

# WESTERN AREA PLANNING COMMITTEE

13 May 2009

## Planning Applications for Determination

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# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

Date of Meeting	13.05.2009		
Application Number	W/09/00450/FUL		
Site Address	C N Vines Sandridge Road Garage Snarlton Lane Melksham Wiltshire		
Proposal	Amendment to planning permission reference 08/00560/FUL to provide 8 no. solar panels within roofs over flats		
Applicant	Selwood Housing		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham (Town)	Unitary Member:	Vacant Until 5 June
Grid Ref	391545 164201		
Type of application	Full Plan		
Case Officer	Mr Philip Baker	0300 456 0100 Ext 286 philip.baker@wiltshire.gov.uk	

## Reason for the application being considered by Committee

The application is referred to the Planning Committee as Melksham Town Council objected to the proposals before 31.03.09.

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### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

### 2. Main Issues

The main issues to consider are:

- \* Visual Impact
- \* Impact on neighbour's amenity

### 3. Site Description

The site is the former Sandridge Road Garage, Snarlton Lane, Melksham located immediately to the north east of the town of Melksham adjoining the established built up (and predominantly residential) area. Planning application 08/00560 involved the demolition of an existing former single storey garage building and the redevelopment of the site to provide 16 affordable flatted dwellings. The site is approximately 0.02 hectares. The Snarlton lane and Sandridge road boundaries are formed by native hedgerows. The site has an existing vehicular access off Sandridge road and a pedestrian access onto Snarlton lane.

### 4. Relevant Planning History

08/00560/FUL – Permission – 15/5/2008 – 16 flats and associated parking areas.

## **5. Proposal**

The proposal is to provide 8 solar panels. There will be 2 on a south elevation at the rear of the development for no 1 & 2 and 3 & 4. There will be 5 on the south west elevation facing the road with 2 on no. 13 & 14 and 1 on no. 11 & 12 and 1 on no. 7 & 8 and 1 on no. 9 & 10. There is one on the south east elevation that would not be visible from the road. Each of the solar panels measure 3 square metres, which are flush with the roof finish.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C31a – Design

C34 – Renewable Energy

C38 - Nuisance

SPG - Planning Design Guidance on House Alterations and Extensions

PPS1 Delivering Sustainable Development

PPS22 Planning and Renewable Energy

## **7. Consultations**

### Town/ Parish council

Melksham Town Council - Objection, resolved after considering comments to this application as it would be out of character with nearby properties. Planning Policy C31a applies.

Melksham Without Parish Council (adjoining parish) - welcome the solar panels.

### Highways

Highways – 23/2/2009 – I do not foresee any highway problems resulting from the installation of solar panels, therefore no Highway objection is raised.

### Environment Agency

Environment Agency – 9/3/2009- This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

### Leisure

Leisure – 2/3/2009 - I can confirm that there are no leisure issues of concern relating to this application.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 19.03.09

Summary of points raised:

There have been 13 letters of objection received and the comments are,

- The panels would look unsightly and would set a precedent for the whole lane
- The panels would reflect glare and dazzle the residents living opposite
- Panels will make an ugly building look worse
- Solar panels will be offensive to the eye
- Not in keeping with the existing housing

- Panels are too modern and obtrusive
- Panels are unsightly and will only add to the ugliness of the appearance of the flats

## 9. Planning Considerations

As the development is flats, it would not be possible to install the solar panels as permitted development.

### Visual Impact

The proposed solar panel would not project significantly from the roof slope and therefore would not have a detrimental effect on the host building. However the colour of the panel would be black in contrast to the breckland brown double roman tiles and this would appear to be of a utilitarian appearance.

Whilst, it is clear that the solar panels are visible and could be detrimental to the streetscene the national guidance in PPS22 is to encourage the appropriate use of renewable energy sources, and although not likely to have a significant production rate, the use of micro-renewable can contribute to overall national sustainability targets. Applications such as this should be encouraged considering the local context.

### Impact on neighbour's amenity

There will be five solar panels clearly viewable from vantage points of the properties at 366A, 367, 367A and 368 Snarlton Lane. These will be at closest from 367 Snarlton Lane at a distance of 9 metres. The solar panels do not have an anti glare capability, but their impact is little different to rooflights.

The panels are siting to face a south west elevation which would mean that there are 5 solar panels facing the road which can be viewed from either a neighbouring property or a public viewpoint such as a highway or footpath. Consequently, there would be little effect on the visual amenity of neighbour's in the surrounding area.

This complies with policy.

**Recommendation:            Permission**

### For the following reason(s):


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

### Subject to the following 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.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

		
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## RELEVANT APPLICATION PLANS

Drawing : 3025/029 Rev.Co1 received on 17.02.2009

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 02

<b>Date of Meeting</b>	<b>13.05.2009</b>		
<b>Application Number</b>	<b>08/03471/REM</b>		
<b>Site Address</b>	<b>Land North East Of Snowberry Lane And South Of Sandridge Road Melksham Wiltshire</b>		
<b>Proposal</b>	<b>Construction of 114 dwellings, access and associated landscaping</b>		
<b>Applicant</b>	<b>Persimmon Homes (Wessex ) Ltd</b>		
<b>Town/Parish Council</b>	<b>Melksham Without Melksham (Town)</b>		
<b>Electoral Division</b>	<b>Melksham Without Melksham (Town)</b>	<b>Unitary Member:</b>	<b>Vacant Until 5 June</b>
<b>Grid Ref</b>	<b>392138 163580</b>		
<b>Type of application</b>	<b>Reserved Matters</b>		
<b>Case Officer</b>	<b>Mr Sim Manley</b>	0300 456 0100 Ext 240 sim.manley@wiltshire.gov.uk	

## Reason for the application being considered by Committee

This application has been submitted to the Committee as a result of an objection being received from the Parish Council prior to 1st April 2009.

## 1. Purpose of Report

Members may recall that this application was placed before them on 26th March 2009 where it was deferred for the following issues to be resolved:

To seek Counsel's opinion on the relevant policies and the legal agreement to see if we can insist on a better provision of affordable housing and to negotiate with the developer the layout of the six dwellings adjacent to Snarlton Lane.

In response to this deferral, amended plans have now been submitted by the Applicant increasing the number of affordable units on the site to the required level as well as re-orientating 5 of the dwellings abutting Snarlton Lane. As a result of the increase in the number of affordable houses, which are a little higher density due to the parking being provided as spaces, as opposed to garaging (sought by the Registered Social Landlords) the site has been reduced in area in the north west corner of the site.

This report is returned to committee to examine the changes and the subsequent consultation responses received in relation to the proposed changes.

It is recommended that the Reserved Matters be APPROVED subject to conditions.

In respect of the Consel's opinion, at the time of writing this report, this has not yet been received. This will be reported verbally at the meeting to assess the implications of the findings in relation to the remaining phases of the development.

## 2. Main Issues

- \* Increase in the numbers of affordable houses
- \* Re-orientation of the 5 units abutting Snarlton Lane

- \* Scale of development
- \* Layout
- \* Appearance
- \* Landscaping
- \* Access

### **3. Site Description**

The site comprises a large irregular area of farm land positioned to the north of Snarlton Lane with a direct boundary onto the same, either side of existing development.

The existing properties comprise a large terrace of 18, 2-storey dwellings fronting onto Snarlton Lane along with a detached dwelling positioned to their east. To the west of the terrace, and served by an access from Snarlton Lane is a depot which extends back and wraps around the rear of part of the terrace. To the west of the depot, the site has a boundary onto Snarlton Lane, to the west of which is a further detached dwelling accessed off the same.

The properties to the south of the Snarlton Lane comprise primarily 2-storey detached and semi detached dwellings.

To the north of the site there are open fields onto the A3102. There are a number of properties fronting onto this road including dwellings and stables.

The land to the east of the site is open countryside.

A public right of way runs along the northern boundary of the site, although outside of the application site, connecting to Snarlton Lane, west of the application site. A further public right of way, leading to fields to the south of Snarlton Lane, joins at point between Nos 356a and 357. To the east of the site is a further public right of way on Snarlton Lane itself.

### **4. Relevant Planning History**

See original report attached as appendix

### **5. Proposal**

The application seeks approval of the reserved matters application for 114 dwellings which forms part of a larger site for the erection of 670 dwellings granted under outline permission 04/01895/OUT.

The reserved matters relate to the details of Access, Appearance, Landscaping, Layout and Scale for 114 dwellings, albeit on a reduced site area from that originally submitted.

The proposed dwellings comprise 86 private units for sale and 28 affordable units. This represents a decrease in the number of open market housing and an increase in the number of affordable from 15 to 28. The sizes of the properties proposed are as follows:

#### **Private Housing**

- 17 x 3-bed Houses
- 61 x 4-bed houses
- 8 x 5-bed units

#### **Affordable Housing**

- 1 x 1-bed flats
- 7 x 2-bed flats
- 13 x 2-bed houses
- 6 x 3-bed houses
- 1 x 4-bed houses

The proposed houses are a mix of 2, 2 ½ and 3 storey dwellings, being either in the form of detached, semi detached and terraced units with parking being provided in the form of hard standing and/or garage parking spaces. The proposed flatted units would be in the form of a part 2-storey, part 3-storey block.

The proposed development will provide 160 parking spaces and 142 garage spaces which equates to an average of 2.6 spaces per dwelling overall to serve the 114 dwellings and the anticipated visitors.

The 114 dwellings are proposed to be serviced by a main access road off a roundabout on the proposed distributor road, the route and details of which were approved as part of the original outline application.

The proposed development also seeks permission for the approval of a link road leading from the north of this housing phase, across the open farm land to connect to the 'Westbury Land' to the north east. This is a requirement of the original outline permission as, although the 'Westbury Land' is a separate site from that covered by the outline permission, it forms part of the Land West of Melksham strategic allocation and therefore must be integrated into the development. This link road also crosses the farm land to the north to connect to the A3102 to provide for an access point solely for the use of emergency vehicles.

## **6. Planning Policy**

See report attached as appendix

## **7. Consultations**

A full re-consultation has been undertaken in respect of the amended details which are as follows:

### Town/ Parish council

MELKSHAM WITHOUT PARISH COUNCIL – Is awaited and will be reported verbally at the Committee.

MELKSHAM TOWN COUNCIL – Is awaited and will be reported verbally at the Committee.

### External

WILTSHIRE COUNTY COUNCIL ARCHAEOLOGIST - has no objection

WILTSHIRE COUNTY COUNCIL POLICY TEAM – Is awaited and will be reported verbally at the Committee.

WILTSHIRE COUNTY COUNCIL HIGHWAYS TEAM – has no objection but is disappointed to note that the second footpath link onto Snarlton Lane has been removed from the proposals.

ENVIRONMENT AGENCY – Have no objection.  
Internal

URBAN DESIGNER – Has no objection to the proposed alterations

ENVIRONMENTAL HEALTH – Is awaited and will be reported verbally at the Committee.

AFFORDABLE HOUSING ENABLING TEAM – I note that the AH number of units has been increased to 28 and would comment that the revised mix does meet current identified need and am therefore happy to accept this - also happy with proposed layout for the AH units.

ECONOMIC REGENERATION – No observations to make on the application

TREE OFFICER – Is awaited and will be reported verbally at the Committee.



## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

No letters of objection/support have been received in respect of amended plans

## **9. Planning Considerations**

Increase in the number of affordable housing numbers on site.

Members may recall that at the Planning Committee meeting on the 26th March 2009 it was requested that the application be deferred pending the obtaining of Counsel advice in respect of the ability of the Council to secure 24% provision of affordable housing within each phase of the development. Whilst, at the time of writing this report this advice had not been received, the Applicant has responded to the concerns raised submitting amended plans, increasing the numbers of affordable units within this phase of the development to 28. This figure represents 24% for the phase which accords with the provisions of the S106 agreement. The Affordable Housing Enabling Officer now has no objections to the proposed provision on the site. For these reasons the amended scheme is to be welcomed.

Re-orientation of the properties abutting Snarlton Lane.

Members may also recall that at the previous meeting it was requested that the Applicant investigate the re-orientation of 6 dwellings abutting Snarlton Lane. The concern raised was that it has always been understood that the development would not have a frontage onto Snarlton Lane and that the submitted scheme was contrary to that understanding.

Amended plans have now been received which have re-orientated 5 of the dwellings. This has resulted in proposed development which has no dwellings with a frontage onto Snarlton Lane. The proposed dwellings now either present the rear or side elevation onto the lane. The two dwellings with proposed flank elevations onto Snarlton Lane are positioned either side of the proposed footpath link onto Snarlton Lane to the rear of the existing hedgerow which is to be retained. It is considered that the proposed development no longer presents an active frontage onto Snarlton Lane and for this reason, is considered to be acceptable.

In terms of the 2 plots presenting a flank elevation onto Snarlton Lane, the design of the dwellings is such that there are no windows proposed within this end elevation. Furthermore, a condition has been attached to this recommendation precluding the insertion of additional fenestration. For these reasons the proposed development will not result in the loss of residential amenity to the occupiers of existing dwellings on the south side of Snarlton Lane.

In respect of the retained hedgerow, the amended layout includes a narrow buffer zone to the rear of the hedge, behind which 1.8m high boundary fences will be erected. This ensures that the rear gardens of the re-orientated houses do not include the hedgerow thus precluding future occupiers from removing or damaging this feature. In addition, by excluding the hedge from their ownership, the proposed dwellings do not have an owned frontage onto Snarlton Lane and therefore cannot seek to provide pedestrian or vehicular access onto the same at a later date.

### **Layout of Development**

Whilst the layout of the proposed development has been amended to accommodate the above changes, the proposed 114 houses, the subject of this application, still accords with the provisions of the Urban Design Strategy document and the overall master plan in respect of the road alignment, positioning of housing and the hierarchy of open space within the development. The proposed pattern of development within the amended proposal is still considered to be reflective of the character of Melksham, giving a strong definition between the private and public realm.

### **Scale of Development**

Scale of the development relates to the height, width and length of the proposed buildings. In this regard the proposed amended scheme, including the additional affordable houses, is considered to be acceptable having regard to the provisions of the Urban Design Strategy which reflects the late 19th and 20th Century housing which is found outside the centre of Melksham.

### Appearance

With respect to the submitted house types, including the affordable housing, it is considered the goal of the Design Guide and character areas has been met. For these reasons it is considered that the proposed appearance of the proposed development is acceptable.

### Landscaping

The amendments to the landscaping resulting from the proposed changes are considered to be acceptable and for this reason no objection is raised to the development in this regard.

### Access / Vehicular Access

No observations have been received from the highway section. Members will be updated in this regards.

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## APPENDIX - REPORT TO COMMITTEE AT MEETING OF 26 MARCH 2009

### APPLICATION SITE & SURROUNDING AREA

The site comprises a large irregular area of farm land positioned to the north of Snarlton Lane with a direct boundary onto the same, either side of existing development.

The existing properties comprise a large terrace of 18, 2-storey dwellings fronting onto Snarlton Lane along with a detached dwelling positioned to their east. To the west of the terrace, and served by an access from Snarlton Lane is a depot which extends back and wraps around the rear of part of the terrace. To the west of the depot, the site has a boundary onto Snarlton Lane, to the west of which is a further detached dwelling accessed off the same.

The properties to the south of the Snarlton Lane comprise primarily 2-storey detached and semi detached dwellings.

To the north of the site there are open fields onto the A3102. There are a number of properties fronting onto this road including dwellings and stables.

The land to the east of the site is open countryside.

A public right of way runs along the northern boundary of the site, although outside of the application site, connecting to Snarlton Lane, west of the application site. A further public right of way, leading to fields to the south of Snarlton Lane, joins at point between Nos 356a and 357. To the east of the site is a further public right of way on Snarlton Lane itself.

### PROPOSAL

The application seeks approval of the reserved matters application for 114 dwellings which forms part of a larger site for the erection of 670 dwellings granted under outline permission 04/01895/OUT.

The reserved matters relate to the details of Access, Appearance, Landscaping, Layout and Scale for 114 dwellings.

The proposed dwellings comprise 99 private units for sale and 15 affordable units. The sizes of the properties proposed are as follows:

#### Private Housing

- 17 x 3-bed Houses
- 67 x 4-bed houses
- 15 x 5-bed units

#### Affordable Housing

- 1 x 1-bed flats
- 7 x 2-bed flats
- 3 x 2-bed houses
- 4 x 3-bed houses

The proposed houses are a mix of 2 to 2 ½ storey dwellings, being either in the form of detached, semi detached and terraced units with parking being provided in the form of hard standing and/or garage parking spaces. The proposed flatted units would be in the form of a part 2-storey, part 3-storey block.

The proposed development will provide 160 parking spaces and 142 garage spaces which equates to an average of 2.6 spaces per dwelling overall to serve the 114 dwellings and the anticipated visitors.

The 114 dwellings are proposed to be serviced by a main access road off a roundabout on the proposed distributor road, the route and details of which were approved as part of the original outline application.

The proposed development also seeks permission for the approval of a link roads leading from the north of this housing phase, across the open farm land to connect to the 'Westbury Land' to the north east. This is a requirement of the original outline permission as, although the 'Westbury Land' is a separate site from that covered by the outline permission, it forms part of the Land West of Melksham strategic allocation and therefore must be integrated into the development. This link road also crosses the farm land to the north to connect to the A3102 to provide for an access point solely for the use of emergency vehicles.

## **CONSULTATIONS**

### Parish/Town Council

MELKSHAM WITHOUT PARISH COUNCIL - has now considered the following planning application and wish to reiterate the same objections made in the Council's letter to you on 18th November 2008; viz

1. It was agreed in the development Brief that the community of Snarlton Lane would remain a separate entity. The Council, therefore strongly objects to the proposed housing fronting onto Snarlton Lane. These houses should be turned around to face the other way so that they become part of the new estate community;
2. The proposed three storey dwellings have been placed right on the skyline, making them far too prominent and obtrusive. They are out of keeping with the adjacent, lower, more traditional-style houses in Snarlton Lane.
3. The Council is most alarmed to see that it is proposed to remove the very fine hedge, 12ft high and 6ft 8ins deep opposite 356a-357a Snarlton Lane which is an integral part of Snarlton Lane. As stated in the Brief, Snarlton lane wishes to remain as a separate community. This hedge forms part of its charm and character and will provide vital screening from the new development;
4. The proposed right of way needs to link logically with the existing right of way which goes west of 356a Snarlton Lane to the proposed new school. The right of way needs to be carefully positioned a) to ensure the Lane can be crossed in the safest place and; b) to ensure the retention of the thick hedgerow. A better solution would perhaps be to re-order the layout to allow for the footpath to emerge at one end of the hedgerow, so that the bulk of the hedgerow generally can remain intact;
5. There needs to be provision for children to cross the new distributor road to reach Forest and Sandridge Primary School. While we are aware of plans to site the new primary school within the new development, children must be able to get to the existing school safely until the new primary is constructed;
6. The Council also wishes to know what provision has been made for pedestrian footfall between the new estate and the new George Ward School;
7. There should be absolutely no parking allowed on Snarlton Lane. This lane already suffers from considerable congestion because it is so narrow. It has to be passable for emergency vehicles. Residents of Snarlton Lane wish to avoid the situation where parents drive their cars to Snarlton Lane and then park to walk to school;

8. Care should be taken to ensure the social housing fits in with the other housing on the development and that these properties are of the same quality as private housing and indistinguishable from it;
9. No works should commence on this development until the distributor road is complete. There should be no access for construction traffic via Snarlton Lane
10. The parish council requests more details of the proposed traffic calming measures on nearby roads e.g. A3102 Sandridge Road and Snowberry Lane;
11. There is concern that if applications for this development are passed piecemeal, the community could miss out overall on planning gains. What measures will be in place to ensure that every developer makes an equitable contribution towards community benefits. The Parish Council wishes to be party to discussions re the formulation of the Section 106 Agreement in respect of community benefits;
12. Planning Conditions must be rigorously enforced from the outset, so that the community does not experience the same problems as with the East of Bowerhill development where part of the S106 agreement have still not been implemented;
13. Any financial contributions agreed via the S106 agreement should be indexed linked to ensure that the community benefits have the same financial value irrespective of when the development is built;
14. There does not appear to be the provision of any play areas or recycling centre. Each application needs to make clear that its contribution to community benefits will be. Please would you inform what benefits will stem from this part of the development.
15. There needs to be provision for regular soil movement to avoid huge piles of soil appearing behind existing dwellings and cause anxiety re slippage;
16. Landscaping should comprise good quality mature deciduous trees, not whips;
17. There needs to be down lighting to avoid unnecessary light pollution;
18. Construction working should be restricted to normal working hours, avoiding late night or early morning working practices especially at the weekends.

MELKSHAM TOWN COUNCIL - reiterated their previous comments as the current application is a resubmission. They stated that they had no objection to the development.

Whilst the Town Council welcomed the application they asked that no dwellings are erected until the completion of the whole distributor road. Other concerns:

- If further applications for this area come in piecemeal that community gain could be lost;
- What impact will the additional traffic have on roads in the surrounding areas, particularly Sandridge Road and Snowberry Lane, what traffic calming measures are proposed;
- Consideration needs to be given to the pedestrian travel plan between this development and the new secondary school at Woolmore Farm;
- The plans need to be in line with the original development brief;
- The removal of some hedges in Snarlton Lane on the north verge. This was felt to contravene the development rules not to remove existing hedges and is contrary to wishes expressed by Snarlton Lane residents. Loss of this section of hedge will expose the lane to access other than by the existing right of way of No. 324 and create an unofficial shortcut;
- It was stated in the original planning permission that all community facilities needed to be in place once 30% of housing for the whole of this area east of Snowberry Lane had been developed. It was asked that this adhered to.

## External

WILTSHIRE COUNTY COUNCIL ARCHAEOLOGIST - has no objection to the development subject to a condition seeking to secure a programme of archaeological work prior to any ground works being undertaken on site.

WILTSHIRE COUNTY COUNCIL POLICY TEAM - have no objection to the development.

WILTSHIRE COUNTY COUNCIL HIGHWAYS TEAM - Whilst originally objecting to the submitted application due to concerns over technical specifications such as road alignment, vehicle tracking, bus stop location and parking provision etc., amended plans have been received which have addressed these issues subject to the imposition of conditions.

ENVIRONMENT AGENCY - have no objection to the reserved matters application but have drawn attention to conditions attached to the original outline permission which will need to be addressed as well as S106 requirements. They have also asked that an informative be attached requiring the developer to contact them in respect of drainage reports.

## Internal

URBAN DESIGNER - Initial concerns were raised by the Council's Urban Designer that whilst the road layout generally conforms with the Design Brief some of the orientations of the houses has been changed. Other concerns were raised in respect of some of the parking courts and parking areas as well as, in particular the setting back of Units 96 & 97. Concerns were also raised at some of the house types in terms of their proportions and fenestration. Subsequent to the original submission of plans, negotiations have taken place with the developer and amended plans have been received which has sought to address the issues raised. On the basis of these changes the urban designer does not now wish to raise objection to the scheme.

ENVIRONMENTAL HEALTH - have no comments regarding the reserved matters application. However, looking at the proposed site and its proximity to the farm (agricultural activities), this department does have concerns regarding agricultural noise causing disturbance to the proposed dwellings. Ideally, a noise assessment would have been undertaken to determine the impact that noise from the agricultural operation would have on the development. This then would enable the developers to design mitigation into the scheme if required.

AFFORDABLE HOUSING ENABLING TEAM – Concerned that the proposed phase only includes a total of 15 affordable units (15% of the 114 units) whereas the provision of the S106 agreement requires a provision of 27.36 units which equates to 24%. In addition, concern is also expressed that the mix of house sizes does not accord with the requirements S106.

TREE OFFICER - No objection subject to root barrier details being put in place to ensure that the trees do not cause structural problems to walls subsequently.

## **NOTIFICATIONS**

### Site Notices/Visits

Date of visit and site notice: 30.12.08

### Neighbours

5 letters of objection have been received, although two individual objectors have written twice. These letters raise some or all of the following issues:

- Inconsistencies in the plans;
- Object to the loss of the hedgerow onto Snarlton lane;
- Concerns over the implications of the development in respect of local drainage ditches and potential flooding;
- Natural spring causing drainage problems;
- Surface water attenuation is too far away from the development;
- The footpath is in the wrong location – should line up with the existing footpath;

- An entrance should be formed in the hedge to stop an informal pedestrian access forming through people taking a short cut to get to the existing footpath;
- Traffic calming should be installed as well as street lighting onto Snarlton Lane and signage;
- If Snarlton Lane is to be used by children and parent then adequate safety provisions should be made for them;
- No provision for children's play area with the closest being in Foresters Park with a significant walk involved;
- No provision for widening Sandridge Road footpaths towards Forest and Sandridge School which, again is dangerous;
- Who will be contributing to the new school and the distributor road which should be completed prior to any housing being built – this never happened at Bowerhill;
- There should be a safe crossing place on the distributor road – possibly an underpass;
- Plans show a 3 storey property on the boundary to a neighbouring dwelling resulting in direct overlooking and loss of privacy. Would only like to see 2 storey dwellings on the site. Property overlooked by 14 new properties;
- Additional access roads have been added to Sandridge Road which as already stated needs upgrading and widening;
- Parking congestion problems on Snarlton Lane;
- Snarlton Lane should not be used for construction traffic;
- Commercial vehicles already cause a problem on Snarlton Lane;
- Controls over hours of construction;
- Unsure what amended plans cover;
- Description of development does not detail the impact the development will have on Snarlton Lane;
- Loss of hedge will remove wildlife area;
- Where hedgerow disturbed then mitigation should be put in place;
- Housing fronting onto Snarlton lane is unacceptable;
- House development fronting onto Snarlton Lane was refused historically as unacceptable ribbon development;
- Easy access to Snarlton could result in on-street parking;
- Concerns over the three storey flats in the contexts of the town;
- 2 ½ storey also not wanted within the development;
- Conflict between the formation of the access onto the Wiltshire Land and the requirement for all development to be accessed off the Distributor road – linking to the other development will produce a 'rat-run';
- Interruptions to power supplies – what provisions have been put in place to cover supply;
- What are the time frames for starting and completing the works?;
- How long will the development go on for?;
- Are there any time obligations being put forward for developers to complete the public element of the overall plan?;
- When will the distributor road be put in?;
- How high will the noise attenuation dykes be on the distributor road?;
- How does the Vines site affect the scheme?;
- Development puts further pressure on public services which are currently sub-standard;
- Loss of open fields adversely affecting the character of Melksham;
- Would threaten the identity of Sandridge which should be kept separate.

## **RELEVANT PLANNING HISTORY**

04/01895/OUT – Comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road – Permission granted 6.8.08

08/02886/REM - Reserve matter application for 114 dwellings – withdrawn

09/00483/REM – Reserved Matters Application for 63 dwellings - Presently undetermined

09/00579/REM - Reserved matters application for 116 dwellings – Presently undetermined

CM Vines Site

08/00560 – 16 flats and associated access and parking - Approved 9.6.08

Wiltshire Land

05/00225/OUT - Residential development - Resolved to grant subject to conditions and completion of a S106 agreement

## **KEY ISSUES**

Principle of development

Environment Assessment

Scale of development

Layout

Appearance

Landscaping

Access

Points raised in objections to the scheme.

## **RELEVANT PLANNING POLICIES**

PPS1 – Sustainable Development and climate change

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

PPS 9: Biodiversity and Geological Conservation

PPG13 - Transport

PPG 24 - Noise

PPS25 – Development and Flood Risk

Structure Plan

DP1 – Priorities for Sustainable Development

DP3 – Development Strategy

DP7 – Housing in Towns and main Settlements

DP8 – Affordable Housing

DP14 – Housing, Employment and Related Development in Open Countryside

T5 – Cycling and Walking

C1 – Nature Conservation

C5 – Water Environment

C12 - Agriculture

West Wiltshire District Plan 1st Alteration 2004 –

C1 – Countryside Protection

C31a – Design

C32 - Landscaping

C34a – Resource Consumption and Reduction

C34 – Renewable Energy

C35 – Light pollution

C38 – Nuisance

C40 – Tree Planting

R4 – Public Open Space

R11 – Footpaths and rights of way

H2 – Affordable Housing in Towns

H6 – Land East of Melksham

H19 – Development in Open Countryside

H22 – Affordable housing on rural exception sites

H24 – New Housing Design

E5 – Loss of employment land

T10 - Car Parking

U1a- Foul water disposal

U2 – Surface water disposal

S1 - Education

## OFFICER APPRAISAL

### Principle of Development

The principle of the redevelopment of this site has already been established through the grant of outline permission for the comprehensive mixed use urban extension, comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities. As part of that application, the detail relating to the provision of a distributor road were also agreed. All other matters relating to Scale, Layout, Appearance, Landscaping and Access of the development were reserved by condition for later consideration. This decision was granted subject to a comprehensive list of conditions and a S106 legal agreement, the details of which were agreed at a subsequent meeting of the Planning Committee.

This application has been submitted seeking approval of all the reserved matters, detailed above, pursuant to the outline permission for the erection of 114 dwellings, being one phase of the 670 house development of the site.

### Environmental Statement

Whilst this application was not supported by an Environmental Statement, this application is pursuant to the original outline permission which, itself, was the subject of a Environmental Statement which was submitted to and approved by the Council at that time. In this regard, the proposal, the subject of this application, is fully in accordance with the provisions and principles contained within the approved ES and, as such, there is no requirement for a further or updated ES to be submitted in support of this application.

### Layout of Development

Pursuant to the requirements of the signed S106 agreement attached to the outline planning permission, an Urban Design Strategy for the whole development has been submitted to and approved in writing by the Local Planning Authority. This details the overall design and form of the development in broad principle terms having regard to the provisions of the master plan. Its purpose is to impose a framework which will provide a high level of continuity between the different phases of the development to ensure that there is not a patchwork of jarring and conflicting developments across the site.

In terms of the proposed layout, the proposed 114 houses application, the subject of this application, accords with the provisions of the Urban Design Strategy document and the overall master plan in respect of the road alignment, positioning of housing and the hierarchy of open space within the development. The proposed pattern of development within the new development is considered to be reflective of the character of Melksham, giving a strong definition between the private and public realm.

In terms of the positioning of buildings on the boundary of the site and the relationship of the proposed built form to the neighbouring dwellings having particular regard to the objections raised by residents, it is considered that the proposed development would not be of detriment to the visual amenity of the locality or the character and setting of the area.

In respect of the impact of the development upon the residential amenity of the occupiers of No. 347 Snarlton Lane, whilst the site does have proposed dwellings orientated so that their main rear elevations face onto the property, due to the distance between the properties and also to the boundary of the site, it is not considered that the development would result in a problem of overlooking, loss of light or outlook.

In terms of the relationship of Plot 18, which is positioned on the southern boundary of the site, it will not adversely affect the residential amenity of properties positioned on the opposite site of Snarlton Lane, namely 351, 351a and 351b, as it presents a flank elevation. In terms of the house type proposed, it does not have any windows proposed in the first floor level flank elevations that could overlook the neighbouring properties. Furthermore, a condition attached to the approval will ensure that no further windows can be inserted.



This is also the case with plots 59 and 64 which, although positioned on the boundaries of the site, present flank elevations. However, in relation to these units there are bathroom windows proposed at first floor level. In this regard, it is proposed that an additional condition is imposed which will also seek that all bathroom windows are fixed and obscured so that they do not result in a problem of overlooking.

Lastly, whilst plots 65 & 66 are positioned on the western boundary of the site with the main elevation facing in that direction, it is considered that there is sufficient distance between these and the rear amenity area serving No. 324 Snarlton Lane so as not to result in a loss of amenity to the occupiers of that property.

In terms of the Plots 60 – 64, concerns has been raised that these proposed dwellings have been orientated to present a frontage onto Snarlton Lane, which in conjunction with the loss of hedgerow shown on the originally submitted plans, has been objected to by Local Residents and the Parish Council. In this regard, whilst these units do have a main elevation onto Snarlton Lane, they are set back behind the existing hedgerow which, with the exception of a breach for the formation of footpath link onto Snarlton Lane, is proposed to be retained along its entire length. As a matter of clarity, the loss of the hedgerow shown on the originally submitted plans has been identified by the applicant as a mistake and amended plans have subsequently been submitted which show the hedge as being retained.

Given this and the fact that the buildings are set back from the hedgerow of between 5 and 15m it is not considered that the layout would be detrimental to the street scene or the visual amenity of the locality. For these reasons it is not considered that there would be sufficient justification to refuse the applications on these grounds.

Having regard to the above it is considered that the proposed layout of the development is acceptable.

#### Scale of Development

Scale of the development relates to the height, width and length of the proposed buildings. In this regard the proposed residential units have been designed having regard to the provisions of the Urban Design Strategy to reflect the late 19th and 20th Century housing which is found outside the centre of Melksham.

#### Height

In terms of the height of the proposed dwellings, the proposed development fully accords with the provisions of the Design Code element of the Urban Design Strategy in that they reflect the 19th and 20th Century housing of Melksham.

The majority of the buildings within the site are either 2-storey or 2 ½ storey tall which is considered to be acceptable. However, the flatted unit is 3 stories tall and has been the subject of objections from neighbouring dwellings. In terms of this unit, it is positioned in a gateway location for this phase but which will be centrally located within the northern residential area when the development is completed. Given its central location and its relationship to the other proposed dwellings within the proposed phase it is considered that its height is acceptable in this location.

#### Width and Length

In this regard the width and length of the proposed residential units, including the flatted units, it consistent with the built form of the surrounding area and for these reasons is considered to be acceptable.

Having regard to the above, the scale of the proposed development is considered to be acceptable.

## Appearance

As already stated, a Design Code has previously been submitted to and approved in writing by the Council, the purpose of which is to ensure that there is continuity between the different phases of the development, whilst at the same time providing for character areas within the scheme itself to reflect the vernacular. In this regard, the Design Guide has identified this area, within which this phase is located, as one which should reflect the 19th and 20th Century housing of Melksham incorporating gable fronted designs with bay windows on some of the units.

With respect to the submitted house types, it is considered the goal of the Design Guide and character areas has been met with these design features being incorporated into some of the proposed units. In addition, other housing types and styles have been incorporated into the phase which are more generally reflective of the Design Guide overall in terms of fenestration and other architectural detailing. This is required to provide for both a mix and balance within the phase itself but also to ensure a continuity between the different phases of the development.

In terms of the proposed building materials the submitted details are considered to be acceptable. In addition, attention is drawn to Condition 17 and 18 of the outline permission which requires that samples of the materials are submitted to and approved by the Local Planning Authority prior to the commencement of the development to ensure that they are not detrimental to the visual amenity of the area.

Having regard to the above it is considered that the proposed appearance of the proposed development is acceptable.

## Landscaping

In terms of landscaping, it is important to note that the details submitted relate solely to that which is provided within the red line of the application site, relating specifically to the provisions of the houses, an inverted 'Y' shaped area of public open space, a planted buffer area around the development located on the north side of the properties fronting onto Snarlton Lane and incidental open space and retained hedges.

### Landscaping Details Relating to Housing

Relating to the dwellings, the submitted details are considered to be acceptable, with the rear amenity areas of the houses being laid to lawn with front garden areas, onto the public realm, being in the form of lawns or decorative borders including shrub planting.

The only area of concern in relation to this element of the scheme related to the position of trees within the development. Whilst not objecting to the size, species or number of trees proposed, there were issues over the close proximity of some of the trees in relation to proposed boundary walls and future structural integrity problems resulting from root damage. This problem has been addressed through the submission of amended plans repositioning some of the trees away from these walls, along with the submission of root barrier details which will need to be installed to safeguard against this problem.

### Planted Buffer North of the Existing Properties Fronting onto Snarlton Lane

To lessen the impact of the development upon the existing properties it is proposed that a landscape buffer be planted along the common boundary with these properties which is to be welcomed.

### Landscaping Details Relating to the Public Open Space

In respect of the 'Y' shaped area of public open space, this involves the retention of existing hedgerows which are considered important to character of the area. As part of the scheme it is proposed that an area each side of the hedge is also laid to grass and provided as open space. In this regard, the landscape treatment of these areas is considered to be acceptable, simply involving their retention and management.

In terms of the other hedgerows, including that on the north side of Snarlton Lane, proposed to be retained within the site, the treatment of these will simply to trim these back. It is important to note, in respect of these hedgerows that under condition 12 of the outline permission, the existing hedgerows, shown on plan as being retained, shall not be felled, uprooted or otherwise removed. In addition Condition 11 of the same permission requires details of tree protection measures to be submitted prior to commencement of development to protect these features during the course of construction.

For the sake of clarity, the Public Realm landscaping is the subject of a requirement of the S106 agreement for its future management either through a management company or transfer to the Council with a commuted sum to cover the maintenance.

Having regard to the above it is considered that the proposed landscaping details are acceptable.

#### Access / Vehicular Access

The application seeks approval of the reserved matter of access relating to:

- the provision of the 114 housing;
- access roads across other phases of the development to link up with the site known as the 'Wiltshire Land' which itself forms part of the strategic allocation known as 'Land East of Melksham' identified under Policy H6 of the West Wiltshire District Plan 1st Alteration 2004;
- provision of an access road to link with an emergency access point onto the A3102 for use by emergency vehicles only.

In respect of the access off the distributor road, it is important to note that the detail only relates to the access off the roundabout through the site and not the distributor road itself which was approved as part of the outline permission and was the subject of approval of subsequent conditioned details.

#### Access to the 114 Houses

In terms of the access road through the site, whilst concerns were initially raised by the County Council's Highway Department relating to issues such as vehicular tracking, parking provision, access road width and bus stop provision, amended plans have now been received which have overcome such difficulties. Accordingly, the Highway Team have now withdrawn their objection to the scheme, subject to conditions.

#### Link to 'Wiltshire Land'

In terms of the proposed vehicular access to link with the 'Wiltshire Land', this is requirement of Condition 21 of the outline permission which requires the provision to be in place prior to the occupation of the 200th dwelling. The inclusion of this link is to facilitate this conditional requirement. Whilst objections have been raised in relation to this link in terms of a 'rat run' through the site, this was a conditional requirement of the original outline permission and therefore, the principle of this link has already been established.

#### Link to Emergency Access

As already stated, the application also provides for an access road to link to an emergency access point required under Condition 22 of the original outline application. Under the terms of this condition no more than 100 dwellings can be occupied until the emergency access has been provided to the satisfaction of the Local Planning Authority. The inclusion of the access road through the site to link to this point is purely to facilitate this conditional requirement.

#### Parking

The parking on the site numbers 160 parking spaces and 142 garage spaces which equates to an average of 2.6 spaces per dwelling overall. The County Council are now happy with this level of provision and have raised no objection to the development in this regard.

#### Pedestrian Access

As part of the Movement Strategy of the overall Urban Design Strategy it was agreed that the whole of the strategic allocation be well served by public footpath links in the interests of sustainability and reducing the dependency upon the private motor vehicle.

The application, as submitted, is in accordance with this document, as it provides for a priority pedestrian link in accordance with the approved strategy to other phases of the development to the south. Whilst objection has been raised by local residents in relation to the breach in the hedge to facilitate this footpath link it is considered that the pedestrian permeability of the site outweighs the loss of a small section of the hedge and for this reason is considered to be acceptable.

A further breach in the hedge is also proposed to the west of the properties located on the north side of Snarlton Lane. Whilst this is not in accordance with the Urban Design Strategy, it does provide for a link to the Public Right of Way to the east of the site on Snarlton Lane. Whilst this also would require a further breach in the hedge at this point, the increased permeability that this link would provide is to be welcomed. For this reason it is considered that it outweighs the concerns over the loss of a small section of the hedge that this would require.

The Highways Authority have raised no objection to the formation of this additional link onto Snarlton Lane and, given the benefits associated with its formation, it is considered that there is insufficient justification to refuse the application on this basis.

#### Affordable Housing Provision for the Site

Concern has been raised in relation to the level of provision on the site by the Affordable Housing Enabling Officer in respect of a perceived shortfall in the numbers of affordable units being proposed in relation to this phase and the fact that units which are proposed do not accord with the size mix defined within the S106.

However, having regard to the provisions of the S106 agreement, whilst it seeks an overall provision for 24% of all the houses being affordable across the site and is prescriptive about the numbers of units sizes (i.e 1-bed, 2-bed etc.) which need to be provided, it does not require that such provision is apportioned pro rata across the site within each phase.

As the Applicant has a lower provision of affordable housing units within this phase of the development, they will need to increase the numbers within subsequent phases to address the shortfall and to ensure that the full 24% provision on the site is provided. In addition, the subsequent phases will need to ensure that, when completed, the size mix ratio sought by the S106 is also met by the developer.

Given the fact that the S106 does not seek a pro rata provision for affordable housing number and unit size mix for each phase, the proposed provision does not constitute a shortfall as suggested by the Affordable Housing Enabling Officer but moreover, is a phased delivery of the affordable provision for the site.

In terms of the layout of the affordable Housing provision within the proposed development, the S106 requires that they should be provided in cluster of no more than 15 units. Having regard to the details submitted the proposed cluster is 15 units and as such is considered to be acceptable.

Having regard to the above, it is considered that the proposed affordable housing provision for this phase of the development is acceptable. However, an informative has been attached to this report which, in the event of approval of the details, draws the Applicant's attention to the provisions of both the conditions and S106 agreement attached to the outline permission and the provisions thereof.

#### Issues Raised as Objections Not Covered Above

##### Flooding and Drainage

Whilst concerns have been raised in relation to this matter, the issue of drainage and flooding on the site is covered by both conditional requirements attached to the original outline permission along with requirements of the S106 agreement relating to flood attenuation measures.

##### Traffic Calming on Neighbouring Roads

In terms of off site traffic calming and highway works, these matters have been secured through a S106 agreement with Wiltshire County Council. These matters do not form part of this application but relate to the wider redevelopment of the site overall.

In terms of Snarlton Road specifically, there is a requirement under the terms of the WCC S106, that prior to the occupation of the 50th residential unit on the site (the whole of the site) that the developer shall agree 'appropriate measures' for Snarlton Lane.

#### Lack of Children's Play Areas

The overall development proposes a large amount of Public Open Space, playing fields and Neighbourhood Equipped Areas of Play. (NEAPs). Whilst there is no smaller play area provision within the development, the NEAPs provided on the wider site are close enough to serve the development. For this reason the proposed application is considered to be acceptable.

#### Provision of the Distributor Road

The provision of the distributor road is controlled by condition 20 of the original permission requiring that it be completed in its entirety prior to the occupation of the 200th dwelling taking access off Sandridge Common or 150 dwellings taking access off Snowberry Lane. Failure to complete such works could result in a Breach of Condition Notice.

### CONCLUSION

Having regard to the above it is considered that the submitted details pursuant to the outline permission for the provision of 114 dwellings be approved.

**Recommendation:            Approval**

#### For the following reason(s):

**That the submitted details accord with the provisions of the West Wiltshire District Plan First Alteration June 2004 and the adopted Land East of Melksham Urban Design Strategy and the proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.**

#### Subject to the following condition(s):

- 1 That no works shall be undertaken on site until such time as details of the access details of the footpath onto Snarlton Lane have first been submitted to and approved in writing; and implemented in accordance with such approved details prior to the occupation of the first dwelling on the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of pedestrian safety and the safe and free flow of traffic on the neighbouring highway.

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

REASON: In the interests of amenity and privacy.

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

- 3 The window serving toilets and bathrooms, as shown on the submitted plans, shall be obscure glazed and of a non-opening design and shall be installed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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


- 4 Prior to the commencement of the development, full details of the road layout and construction details shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include longitudinal sections, typical cross sections including surface materials, street lighting and road drainage. The development shall thereafter be carried out in accordance with approved details and no dwelling shall be occupied until that part of the access road which serves it, including that part of the access road leading from the existing maintained public highway, has been constructed up to and including bindercourse (basecourse) surfacing in accordance with the approved details.

REASON: In the interests of the safe and free flow of traffic within the site and on the neighbouring highway and the residential amenity of the future occupiers of the site.

**Informative(s):**

- 1 Your attention is drawn to the fact that, whilst the details have been approved in relation to this reserved matters application for 62 dwellings, there are other conditions attached to the outline planning permission 04/01895/OUT which relate to the site which will need to be discharged prior to the commencement of works as well as requirements contained within the associated S106 agreement which will need to be met.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

		
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**RELEVANT APPLICATION PLANS**

Drawing : SEE ATTACHED SCHEDULE

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 03

Date of Meeting	13.05.2009		
Application Number	W/09/00483/REM		
Site Address	Land North East Of Snowberry Lane And South Of Sandridge Road Melksham Wiltshire		
Proposal	Application for approval of reserved matters, construction of 62 dwellings, highways and associated landscaping (ref 04/01895/OUTES)		
Applicant	JS Bloor Swindon		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham (Town)	Unitary Member:	
Grid Ref	392138 163580		
Type of application	Reserved Matters		
Case Officer	Mr Sim Manley	0300 456 0100 Ext 240 sim.manley@wiltshire.gov.uk	

## Reason for the application being considered by Committee

Melksham Without Parish Council objected to the proposals before 31.03.09.

### 1. Purpose of Report

To consider the above application and recommend that the Reserved Matters be APPROVED subject to conditions.

### 2. Main Issues

Principle of development  
Environment Assessment  
Scale of development  
Layout  
Appearance  
Landscaping  
Access  
Points raised in objections to the scheme.

### 3. Site Description

The site comprises a large irregular area of farm land measuring 2.15 Hectares, positioned 270m to the east of Snowberry Lane and to the south of Clackers Brook.

Two public rights of way are located within the application site. One (No. 18) runs north south through the site with a further PROW (No. 42/23) running east/west through the southern part of the site.

#### **4. Relevant Planning History**

04/01895/OUT – Comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road – Permission granted 6.8.08

08/03129/REM – Reserved matters application for 62 dwelling – withdrawn;

08/02886/REM - Reserve matter application for 114 dwellings – withdrawn;

09/00579/REM - Reserved matters application for 116 dwellings – withdrawn;

CM Vines Site

08/00560 – 16 flats and associated access and parking - Approved 9.6.08

Wiltshire Land

05/00225/OUT - Residential development - Resolved to grant subject to conditions and completion of a S106 agreement

#### **5. Proposal**

The application seeks approval of the reserved matters application for 62 dwellings which forms part of a larger site for the erection of 670 dwellings granted under outline permission 04/01895/OUT.

The reserved matters relate to the details of Access, Appearance, Landscaping, Layout and Scale for 62 dwellings.

The proposed dwellings comprise 35 private units for sale and 27 affordable units for rent. The sizes of the properties proposed are as follows:

Private Housing:

- 16 x 3-bed Houses
- 197 x 4-bed houses

Affordable Housing:

- 4 x 1-bed flats
- 9 x 2-bed houses
- 11 x 3-bed houses
- 3 x 4-bed houses

The proposed houses are a mix of 2 and 3 storey dwellings, being either in the form of detached, semi detached and terraced units with parking being provided in the form of hard standing and/or garage parking spaces.

The proposed development will provide 102 parking spaces and 62 garage spaces which equates to an average of 2.7 spaces per dwelling overall to serve the 62 dwellings and the anticipated visitors.

The 62 dwellings are proposed to be serviced off the proposed distributor road by a 'T' junction as well as an internal estate road leading from the neighbouring residential phase to the west. The position of the access into the site and the 'T' junction was approved as part of the original outline application.

#### **6. Planning Policy**

PPS1 – Sustainable Development and climate change

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

PPS 9: Biodiversity and Geological Conservation

PPG13 - Transport

PPG 24 - Noise

PPS25 – Development and Flood Risk



## Structure Plan

DP1 – Priorities for Sustainable Development

DP3 – Development Strategy

DP7 – Housing in Towns and main Settlements

DP8 – Affordable Housing

DP14 – Housing, Employment and Related Development in Open Countryside

T5 – Cycling and Walking

C1 – Nature Conservation

C5 – Water Environment

C12 - Agriculture

## West Wiltshire District Plan 1st Alteration 2004 –

C1 – Countryside Protection

C31a – Design

C32 - Landscaping

C34a – Resource Consumption and Reduction

C34 – Renewable Energy

C35 – Light pollution

C38 – Nuisance

C40 – Tree Planting

R4 – Public Open Space

R11 – Footpaths and rights of way

H2 – Affordable Housing in Towns

H6 – Land East of Melksham

H19 – Development in Open Countryside

H22 – Affordable housing on rural exception sites

H24 – New Housing Design

E5 – Loss of employment land

T10 - Car Parking

U1a- Foul water disposal

U2 – Surface water disposal

S1 - Education

## 7. Consultations

### Town/ Parish council

MELKSHAM WITHOUT PARISH COUNCIL – The Parish Council object to this planning application as, apart from a few changes of house type it appears to be exactly the same as the previous application which was withdrawn. The parish council is disappointed to see that these concerns have not resulted in action. The Council thus wishes to reiterate these concerns as follows:

The Council accept this development in principle but has objections and amendments to details, as follows:-

- a) Care must be taken to ensure all new dwellings are built to the latest energy efficient standards with use of up-to-date technology such as photo voltaic tiles;
- b) Construction must be in accordance with the agreed Development Brief in every respect. The brief was agreed between all local authorities, following a series of comprehensive working parties. All aspects were covered, such as LEAPs and NEAPs, road infrastructure, the new school, public open space and play areas;
- c). There is concern that if applications for this allocation continue to be passed piecemeal, the community may lose out overall on planning gain. Care should be taken to ensure that each participating developer on this site pays a proportionate amount towards the agreed community gain through a formal S106 Agreement which is properly monitored and enforced. What measures are being put in place to ensure every developer make an equitable contribution towards community gain? There needs to be a clear formula in place so that all developers know what is expected of them.

- d). Any financial contributions agreed via the S106 agreement should be indexed linked to ensure that the community benefits have the same financial value irrespective of when the development is built;
- e). There does not appear to be any provision to cross over the proposed distributor road to enable pupils living in this area to reach the new secondary school or Forest and Sandridge School (until the new primary school is built) This is vitally important . Since the crossing will be used daily by school children, it must be a full crossing, which is traffic light controlled;
- f) It is unclear what provision is being made towards providing the new play areas and recycling facilities;
- g) Although there is, at present, no proposed back entrance to the new school, the existing Footpath 18 which cuts through a field to the school, is an obvious route, and requires no diversion to fit the bill. This development needs to link in to the proposed new route for Footpath 18 which is specified in the Planning Agreement to go right into the new school. Negotiations for a linked off-road route needs to commence now between WCC and the developers;
- h) Footpath 42 is shown as just coming to an abrupt end in this application. No alternative route is shown (see attached rights of way map);
- i) Several of the established rights of way are not shown on the application plans. An additional plan is needed to show how the development will link in to all existing rights of way in this area. The parish council does not wish to see any existing rights of way being diverted along estate pavements, as nobody using a right of way wants to walk alongside moving traffic. Rather we would expect any/all diverted footpaths to be separated from moving traffic by natural hedgerow or avenues of trees (as happened at a new development at Stroud recently) so that the pleasant pedestrian amenity is not lost.
- j) Care should be taken to ensure that and social housing fits in with other housing on the development and that these properties are of the same quality and indistinguishable from private housing;
- k) No works should commence on this development until the distributor road is complete;
- l) There needs to be provision for regular soil movement to avoid huge piles of soil appearing behind existing dwellings and cause anxiety re slippage;
- m) Landscaping should comprise good quality mature deciduous trees, not whips;
- n) There needs to be down lighting to avoid unnecessary light pollution;
- o) Construction working should be restricted to normal working hours, avoiding late night or early morning working practices especially at the weekends;
- p) The Council is concerned that so many houses will be built off a 'T' junction.

The Parish Council has also responded to a reconsultation objecting to the scheme on the basis that the proposed hedges and trees should be native deciduous species, not ornamental, or park urban-type species. Trees should include native oak and ash and hedgerow plants should include blackthorn, hawthorn, hazel and elder. Along the stream and on the edge of the flood plain, willows and alders should be planted. There is no indication of what existing trees are to be retained. Please forward a revised plan showing these.

MELKSHAM TOWN COUNCIL – Whilst having no objection to the planning application, the Town Council re-iterate comments made previously regarding other planning applications for housing on the Clackers Brook Development i.e.:

No dwellings are erected until the completion of the whole distributor road;

It is very hard to get the whole picture of what is happening in this area, as applications are coming in by piecemeal. There is concern that community gain could be lost;

What impact will additional traffic have on roads in the surrounding areas, particularly Sandridge Road and Snowberry Lane, what traffic measures are proposed;

Consideration needs to be given to the pedestrian travel plan between this development and the new secondary school at Woolmore Farm;

The plans need to be in-line with the original development brief;

#### External

WILTSHIRE COUNTY COUNCIL ARCHAEOLOGIST - has no objection to the development subject to a condition seeking to secure a programme of archaeological work prior to any ground works being undertaken on site.

WILTSHIRE COUNTY COUNCIL POLICY TEAM - have no objection to the development.

WILTSHIRE COUNTY COUNCIL HIGHWAYS TEAM - Whilst originally objecting to the submitted application due to concerns over technical specifications such as road alignment, vehicle tracking, bus stop location and parking provision etc., amended plans have been received which have addressed many of these questions. However, issues of vehicle tracking and parking provision are still the subject of negotiations.

ENVIRONMENT AGENCY - have no objection to the reserved matters application but have drawn attention to conditions attached to the original outline permission which will need to be addressed as well as S106 requirements. They have also asked that an informative be attached requiring the developer to contact them in respect of drainage reports.

#### Internal

URBAN DESIGNER - Initial concerns were raised by the Council's Urban Designer that, whilst the road layout generally conforms with the Design Brief, the positioning of some of the garaging is awkward and that some of the fenestration details need changing to simplify the designs. Amended plans are being sought to address these issues

ENVIRONMENTAL HEALTH - have no comments regarding the reserved matters application.

AFFORDABLE HOUSING ENABLING TEAM – A consultation response is awaited.

TREE OFFICER - No objection subject to root barrier details being put in place to ensure that the trees do not cause structural problems to walls subsequently.

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

Summary of key relevant points raised:

- concerned that over the lack of hedgerow and the potential for the inclusion of additional hedgerow to encourage wildlife corridors and to provide visual separation between the built areas and public open space.

## **9. Planning Considerations**

### **Principle of Development**

The principle of the redevelopment of this site has already been established through the grant of outline permission for the comprehensive mixed use urban extension, comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities. As part of that application, the detail relating to the provision of a distributor road were also agreed.

All other matters relating to Scale, Layout, Appearance, Landscaping and Access of the development were reserved by condition for later consideration. This decision was granted subject to a comprehensive list of conditions and a S106 legal agreement, the details of which were agreed at a subsequent meeting of the Planning Committee.

This application has been submitted seeking approval of all the Reserved Matters, detailed above, pursuant to the outline permission for the erection of 62 dwellings, being one phase of the 670 house development of the site.

#### Environmental Statement

Whilst this application was not supported by an Environmental Statement, this application is pursuant to the original outline permission which, itself, was the subject of an Environmental Statement which was submitted to and approved by the Council at that time. In this regard, the proposal, the subject of this application, is fully in accordance with the provisions and principles contained within the approved ES and, as such, there is no requirement for a further or updated ES to be submitted in support of this application.

#### Layout of Development

Pursuant to the requirements of the signed S106 agreement attached to the outline planning permission, an Urban Design Strategy for the whole development has been submitted to and approved in writing by the Local Planning Authority. This details the overall design and form of the development in broad principle terms having regard to the provisions of the master plan. Its purpose is to impose a framework which will provide a high level of continuity between the different phases of the development to ensure that there is not a patchwork of jarring and conflicting developments across the site.

In terms of the proposed layout, the proposed 62 house application, the subject of this application, accords with the provisions of the Urban Design Strategy document and the overall master plan in respect of the road alignment, positioning of housing and the hierarchy of open space within the development. The proposed pattern of development within the new development provides for some short terraces along the principal estate road with a majority of the housing being either detached or semi detached away from this frontage, being designed to capture the eclectic character of surrounding villages.

In terms of the positioning of buildings, the scheme has been designed to almost exactly match the design brief in terms of the layout relating to Key Space E of the Urban Design Strategy, proposing a formal crescent as a 'gateway' set piece, which provides an axis of north to south and east to west movement routes as well as providing part of the green corridor linking the development to open space.

Having regard to the above it is considered that the proposed layout of the development is acceptable.

#### Scale of Development

Scale of the development relates to the height, width and length of the proposed buildings. In this regard the proposed residential units have been designed having regard to the provisions of the Urban Design Strategy to reflect the character of surrounding villages.

#### Height

In terms of the height of the proposed dwellings, the proposed development fully accords with the provisions of the Design Code element of the Urban Design Strategy. The three storey elements relate to the defining 'gateway' element.

#### Width and Length

In this regard the width and length of the proposed residential units, including the flatted units, is consistent with the built form of the surrounding villages and, for these reasons, is considered to be acceptable.

Having regard to the above, the scale of the proposed development is considered to be acceptable.

## Appearance

As already stated, a Design Code has previously been submitted to and approved in writing by the Council, the purpose of which is to ensure that there is continuity between the different phases of the development, whilst at the same time providing for character areas within the scheme itself to reflect the vernacular. In this regard, the Design Guide has identified this area, within which this phase is located, as one which should reflect the surrounding villages.

With respect to the submitted house types, it is considered the goal of the Design Guide and character areas has been met with these design features being incorporated into some of the proposed units. In addition, other housing types and styles have been incorporated into the phase which are more generally reflective of the Design Guide overall in terms of fenestration and other architectural detailing. This is required to provide for both a mix and balance within the phase itself, but also to ensure continuity between the different phases of the development.

In terms of the proposed building materials the submitted details are considered to be acceptable. In addition, attention is drawn to Condition 17 and 18 of the outline permission which requires that samples of the materials are submitted to and approved by the Local Planning Authority prior to the commencement of the development to ensure that they are not detrimental to the visual amenity of the area.

Having regard to the above it is considered that the proposed appearance of the proposed development is acceptable.

## Landscaping

In terms of landscaping, it is important to note that the details submitted relate solely to that which is provided within the red line of the application site, relating specifically to the provisions of the houses

### Landscaping Details Relating to Housing

Relating to the dwellings, the submitted details are considered to be acceptable, with the rear amenity areas of the houses being laid to lawn with front garden areas, onto the public realm, being in the form of lawns or decorative borders including shrub planting.

The only area of concern in relation to this element of the scheme related to the position of trees within the development. Whilst not objecting to the size, species or number of trees proposed, there were issues over the close proximity of some of the trees in relation to proposed boundary walls and future structural integrity problems resulting from root damage. This has been overcome by the imposition of a condition seeking the submission and approval of root protection details prior to the commencement of the development.

## Access / Vehicular Access

The application seeks approval of the reserved matter of access relating to the provision of the 62 houses. In respect of the access off the distributor road, it is important to note that the detail only relates to the access off the distributor road and not the distributor road itself which was approved as part of the outline permission and was the subject of approval of subsequent conditioned details.

### Access to the 62 Houses

Whilst not objecting in principle to the development, the highways team has raised some issues over matters of detail relating to the development. At the time of writing this report negotiations were ongoing between the applicant and the Highways team in respect of these matters. A verbal update will be made to the committee to cover these issues.

## Parking

102 parking spaces and 62 garage spaces which equates to an average of 2.7 spaces per dwelling overall to serve the 62 dwellings and the anticipated visitors.

## Pedestrian Access

As part of the Movement Strategy of the overall Urban Design Strategy it was agreed that the whole of the strategic allocation be well served by public footpath links in the interests of sustainability and reducing the dependency upon the private motor vehicle. The proposed development accords with the provisions of the strategy in this regard

#### Affordable Housing Provision for the Site

The affordable housing provision for this site is 27 units which represents 44% of the overall total. Whilst the S106 only seeks 24% provision, the enabling officer raises no objection to the development in this regard as the site forms part of a wider phase which has been split in half. Application 09/00579, which formed the other half of the development, but has subsequently been withdrawn pending a re-plan of the layout, contained no affordable housing provision. Together the 2 phases would provide 115 units with a 24% provision overall. The reason why this application contains all the affordable housing was to enable it to be brought forward early and was a reason why the original application on this site for 62 dwellings was withdrawn and re-planned to allow this to take place.

#### Issues Raised as Objections Not Covered Above

##### Footpath 18 linking into the School

Concern has been raised in relation to the footpath link to the school to the south. It is advised that the Footpath 18, which runs north south through the site will link to the new school located to the south. However, the provision of this link is conditioned as part of the permission for the school as opposed to being an encumbrance upon the outline permission relating to this site. The outline permission and the details of the distributor road provide for the crossing of this highway to facilitate such a link. For these reason there is no objection to the development.

##### Footpath 42

Footpath 42 which runs east west across the site is provided for within the approved Urban Design Strategy with its route following the path of the distributor. The route of this footpath presently runs through the southern section of part of the site time but will be re-aligned to follow the agreed route.

##### 'T' Junction

The proposed 'T' junction to serve the development has already been approved as part of the detailed application submitted as part of the outline permission.

**Recommendation:            Approval**

#### **For the following reason(s):**

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

#### **Subject to the following condition(s):**

- 1 No works on site shall be undertaken on site until such time as details of the estate road crossing of the linear Public Open Space feature, shall have first been submitted to and approved in writing by the Local Planning Authority, such details to include details of the treatment the principal pedestrian link crossing of the estate road along with details of the junction between the two routes to preclude motor vehicles from entering the pedestrian link; and implemented in accordance with such approved details before the first occupation of any dwelling on the site unless otherwise agreed in writing by the Local planning Authority.

REASON: In the interests of safe and free flow of traffic and pedestrian safety.

- 2 No works on site shall be undertaken on site until such time as details of the pedestrian link between Plots 20 and 21 onto the neighbouring public open space shall have first been submitted to and approved in writing by the Local Planning Authority, such details to include an indicative layout of the footpath link to the neighbouring play area; and implemented in accordance with such approved details before the first occupation of any dwelling on the site unless otherwise agreed in writing by the Local planning Authority.

REASON: In the interests of pedestrian safety and permeability of the site.

- 3 Prior to the commencement of the development, full details of the road layout and construction details shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include longitudinal sections, typical cross sections including surface materials, street lighting and road drainage. The development shall thereafter be carried out in accordance with approved details and no dwelling shall be occupied until that part of the access road which serves it, including that part of the access road leading from the existing maintained public highway, has been constructed up to and including bindercourse (basecourse) surfacing in accordance with the approved details.

REASON: In the interests of the safe and free flow of traffic within the site and on the neighbouring highway and the residential amenity of the future occupiers of the site.

- 4 The window serving toilets and bathrooms, as shown on the submitted plans, shall be obscure glazed and shall be installed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

REASON: In the interests of amenity and privacy.

- 6 The areas allocated for parking on the approved plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. (subject to satisfactory parking levels)

REASON: In the interests of highway safety.

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

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

- 8 The development hereby permitted shall not be occupied until the visibility splays (2.4m x 25m junction visibility) shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

- 9 A full schedule of tree planting (including root protection) that are to be located within / effecting the highway to be adopted shall be submitted and approved in writing by the local planning authority prior to being planted.

REASON: In the interests of highway safety.


- 10 No works shall be undertaken on site until such time as a full schedule of tree planting root protection measures has first been submitted to and approved in writing by the Local Planning Authority; and implemented in accordance with such approved details unless otherwise agreed by the Local Planning Authority.

REASON: To ensure that tree roots do not affect the structural integrity of buildings and structures in the future.

**Informative(s):**

- 1 Please be aware that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Clackers Brook, designated the 'main river'
- 2 Your attention is drawn to the fact that, whilst the details have been approved in relation to this reserved matters application for 62 dwellings, there are other conditions attached to the outline planning permission 04/01895/OUT which relate to the site which will need to be discharged prior to the commencement of works as well a requirements contained within the associated S106 agreement which will need to be met.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

		
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MSA: 100022961		

**RELEVANT APPLICATION PLANS**

Drawing : SEE ATTACHED SCHEDULE



# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 04

Date of Meeting	13.05.2009		
Application Number	W/09/00446/LBC		
Site Address	The Dutch Barton Dental Surgery 16 Church Street Bradford On Avon Wiltshire BA15 1LN		
Proposal	Listed Building Consent for display of 2 signs		
Applicant	Mr Simon Fieldhouse		
Town/Parish Council	Bradford On Avon		
Electoral Division	Bradford On Avon	Unitary Member:	Vacant Until 5 June
Grid Ref	382480 160968		
Type of application	Listed building		
Case Officer	Miss Andrea Levin	0300 456 0100 Ext 173 andrea.levin@wiltshire.gov.uk	

## Reason for the application being considered by Committee

This application is brought to Committee because Bradford on Avon Town Council objected to this application before 31.03.09.

### 1. Purpose of Report

To consider the above application and to recommend that listed building consent be granted.

### 2. Main Issues

The main issues to consider are:

- \* The impact of the proposal upon the character and historic fabric of the Listed Building
- \* The impact of the proposal upon the setting of the building within the Conservation Area

### 3. Site Description

The host building is a Grade II Listed 2 storey property with an early C19 frontage. It is constructed of Ashlar stone with rusticated quoins and a plain string course at first floor level, a moulded cornice and plain parapet under a stone-tiled roof.

### 4. Relevant Planning History

No relevant history

### 5. Proposal

The proposal is for two advertisement signs on the east and south elevations of the property. The signs will be aluminium faced with a hardwood edge. The sign would be 900mm in diameter and fixed onto the face of the building with a 30mm gap to the stonework.

The building is located within the Bradford on Avon Conservation Area.

In addition to listed building consent, the signs also require Advertisement Consent.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration 2004  
Policy C28

## **7. Consultations**

Town/ Parish council

BRADFORD ON AVON TOWN COUNCIL object – the proposal is not clear. On the application form the dimensions are 1.2m x 0.9m whereas in the plans a round sign appears to be the proposal. Advice in PPG15 is that there is a duty to pay special regard to the desirability of preserving the character and appearance of the Conservation Area or a Listed Building, Because of the size of these signs this requirement has not been taken into account.

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 20.03.09

Summary of points raised:

A response was received from the Bradford on Avon Preservation Trust:

The Committee recommends Refusal. While the Committee likes the concept of a circular sign, the proposed diameter is totally unacceptable and would look incongruous on this relatively small and unpretentious building. The Planning Committee recommends that the sign be no larger than 500mm in diameter, which would be already pushing it. If that leaves insufficient space we suggest that the picture of the building is omitted.

## **9. Planning Considerations**

PPG15 states that new signs should be carefully designed and positioned with appropriate fixings that will not damage the building.

The proposed signs would be of a sympathetic and innovative design and style which would contrast well with the design of the building. It would be constructed from traditional materials and would be fixed to the building with minimal contact, therefore would have little impact upon the building's fabric.

Their positioning on the building would result in minimal harm to the character of the Conservation Area.

The comments made by the Town Council regarding the description on the application form being inaccurate related to a rectangular sign for which consent was previously being sought retrospectively. These comments were taken into account and the description has been amended accordingly. The new circular signs to which this application relates are considered to be a vast improvement over the signs which were previously erected on the building. The size of the signs is considered to be appropriate in order to ensure that they can be seen when approaching the building from the highway.

**Recommendation:                Consent**

**For the following reason(s):**

**The proposed development would conform to the relevant policy of the district plan and would result in minimal damage to the character and fabric of the Listed Building.**

**Subject to the following 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        Prior to the installation of the proposed signs onto the building, the materials to be used in their construction shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place strictly in accordance with the approved details.


REASON: To ensure that the materials to be used will harmonise with the character of the Listed Building

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

**Informative(s):**

- 1        In addition to the listed building consent sought in this application, you are advised that consent is required also under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

		
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## RELEVANT APPLICATION PLANS

Drawing : LOCATION PLAN 861 - 04 received on 18.02.2009

Drawing : ELEVATIONS SHOWING PROPOSED SIGNS 861 - 8 received on 13.02.2009

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 05

Date of Meeting	13.05.2009		
Application Number	W/09/00776/FUL		
Site Address	Kings Farm 6 Little Common North Bradley Wiltshire BA14 0TX		
Proposal	Restoration of existing agricultural building, reconstruction of collapsed open fronted building, demolition of concrete building and reinstatement and extension of boundary wall		
Applicant	Mr R Hibbard		
Town/Parish Council	North Bradley		
Electoral Division	North Bradley	Unitary Member:	Vacant Until 5 June
Grid Ref	385967 155244		
Type of application	Full Plan		
Case Officer	Mrs Rosie MacGregor	0300 456 0100 Ext 597 rosie.macgregor@wiltshire.gov.uk	

## Reason for the application being considered by Committee

Councillor Swabey has requested that this item be determined by Committee to consider the scale of development and visual impact and whether there will be a harmful impact on the character or appearance of the listed building

### 1. Purpose of Report

To consider the above application and to recommend that it is refused because of the harm to the character and setting of the principal listed building and curtilage structures.

### 2. Summary of Main Issues

The main issues to consider are:

The effect of the proposal on the character and setting of the listed buildings

The impact on the character of the countryside

Neighbouring amenity

Whether the proposal overcomes a previous reason for refusal of the alterations to the outbuildings.

### 3. Site Description

Kings Farm House is a timber framed Grade II listed building and permission was previously granted for its refurbishment and alteration. It had previously been classified as a 'Building At Risk' and had been in a derelict state over many years.

Permission also exists for a new dwelling which is currently under construction at the site which was granted as enabling development to secure the refurbishment of the listed building. However, a previous application for a large extension to the refurbished dwelling was refused. This included the conversion of outbuildings into garaging and storage.

The site is located in the countryside on the edge of the village of North Bradley. It is approached by way of a single track road leading off the main highway that runs through the village.

#### **4. Planning History**

07/00211/LBC - Restoration and repairs to roof and building - Consent 24.04.07

07/03006/FUL - New detached dwelling (enabling) - Permission 28.01.08

08/01738/FUL - Extensions to dwelling - Refused 28.07.08

08/01740/LBC - Extensions to dwelling - Refused 28.07.08

08/02464/FUL - Extensions to dwelling - Refused 07.10.08

08/02465/LBC - Extensions to dwelling - Refused 07.10.08

W09/00452/FUL – Extensions to dwelling - Refused 24.03.2009

W09/00454/LBC – Extensions to dwelling - Refused 24.03.2009

W09/00784/LBC – Restoration of agricultural buildings – Pending decision

#### **5. The Proposal**

This is a full planning application for the restoration and rebuilding of an existing red brick agricultural building, the reconstruction of a previously collapsed open fronted cow shed, demolition of a modern concrete building and reinstatement and extension of a boundary wall.

The proposal is similar in many ways to an earlier application that was refused by committee on 02.10.2008.

The accommodation would provide for domestic storage and garaging and would be constructed from a mix of stone and brick under clay tiled roofs with timber support posts and timber doors and windows.

The new boundary wall would be constructed from brick on an entirely new alignment to sub-divide the two properties, the original farmhouse and the new dwelling, from each other.

A design and access statement has been submitted with the application.

Parts of the proposal are retrospective including the partial reconstruction of the brick building and the new boundary wall. The latter has been built with expansion joints and is of modern appearance.

The parallel LBC application will be determined under delegated powers in line with the Committee's decision on this application.

#### **6. Planning Policy**

Wiltshire and Swindon Structure Plan 2016  
HE7 – Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004  
C26 – Maintenance of Listed Buildings  
C28 – Alterations to Listed Buildings  
C31a – Design

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

Supplementary Planning Guidance – House Alterations and Extensions

## **7. Consultations**

### Town/ Parish council

NORTH BRADLEY PARISH COUNCIL: No response received.

### Highways

No adverse impact on highway safety.

### Wessex Water

No objection in principle.

### Conservation Officer

'The renovation of the red brick agricultural building is acceptable and I believe the works are substantially complete.

The parking and storage structure would be of a fairly traditional construction and appearance; however the south west wall as proposed is too close to the south west wall of the red brick building. There should be a decent set-back from the red brick wall in order to highlight the subservience of the garage building.

The wall as proposed does not respect the historic layout of these structures and would therefore be harmful to the character of the curtilage listed buildings and the setting of the main listed building.

The reinstatement of the red brick boundary wall that now seeks to divide the historic property from the new build has also been completed. However, the statement submitted with these applications states that "the height, width, design and bonding will match the walls as removed". The problem, however, is that the wall as rebuilt does not meet these criteria, certainly not in design and bonding. The rebuilt wall does not have the half-moon coping bricks and there are unnecessary expansion joints all along the length of the wall. I also understand the bonding and mortar widths alter in an adverse manner towards the eastern end of the wall.

The structure is unauthorised and as it is considered to be completely unacceptable this matter should be passed to Enforcement for formal action.

Even if this part of the application is approved, the existing wall must be taken down and rebuilt in accordance with suitable conditions to be imposed.

I am disappointed having met the builder and the applicant on site to specifically advise on the rebuilding of the wall. The builder had made a very good job of the bonding in the first section of wall, at the site entrance, and assured me he was working in lime mortar. The expansion joints are not necessary due to the flexibility of the lime mortar. My advice that only a traditionally rebuilt wall would be acceptable has been disregarded.

Refuse or negotiate revised garage wall position and enforce the rebuilding of the boundary wall.'

## **8. Publicity**

The application was advertised by site notice/press notice/neighbour notification.

Expiry date: 17.04.2009

Summary of points raised:

There has been no response.

## 9. Planning Considerations

### 9.1 Historic Environment

Section 16(2) 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 the building or its setting or any features of special architectural or historic interest which it possesses when determining an application for listed building consent.

The principal listed building, King's Farmhouse, had been one of the most critical buildings at risk in this district in the last decade and in such a dangerous state that parts were at risk of collapse. Its current refurbishment that has been carried out to a high standard must be applauded.

However, the current proposals fall short of the high standard of design, conversion and refurbishment work that the Council would expect and the views of the Council's Conservation Officer are fully supported.

The main issue here relates to the size, location and design of these refurbished and extended buildings and their relationship with the original boundary walls and the principal listed building at the site, together with the impact on the historic environment of the new boundary wall erected between the curtilage of the historic farmhouse and the new dwelling.

The proposals would create a substantially enlarged footprint and the proximity of these extended and rebuilt outbuildings to the former farmhouse would undoubtedly harm its character and setting.

Although a small break would be maintained between the rebuilt red brick agricultural storage building and an existing small stone storage building, the overall length of these single storey outbuildings is such that they would create a significant visual mass which would be exacerbated by the size and volume of the proposed open fronted garaging. The garaging would appear more dominant and insufficiently subservient to the red brick storage building and would fail to respect the historic layout of the site.

Historically there was a range of farm buildings within the former farmstead but these would clearly have been seen as ancillary agricultural buildings. The rear wall of the former cowbyres was set well back from the red brick agricultural store. Whereas it is currently proposed that there would be a minimal set back of approximately 0.2 metres which is insufficient and substantially increases the overall visual mass because of the overall size of the footprint, position of the external wall and height and volume of the roof.

The design and layout of the current proposals would not respect this beautifully restored and well proportioned farmhouse. These large buildings would dominate this important historic building and clearly do not respect the setting of the original farmhouse.

These extended outbuildings would no longer be seen as subservient to the original farmhouse but would be highly intrusive, thereby devaluing its historic importance.

There is no objection to the rebuilt redbrick building but it is the size of the proposed garaging and its position in relation to the red brick building that would cause the harm and is unacceptable. It would give these ancillary buildings greater prominence and importance within the former farmstead. The outbuildings should be much less substantial and therefore of lesser importance than the principal farm house.

Consideration must now be given retrospectively to the boundary wall which creates a sub-division to separate the driveways and curtilage of each of the two dwellings. Whilst there is no objection to a new wall in this position it is the manner in which it has been constructed that is the matter for concern. A number of boundary walls previously existed and were of traditional construction with unusual half-moon brick cappings. It was understood that these original structures would be carefully demolished and the bricks would be set aside for re-use. However, it appears that insufficient of the capping bricks are available and instead a modern metric brick on edge forms the coping to the wall. Furthermore, the wall which should have been built using a lime mortar would not therefore require regular expansion joints which are an unsightly and unnecessary addition. Instead the wall is of non-traditional construction and appearance which is harmful to the character and setting of these listed buildings.



Action will be required by your Officers either to secure the removal of this inappropriate structure or rebuild it in accordance with the approved plans.

## 9.2 Impact on the countryside

There would be little impact on the character of the countryside and rural amenity. However, this group of buildings would appear more prominent in the landscape.

## 9.3 Impact on neighbours

The buildings are considered to be sufficiently far from neighbouring residential properties for there to be no harm to neighbouring amenity.

## 9.4 Whether the proposal overcomes a previous reason for refusal

The current proposals for the extension of the outbuildings does not overcome the reasons in part for refusal of an earlier scheme which included these outbuildings as a part of the proposals.

## Conclusion

The curtilage buildings by reason of the design, size of footprint, scale, form, mass and greater visual prominence of the garage extension would fail to respect the historic layout, form and proportions of the original buildings to the detriment of the character and setting of this group of listed buildings and the principal listed building contrary to Policies C28 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.


The boundary wall which seeks to sub-divide and separate the curtilage of the original farmhouse from that of the new dwelling is of non-traditional construction and as such is an unsightly addition to the historic curtilage that is harmful to the character and setting of these listed buildings contrary to Policies C28 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.

**Recommendation:           Refusal**

## For the following reason(s):

- 1     The curtilage buildings by reason of the design, size of footprint, scale, form, mass and greater visual prominence of the garage extension would fail to respect the historic layout, form and proportions of the original buildings to the detriment of the character and setting of this group of listed buildings and the principal listed building contrary to Policies C28 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.
- 2     The boundary wall which seeks to sub-divide and separate the curtilage of the original farmhouse from that of the new dwelling is of non-traditional construction and as such is an unsightly addition to the historic curtilage that is harmful to the character and setting of these listed buildings contrary to Policies C28 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.

<b>Appendices:</b>	None
<b>Background Documents Used in the Preparation of this Report:</b>	History files as listed in the report.

		
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<p>MSA: 100022961</p>		

## RELEVANT APPLICATION PLANS

Drawing : EXISTING PLANS received on 23.01.2009  
Drawing : PROPOSED PLANS received on 23.01.2009

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 06

Date of Meeting	13.05.2009		
Application Number	W/09/00566/FUL		
Site Address	Barn At Church Farm The Street Broughton Gifford Wiltshire		
Proposal	Installation of three solar panels on southern roof-scape of barn		
Applicant	J Hooper And Sons		
Town/Parish Council	Broughton Gifford		
Electoral Division	Broughton Gifford	Unitary Member:	Vacant Until 5 June
Grid Ref	387757 163223		
Type of application	Full Plan		
Case Officer	Mr Philip Baker	0300 456 0100 Ext 286 philip.baker@wiltshire.gov.uk	

## Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Clark. The request was made before 31.03.09 so no reason for the request needed to be given.

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### 1. Purpose of Report

To consider the above application and to recommend that planning permission be refused.

### 2. Main Issues

The main issues to consider are:

- \* Visual impact
- \* Impact on neighbour's amenity
- \* Conservation Area

### 3. Site Description

The application site is the Barn at Church Farm, Broughton Gifford and this is a former agricultural building converted into a 3 bedroom holiday unit. This forms part of the original farmyard complex, which comprises of a tennis court and a farm shop. This is a substantial stone built traditional barn recently renovated with reclaimed double roman clay tiles. It is located off the Street in Broughton Gifford, access via an unadopted road.

### 4. Relevant Planning History

95/01456/FUL – 8/2/1996 – Permission – Conversion of former cottage to ancillary accommodation to Church Farm

00/02118/FUI – 7/8/2001 – Permission- Conversion of agricultural buildings to provide 2 units of holiday accommodation

04/00915/FUL – 1/7/2004- Permission- General purpose apex building

08/00930/FUL – 13/5/2008 – Permission – change of use and conversion of existing barn to holiday let unit

08/03303/FUL – 14/1/2009 – Refusal - Installation of three solar panels on southern roof-scape of barn

## **5. Proposal**

The proposal is for the installation of 3 solar panels, black finish, on the southern roofscape of the barn, on the principal elevation of the barn. These are 2039mm by 1139 mm each in size and would be flush solar panels.

## **6. Planning Policy**

Wiltshire and Swindon Structure Plan 2016

RE1 - Renewable Energy

West Wiltshire District Plan 1st Alteration (2004)

C17 Conservation Area

C18 New Development in Conservation Areas

C31a Design

C34 Renewable energy

C38 Nuisance

SPG Supplementary Planning Guidance on House Alterations and Extensions

PPS 1 - Delivering Sustainable Development

PPG15 - Planning and the Historic Environment

PPS22 - Planning and Renewable Energy

## **7. Consultations**

### Town/ Parish council

Broughton Gifford Parish Council – Comments received 5/3/2009

The Parish Council has viewed the application details for the proposed installation of 3 solar panels on the south facing slope of a barn conversion at Church Farm. The Parish Council fully supports the application, which is similar to a previous one for this applicant that was refused under delegated powers recently. The Parish Council is mystified and concerned that the applicant's efforts to reduce ecological impact on the environment by installing alternative energy measures was refused. There will be little, if any visual impact whatsoever since the site is not visible from the road. Similar solar installations are fully visible along the conservation area of The Street and the Parish Council urges the District Council to support the application.

### Heritage Development Officer

Policy C18 of the West Wiltshire District Plan states that proposals to alter an unlisted building in a conservation area will be permitted only if the alteration will preserve or enhance the character or appearance of the conservation area. The installation of solar panels on roof slopes that face a highway or are visible from a public view point, can be visually intrusive and would be considered to impact upon the character of a Conservation Area.

As the proposed solar panels would be positioned on the principle elevation of the barn, and would be visible from the highway it is considered that it would fail to preserve or enhance the character or appearance of this part of the Conservation Area.

## 8. Publicity

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 03.04.09

Summary of points raised:

1 letter of support received

## 9. Planning Considerations

PPG 15 and section 72 of the Planning ( Listed building and Conservation area) Act 1990 highlights 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.

This is an identical application to the one that was refused on 14/1/2009 and this application has failed to address the issue of the undesirable appearance on the southern principal elevation from the siting and appearance of the solar panels.

Streetscene

The proposed 3 solar panels would be flush solar panels, with the panels set into the roof in place of the tiles. The panels would not project significantly from the roof slope and would be finished in black, and would sit among the weathered red reclaimed tiles rather than on top.

The solar panels would be sited on the southern (principal) elevation of the property, which would be prominent in the street scene. From the entrance of the unadopted road off the Street by St Mary's Church, they are clearly visible and create a alien feature on a historic fabric of the buildings.

Amenity

Policy C18 of the West Wiltshire District Plan states that proposals to alter an unlisted building in a conservation area will be permitted only if the alteration will preserve or enhance the character or appearance of the conservation area.

Conservation Area

As the proposed solar panels would be positioned on the principle elevation of the barn, and would be visible from the highway it is considered that it would fail to preserve or enhance the character or appearance of this part of the Conservation Area.

This does not comply with policy.

**Recommendation: Refusal**


### For the following reason(s):

- 1 The proposed solar panels, by reason of their siting and appearance, would be alien and conspicuous features, which would create an undesirable appearance on the southern principal elevation and lead to the detriment of the character and appearance of the property and the wider Conservation Area.

REASON: The proposal would fail to preserve or enhance the Conservation area

POLICY: West Wiltshire District Plan 1st Alteration (2004) - Policies C17, C18, C31a & C38

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

		
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## RELEVANT APPLICATION PLANS

Drawing : 09/00566/1 Rev.Co1 received on 24.02.2009  
Drawing : 09/00566/2 Rev.Co1 received on 24.02.2009  
Drawing : 2960/D/1 Rev.Co1 received on 24.02.2009  
Drawing : 2960/D/2 Rev.Co1 received on 24.02.2009

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 07

Date of Meeting	13.05.2009		
Application Number	W/09/00583/FUL		
Site Address	Land Rear Of 16 High Street Codford Wiltshire		
Proposal	Extension to enlarge dwelling to create a new semi-detached dwelling, new garage block to replace existing and associated works (revised scheme of 07/03111/FUL)		
Applicant	Mr R Cole		
Town/Parish Council	Codford		
Electoral Division	Codford	Unitary Member:	Vacant Until 5 June
Grid Ref	397247 139720		
Type of application	Full Plan		
Case Officer	Mr James Taylor	0300 456 0100 Ext 169 james.taylor@wiltshire.gov.uk	

## Reason for the application being considered by Committee

This application is brought to Committee because Codford Parish Council raised objections prior to 1 April 2009 and officers are minded to recommend permission.

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### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to conditions.

### 2. Summary of Main Issues

The main issues to consider are:

- \* Extant planning history.
- \* Design impact on the host building and the street scene
- \* Neighbouring amenity
- \* Flooding
- \* Highway safety
- \* Impact on the special landscape character of the nationally important Area of Outstanding Natural Beauty.
- \* Comments received in the consultation process

### 3. Site Description

The application site is within the rural village of Codford on the High Street on a relatively flat piece of land within the built fabric of the village and the designated village policy limits.

The site is currently occupied by a modest elongated period property that fronts onto the main road through the village. It is two-storeys in height and to the rear it has a modest lean-to rear extension running its length. To the rear are extensive gardens with two detached outbuildings. The rear boundary of the site is marked by a stream.

The wider area has been designated as a landscape of national importance; an Area of Outstanding Natural Beauty. Further the application site is in a recognized flood zone 3 based on the current flood maps provided by the Environment Agency.

The site has extant planning approval from 2008 for extension and subdivision to form an additional dwelling and the erection of detached garage block to the rear.

#### **4. Planning History**

04/01518/FUL - Erection of three dwellings on land to the rear of 16 High Street - Withdrawn

05/00289/FUL - Erection of three dwellings on land to the rear of 16 High Street – Refusal on 25.08.2005 (Appeal dismissed 05.05.2006)

07/00073/FUL - Extension and alterations – Permission on 06.03.2007

07/03111/FUL - Extension to enlarge dwelling to create a new semi detached dwelling, new garage block to replace existing and associated works – Permission on 08.02.2008

#### **5. The Proposal**

This is a full planning application for a revised scheme to planning approval 07/03111/FUL in order to provide for an alternative design. In principle the proposals remain alterations and extensions to the rear of a residential property in order to facilitate its subdivision into 2 houses. Further it is still proposed to erect a detached pair of garages in the rear garden area and subdivide this garden to facilitate separate private rear amenity space.

Access to the garages would be shared by the two properties as approved in 2008, utilising an existing but modified vehicular access.

In order to facilitate the extensions the existing single storey extension would be demolished; other outbuildings are also proposed for demolition or part demolition.

The revised design to the rear extensions would have a range of heights, staggered building lines and features such as dormer windows and lantern finial. The proposal would utilise a range of materials including clay tiles to the roof, brick plinths and timber boarding. The previously approved scheme was all 2-storey in height with uniform building lines and concrete tiles over rendered walls.

In support of the application a simple Flood Risk Assessment has been submitted that was prepared by Asha Environmental Limited, dated February 2009. Also a design and access statement has been submitted.

Following consultation responses the applicant has written a letter to address the comments of Codford Parish Council and the agent has written a letter to address the comments of the Environment Agency.

#### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C2 Area of Outstanding Natural Beauty

C31a Design

C38 Nuisance

H17 Village Policy Limits

H24 New Housing Design

Supplementary Planning Guidance on house alterations and extensions

Supplementary Planning Document: Residential Design Guide



National guidance  
PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport  
PPS25: Development and Flood Risk

## **7. Consultations**

### Codford Parish Council

Objects: The Council's primary concerns relate to the new proposal for the garage.

The existing timber barn will be incorporated in the proposed new development. The Council is concerned with the proposal to demolish this and utilise it as part of the residential development as the garden of No.16 is listed on the Environment Agency map in the highest risk category Flood Zone 3. Planning permission was previously refused for three dwellings and failed at Appeal after the Agency accepted that the area was liable to flood. The present sewerage disposal works perfectly well most of the time but during periods of flooding or when the springs rise it has flooded. The further detached building was used as living accommodation during WWII, as were many other buildings used as temporary accommodation during this period. It has not been inhabited for decades, possibly not since the end of the war and certainly there has been no residential use in at least 30 years. All the evidence has been it was used rather for storage in the manner of a garden shed. Therefore it cannot be claimed as ancillary to the main building in the residential sense.

The footprint of the proposed structure would seem to be unnecessarily large garage space for the proposed usage. The purpose of the building is a garage to provide parking for a pair of semi-detached properties. One of the past concerns regarding development in the garden of 16 High Street was the possibility of secondary flooding to neighbouring properties in the event that large amounts of hard standing were laid.

The Council disputes the claim that the tin shed was used as ancillary accommodation for decades. Therefore when it is demolished there is no reason to replace residential space elsewhere. There is an undisputed need for garage but the Council believes if approved, in this form, its use will become partially residential. There is no need for a one and half storey structure to be built for a garage with storage space – a single storey will suffice. The proposed solution to build extra accommodation for the main property over the garage in place of ancillary residential usage that does not exist is not justified. The existing outbuilding due to be demolished can easily be replaced as storage space by garden shed.

The Environment Agency has yet to comment on the amended scheme. They may not have commented on the earlier plans to turn No.16 into two properties because the house already exists. Their position to this proposal will depend on whether they see the planned extension on the site of the timber barn at risk from flooding, given that the garden is now mapped as Flood Zone 3. There is additional risk of flooding that threatens the property when the springs rise.

Conclusion: Having commented on the planned extension onto a flood plain for consideration by the Planning Officer, in consultation with the Environment Agency, the Parish Council would not object to the proposed residential application. The Council does object to the proposed plan for the garage in this form, but would be prepared to withdraw its objection and support an application that included a single storey garage without a studio.

### Highway Authority

No comments received on this application, but raised no objection to the previous application reference 07/03111/FUL.

### Wessex Water

No objection.

## Environment Agency

Objects: The applicant has submitted a simple FRA, more appropriate to 'Householder and other minor extensions in Flood Zones 2 and 3'. However, the proposed development is the extension of an existing dwelling to form a new semi-detached dwelling. Therefore a far more detailed FRA should be prepared and submitted to the Local Planning Authority (LPA) in support of this new full planning application. We understand that the 'principle' of the proposed development has already been accepted by the LPA, because a previous similar scheme (07/03111/FUL) was granted permission in 2008. But, at that time our published Flood Map showed the site to lie within Flood Zone 1; now the updated Flood Map shows that the site lies wholly within Flood Zone 3, as confirmed in the FRA.

The FRA submitted in support of this new full application should be prepared in accordance with guidance contained within Annex E of PPS25, the recently published Practice Guide to PPS25, and, more specifically FRA guidance note 3 available at:  
[www.environment-agency.gov.uk/static/documents/Research/FRAGuidanceNote3.pdf](http://www.environment-agency.gov.uk/static/documents/Research/FRAGuidanceNote3.pdf)

We can offer the following comments on the content of the submitted FRA (Asha Environmental, Ref: J09.009, February 2009) and the drawings submitted to the LPA in support of the application. They are not intended to be exhaustive, and we may wish to make additional comments upon receipt of a more detailed FRA.

The site layout plan (Drawing No: 2226:01, December 2008) shows general raising of ground levels within the floodplain (Section A-A, existing and proposed land levels). This element of the scheme is unacceptable because it would result in a loss of floodplain storage capacity and may affect flood flow conveyance, both of which increases the risk of flooding elsewhere. General site ground levels should remain as existing.

All references to 'Householder and other minor extensions in Flood Zones 2 and 3' in the FRA should be removed, because the proposed development is considered 'operational development less than 1 hectare' in Flood Zone 3. For guidance refer to our flood risk standing advice at:  
[www.environment-agency.gov.uk/static/documents/Research/New\\_FRSA\\_system\\_26\\_01\\_092.pdf](http://www.environment-agency.gov.uk/static/documents/Research/New_FRSA_system_26_01_092.pdf)

More detail is needed in section 2 of the FRA. There are other possible sources of flooding, such as groundwater, which should be investigated. And, more detail is needed to determine a predicted design flood level and corresponding flood depths across the site. Also, no mention of the possible future impact of climate change is made. An appropriate contingency allowance should be included within the design flood level. The assumption that a flood event will always be short lived is considered inappropriate. Flood events last considerably longer than a few hours in areas where high groundwater levels combine with high fluvial flows, such as the River Wylfe Valley.

Section 3 of the FRA outlines the proposed flood mitigation measures; however no details of these measures are included. For example, details of existing and proposed finished floor levels and threshold levels, alongside the design flood level is needed. A concern is that no attempt is being made to explore the possibility of raising existing floor levels, ideally above the predicted design flood level. Whilst it may prove impractical to raise floor levels fully above the design flood level, any raising of floor levels to help prevent water entry during a flood event is recommended. Every effort should be made to prevent flood water entering residential units, and raising floor levels is one of the most effective flood mitigation techniques available.

Only a very brief explanation of the proposed management of surface water is included. It is unclear whether existing soakaways will be utilised, or if the strategy for the management of surface water will abandon these and incorporate a new surface water outfall to Chitterne Brook. What measures are proposed to ensure that there is no increase in surface water runoff from the site? The FRA should include full details of existing and proposed surface water drainage arrangements.

For further advice on flood defence matters, please contact Development Control Engineer, on 01258 483368.

We would remind the LPA and the applicant that PPS 25 requires the Sequential Test to be demonstrated for proposals other than those that meet the description in footnote 7 of the PPS and Change of Use. Where the proposal is for 'Non-Major' development (such as this) we will not object on the lack of evidence of the Sequential Test. However it is still a requirement of PPS25 and the LPA must be satisfied that the Sequential Test has been demonstrated and the Exception Test applied.

## **8. Publicity**

The application was advertised by neighbour notification.

Expiry date: 24 March 2009

Summary of points raised:

No comments received.

## **9. Planning Considerations**

The main thrust of this application relates to making a more sympathetic proposal in terms of the aesthetics, design and range of ancillary accommodation provided in the built form. The principle of further development on the site has been established under recent planning applications when substantial extensions were allowed in 2007 and a revised scheme to include subdivision and garaging as well was approved in 2008.

The previous proposals on this site from 2007 and 2008 were far from ideal in terms of design, paying little regard to the context of the area in preference for a rather formulaic approach in order to satisfy general design principles set out in the Council's adopted guidance on house alterations and extensions. At that time the best information from the Environment Agency had the application site has being at a low risk of flood i.e. flood zone 1.

This proposal is quite radically different in that it would result in a final design that would enhance the existing building which is falling into a very poor state of repair. Following negotiation some minor changes to the design have been adopted to ensure that the development remains sympathetic to the host building, and this without curbing the architectural enhancements; in short the proposals enhance and respect the host building and the character of the area.

The proposal creates a rear elevation to the host building that has a varied and interesting appearance with single storey and two storey elements, varying projections, incorporation of dormer windows and the use of roof lantern finial. Further the proposal makes use of a range of materials that are sympathetic to the rural character as well as reflecting the adjacent properties, including clay tiles to the roof, brick plinths and timber cladding.

The proposal makes use of the established footprint with a replacement of the elongated storage barn for a permanent structure with habitable accommodation. This would not be visible from the street scene and would have a design and form which would respect and enhance the host building by adding interest and variety. In short the proposals represent a significant enhancement compared to previous schemes at the site.

The complicating factor in regards to this element of the project is that the Environment Agency data now indicates that the site is in flood zone 3 i.e. the highest flood risk. Because the proposal is ultimately for the creation of a new dwelling the Environment Agency standard requirements are for a detailed flood risk assessment and this has not been provided, rather only a simple flood risk assessment has been made, consistent with the previous application. Some of the EA concerns have been addressed by the revised plans, i.e. there will be no raising of ground levels in the project. Not all of their concerns can be addressed though without a more comprehensive flood risk assessment.

On balance, and giving weight to the planning history on the site and the significant enhancements in design being proposed then it is not considered that the proposals represent demonstrable harm. Approval 07/03111/FUL could be implemented today and this proposal in principle is little different in terms of flood implications. There are some minor changes to footprint; however on balance these revised designs are not likely to cause significant harm over and above the approved development in terms of flood risk. Taking a pragmatic approach then despite the objection of the Environment Agency it is considered that planning permission can be granted. In reaching this conclusion consideration has been given to the simple flood risk assessment that has been submitted which highlights that a precautionary approach has been taken.

The rear garage building has been fundamentally altered in design terms compared to that previously approved. Whilst this has resulted in a higher ridge line, again the revised proposal has a far superior design compared to the suburban garage block previously approved. The building would be timber clad with a brick plinth and utilise half hipped roof form. The result would be a building of a rural barn character. Concern and scepticism appears to remain with Codford Parish Council to some extent regarding the future use of this building, especially with the first floor space being proposed. However each case must be taken on its merits and this is an application for ancillary accommodation and garage. This can be reasonably controlled by condition in order to define the terms of this permission and for the sake of clarity and prudence.

The flood matters in regards to the garage are the same as the main dwelling; on balance and with a pragmatic approach in light of the extant planning history then the proposals can be recommended for approval.

The concerns of Codford Parish Council are generally focussed on the garage element of the proposals, and that they would like to see single storey garage buildings, stating that these would be sufficient. It is not the role of planning to consider what is sufficient or what the applicant needs/wants or thinks they need/want. Rather it is the role of planning to consider an application on its merits against the relevant development plan policies then any other material considerations. The proposed garage building with first floor studio space would not result in any demonstrable harm over and above the extant approval for very similar development, as such planning permission is recommended.

In summary the proposal would result in quite substantial development of the site and would change the character of this modest cottage dwelling. However it is not considered that the manner in which it is being proposed would cause any harm, indeed it would enhance the building and provide for a further dwelling. It would be an exciting and valuable addition to the street scene, certainly in light of the extant alternative proposals.

The application site is within an area now acknowledged as being flood zone 3 on the Environment Agency maps, a 1:100 year flood event. The application has been submitted with a simple flood risk assessment (FRA) which details the efforts that have been made to mitigate the impact of this flood risk. More significantly it is noted that permission is extant on the site for a very similar form of development and this proposal is not significantly different in terms of flooding issues.

The submitted FRA acknowledges the flood risk and proposes a precautionary approach with the new development and measures to be incorporated in the scheme to mitigate against the risk from flooding. Whilst it is acknowledged that a further dwelling is being created, it is noted that this is being formed by extension and alteration; and that the garage building, closer to the source of flooding i.e. Chittern Brook is not intended to be habitable accommodation at ground floor and remains only ancillary to the existing dwelling. Given this and the planning history then no significant concern exists on this point.

The impact of the proposals in terms of neighbouring amenity has been given careful consideration. In terms of the extensions to the host building, 16 High Street the development would not result in any harm to neighbouring amenity. The garage building, although enlarged, would not cause any significant harm to neighbouring amenity. It is sited in the same position as previously adjacent to neighbouring outbuildings. It has a higher ridge and slightly greater bulk; however this is mitigated to some extent with the half hipped roof form and the distance from the neighbouring properties. The proposal would result in no overlooking and would not cause any demonstrable harm from loss of light to neighbouring properties.

The proposals for the reasons detailed above are acceptable in design terms. Given this and the siting of development within the established built form and development boundaries of the village it means that no significant landscape concerns exist. The proposals would cause no harm to the special landscape character of the AONB.

The proposal includes largely the same access and intensity of development as approved previously and as such poses no highway safety concerns. The proposal makes some minor alterations to the access approved previously including increasing the width and this is seen to be a positive alteration.

## Conclusion

In summary the proposals, after negotiation, in design terms are considered to be a significant improvement over the extant permission. Overall the scheme has significant design merits which reflect the established built form and the rural locality and would enhance the host building over both the existing and the approved scheme.

Any concerns regarding the scheme are outweighed by the improved design credentials of this project and the creation of additional dwellings on brownfield land within the established development boundaries of Codford. The issue of flooding is fully acknowledged, but this has to be considered in light of the extant permission and it is concluded that the proposal is unlikely to result in any significant additional harm in regards to flooding compared to the extant approval.

Codford Parish Council's concerns regarding the garage building especially can be adequately controlled by the appropriate use of conditions.

**Recommendation:            Permission**

**For the following reason(s):**

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

**Subject to the following condition(s):**

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

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

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

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

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

- 3     The dwelling hereby approved shall not be occupied until the access, parking (including garaging) and turning space shown on the submitted plan has been provided and properly consolidated and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The turning space shall be kept clear of obstructions at all times.

REASON: in the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy H17.

- 4     Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway in accordance with details submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy H17.

- 5 Prior to the first occupation of the development hereby approved the footway widening works shall be completed in accordance with the approved details submitted on drawing reference 2226:01 or otherwise in accordance with further details submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy H17.

- 6 This permission shall be alternative to planning permission 07/00073/FUL given on 6 March 2007 and/or planning permission 07/03111/FUL given on 8 February 2008 and shall not be exercised in addition thereto or in combination therewith.

REASON: To ensure that two alternative permissions are not both implemented.

- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, the garage building shall at all times remain available for the garaging of cars and be ancillary to the enjoyment of the main dwelling houses only. The garage building shall not be sold or let separately to the main dwellings.

REASON: To ensure that the adequate provision is made for parking, that inappropriate development within an area at risk of flooding does not occur and in order to define the terms of this permission.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C38 and H17; and Planning Policy Statement 25: Development and Flood Risk.

- 8 Prior to the first occupation of the development hereby approved the demolition works detailed on plan reference 2226:01 shall be carried out and the resulting building waste shall be removed from the site; unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to define the terms of this permission and ensure that the character of the area is preserved.


POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy H17.

- 9 There shall be no land raising carried out as part of the implementation of the plans hereby approved.

REASON: In order to avoid the reduction of the flood plain's storage capacity, in the interest of maintaining the character of the area, to avoiding impacting on the neighbouring amenity and in order to define the terms of this permission.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies H17 and C38; and Planning Policy Statement 25: Development and Flood Risk.

<b>Appendices:</b>	None
<b>Background Documents Used in the Preparation of this Report:</b>	Policies and planning history as stated in the report.

		
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## RELEVANT APPLICATION PLANS

Drawing : 2226:02 received on 24.02.2009  
Drawing : 2226:01A received on 22.04.2009  
Drawing : 2226:03A received on 22.04.2009  
Drawing : 2226:04A received on 22.04.2009

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 08

Date of Meeting	13.05.2009		
Application Number	W/09/00620/FUL		
Site Address	11 Pitman Avenue Trowbridge Wiltshire BA14 0BU		
Proposal	Change of use from 1 three bed dwelling to 2 one bed flats		
Applicant	Mrs Cook		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge	Unitary Member:	Vacant Until 5 June
Grid Ref	384788 157243		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	0300 456 0100 Ext 207 matthew.perks@wiltshire.gov.uk	

## Reason for the application being considered by Committee

The application is brought to committee because Trowbridge Town Council raised objection prior to 1 April 2009 and officers are minded to recommend permission.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted for the change of use from 1 three-bed dwelling to 2 one-bedroom flats.

### 2. Summary of Main Issues

The main issues to consider are the suitability of property for subdivision into flats, parking and the amenity of neighbours.

### 3. Site Description

The application site is an existing terraced dwelling fronting onto Pitman Avenue at the corner with Rock Road. The building is of red brick with stone quoins under tiles, and is typical of this area peripheral to the town centre. The curtilage to the dwelling is some 190m<sup>2</sup> in extent. The building is neither listed nor within the conservation area. The property is located within a cul-de-sac at the end of Pitman Avenue.

### 4. Planning History

There is no history of prior applications on this site.

### 5. The Proposal

The proposal is to subdivide the dwelling into two flats. This would involve a loft conversion with velux rooflights to provide the bedroom to the upper storey flat. Access to this room would be provided by a staircase from an existing landing area. The remainder of the flat including a lounge, kitchen and bathroom would be arranged over the first floor.

The ground floor flat would also be a 1 bedroom unit. It is proposed to demolish an existing substandard rear lean-to building and replace it with an extension that would accommodate a bedroom and bathroom. The remainder of this flat would be arranged within the existing main body of the dwelling and would include a lounge, kitchen/diner and store room.



## **6. Planning Policy**

West Wiltshire District Plan - 1st Alteration 2004  
C31a - Design  
H16 - Flat Conversions  
T10 - Parking

PPS3 - Housing

## **7. Consultations**

### Town/ Parish council

The Town Council objects on the grounds that "...this is a cramped form of development that would result in a significant loss in neighbour amenity and would result in a loss of amenity to future residents of the application property, in particular the inappropriate mini-courtyard which results from the proposed ground floor extension."

### Highways

The highway authority does not object since the conversion of a three bedroom dwelling into two one bedroom flats would be unlikely to lead to an increase in traffic.

### Wessex Water

No objection but there may need to be agreement on diversion or protection works for existing drainage infrastructure. Informative recommended.

## **8. Publicity**

The application was advertised by neighbour notification.

Expiry date: The expiry date for objections was 26 March 2009.

One letter of response was received. There is no issue with the proposed change of use, but there is concern with the possible increase in use in the lane to the rear of the property. There is a pipe beneath this lane that is subject to possible damage by increased traffic.

## **9. Planning Considerations**

This proposal would result in the creation of 2 x one-bedroom flats, replacing a 3-bedroom dwelling. Policy H16 of the West Wiltshire District Plan states that proposals for the conversion of properties into flats will not be permitted if they are any of the following:

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

The submitted plans indicate that this terraced dwelling can be subdivided and adapted to provide flats that would have wholly satisfactory bedrooms as well as sitting rooms separate from kitchen/dining areas. The Town Council observation on the small courtyard to the ground floor unit is noted, but this unit also has doors which open out from a bedroom to the rear onto the existing garden space to the existing dwelling. The small courtyard area provides for an additional window to the open plan kitchen/diner and lounge area, and could quite feasibly function as an area for shade-loving plants. It is considered that the proposal would not constitute over-intensive subdivision and that the property would accommodate two flats.

The building would be extended to the rear by 3m beyond the existing rear wall of the neighbouring lean-to to the west. No changes are proposed to the street front primary elevation. No unacceptable harm to the appearance of the building would arise.

The highway authority is satisfied with parking considerations. The property is in close proximity to schools, local shops and bus routes, and within 900m of the town centre. Access and transport issues do not arise. The neighbour comment on the use of the lane to the rear is noted. This lane appears to be in use by a number of residents to provide vehicular access to the rear of their properties. As is noted by the highway authority, two x one bedroom flats are unlikely to generate any significant increase in traffic over and above that arising from a three bedroom dwelling.

The ground floor flat would have the existing rear garden to the house as private amenity space. The upstairs flat would, by its nature and position, not have direct access to private amenity space. Public amenity spaces are however freely available within 1km of the dwelling, and there is an allotment site immediately to the east of the terrace.

The proposed rear extension would protrude 3m beyond the existing rear wall to the dwelling. The extensions would be low profile, with centrally located ridge heights of 3.8m giving way to boundary walls of 2.9m, topped by coping stones. The side wall in the case of the western boundary would extend 3m beyond the rear of the neighbouring lean-to extension. The orientation is such that direct light to this south-facing extension would not be unacceptably compromised. To the eastern boundary the wall would extend approximately 800mm beyond the end of an extension, with limited resultant impact. The elongated neighbouring gardens would be largely unaffected by the proposals. No unacceptable harm to neighbouring amenity is therefore anticipated.

There are no flood risk issues.

In view of the foregoing it is considered that the proposal accords with Local Plan policy on flat conversions. The proposal also accord with government guidance in the form of PPS3 which advocates the creation of mixture of dwelling types to accommodate a variety of needs. Flat conversions within the area have in general been accepted within this area in the recent past.

## **Conclusion**

Planning Permission be granted.

**Recommendation:           Permission**

## **For the following reason(s):**

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

## **Subject to the following condition(s):**

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

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

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


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

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

## **Informative(s):**

- 1     The applicant is advised to contact Wessex Water at 01225 526000 with the regard to the protection and possible diversion of infrastructure.

<b>Appendices:</b>	None
<b>Background Documents Used in the Preparation of this Report:</b>	West Wiltshire District Plan, 1st Alteration 2004 PPS3 - Housing

		
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## RELEVANT APPLICATION PLANS

Drawing : 2280/1 received on 02.03.2009  
Drawing : 2280/2 received on 02.03.2009

# REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 09

Date of Meeting	13.05.2009		
Application Number	W/09/00641/FUL		
Site Address	2 Church View High Street Steeple Ashton Wiltshire BA14 6EJ		
Proposal	Erection of balcony and french doors on east elevation (retrospective)		
Applicant	Mr Austin Turner		
Town/Parish Council	Steeple Ashton		
Electoral Division	Steeple Ashton	Unitary Member:	Vacant Until 5 June
Grid Ref	390505 157145		
Type of application	Full Plan		
Case Officer	Mr Philip Baker	0300 456 0100 Ext 286 philip.baker@wiltshire.gov.uk	

## Reason for the application being considered by Committee

This application has been called to Committee as Steeple Ashton Parish Council has objected to the proposal on 25/3/2009.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be accepted.

### 2. Main Issues

The main issues to consider are:

Visual Impact  
Impact on neighbour's amenity  
Conservation Area

### 3. Site Description

The site is 2 Church View, High Street, and is located in the conservation area in Steeple Ashton. The property is a semi-detached red brick building, recently extended in 2006.

### 4. Relevant Planning History

04/00632/FUL – Permission – 26/5/2004 – Erection of two storey extension

98/01285/FUL – Permission – 12/10/1998 – Single storey extension

95/00379/FUL – Permission – 11/5/1995 – Single storey extension

### 5. Proposal

This is a retrospective planning application for the erection of a balcony at 1st floor level and French doors on the east elevation. The balcony measures a 7.3 metres width, with a 1.2 metres height around it and has a depth of 1.2 metres.

## **6. Planning Policy**

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

SPG - Planning Design Guidance on House Alterations and Extensions

## **7. Consultations**

### Town/ Parish council

Steeple Ashton Parish Council – Comments received 25th March 2009 – objects to this plan on the grounds that it is inappropriate in a rural area and does not preserve or enhance the character or appearance of the Conservation Area.

### Internal

Heritage Development Officer – Comments received 27/4/2009 – I do not feel that this proposal would be detrimental to the character or appearance of the Conservation Area.

## **8. Publicity**

The application was advertised by site notice/neighbour notification.

Expiry date: 8/4/2009

## **9. Planning Considerations**

### 9.1 Visual Impact

The balcony does not have an adverse impact on the street scene, as it is located to the rear of the property. The balcony is on the east elevation and looks out over open fields and Steeple Ashton Church.

### 9.2 Impact on neighbour's amenity

The balcony faces open fields to the east of Steeple Ashton. It maybe possible to see part of the garden of the adjoining property at 1 Church View, but this will not add significantly to the overlooking already possible from the first floor windows on the rear elevation of the house. There will be no significant loss of amenity for neighbours.

### 9.3 Conservation area

This proposal would not be detrimental to the character or appearance of the Conservation Area.


This complies with policy

**Recommendation:           Permission**

**For the following reason(s):**

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

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

		
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## RELEVANT APPLICATION PLANS

Drawing : LOCATION PLAN Rev.Co1 received on 10.03.2009

Drawing : GM1012/1 Rev.co1 received on 10.03.2009

Drawing : GM1012/2 Rev.Co1 received on 10.03.2009