension to the village. Land to the north of this large agricultural field is also encompassed in the village policy limit and it would not appear as an unacceptable intrusion into the countryside. The development would appear with a backdrop of residential properties behind and a gap in excess of 130m would be retained to the dwellings which front onto the A362 to the east. A ribbon form of development would not occur and a distinct visual gap would be retained between Corsley Heath and these isolated dwellings.

The development would seek to maintain most of the existing hedgerow around the site and could be achieved without harming the AONB which is located on the opposite side of the A362.

Highway safety:

The existing field gate access would need to be widened to allow two cars to pass at the access and to give 6m radii. The proposal involves the introduction of two car parking spaces per dwelling which is considered to be an adequate level of parking for each of the two bed units proposed. The works to the access could be achieved but would require the removal of some hedgerow. The removal of the hedgerow would however be fairly limited and this would be acceptable in this case especially given that the planning history where permission was granted for industrial units with an access of 10.5m in width.

The Highway Authority have advised that signage exists on the frontage of the site onto the A362 which may limit visibility. This signage does not appear to have advertisement consent and the enforcement team will be asked to investigate this.

Ecology:

The application has been supported by a protected species survey and a habitat survey and the results of which have been endorsed by Natural England and the Wiltshire Wildlife Trust. The report notes that there is limited potential for bats, dormice, reptiles, amphibians and badgers to be within the site. The hedgerows around the site could support birds. The report advises that a minimum of hedgerow should be lost. It is not considered in this case that harm would be caused to protected species.

Design:

This is an application for outline planning permission with all matters reserved. The submitted drawings should be understood as indicative and the details of the layout, scale, appearance, access and landscaping (the reserved matters) will be considered in any subsequent reserved matters application.

Other matters:

The Parish Council would prefer to see more of a mix of types of house. The design of the dwellings does not form part of this application and will be considered at the reserved matters stage. There exists demand for two bed units in the area and this proposal may assist in meeting an established need.

Comments have been received regarding issues of land ownership this has been investigated and the applicant has subsequently served notice on an additional land owner who has been able to comment on the scheme.

An objection has been received that housing in this location near the A362 may be a threat for child safety. There exists a number of existing residential properties which front onto the A362 and this is not considered to be a reason for refusal.

Inaccuracies in the supporting statement have been highlighted by a consultee and a member of the public. The applicant has been made aware of this and has confirmed that the proposal is as found on the submitted plans and description.

CONCLUSION

The proposal accords with the affordable housing on rural exception site policy and it would not harm the countryside, ecology or highway safety.

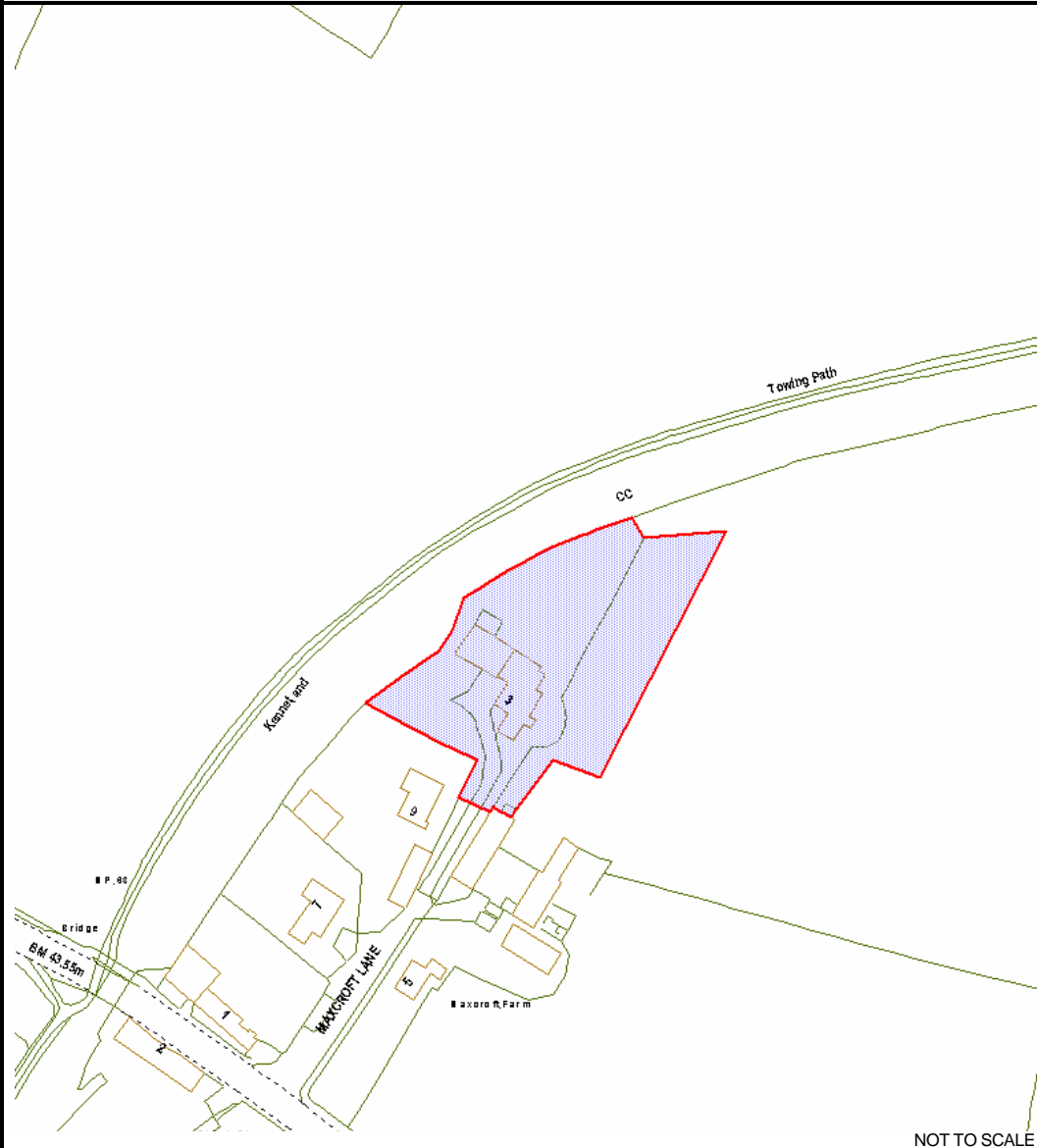
PLANNING COMMITTEE

7 June 2007

ITEM NO: 07

APPLICATION NO: 07/01060/LBC

LOCATION: Maxcroft House 3 Maxcroft Lane Hilperton Wiltshire
BA14 7PY



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www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 07/01060/LBC

Site Address: Maxcroft House 3 Maxcroft Lane Hilperton Wiltshire BA14 7PY

Parish: Hilperton Ward: Paxcroft
Grid Reference 386199 160338
Application Type: Listed building
Development: Subdivision of existing house to form two dwellings
Applicant Details: Mr And Mrs Weaver
Maxcroft House 3 Maxcroft Lane Hilperton Wiltshire BA14 7PY
Agent Details: The Architecture Practice
16 Gay Street Bath BA1 2PH
Case Officer: Mr Matthew Perks
Date Received: 26.03.2007 Expiry Date: 21.05.2007

REASON(S) FOR CONSENT:

The proposed works are in accordance with the Development Plan, as the proposed works would not harm of the adjacent listed building setting or any features of special architectural or historic interest it possesses.

RECOMMENDATION: Consent

Condition(s):

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

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

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

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

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

- 3 Details of the elevations of all new or replacement external windows, rooflights and doors 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 of the building and the setting of the adjacent listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C31a.

- 4 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, 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 ensure that the setting of the adjacent listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C31a.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a listed building consent application for amendments to an approved consent for the subdivision of Maxcroft House into two dwelling units. The previous scheme was granted consent and planning permission under references 06/01244/LBC and 06/01255/FUL respectively. An application for planning permission has also been submitted for consideration. (07/01058/FUL).

Maxcroft House is a two storey property with an attached ancillary accommodation (the subject of this application), and is located on a 0.2283 hectare site, to the north of Hilperton and adjacent to the Kennet and Avon Canal, which runs along the northern boundary of the application site. The proposed size of the curtilage of the new dwelling would be 0.1442 hectares. The site is at the northern end of Marsh Road at the end of an unadopted track known as Maxcroft Lane. This serves a farm and four residences and emerges onto the B3105 between the Kings Arms public house and the canal bridge.

The proposed changes to the approved scheme are as follows:

- amendments to internal floor to floor heights to allow better attic space provision
- an increase in size of rear extension (to provide better proportioned kitchen/dining space)
- additional rooflights to stair and attic space
- two additional small windows to gable elevation facing Maxcroft House
- minor amendments to two garages
- use of purpose made timber windows/doors to new dwelling with colour coated aluminium external finish
- retention of high level opening in canal gable elevation
- omission of gable parapets

HILPERTON PARISH COUNCIL

The Parish Council comments as follows on this and the full application:

"The Parish Council is aware that planning permission for the subdivision of Maxcroft House was allowed on appeal and there has already been a further application for minor amendments (in May 2006). The Parish Council does not object to application 07/01058/FUL (for planning permission) but wishes to object to the application for listed building consent (07/01060) as it is felt that the proposed amendments will not enhance this listed building."

PUBLICITY

This application has been advertised by way of public notice. No responses were received.

STATUTORY CONSULTATIONS

N/A

INTERNAL WWDC CONSULTATIONS

Heritage Development Officer

In absence of Heritage Development Officer, his line manager has expressed no objection.

RELEVANT PLANNING HISTORY

87/00089/FUL - Change of use from residential to hotel / restaurant use - Refused 10.03.1987
87/00090/FUL - Change of use from residential to old peoples home - Permission 07.04.1987
90/00612/LBC - Erection of internal partition wall and ceiling to create workshop in part of link room - Consent 05.06.1990
91/01179/LBC - Re-roofing with slates, internal and external alterations - Consent 05.11.1991
99/01017/LBC - Conservatory - Consent 06.09.1999
04/00879/LBC - Conversion of barn and link building into a self contained separate dwelling with two new garages and associated external works - withdrawn 12.07.2004
04/00884/FUL - Conversion of barn and link building into a self contained separate dwelling with two new garages and associated external works - Withdrawn 12.07.2004
04/02067/LBC - Conversion of barn and link building into a self contained separate dwelling with two new garages and associated external works - Consent 21.04.2005
04/02065/FUL - Conversion of barn and link building into a self contained separate dwelling with two new garages and associated external works - Refused : 21.04.2005 - Appeal allowed 25.08.2005.
06/01244/LBC: Subdivision of existing house to form two dwellings (minor amendments to approved): Consent: 06.06.2006
06/01255/FUL: Subdivision of existing house to form two dwellings (minor amendments to approved): Permission: 06.06.2006

An important aspect of the history of this site is that the Inspector noted in the Appeal on Application 04/02065/FUL that "The annexed building is not part of the listed structure but it does form part of its setting and its retention is relevant. The annexe is in poor structural condition and the proposed scheme would generate funds and a rationale for its renovation and repair, as well as funding works to the house." Listed building consent was required where there was a linkage to the listed building and the annexe fell within the then curtilage of the building.

PLANNING POLICY

Wiltshire Structure Plan 2016

HE7 - Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004

C27 - Character and setting of Listed Buildings

PPG15 - Planning and the Historic Environment (Sept 1994)

KEY PLANNING ISSUES

The only consideration in this application is whether or not the amendments are acceptable changes to the previously approved application.

PLANNING OFFICER'S COMMENTS

In allowing the appeal under application 04/02065/FUL the Inspector permitted an alteration to the appearance of the annexe building which included "...significant alterations to the rear elevation, and the insertion of doors into the side elevation..." as well as a revision to the pattern of windows, amongst other changes. However, he held the view that the changes would result in positive improvements to the front elevation and how it relates to the listed building. Significant changes to the character and appearance of the building were thus accepted.

The current proposal would extend the footprint of the annexe building by 4.9m towards the north of the existing. No change is proposed to the ridge height of the roof, and the "catslide" roof form on the northern elevation would be retained, although its angle would be altered as a result of the extension. This is the most significant change. Other changes are considered minor and aesthetically acceptable. The omission of the gable parapets and the retention of high level opening in the canal gable elevation are design features that are more in keeping with the existing building than the previously permitted proposals. The additional two small windows to the eastern elevation are either to non-habitable rooms or face a blank wall. The garage would be of the same size and be sited on the curtilage of the dwelling already approved. Materials would be unchanged, as would the relationship to the listed building.

CONCLUSION

The site history is an important material consideration in this case. Accepting the Inspector's view that the annex itself is not listed (although it is located on the original listed curtilage, which has effectively been subdivided off by virtue of the previously granted planning permission), it is considered that the alterations to the approved plans should be granted consent.

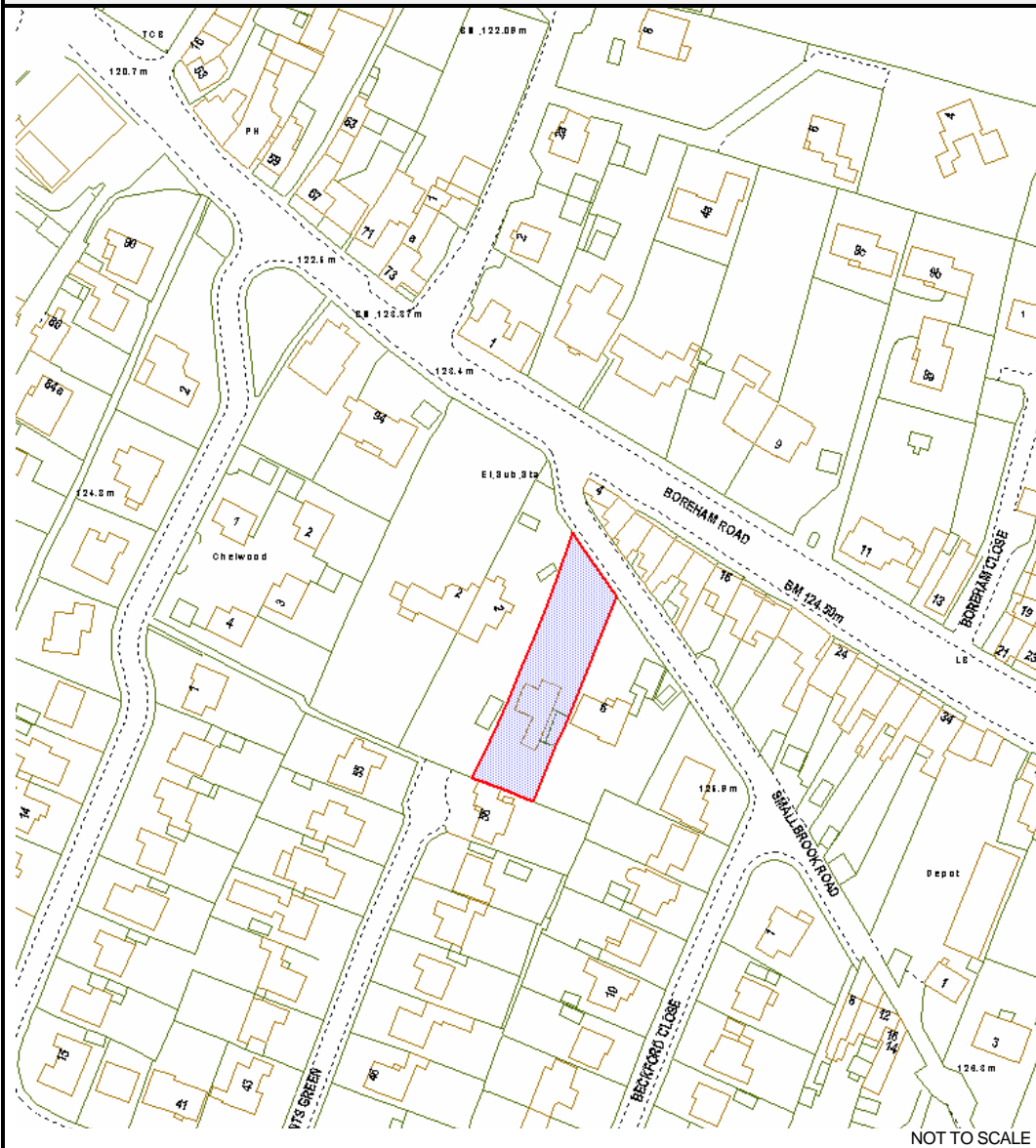
PLANNING COMMITTEE

7 June 2007

ITEM NO: 08

APPLICATION NO: 06/03175/FUL

LOCATION: 4 Smallbrook Road Warminster Wiltshire BA12 9LN



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SLA: 100022961

08 Application: 06/03175/FUL

Site Address: 4 Smallbrook Road Warminster Wiltshire BA12 9LN

Parish: Warminster Ward: Warminster East
Grid Reference 387882 144741
Application Type: Full Plan
Development: Proposed extension and garage
Applicant Details: Mr And Mrs Wicks
4 Smallbrook Road Warminster Wiltshire BA12 9LN
Agent Details: Mr Peter Withey
3 Hill Deverill Warminster Wilts BA12 7EF
Case Officer: Mrs Jane Sanger
Date Received: 17.10.2006 Expiry Date: 12.12.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the height and length of the first floor extension together with the overall scale, form, mass, location, proximity to and relationship with the eastern boundary, would result in an overbearing impact, overshadowing and loss of daylight/sunlight harmful to the reasonable amenities currently enjoyed by the occupiers of the dwelling to the east. Furthermore, the proposed fenestration including the rooflights would result in loss of privacy to the occupiers of neighbouring dwellings, contrary to Policies C31A and C38 of the West Wiltshire District Plan 1st Alteration (2004) and the Supplementary Planning Guidance (House Alterations and Extensions) 2004.

COMMITTEE REPORT

APPLICATION DETAILS:

This application has been brought to Committee at the request of Councillor Davis.

This is a revised application to build a first floor extension spanning the depth of the property from north to south, under a tiled gable end roof. The proposal would further involve increasing the external footprint of the building eastwards and southwards displacing the adjoining walkway, garage and outbuildings.

The proposed extension would extend an additional 6.6 metres eastwards from the existing front bedroom and would expand the length of the building to approximately 33 metres providing a larger front bedroom, bathroom, hall, kitchen and living room. The height of the building from ground to ridge would be approximately 6 metres, approximately 1.8 metres higher than the existing to the ridge.

A velux window is proposed on the front elevation of the building, with three additional-velux windows on both the western and eastern elevations of the raised roof plane. The fenestration would further change on the southern elevation incorporating an additional double leaf door and a window at ground floor level and a pair of doors and Juliet balcony at first floor level.

The existing single garage, adjacent connecting walkway and timber buildings to the rear and side of the property would need to be demolished in order to accommodate this extension.

A garage block is proposed to the north of the property, to include one enclosed garage, with two adjacent carport style bays, under a tiled hipped roof. It would be approximately 9.9 metres in length, 5.9 metres wide and 4.15 metres high.

The host building is a modest sized detached bungalow, primarily L-shaped, with a recessed open style porch off the front elevation. It is built from white rendered blockwork under a tiled roof.

CONSULTATION REPLIES:

WARMINSTER TOWN COUNCIL:

No objections raised.

STATUTORY CONSULTEES:

HIGHWAYS:

The proposal does not affect the access or parking provision to the site, therefore no highway objection is raised.

NON-STATUTORY CONSULTEES

PUBLICITY RESPONSES:

The application was publicised by site notice and press advertisement and neighbours were notified to which there has been no response.

PLANNING POLICY

The West Wiltshire District Plan 1st Alteration (2004)

C17 - Conservation Areas

C31A - Design

C38 - Nuisance

The Supplementary Planning Guidance (House Alterations and Extensions) 2004

RELEVANT PLANNING HISTORY:

77/00852/HIS - Proposed extension to provide bed/sitting room and toilet facilities and extension to kitchen - Approved - 18/11/77

00/00672/OUT - One dwelling (outline) - Refused - 19/04/00

KEY PLANNING ISSUES:

The main considerations are the impact of the development on the host building, neighbouring amenity, the setting of the adjoining Conservation Area and whether the current proposals overcome the previous reason for refusal.

PLANNING OFFICER COMMENTS

This revised application seeks to overcome the previous reason for refusal by reducing the height of the building by 0.4 metres.

The Supplementary Planning Guidance (House Alterations and Extensions) 2004 states:

"A two storey extension more than 2 metres in length or close to the boundary with another house, is likely to have an adverse impact on the neighbour".

The proposed first floor extension by reason of its proposed height, size, existing length and mass would cause significant harm to the neighbouring amenity to the east, and would have a dominant effect on the outlook and garden area of that property.

The height of the building currently proposed, although reduced from the previously proposed height, would still cause significant harm to the amount of daylight/sunlight enjoyed by the occupiers of the neighbouring dwelling to the east. This together with its proximity to the eastern boundary would cause overshadowing to their garden and to habitable windows situated on their southern elevation.

The window on the western elevation of the neighbouring dwelling to the east, facing the proposal, is an attic room, used for storage. It is not as such a habitable room therefore the proposals would have little impact on the amount of daylight into this window.

The proposed first floor extension and its relationship with the neighbour to the east fails the 45-degree projection test contained within the Supplementary Planning Guidance. Furthermore, a 90-degree open view in front of these windows would not be maintained, contrary to the guidelines in the Supplementary Planning Guidance (House Alterations and Extensions) 2004.

Whilst it is acknowledged that the length of the building would remain unaltered, the additional height proposed, of 1.8 metres over the existing, together with the proposed increase in width, bringing it closer to the eastern boundary, would lead to loss of daylight/sunlight into the neighbouring dwelling to the east.

The proposed fenestration including the velux windows would also be likely to result in loss of privacy to neighbours. The fenestration is unchanged from that previously proposed and would still result in overlooking.

The proposal would not be seen have an impact on the setting of the nearby Conservation Area.

CONCLUSION

The proposal would result in a large extension which by reason of its size, height, mass and fenestration would cause harm to neighbouring amenity.

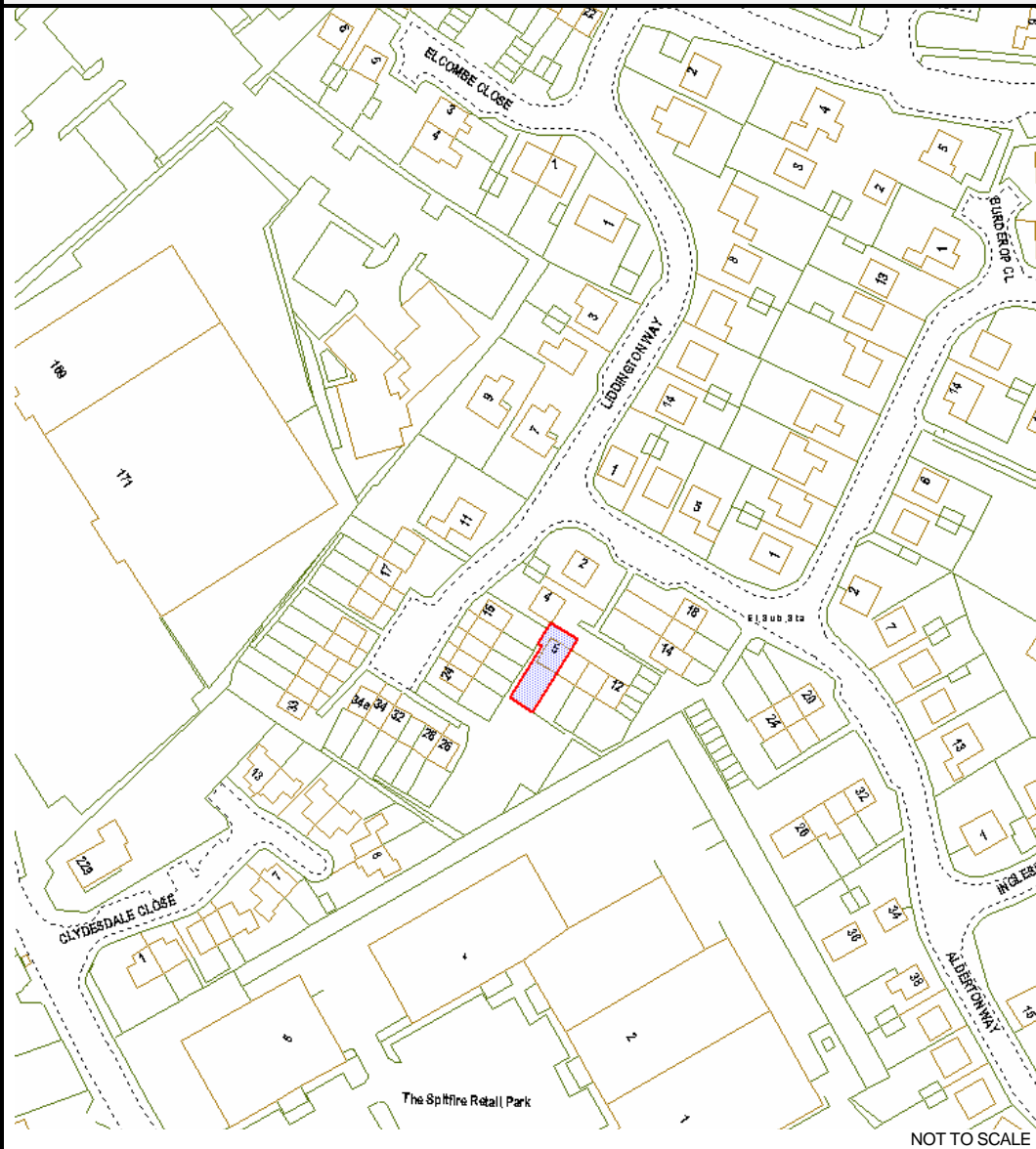
PLANNING COMMITTEE

7 June 2007

ITEM NO: 09

APPLICATION NO: 07/01084/FUL

LOCATION: 6 Alderton Way Trowbridge Wiltshire BA14 0UE



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www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 07/01084/FUL

Site Address: 6 Alderton Way Trowbridge Wiltshire BA14 0UE

Parish: Trowbridge

Ward: Trowbridge And North
Bradley

Grid Reference 385535 156187

Application Type: Full Plan

Development: Proposed front and rear extensions

Applicant Details: Mr M Harding
6 Alderton Way Trowbridge BA14 0UE

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

Case Officer: Mr Peter Westbury

Date Received: 30.03.2007

Expiry Date: 25.05.2007

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for full planning permission for front and rear extensions to 6 Alderton Way, Trowbridge.

The application site is a two-storey end of terrace property on the southern side of Alderton Way. The property is surrounded by residential development. It is not the subject of any statutory designations.

The application is in three parts. It includes a single storey front extension. The plans indicate that this would project 1.7m forward of the main front wall of the terrace. It would incorporate a sloping roof from a maximum height of 3.3m, sloping down to 1.9m at eaves level. It would be 5.5m wide.

The plans indicate that the proposed rear extension would be 3.4m deep, 3.2m wide and would incorporate a sloping roof which would be 3.3m tall at its highest point sloping down to 2.1m at eaves level.

The proposal also includes the addition of a chimney shaft and to the side of the property to a height of 6.9m (0.2m above the height of the existing ridge).

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: No comments received.

PUBLICITY RESPONSES

Neighbouring properties were consulted and as a result no representations were received.

RELEVANT PLANNING POLICY

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

SPG - Planning Design Guidance (House alterations and extensions)- 2004.

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main consideration in the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh that policy.

PLANNING OFFICER COMMENTS

The SPG on House Alterations and extensions provides guidelines on the size, subservience and design of extensions. It is considered that the proposal would be acceptable in the context of this guidance.

It is recognised that the front extension would be the first of its kind in this terrace, but it is of a scale and character to be in keeping with this and surrounding residential properties.

The proposed rear extension is of a scale that if it were the only proposal for the site, it would represent permitted development and would not require an application for planning permission. It would be in keeping with this and neighbouring properties and is consistent with Development Plan policy.

The proposed chimney shaft would add interest to this property. It would not be significantly taller than the existing house and is considered to be entirely in keeping with this and surrounding properties.

For these reasons the proposals are consistent with the policy requirements set out in Policies C31a and C38.

CONCLUSION

The application proposal complies with Development Plan policy and there are no material considerations to outweigh the recommendation that planning permission be granted.