

WESTERN AREA PLANNING COMMITTEE

15 July 2009

Planning Applications for Determination

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 01

Date of Meeting	15.07.2009		
Application Number	W/09/00150/FUL		
Site Address	Land North Of Junction With Dakota Close And Hornchurch Road Bowerhill Wiltshire		
Proposal	Proposed erection of 27 residential dwellings and their associated roads, sewers and parking		
Applicant	Mr Chris Hodgson		
Town/Parish Council	Melksham Without		
Electoral Division	Melksham Without South	Unitary Member:	Roy While
Grid Ref	391728 161881		
Type of application	Full Plan		
Case Officer	David Davies	01225 770344	

Reason for the application being considered by Committee

This application is brought to Committee on the basis that it forms part of the Council's Private Finance Initiative (PFI) to deliver at least 400 affordable homes throughout the western area of Wiltshire Council. In addition the Parish Council has objected to the proposal, contrary to the Officer's recommendation. The parish council comments were received before 31st March, 2009.

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

- * The principle of the development of the site for residential use in the context of the Development Plan;
- * The history of the site and in particular its identification as an area of land for a local centre use;
- * The need to provide for affordable housing in the area;
- * The design, scale and materials of the dwellings and the layout of the scheme;
- * The parking and highway safety considerations;
- * The protection of the natural habitat.

3. Site Description

The site measures 0.42 hectares, and is located on the north side of Hornchurch Road, opposite its junction with Dakota Close. The site drops gently from west to east and is currently overgrown and unattractive. It was previously used as a compound during the construction of the nearby residential development, but now remains open with an unkempt appearance. A site access has been formed in accordance with the original approved layout, which anticipated development of the site for local centre uses.

The site has a continuous frontage onto Hornchurch Road and is effectively surrounded by existing housing. The housing in the vicinity varies in scale from 2 to 3 storeys in height. The northern boundary is formed by a substantial hedgerow and trees which create a strong boundary and enclosure to the site. Beyond the hedge is a public footpath and further residential properties. To the west is a cycleway/footpath and an area of public open space.

4. Relevant Planning History

Outline planning permission was granted on 3rd October 2000 for residential development and associated uses, on the allocated land east of Bowerhill, which included the application site. The outline planning permission was the subject of a Development Brief (approved by the District Council in 1996) which comprised a written statement and a Master Plan. This identified the broad disposition of uses and a framework for reserved matters applications. There was also a Section 106 Agreement with the outline planning permission and this requires the development to proceed in accordance with the Development Brief, or any variation agreed by the District Council.

The application site was indicated on the Master Plan as a local centre. The Development Brief explained that the 0.4 hectare site should be made available for a local centre and that it was located on the western periphery of the proposed development, in the proximity of the existing shop and public house adjacent to Falcon Way.

The Development Brief did not specify any particular uses for the local centre, other than to say that it would "... be available for uses which can meet Bowerhill's reasonable retailing and community needs. The implementation of such uses will be achieved as such needs arise. A recycling mini-bank station will be required within the local centre site". The only need identified at the time was to provide a new Community Hall, to replace the inadequate hall that existed at the time next to the Bowerhill Primary School on land east of Halifax Road. The preference was to replace the community hall in the same location adjacent to the Primary School. However, had that not been possible, the intention was to provide a new site adjacent to the local centre site for this facility. The new community hall has now been provided adjacent to the Primary School with the assistance of the financial contribution from the developer provided by the Section 106 Agreement.

One of the Clauses of the Section 106 Agreement requires the boundaries of the "Local Centre Land" to be determined and the site to be serviced and maintained. The owners are required to use reasonable endeavours to market for sale or lease the Local Centre Land for disposal for functions agreed by the District Council to be appropriate for a local centre.

The Section 106 Agreement allows the owner to be released from the obligations to provide the "Local Centre Land" should it remain undisposed of "five years after the first occupation of the last dwelling to be constructed on part of the development".

Reserved matters applications for all the residential phases have been approved since the original outline permission and all 332 dwellings have been built. Evidence would suggest that the "last dwelling" was occupied around April 2005. It is therefore less than a year before the developer is released from the Section 106 obligations.

5. Proposal

This is a full application for the erection of 27 dwellings and the associated access and parking. The application has been submitted with a Design and Access Statement, together with a supporting Planning Statement, a Phase 1 Habitat Survey, an Arboricultural Implications Assessment, a Desk Study and Ground Investigation, an Arboricultural Method Statement and a Tree Protection Plan.

Full details have been provided of a landscape planting scheme, the surface treatment, the external materials, the fencing, the cycle stores, the vehicle tracking and the drainage strategy. The proposal is for 6, two bedroom houses, 2, three bedroom houses and 19, two bedroom flats. The application has been amended at the request of the Highway Authority to provide for four additional car parking spaces to achieve an acceptable parking ratio. The total number of spaces is now 43 and this gives an overall ratio of 1.59 spaces per dwelling. Cycle storage is provided at a ratio of one cycle space per dwelling and is located within a lockable timber shed, provided for each of the dwellings. Communal cycle storage is provided for the apartments.

The buildings are two, two and a half, and three storeys in height and the materials consist of brick, render and concrete tiles.

The Housing PFI Project Manager for the Council has provided the following information in support of the application.

“This application forms part of the Council’s housing private finance initiative scheme to provide at least 400 good quality, affordable homes for rent. It has been submitted on behalf of our bidder, SPB Homes, a consortium led by Sarsen Housing Association, with Barclays Private Equity, Persimmon Homes and Westbury Partnerships.

There are currently over 5,000 households on the Council’s housing register, who are seeking affordable accommodation in the western area of the Council. The 2006 housing needs survey identified an annual shortfall of 953 additional affordable homes in this area.

Housing Corporation (now the Homes and Communities Agency) funded and s.106 schemes produce approximately 100 to 120 affordable homes per year, thus leaving a significant level of unmet need. This gap is likely to widen due to the severe downturn in private sector house building and its impact on our s.106 programme.

The PFI scheme will help to achieve a step-change in the provision of affordable housing in the western area of Wiltshire. We have received a Government funding allocation for the provision of at least 400 new affordable rented homes. The process to appoint SPB as our contractor to design, build, finance and operate the scheme is well advanced.

Officers have worked in partnership with the applicant to ensure that its planning applications fulfil the functional requirements for affordable housing and the PFI scheme, while providing good quality, tenure neutral homes that meet the objectives of planning policies and our Residential Design Guide.”

Prior to the submission of the application, significant negotiations took place between the applicants, Council Officers, and the Highway Authority to achieve an acceptable scheme in terms of layout and design. However, since the application was submitted, small amendments have been made to the parking arrangement following consultation with the Highway Authority. There have also been amendments to the materials on plots 1-6 and to the supporting planning statement to take account of the letters relating to marketing.

6. Planning Policy

Wiltshire Structure Plan 2016

DP1	Priorities for sustainable development
DP2	Infrastructure
DP3	Development strategy
DP7	Housing in towns and main settlements
DP8	Affordable Housing
T3	Public Passenger Transport
T5	Cycling and walking
C1	Nature Conservation

West Wiltshire District Plan – 1st Alteration

C7	Protected Species
C14	Archaeological Field Evaluation
C31a	Design
C32	Landscaping
C34a	Resource Consumption and Reduction
C35	Light Pollution
R4	Open space in new housing developments
R11	Footpaths and Rights of Way
H1	Further housing development within towns
H2	Affordable housing within towns and villages
H17	Village Policy Limits
H24	New housing design
T9	Bus services
T10	Car parking
T11	Cycleways
T12	Footpaths and bridleways
SP6	Local Shopping in towns and Villages
CF7	Community Halls
S1	Education contribution
U1	Infrastructure
U1A	Foul water disposal
U2	Surface Water disposal
I1	Implementation

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS13	Transport

SPG

Design Guidance - Principle (Adopted July 2004)

Open Space Provision in New Housing Developments (Adopted August 2004)

Residential Design Guide (Adopted November 2005)

Affordable Housing (Adopted August 2005)

7. Consultations

Town/ Parish council

MELKSHAM WITHOUT PARISH COUNCIL

The Parish Council strongly objects to this planning application in principle because it is considered to be inappropriate use of a Local Centre. This land was earmarked and safeguarded in the Development Brief and Section 106 Agreement as a Local Centre/Focal Place for 5 years to enable the land to be marketed for additional shops and community facilities. As late as 2007, the Parish council was informed in writing by the District council that the 5 year marketing period for community facilities to be built, had not yet begun. Now the Parish Council and community are suddenly being told that the developers have already done the marketing without their input or knowledge. The Council is concerned that there is absolutely no evidence of any marketing especially as developers, who are hoping to sell the land to Sarsen say papers have unfortunately been destroyed! Even if secret marketing did take place, this application is still premature, as the 5 year period, at the earliest, would not end until June 2010. The Parish Council is dismayed that the Section 106 Agreement has never been properly enforced, despite many representations to the District council. Bowerhill really needs this land for more community facilities, such as extra shops, allotments, and Youth and Scout hut etc.

Should the District Council be minded to give permission, despite the strong objection, the Parish Council would expect to be party to a robust Section 106 Agreement which includes a payment of a substantial amount to enable the same amount of land and level of community facilities to be located elsewhere on the Bowerhill estate. There is unfortunately no other central site right next to the pub and shop on the estate, where extra facilities can be put.

Apart from this major overriding objection; so fundamental to the future quality of life for Bowerhill residents, the Parish Council is impressed with Sarsen Housing's design for these houses. Although there is concern about having the higher 2.5 storey houses to the front of the development, the houses generally are thought to be attractive and far superior to other social housing applications received to date. The Council is especially interested in the use of photo-voltaic tiles to save electricity and would like to see this innovation adopted in other housing applications, such as the new developments east of Melksham.

There are parking issues. The application will exacerbate an already serious parking problem in this area. Hornchurch Road is too narrow to take any more on-street parking. The Council has reservations about communal parking for both occupants and residents being put behind double gates. This could lead to space wastage since the gates will encourage visitors to park on Hornchurch Road, leading to more congestion. The Council would like to see down-glare lighting installed.

Highways

ENVIRONMENTAL SERVICES WILTSHIRE COUNTY COUNCIL (HIGHWAYS)

Following receipt of the amended plans for the above I wish to confirm that they are now acceptable.

In view of the above I would recommend that no highway objection be raised to the planning application, subject to the following conditions being attached to any permission granted:

The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.
Policy: West Wiltshire District Plan – 1st Alteration – Policy T10

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.
Policy: West Wiltshire District Plan – 1st Alteration – Policy T10

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety.

WESSEX WATER

I refer to your recent letter inviting comment regarding the above proposed development and can confirm the following:

The existing foul and supply networks have sufficient capacity to serve the proposed development.

Other points to note:

- * Permeable paving will need a sealed membrane to prevent infiltration of ground water
- * The existing infrastructure sewers the applicant is proposing to connect to are not yet adopted by Wessex Water so there is no automatic right of connection. The applicant will require permission of the sewer owners to connect.

ARCHITECTURAL LIAISON OFFICER

Due to the size of this proposal, I would expect to see crime prevention and safety addressed in the Design & Access Statement.

ENVIRONMENT AGENCY

This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on the application.

WILTSHIRE COUNTY COUNCIL ARCHAEOLOGIST

Although the Wiltshire Sites and Monuments record (SMR) does record a possible known archaeological site within the proposed development boundary – ST96SW611, comprising an extant low bank under ridge and furrow (possibly part of a footpath) and the development site is just under half a hectare in size, no previous archaeological recommendations were made on the 2000 outline application for the entire Bowerhill Development/Master plan (including this area).

Given the lack of previous archaeological recommendations, the uncertain survival of the bank, its potential non-archaeological nature/low significance and for the sake of consistency, there are no archaeological recommendations being made on this planning application W/09/00150/FUL.

WILTSHIRE COUNTY COUNCIL DISTRICT ECOLOGIST

I note the contents of the ecological report to accompany this application. The conclusions appear sound. The report recommends a reptile survey which also seems to be justified on the basis of the aerial photos. The site is 0.5 ha+ and is therefore above the lower size threshold for which reptiles surveys are potentially required (which is 0.1 ha, see Wiltshire Ecological Checklist). A reptile survey should therefore be undertaken (survey season is March – September) before the application is determined. I recommend including a condition to protect breeding birds as follows:
All works to trees or shrubs must be undertaken outside the period 1st March – 31st August.

WILTSHIRE COUNTY COUNCIL DISTRICT ECOLOGIST – FURTHER RESPONSE

Regarding the reptile survey referenced in my original response, ideally this would be submitted before the application is determined because if reptiles are found, the authority would have greater control over mitigation through the wording of conditions. This is especially important where reptile populations are expected to be large and it is harder to find a suitable receptor site for them. Given the size of the present application site and its location, a large population is less likely. Although not ideal therefore, the LPA could consider conditioning a reptile survey and mitigation plan in this instance. For information, the main driver for LPA consideration of reptiles in planning derives from section 9(1) of the Wildlife and Countryside Act 1981 (as amended) which protects them from being intentionally or recklessly killed, injured or taken. A licence is not required to move reptiles out of the way of development.

During my phone call yesterday I raised the possibility of this development affecting great crested newts. This species is protected to a higher level than reptiles. Both national and EU legislation protects not only the newts themselves, but also their places of refuge. In the case of great crested newts, places of refuge including breeding ponds and terrestrial habitat that they use outside the breeding season. Where a development is likely to lead to a breach of the Habitats Regulations 1994 (as amended) a licence must be obtained from Natural England before works proceed.

There is a pond approximately 150m to the north east of the application site which is connected to the application site by a substantial hedge and there is a great crested newt record from 2005 about 450m away to the north west. In addition, the Semington/Bowerhill area is a known hot spot for great crested newt breeding ponds. Consequently we can assume there is a significant risk of great crested newts breeding in the pond and using any undisturbed habitat in the vicinity for their terrestrial, non-breeding phase. The “substantial hedge” in the application site provides suitable terrestrial habitat.

However, after looking at the guidance on the Wildlife Management and Licensing Service website and considering further the scale and location of this development, I can confirm that I do NOT recommend that the LPA requires the developer to submit a great crested newt survey to accompany this application. The development affects less than 0.5 ha of land, it lies more than 100m from the potential breeding pond and there is extensive development around the site. These factors reduce the risk of significant numbers of great crested newts using the application site and of a licence being required if great crested newts breed in the pond. This judgement is supported by the licence risk assessment guidance on the WMLS website.

Nevertheless, there is still a chance of low numbers of great crested newts using the site. The need to remove parts of the hedgerow to make space for garden sheds is a particular risk as is the removal of herbaceous vegetation running along the south side of the hedge during the site clearance. Risks will also occur during planting and building works undertaken close to the hedge. I therefore recommend including a condition requiring the applicant to submit an ecological method statement to demonstrate how impacts to wildlife will be avoided during the construction period. As noted in my email below, there also needs to be a condition to protect breeding birds during the removal of shrub vegetation.

WILTSHIRE COUNTY COUNCIL CHIEF EDUCATION OFFICER

I can confirm that our assessment indicates that the designated area schools would be able to accommodate the additional pupils generated, within current capacities and forecasts. Therefore, we do not have a case for developer contributions on this particular application. However, I should stress that this position relates specifically to the application currently under consideration, and if it were to be revised or withdrawn and a new one submitted, a new assessment would be necessary, using the then current pupil data, capacities and details of other known housing in the designated school areas.

URBAN DESIGN & CONSERVATION OFFICER

This consultation response relates to matters of design only. If a policy response is required, please contact the Planning Policy and Conservation Manager.

This consultation response has regard to the following Policies within the LDF.

West Wiltshire District Plan First Alteration Policies: C31a, C32, C34a, and H24
Supplementary Planning Guidance/Documents:

Design Guidance – Principles Document SPG
Residential Design Guide SPD

The existing character of the site, with the exception of the boundary planting, is neglected and visually poor and detracts from the overall character of the wider area.

The proposed scheme has been developed following considerable pre-application consultation.

Layout

The proposed building layout has been designed to respond to the sloping nature of the road and the character of the adjacent buildings.

Scale

There is a predominance of 2.5 and three storey buildings on the site frontage. However this is not uncharacteristic of the sites context.

Architecture

It is felt that the architectural form of the proposed buildings responds to the character of the area.

Parking and Highways

It is generally desirable from an urban design perspective to minimize the impact of parking and highways. The shape of this site and the need to ensure an appropriate street frontage means that parking must be provided in courtyards which, it is felt have been very sensitively designed and landscaped.

Landscaping

The retention of the existing hedge makes a positive contribution with regard to the setting of the development as well as protecting a feature which may be of some ecological value.

The landscape adjacent to the site entrance and within the parking areas is important to the overriding character of the proposal and must be retained/secured as part of the scheme.

AFFORDABLE HOUSING ENABLER

I confirm that the proposed scheme appears to meet housing need in relation to mix and I understand that this is to be a PFI site.

I confirm that this application has the support of the Enabling Team.

ECONOMIC DEVELOPMENT OFFICER

No comment

ENVIRONMENTAL HEALTH

Approve without conditions although an informative is suggested with regards to controls relating to noise vibration, fumes and dust, during the construction period.

LANDSCAPE AND ARBORICULTURAL OFFICER

Comments

In tree and landscape terms this application is acceptable. If consent is to be granted, the following conditions must be applied:

Conditions:

Implementation of Arboricultural Method Statement:

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

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

Policy: West Wiltshire District Plan – First Alteration 2004 – policy C32.

Arboricultural Supervision:

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

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

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

Landscaping Scheme To Be Implemented:

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

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

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

Policy: West Wiltshire district Plan – 1st Alteration 2004 – Policy C32.

The recommendation is that there are no arboricultural or landscape reasons to refuse this application. However, any consent must be subject to the aforementioned conditions.

LEGAL SERVICES

"As discussed here are my views on the S106 agreement dated 25 September 2000, as it relates to the proposal to provide a local centre within the residential development on land Bowerhill.

Clause 14 of the Agreement provides that prior to the occupation of the 120th dwelling on the development, the owner will 1) agree with the Council the location of an area of land to be used as a local centre; 2) service and maintain that land and 3) in accordance with details agreed with the Council, use reasonable endeavours to market that land as a local centre. The Agreement then goes on to state that if any part of the local centre land is unsold "pursuant to this clause" five years after the first occupation of the last dwelling on the development site, the owner will be released from the requirements of Clause 14.

I understand that the 120th dwelling on the site was completed some time before 2004 and that the last dwelling was constructed around 2005. I also understand that a site for the local centre land was identified and agreed. The site has not, however, been disposed of for use as a local centre and consideration is now being given to the possibility of its use for affordable housing.

The issue is, therefore, whether the owner is able to take advantage of the proviso in the last part of Clause 14, to sell the land free of the obligations to use it as a local centre, when the five year period expires some time in 2010, or whether he is not able to do so, as he is in breach of his marketing obligations in that clause.

I understand that there are no records as to whether or not the marketing details were agreed with the Council, as required by Clause 14.1.4. However, the owner has provided the Council with some correspondence from 2005 with other developers, which suggests that some, albeit limited, marketing was carried out around that time.

In my view the Council would only be able to argue that the owner was prevented from disposing of the land for some other purpose in 2010 if, firstly, he was clearly in breach of his obligations in clause 14.1.4 and, secondly, his ability to sell the land after five years was conditional on compliance with those obligations.

Although there appear to be no records of a marketing strategy having been agreed with the Council, as required by Clause 14.1.4 some evidence has been provided of attempts made by the owner at the relevant time, to seek a buyer. I understand that the actions taken by the owner at that time to try to sell the land are generally in line with the sort of actions that the Council would have wanted to be taken. I think that the Council would, therefore, have difficulty in arguing that there has necessarily been a significant breach of clause 14.1.4. The Council's position would also be weakened by the fact that it does not appear to have chased up this matter at the time or since.

More fundamentally, if the Council were to try to prevent the owner disposing of the local centre land in 2010 for some other purpose, it would have to show that the proviso at the end of clause 14.1.4 operated as a condition precedent – i.e. that the ability to sell the land after five years only arose if it had complied with all of the obligations in 14.1 above. Whilst that may have been the intention of the parties, the wording of the Agreement does not make this clear. If the Council were to argue this point, it would have to establish that the phrase “pursuant to this clause 14” did act as a condition precedent. I think that there would be difficulties in making such an argument.

I also understand that there is another shop in the vicinity of this development that has opened since this Agreement was drawn up, which provides many of the services envisaged by the proposed local centre. This raises the issue of whether there is still a need for the local centre on this land and whether this particular obligation still serves a useful purpose. As you are aware, a party to a S106 Agreement can seek a modification or discharge of an Agreement on those grounds.

In conclusion, whilst the Council could seek to challenge the ability of the owner to use (or sell) the local centre land after 2010 for some other purpose, on the basis that he is in breach of his obligations in clause 14.1, I consider that such a challenge would be unlikely to be successful for the reasons set out above.”

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. The latest expiry date for comments was 10 July 2009.

The application has been advertised and forty five neighbours have been notified of the application. As a result of this letters of objection have been received from twelve nearby residents. There has also been a letter of objection received which is signed by the occupier of fourteen nearby properties. The reasons for objection are summarised as follows:

- * The developer has not carried out the requirements of the Section 106 in terms of marketing the site for local centre uses, and the five year period has not yet been reached;
- * The site should remain for local centre uses;
- * The parking provision is inadequate and the design would result in increased on-street parking in Hornchurch Road. In view of its lack of width and its function as a route to the primary school and other facilities, that resultant additional parking and increase in traffic would be detrimental to highway safety;

- * Extra facilities for young people are needed, as well as shops, a pub and a pharmacy, but not more housing
- * The increased traffic and associated noise would impact on the relative “peace and quiet” the residents currently enjoy;
- * The proposal would result in far too many social houses in this area. This concentration would de-value the existing private houses and increase anti social behaviour;
- * The density exceeds guidelines of 30 – 50 per hectare and as such the new development will be out of place with the existing;
- * The dwellings will impact on the privacy and daylight of the current properties in Hornchurch Road;
- * The proposal will increase the areas carbon footprint;
- * The additional pressure on the existing sewage system will cause problems;
- * The land should be utilised as open space and would meet the appropriate criteria in the Leisure & Recreation Development Plan Document.

9. Planning Considerations

This is a full planning application and includes extensive details of all aspects of the scheme, together with supporting information.

The key issues have been itemised earlier in this report and the following examines these issues in more detail:-

Development Plan

The key relevant Local Plan policies that need to be considered in relation to the principle of the development are Policy CF7, Policy SP6 and Policy H17 of the West Wiltshire District Plan First Alteration.

The Proposal Map designates the application site for community facilities under Policy CF7. An alternative site in Bowerhill, east of Halifax Road, is also designated under the same policy. The supporting text states that this is the “preferred site” for a permanent community hall to replace the temporary building that existed at the time of the Local Plan’s adoption.

The text is clear that the designated site east of Falcon Way (the application site) would only be required for the community hall if the land east of Halifax Road and adjacent to the Bowerhill Primary School was required for educational use. Subsequent to the formulation of the policy the new community hall has been constructed on the preferred CF7 site, following financial contributions secured from developers as part of the S106 Agreement linked to the outline planning permission.

Thus, Policy CF7 and its objective of securing a new community hall has been implemented and is no longer a consideration for the development of the application site.

Policy SP6 of the WWDLP relates to the provision of local shopping in towns and villages. The policy identifies land for local centre shopping in new developments in Melksham, Trowbridge and Westbury Leigh but does not include the land at Bowerhill covered by Policy CF7 (the designated Local Centres at Melksham, Trowbridge and Westbury Leigh have designations under Policy SP6 and CF7 to secure local shopping and community facilities in these locations).

Policy SP6 states that further local shopping facilities outside of existing or designated local centres will be permitted only if provision cannot be made in an existing local or village centre or on the edge of a centre.

Thus, the relevant policies to local shopping and community facilities in the villages do not necessarily support such uses on the vacant land subject of this application.

The site falls within the defined “Village Policy Limits” of Bowerhill (Melksham Proposals Map, Inset 2) and therefore, in the circumstances where Policy CF7 has been implemented, it can be considered for housing development under Policy H17).

The proposed residential development can be considered favourably against the H17 criteria, in that it would be in keeping with the character of the area, (this is detailed later in the report) it would not conflict with any policies relating to the environment, it has a strong road frontage, it would not represent backland or tandem development, it is not identified as an important open space or visual gap, and the site is already serviced.

It is concluded therefore that the development of this site for housing is in accordance with the relevant policies of the Development Plan.

History

The history has been detailed earlier in the report and the applicant has submitted a statement with the application to support the proposal, and to justify the removal of this designation.

The statement states the following:

“In cases of sites being reserved for local centres as part of large scale residential developments, specialist operators will normally contact the owners/developers to express an interest if the location is considered viable and then approach the Local Planning Authority to discuss detailed proposals. The Local Centre operators will research local demand and be aware of potential occupiers to lease shop units or community buildings as part of the viability assessment. This is how the Local Centres at Paxcroft Mead and Leigh Park, Westbury have developed. In both cases the same local centre operator, contacted the developers following planning permissions and, purchased the designated local centre sites and submitted proposals to the District Council.

Prior to Persimmon Homes purchasing Westbury Homes in 2006, Westbury had marketed the site and an offer was accepted with solicitors instructed to proceed with the sale. However contracts were not exchanged and in October 2005 the prospective purchasers pulled out of the deal. Since then Persimmon have discussed the site with various potential purchasers without success. The reason for little interest having been shown since 2005 in developing local shopping or community facilities in this location is likely to be for a number of reasons.

The scale of site likely to attract interest from a commercial operator would normally be at least 1 hectare, similar to the local centres at Paxcroft Mead and Westbury Leigh, which are large enough to accommodate an anchor convenience store, 3 or 4 smaller shop units, a community hall, doctor's surgery or day nursery, together with the necessary car parking.

The location of local shopping centres is crucial to commercial viability. Both Paxcroft Mead and Westbury Leigh are examples of locations which have a frontage onto a distributor road which can attract passing trade to supplement the trade from the immediate catchment area. The application site does not have any frontage onto a main road and would consequently need to rely on trade from local residents.

With the lack of key frontage the population catchment areas becomes more critical. The threshold for a local centre's viability is normally 1,000 – 1,500 dwellings forming a clear catchment area, without competition from other shops or facilities in the same catchment. Bowerhill has about 1,480 dwellings within the village limits. However, there are already shops and services in the village which would directly compete with local centre uses. There are 2 no. convenience stores, a post office, take-away food shop, public house and the new community hall. The location of the site and the catchment area are not likely to support further shopping facilities.

The only other typical local centre use not represented in Bowerhill is a doctor's surgery. However there are 3 no. doctors' surgeries and a hospital in Melksham. The Spa Medical Centre is within 1.5 km of the site; it provides 6 doctors and has capacity for further patients. There does not therefore appear to be the need in the foreseeable future for a doctor's surgery at Bowerhill.

In addition to the above facilities the new Secondary School for Melksham with its associated community benefits, is to be provided north of the A365 immediately adjacent to Bowerhill. The proximity of Bowerhill to Melksham and the range of shops and services within its town centre (2.5 km distance) will also significantly impact upon the commercial viability of any further shops and services at Bowerhill.

The S106 Agreement provides that should the Local Centre land remain undisposed of 5 years after completion of the development ("first occupation of the last dwelling") then the land shall be released from its restriction to Local Centre use.

According to the Wiltshire County Council's Housing Land Availability Reports the development was completed before April 2005. Therefore it has been about 4 years since the occupation of the last dwelling. Given the lack of commercial interest to date for reasons described above and the economic recession, there is very little prospect of the Local Centre site attracting any developers for retailing or community uses.

On confirmation that the 5 years since completion has expired the owners would be entitled to apply for development of an appropriate alternative use of the site, including open market housing. Meanwhile the site's future remains uncertain with its open, unkempt character detracting from the surrounding development. The PFI provides the opportunity to utilise the site to deliver affordable housing that would be assured of meeting local housing need."

In addition to the statement above the applicant has provided evidence which indicates that the site was marketed in 2005 and during that year offers were received but no sale was made. The text of the letter received from the applicant is detailed as follows:-

"Further to our recent discussions regarding the Bowerhill Local Centre, I enclose correspondence relating to a sale of the land.

On both of the offers Solicitors were instructed, but neither contracts exchanged with the latter offer falling down in October 2005.

When discussing commercial land with the commercial developers/agents, we have discussed the availability of this scheme; however, there was little interest due to the size of the catchment area.

As you are aware discussions regarding the West Wilts PFI commenced with Sarsen in early 2007 and since Sarsen's involvement we have not continued to market the site.

I would be grateful if you could keep the enclosed offers confidential."

There is no documented evidence of any more recent marketing.

The applicant has also proposed a contribution of £30,000 for community benefits by means of a Unilateral Undertaking.

In summary, the application site is indicated as a local centre in the approved Development Brief for the eastern expansion of Bowerhill. The S106 Agreement attached to the outline planning permission, which was signed nearly nine years ago, requires the site to be developed in accordance with its designation. However, the residential development has now been completed for some 4 years and other than some enquiries in 2005, there has been no commercial interest in developing the site. This is likely to be due to several factors affecting viability:

- * Insufficient size of site
- * Lack of main road frontage
- * Insufficient catchment area
- * Competing shopping and community facilities already operating within Bowerhill
- * Proximity of Bowerhill to the wide range of shops and services within Melksham Town Centre
- * Sufficient capacity with existing doctors surgeries in the town
- * The economic recession

The terms of the S106 Agreement will release the owner from the current restriction on the site's use in about ten months' time (5 years from completion of development). The site was marketed some four years ago without success and in recognition of the original concept for the use of the land the applicant has offered £30,000 to use for community benefits.

Notwithstanding the fact that the site has not been marketed continuously, all the evidence suggests that even if marketing re-commenced the likelihood of attracting a commercial use on the site within the next ten months is in truth slim.

In addition Legal Services have indicated that any challenge by the Council with regards to the non compliance with the relevant obligations contained in the S106 Agreement would be unlikely to succeed.

The history of the site is a material consideration in the context of this application and the apparent lack of continuous marketing is an important factor which needs to be taken into account. However it is considered that in all the circumstances, the fact that the requirements of the original S106 Agreement have not been met, even before it is balanced against the other benefits the proposal will bring, is not sufficient reason in itself to justify the refusal of this application.

The Need for Affordable Housing

The principle housing aim of the District Plan is:

"To ensure that there is an adequate supply of land and appropriate mix of house types and sizes to meet the housing requirements of the whole community including the provision of affordable housing to meet local needs".

Earlier in this report The Housing PFI Project Manager has detailed the numbers currently on the Housing Register and the annual shortfall of additional affordable homes in the area.

There is no doubt that there is a significant need to provide additional affordable housing in the area and the provision of 27 residential units for rent will make a positive and important contribution to the objectives of District Plan Policy H2 in terms of achieving the targets for affordable homes during the period 2001 – 2011.

The Design, Scale, Materials and Layout

The evolution of the scheme has been the subject of extensive pre-application negotiations. The pattern of development has been proposed as a nucleus of terraced and semi-detached units with two detached apartment blocks. The heights vary between two and three storeys and the development effectively creates an "internal square" with an outward facing development onto Hornchurch Road. All the parking is within the site and on street parking has been minimised. The use of different surface materials help distinguish between public and private areas, and help legibility. The layout has also been designed to take account of crime prevention issues as referred to by the Architectural Liaison officer.

The scale of the development and the design and materials of the buildings respect the mixed character of the recently developed residential properties in the vicinity.

The proposed density is 64 dwellings per hectare, but has been designed effectively to make the most efficient use of the land. This accords with the requirement of the Government as detailed in PPS3 – Housing.

In summary it is considered that the design approach to this scheme is sound and the development will result in a good quality development which both enhances the area, and respects the character of the development in the locality.

Parking and Highway Safety

The parking numbers have been increased as a result of the consultation with the Highway Authority, and are now at a ratio which has been accepted elsewhere in the area. The Highway Authority has raised no concerns on highway safety.

Natural Habitat

The ecologist is satisfied that any issues relating to the wildlife can be covered by the imposition of a condition to ensure the submission of an ecological method statement.

10. Conclusion

The principle of the development of this site for housing is in accordance with the policies of the Development Plan. In all the circumstances the fact that all the requirements of the original 106 have not been met is not in itself a reason to refuse the application. Into this balance needs to be added the important issue of the need for new affordable housing in the area, and the benefits both this and the further financial contribution will bring. Finally there are no design, parking, highway, ecological, or other objections to this proposal.

Recommendation:

On completion of a planning obligation:

(a) Secure an index linked financial contribution of £30,000 to the Council towards community benefits/projects. These to be agreed between the Council and the Parish Council and,

(b) Vary the existing S106 Agreement to release the land owner from the obligation relating to the provision of a local centre,

The Area Development Manager be authorised to grant permission subject to conditions.

For the following reason(s):

The proposed development conforms to the Development Plan and would ensure an appropriate form of development for the site and its context. There are no objections on planning grounds.

Subject to the following condition(s):

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 This permission shall relate to the revised plans received on the 10th March and the 19th June 2009 and to the additional information received on the 2nd June 2009.

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

- 3 The development hereby permitted shall not be occupied until the sewage disposal works proposed as part of the development have been completed in accordance with the submitted and approved plans.

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

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

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

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

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

- 5 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

POLICY: West Wiltshire District Plan – 1st Alteration – Policy T10.

- 6 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.

POLICY: West Wiltshire District Plan – 1st Alteration – Policy T10.

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

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

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

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

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

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

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

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

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

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

* The whole scheme shall be subsequently retained.

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

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

- 10 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.

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

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

- 11 Details, including samples where appropriate, of the materials for the surface of all the roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

REASON: To ensure the development harmonises with its setting.

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

- 12 All works to trees and shrubs other than the planting of new trees and shrubs shall be undertaken outside the period 1st march – 31st August.

REASON: In order to protect wildlife habitats.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C1.

- 13 Prior to the commencement of development hereby permitted a reptile survey, investigating and recording details of protected species, likely to be affected by the development and measures to investigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan – 1st Alteration – Policy C7.

- 14 Prior to the commencement of development hereby permitted an ecological method statement to demonstrate how impacts to wildlife will be avoided during the construction period shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan – 1st Alteration – Policy C7.

- 15 The dwellings hereby granted shall be retained as affordable within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan – first Alteration 2004 for so long as the dwellings remain on the site.

REASON: To accord with the terms of the application and to secure the delivery of affordable housing on the site in accordance with Council Policy.

POLICY: West Wiltshire District Plan – 1st Alteration – Policy H2.

Informative(s):

- 1 You are advised that planning permission does not exempt the developer from the statutory requirements of protected species and their habitats. You are advised to contact Natural England before any work commences on the site, including site clearance.

- 2 Construction:

As the site is adjacent to residential premises, heavy plant, noisy equipment or operations and deliveries, should not take place outside the house of:

Monday – Friday 7.30 – 19.00

Saturday 8.00 – 13.00

No noisy activities on Sundays or Bank Holidays

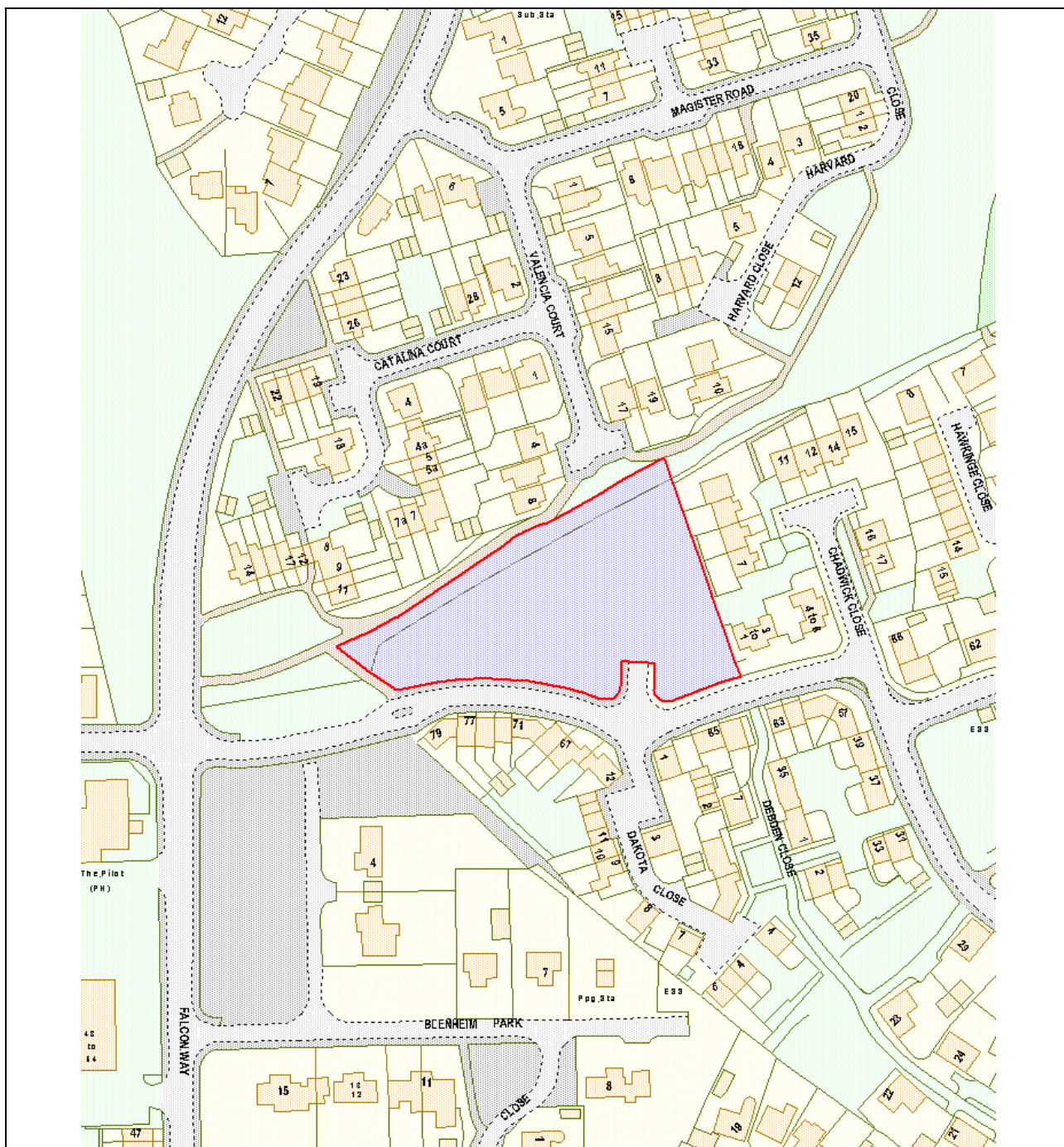
All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

In periods of dry weather, dust control measures should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

Radio noise should not be audible at the boundary of the nearest neighbouring property.

If unavoidable late night or early morning working is required, neighbouring residential premises should be advised of any potential disturbance. Any such works should be notified to the Environmental Health Department on (01225) 776655 prior to commencement.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : BOWERHILL/100 SITE SURVEY
 Drawing : BOWERHILL/101 LOCATION PLAN
 Drawing : BOWERHILL/106 EXTERNAL DETAILING
 Drawing : BOWERHILL/109 CYCLE & BIN STORES
 Drawing : BOWERHILL/110 SITE SECTION
 Drawing : BOWERHILL/202 plots 1-6 floor plans
 Drawing : BOWERHILL/203 plots 1-6 floor plans
 Drawing : BOWERHILL/204 plots 7-12 elevations
 Drawing : BOWERHILL/205 plots 7-12 elevations

Drawing : BOWERHILL/206 plots 7-12 floor plans
Drawing : BOWERHILL/207 plots 7-12 floor plans
Drawing : BOWERHILL/208 plots 12-17 elevations
Drawing : BOWERHILL/209 plots 12-17 elevations
Drawing : BOWERHILL/210 plots 12-17 elevations
Drawing : BOWERHILL/211 plots 12-17 floor plans
Drawing : BOWERHILL/212 plots 12-17 floor plans
Drawing : BOWERHILL/213 plots 12-17 floor plans
Drawing : BOWERHILL/214 plots 18-19 elevations
Drawing : BOWERHILL/215 plots 18-19 floor plans
Drawing : BOWERHILL/216 plots 20,21,26 & 27
Drawing : BOWERHILL/217 plots 24,25
Drawing : BOWERHILL/302 road/sewer long sections
Drawing : BOWERHILL/321 private porous paving
Drawing : JBA 08/191-DT1 granite sett surround
Drawing : JBA 08/191-TS01 REV A tree constraints
Drawing : BOWERHILL/102 REV A planning layout
Drawing : BOWERHILL/103 REV A street scene
Drawing : BOWERHILL/104 REV A external works layout
Drawing : BOWERHILL/105 REV A vehicle tracking layout
Drawing : BOWERHILL/107 REV A adoption plan
Drawing : BOWERHILL/108 REV A materials layout
Drawing : BOWERHILL/200 REV A plots 1-6 elevations
Drawing : BOWERHILL/201 REV A plots 1-6 elevations
Drawing : BOWERHILL/320 REV A drainage strategy
Drawing : JBA 08/191-01 REV C outline soft layout
Drawing : JBA 08/191 TS03 REV A tree protection plan

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 02

Date of Meeting	15.07.2009		
Application Number	W/09/01407/REG3		
Site Address	Winsley Church Of England Primary School Tynning Road Winsley Wiltshire BA15 2JN		
Proposal	Erection of new detached single storey pre school facility and provision of external play area		
Applicant	Winsley Acorns In Association With Wiltshire Council		
Town/Parish Council	Winsley		
Electoral Division	Winsley And Westwood	Unitary Member:	Linda Conley
Grid Ref	380264 161201		
Type of application	Reg 3 Application		
Case Officer	Mr Kenny Green	01225 770344 Ext 174 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Council land and development which is subject to third party representations (Western Area Planning Committee)

1. Purpose of Report

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

2. Main Issues

The main issues to consider in respect of determining this application are:-

Principle of providing a detached single-storey pre-school facility on land to the rear of Winsley CoE Primary School

Impact on the surrounding area (noise, disturbance, access and servicing)

Design and Detailing

Loss of playing field / green space

3. Site Description

The application site forms part of the existing Primary School property located off Tynning Road and White Horse Road within the defined settlement boundary of Winsley. The area of land subject to this application is positioned towards the North West corner of the existing school site, adjacent to an existing equipped play area and residential properties.

A footpath network exists to the north and east of the site linking the site to White Horse Road and Dane Rise.

The land subject to this application is currently laid to grass with four trees, two of which are well established.

4. Relevant Planning History

74/01069/HIS - Access to playing field - Approved 30.12.1974

75/00664/HIS - Extension providing additional cloak space accommodation - Approved 18.08.1975

76/ 00756/HIS - Erection of single mobile classroom without toilets - Approved 20.09.1976

99/01094/FUL - Siting of one single mobile classroom with toilets - Approved 24.09.1999

00/00978/FUL - Extension - Approved 10.07.2000

02/01344/WCC - Retention of one single mobile classroom with toilets - Approved 23.09.2002

05/02300/FUL - Installation of bike shed - Approved 26.01.2006

06/01931/FUL - Small extension to existing classroom using existing new windows and doors to create cloakroom and wet area and alterations to window - Approved 21.08.2006

06/01325/FUL - Construction of path around three sides of playing field 208 m long and 1.5 m wide - Approved 19.07.2006

07/01593/FUL - Extension to existing classrooms - Approved 21.06.2007

07/09018/WCC - Retention of one single mobile classroom with toilets - Approved 09.08.2007

5. Proposal

Wiltshire Council has been allocated Sure Start ring fenced capital funding in 2008/2009 to support the delivery of the expanded free offer for 3 and 4 year olds and the development of extended schools.

Under this application, Winsley Acorns in association with Wiltshire Council seek permission to erect a new system built nursery school accommodated within a rectangular shaped single-storey building measuring about 120 square metres and 3.4 metres in height. The nursery would be positioned within the North West corner of the existing Primary school grounds adjacent to an equipped play area (which is located to the north).

The nursery would have a secure external play area which would be fenced off to limit access to through the building only. The fence would be 1.2 metres in height.

The proposed nursery building would be finished with vertically aligned Larch timber under a green mineral felt clad roof.

In support of the application it is submitted that Winsley Acorns operate from the existing village hall which is untenable as the play equipment has to be packed away each evening and there is a waiting list for pupil spaces. The existing external play area associated with the present building is not secure, is a public right of way and is prone to the risk of dog fouling.

The proposed new facility would be constructed using monies from Central Government via Wiltshire Council, but it stressed that the facility needs to be constructed separately from the existing school because of complex funding claw back regulations associated with the funding agreements. The new unit would enhance the current facilities on the site; it would offer the possibility of increasing numbers and will have a central classroom area with carpet and wet play area, associated storage, toilets, kitchen facilities and an office staff room. An accessible WC would also be provided.

Access to the site would be from the existing footpath network leading to White Horse Road. However access could also be achieved from the footpaths leading to Dane Rise and Tynning Road. The building would be accessed by a compliant ramp and steps to both the main entrance and external play areas.

Parents dropping children off at the new nursery will be encouraged to use the existing drop off/pick up parking area within the school site. In addition, the applicants have held discussions with a Travel Plan advisor to address the existing complaints from residents along White Horse Road with the aim of implementing a Greener travel plan, not using motor vehicles and having parking restrictions (for non local residents) within a 1/2 mile radius of the school.

An arboricultural survey has not been carried out on the basis that the two trees which would be most affected have been recently planted and these will be moved to a new location on the site. The existing well established tree which located in the corner of the site will provide shade to the playground. The existing footpath located within the playing fields would be nominally realigned.

It is submitted that the existing school will be unaffected by the development so there should be no change to the travel plan, but, if it is considered necessary, a further assessment would be carried out.

A number of key points are identified regarding how the money could be spent. These include:-

Capital funding has to be directed towards the delivery of the 10 year Childcare Strategy and towards supporting primary schools to develop extended school services. The National Every Child Matters - Change for Children Programme is designed to ensure that children's services work well with parents and carers for the benefit of children and young people.

Funding to be used to purchase a tangible asset.

The Local Authority has to identify the highest priorities for new buildings and has to consider the area where replacements or refurbishments to existing building can have the greatest impact.

As part of a review of Pre School and early year's provision in Wiltshire, the Early Years team identified that accommodation for Winsley pre-school was required on the CoE Winsley Primary School site. The pre-school currently resides in the village hall which is problematic and does not provide the environment now conducive to the Early Years Foundation Stage - Ofsted requirements.

The move to the school site will ensure security and a more suitable environment for the local pre-school and thus securing quality childcare, providing a service to both the school and the local community. This pre-school children feed into the school assisting in ensuring the numbers on role in this rural school remain viable.

Research of the local area and linking in with Wiltshire Childcare Sufficiency Audit showed a need for pre-school provision in outlying areas of Trowbridge.

The proposed new facility will also allow the school and pre school to work together to use the building to develop an important community resource in line with the Extended Schools Agenda. The Government's vision is that all schools by working with other schools and childcare partners, will provide access to convenient, flexible and affordable year round childcare to suit the needs of families and enable parents to return to work or training.

6. Planning Policy

Government Guidance

PPS1 - Delivering Sustainable Development The Planning System: General Principles

PPS9 - Biodiversity and Geological Conservation

PPG17 - Planning for Open Space, Sport and Recreation

PPG24 - Planning and Noise

Sport England's National Policy 'A Sporting Future for the Playing Fields of England'

West Wiltshire District Plan - 1st Alteration

C31a - Design

C32 - Landscaping

C38 - Nuisance

C40 - Tree Planting

T10 - Car Parking

CF1 - General Community Facilities

CF2 - Re-use of Community Facilities

CF3 - Villages and Rural Areas

7. Consultations

Town/ Parish Council - Winsley Parish Council - Supports the application and advises that a working group of the Parish Council has met and whilst they see no reason to object on planning grounds, it does have the following observations to make citing the completion of the application form.

A new gate is proposed in pedestrian walkway to the play park, suggesting that access to the Acorn facility will be via this access route. Where will cars park during drop/pick up?

There is already an issue surrounding inappropriate parking along White Horse Road.

Drawing No. 0838-02 rev A shows no access gate and pedestrian access via the school grounds.

All access gates to the school grounds are locked at 9am and re-opened at 3:10pm; and during this period the only access is via the school reception area which has a door code entry.

The Parish Council is strongly opposed to any access being permitted from White Horse Road.

Assuming the use of the schools existing waste bins - will they be overloaded?

The feedback from local residents regarding the movement of traffic on a daily basis indicates that this is a major issue, not just unrestricted vehicular access to their properties, but a health and safety issue as children attending Winsley school use the double gate sited at the head of White Horse Road for access and egress

The Parish Council is strongly opposed to any access being permitted from White Horse Road for either Winsley school children or the Acorns facility.

Will the 1.2 metre fence provided protection from ball games being played in the adjacent school field?

If there is no additional parking provision planned, cars will park along Tynning Road and White Horse Road. Where will the identified 7 additional vehicles be accommodated?

The 10 no. parking spaces listed on the application are school staff parking spaces. Where will nursery staff park?

Vehicular access is restricted by the Head Teacher to picking up sick children and child minders with multiple pick-ups and drop-offs only.

Queries raised over the existing site plan. Trees are present and the proposal is to replant elsewhere in the school grounds.

The Parish Council is opposed to the unnecessary removal of young trees and would wish to be assured that if they are moved that they are protected from damage and monitored in the growing season.

The Parish Council understands that the facility would be used for breakfast and after school clubs. When the school is shut, what access route will be used and where shall the associated cars park?

The Parish Council feels strongly that out of hours use will seriously compromise the security of the school premises and grounds and that it should not be permitted without proper evaluation of the health and safety and security risks.

Transport and Development Manager (Highway Authority) - Winsley CE Primary School is in the process of updating their School Travel Plan as part of this proposal. The proposal will not have an adverse effect on the highway; therefore, no Highway objection is raised.

The proposal is to support The Wiltshire Sure Start Scheme to offer free spaces for 3 and 4 year olds and the development of extended schools. As part of a review of pre-school and early year's provision in Wiltshire, the Early Years Team identified that accommodation for Winsley Pre School was required on Winsley CE Primary School site.

Regarding the potential traffic generation and the representations received from local residents in relation to the proposed pre-school I would make the following comments:-

The pre-school and primary school are working with a School Travel Plan Advisor towards initiatives to control traffic congestion and promote walking to school i.e. a 'walk and stride' scheme, no parking zones or prohibiting vehicles connected with the school being parked 1/2 mile from the entrance. In this instance the travel plan applies to a site and not individual organisations, therefore one travel plan will serve both schools.

The pre-school is proposed to be opened from 8am - 6pm, this will allow pick/drop off times to be staggered and therefore reduce the likelihood of traffic congestion.

There are several pedestrian routes to the site which eliminates the problem of a single access point being heavily used / congested.

On the basis of the above and on balance the proposal will not have a significant impact on the highway; therefore I maintain my original recommendation of no highway objection to the proposed development.

Environmental Health - No objections.

Capital Projects Manager for Childcare & Extended Services - The project is to be funded by the Sure Start Capital Quality & Access Funding. I wrote the supporting statement which accompanied the application submission.

Wessex Water - The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by this proposal. The connection to the public water supply can be agreed at the design stage.

Sport England - From the information provided, and from aerial photos of the site, we understand that the site of the proposed pre-school facility forms part of a playing field as defined in Statutory Instrument 2009 No. 453, the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2009.

As you will be aware, Sport England is a statutory consultee on proposals for development which affect playing fields, and we have therefore assessed the application in the light of our national playing fields policy 'A Sporting Future for the Playing Fields of England' (available at: http://www.sportengland.org/planning_policy_statement.pdf). For the proposals to meet the requirements of our Playing Field Policy one of the five exceptions as set out in our policy will need to be met. If we do not consider any of the exceptions are being met, then we will oppose the development.

Our policy relates to all or any part of a playing field or land last used as a playing field, or land allocated for use as a playing field in an adopted or draft deposit local plan. Our policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

I note from the Design and Access Statement and Supporting Statement that no information is provided in relation to the likely impact of the development on the existing playing field. However, we have been sent further information by your Corporate Building Team in relation to the layout of sports pitches and other sports facilities on the site. Also, no justification is provided for locating the building on part of the school playing field. The application does not address whether there are other alternative locations within the school site or nearby which could accommodate the proposed building, without impacting on playing fields.

From the information provided, there is a lack of evidence of any exceptional circumstances that justifies the permanent loss of part of the school playing field. We would strongly support the retention of all of the school playing field area, unless one of the five exceptions to our nationally adopted Playing Field Policy applies.

In the light of the above comments, Sport England does not consider that the proposed development meets the requirements of our Playing Field Policy, and we therefore wish to object to this application.

Please note that, should the Council be minded to approve the application, then in accordance with the Town and Country Planning (Playing Fields) (England) Direction 1998, the application should be referred to the Government Office for the South West.

Tree and Landscape Officer - The development site is fairly close to some existing mature trees which could be impacted by the construction process, from e.g. machinery or materials being stored too close beneath them. In order to ensure that the integrity of the trees is protected a construction method statement (CMS) should be drawn up which includes the protection of trees in line with BS 5837:2005. It should also give a clear indication of where storage areas for construction materials are to be sited. Ideally these should be in a fenced compound, which will also ensure that most wildlife species are excluded and cannot suffer harm as a result of the works.

I am satisfied that the two small trees that are currently on or very near to the footprint of the proposed new building will be moved to a nearby location. I would ask that a condition be put in place such that these trees should be monitored for a two year period and replaced like for like if either does not survive being moved.

Ecologist - The application site is on an area of short mown amenity grassland which in itself has little ecological value.

PPS9 requires that LP As should seek to secure some ecological gain for biodiversity through the planning process. There are limited opportunities on most small schools sites, however, a way of achieving this is to ask that a management plan for wildlife, for an area of the school grounds can be drawn up and be linked into the curriculum, so that ecology benefits firstly from the area being managed for wildlife and secondly that pupils are encouraged to be aware of wildlife issues and ecological processes.

I note on the plans that there is already an area marked "wild area" and wonder if this could be brought into such a management plan. I am happy to advise on the content of this plan in more detail or to liaise with school staff on its implementation.

8. Publicity

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

Expiry date: 19.06.2009

Summary of points raised:

A petition with 18 signatories was submitted objecting to the application on the following grounds:-

There have been NO planning application notifications posted in the area of White Horse Road, therefore we residents have somewhat been kept in the dark, (apparently there is one just behind the Post box adjacent to the main entrance to the school on Tynning Road).

The Lack of consultation and the sad disregard of all the residents of White Horse Road and NOT just three residents as stated on the planning application.

The impact will be on White Horse Road and Not Tynning Road. Winsley Church of England Primary School is a very fortunate school to possess such a good grassed playing area in the middle of a housing development, this should be totally protected and cherished, the Parents and children fully utilise all the playing field with their games, fetes etc.

Could we draw your attention to The Protection of Playing Fields, "Potential applicants should remember that the Secretary of State has a general presumption against the need to change the current pattern of school playing field provision by disposal or change of use".

Have the Council duly considered the inevitable impact of increased traffic and parking in such a narrow and restricted road as White Horse Road on the residents. The Design and access statement suggests,

- 1). "There is a waiting list for pupil spaces", this means more traffic!
- 2). "Offers the possibility of increasing numbers", this means more traffic!
- 3). "Access to the site will be from the footpath of White Horse Road fronting the site".
- 4). "Parents will be encouraged to use the existing drop off/pick up area within the school site".
- 5). How are parents to be encouraged, as currently due to health and safety, parents cannot use the school site for drop off/pick up?

Are the council aware that White Horse Road is already used as a "drop off/pick up zone" by a number of parents who will not or cannot walk their children to school, but do park as close to the school gates as possible, including on the pavement and across residents driveways.

Unless vehicular access to White Horse Road is denied to all but residents, then the resulting impact will become intolerable. We already have had occasions of disregard to some of the resident's driveways and front gardens by parents who do not exercise due care and attention when turning their vehicles around.

In their inspection of 2007, why was Ofsted led to believe that there was a secured enclosed play area? First paragraph on the design and access statement states that "the existing external play area associated with the present building is not secure", however the school Ofsted report dated 08/10/07, states that "there is a secure enclosed play area", and that there were no complaints made to Ofsted by Winsley Acorn playschool in 2007.

Solution: Northfield Winsley.

- 1). There is a large and rarely used grassed area at the end of Northfield just around the corner from the main school entrance, adjacent to the Winsley by-pass.
- 2). Northfield has been built with a far superior road access than White Horse Road, it is more than three cars in width, (White Horse Road is barely two cars wide).
- 3). At the end of Northfield, there is a greatly reduced potential to obstruct residents driveways. There are No resident's driveways at the very end of Northfield.

- 4). It would keep the inevitable increased volumes of traffic segregated from and diverted from around the Main school entrance, shop and bus stop.
- 5). There is the potential to construct dedicated parking bays.
- 6). Instead of the partial destruction of an extremely well used and valuable "green area" within the school grounds, why not the development of a very underused "green area"?

In addition to the above, 4 individual third parties made the following representations against this proposal:-

There is objection to the proposed intention to create a separate entrance off White Horse Road and use up some of the school field.

White Horse Road is a quiet cul de sac with a pedestrian walkway to the park. There are often children of all ages on and around the road at all times of day. The school has metal gates that are opened at the start and end of each school day. At these times, the traffic congestion, poor parking and other irritations cause nuisance and disturbance to local residents. Adding to such disruption would be unacceptable and dangerous to children. The cul de sac was not developed to accommodate busy traffic that it is now expected to cope with. One local resident would be happy to use the main school entrance (off Tynning Road) and ask for the White Horse Road entrance to be kept closed except for necessary maintenance vehicles that need to enter the school grounds.

Queries are raised over the stated existing provision of 10 car parking spaces.

No provision is made within the application site for parking of either staff cars or deliveries or indeed for dropping-off and picking-up of children. Unlike older school children, pre-school children will not be able to be simply dropped off. Parents who drive their children to such a facility would be forced to park along local roads to escort the children to and from the facility. It does not appear that this has been fully considered.

Car parking should be provided through a planning condition at the school to provide staff and users' vehicle parking. If no agreement can be negotiated, the application should be refused.

Local residents are not convinced that the proposed development would not cause highway conflicts. This issue has not been fully considered by the applicants. An additional 24 vehicles would have a significant impact on local residents and highway safety interests. White Horse Road is already used as a drop off zone. This trend would continue and worsen.

The recent conversion of one of the retail units, located adjacent to the main school entrance, into a doctor's surgery and dispensary has contributed to a further increase in localised parking congestion.

Winsley School is a very fine school. The playing field is barely big enough for the existing children. The idea of reducing the size of the play area to accommodate the new building would be unwise.

If the nursery building is so required to be located at the existing primary school, it should be sited close to the kitchens on existing tarmac area. This would mean the facility could be more easily accessed from the school's main entrance off Tynning Road, and not interfere with the grassed area. The nursery could still be enclosed to be secure.

One local resident queries why the nursery is not positioned within the north east corner of the primary school site. The same letter writer states that children travel to the school from different directions, and queries the applicants' statement that the existing school would be "unaffected".

Some local residents query what notification procedures were followed by the applicants. The completed application form (section 8) states that three neighbours were notified of the scheme prior to the planning submission (on 10 March). There is no details submitted regarding which neighbours were notified.

The applicants state that there are no trees on site (section 16); however there are 4 trees, 2 of which are proposed to be re-located.

The government publication The Protection of Playing Fields outlines a general presumption against development which would lead to the loss of school playing fields.

The first paragraph of the Design and Access statement states that "the existing external play area associated with the present building is not secure", however, the school Ofsted report dated 08.10.2007 states that "there is a secure enclosed play area" and that there were no complaints made by Ofsted to Winsley Acorn playschool in 2007.

The facility could be hired out commercially for children's social events outside normal school hours. This would lead to a loss of amenity for local residents and if this facility is to be approved, it must be subject to a condition limiting hours of use and even the use itself.

One letter writer submits that the supportive statement from Acorns (in response to the objection petition) has inaccuracies within it. One notable irregularity relates to the fact that "all" of the residents of White Horse Road object to the application, not "some". The same letter writer states that most of the signatures supporting the application do not experience the congestion or danger outside their doors. There is also no guarantee that the out of area children will attend the new facility. Furthermore, parents may be encouraged to walk their children to school, but there will be still lots of dangerous drivers and congestion in the White Horse Road area. It is considered prudent to withdraw the application and find an alternative site with better access. It must be stressed that residents of White Horse Road do not oppose Acorns having a designated pre-school building in principle. If other site have been investigated, as is being proposed, why have they not been put forward for discussion?

The following representation was received from one local resident not objecting:-

As an adjoining resident which bounds the school, I am well used to all the children in the school playing right up to my back fence.

A petition in support of the application with 46 signatories was also submitted to the Council.

Another petition with 32 signatures listing their support was submitted just prior to the officer's report being drafted.

Therefore, in summary, the Council has received 1 petition with 18 signatories objecting and 4 individual letters of objection and 2 petitions with 78 signatories supporting the proposal as well as 1 individual letter of support.

9. Planning Considerations

9.1 Principle of providing a detached single-storey pre-school facility on land to the rear of Winsley CoE Primary School

Under Local Plan policies CF1 and CF2, proposals for the development of land for schools or other educational use will be permitted, provided the proposals are acceptable and appropriate in terms of its scale, siting, design, access, highway safety, parking provision, residential amenity and other local environmental considerations.

Whilst it is recognised that Sport England report an objection to the loss of some grassed play ground, it is submitted that the proposed pre-school would not compromise the value or usability attached to the recreational ground and as a consequence, the proposed development is considered to be acceptable in policy terms.

The listed criterion contained within policy CF1 shall be addresses as follows:-

9.2 Impact on the surrounding area (noise, disturbance, access and servicing)

Whilst there may be a case to be made in terms of recognising the majority view, Members will appreciate that the validity of the comments (supportive or otherwise) is most important, and that the number of signatories for each petition is not necessarily a material planning consideration.

Since the proposed development consists of a Council's own development, it is necessary for the Council department submitting the application for formal approval to provide an unambiguous and robust rebuttal to any objection.

In line with such procedures, the following rebuttal is provided:-

The application site is considered the most appropriate site for the proposed facility. The suggested alternative site adjacent to the kitchens is not large enough to accommodate this facility. The Head teacher and Governors are happy that the proposed site for Acorns Pre-school will not impact on the adequacy of play space at Winsley Primary School.

Development in the north east corner of the school grounds was considered but was discounted for the following reasons:-

Existing mature trees would be affected,
The site is banked
There is insufficient room for the proposal.

The school will not be managing the Pre-school therefore their travel plan will remain unchanged. Our Consulting Architect has calculated that there is sufficient parking space within the school site to accommodate additional cars belonging to Acorns Pre-School staff. Approximately 50% of the Acorns Pre-school children have siblings at Winsley Primary School and this will have a limiting effect on additional vehicle movements. There is no intention to create a new vehicular access off White Horse Road. The only access to the Pre-school will be for pedestrians directly off the existing footpath between White Horse Road and the public playground.

Residents at No's 1, 2, 3 & 4 White Horse Road received advance notice of this proposal as their properties overlook the site of the proposed building.

Members are advised to note that petitions have been received: One objecting to the development signed by 18 individuals and another two petitions supportive of the proposal with 78 signatories in total. The applicant wish to stress the importance attached to recognising the views of the majority of the local community to be considered as part of the planning process.

Members are asked to note the following response to the objections received from the applicants:-

In addition to providing clarification on some of the issues raised through the submitted objections, (and observations made at the recent meeting of Winsley Parish Council), please note that the petition with 46 signatures of support, was a representative sample of the local community for the proposed Pre-school facilities at Winsley School. These signatures were collected over a period of just two days; and it is submitted that further signatures would have been added had additional time been available.

The sample includes a range of stakeholder groups, including those with/without children, those with/without children at Acorns and residents from White Horse Road and Tying Road. It is hoped that this reflects a more representative sample (overwhelmingly in support of the proposal), when read in conjunction with the petition against the application.

Parking

All Pre-school staff will have allocated parking spaces in the School car park.

From September 2009 there will be four staff, only three of who drive (one lives in Turleigh and walks to work). Mr White (Head teacher of Winsley School) has already allocated three parking spaces to Acorns staff.

More parents will walk their children to Acorns if it is located on a site offering both Pre-school and primary school education. Currently, with split sites, to get two or more children to school and Acorns on time, many parents have to drive.

As the number of families with children at Acorns is small, it will be relatively easy to communicate and promote the importance of parking away from White Horse Road and to encourage them to walk from Tynning Road or Dane Rise.

I believe that Mr White, the Head Teacher is happy to provide a dedicated access for Acorns parents from the main drive of the school to a new building, thereby avoiding the need to access the new building from White Horse Road. This will help to maintain school security, as all school gates will still be locked at 9am.

Our sample of support for the proposal includes residents from White Horse Road and Tynning Road demonstrating that not all local residents object to the scheme.

There are currently 36 children at Acorns. Of these, 12 have siblings at Winsley School and 24 live in the Parish (22 within the village of Winsley itself). The number of out-of-area children attending Acorns is currently 12. Of these, 5 will be leaving the setting in July to go to school in Trowbridge or Bradford-on-Avon and a further 2 will be joining their siblings at Winsley School. Therefore, from September 2009, only 5 children will need to be driven to Winsley to attend Acorns. These parents will be actively encouraged to park away from White Horse Road and walk to the setting.

Acorns would operate between the hours of 9am and 3pm, meaning that parents would be dropping off and collecting their children at different times to parents of school pupils. It is therefore considered unlikely that the presence of Acorns on the school site would add to the existing parking situation in White Horse Road. These hours could be altered slightly to accommodate access/security and other considerations, if necessary.

Acorns would only operate during the week and during term time.

Without a village Pre-school provision, it is considered likely that a greater number of vehicle journeys into/out of Bradford-on-Avon would have to be made as Winsley families currently using the local facility would have to drive to access alternative pre school/nursery facilities. This would add to the already poor traffic situation in Bradford-on-Avon at peak times.

Ofsted Report

We would like to point out that the children only have a manageable and secure outside play area at the village hall because staff/parents erect a temporary fence to sub-divide the outdoor space every day, which are then taken down at the end of each session. This is not considered satisfactory.

General

Winsley Acorns has been running as a village pre-school for several decades and is an integral part of the community. Over the years, the leadership of Acorns has involved many tens of village residents, who still support the Pre-school. It is a registered charity and a not-for-profit organisation. In fact in 2008, the Pre-school made a loss. A key objective of the Pre-school is to provide a low-cost facility within the village, in comparison with the more expensive nurseries available in Bradford-on-Avon and elsewhere. The key focus of running the Pre-school has always been the children, not profit-making. The only paid employees associated with the setting are the qualified nursery staff. A dedicated voluntary committee of parents manage the pre-school each academic year, with further support from the wider village community. Additional essential funds are raised through fundraising events held at the village hall, (which are seen as annual village events). £2,500 has been raised this year, providing essential funds for the pre-school and allowing us to keep costs down for parents/carers.

As previously stated, Acorns would only operate during the week and during term time. It would not be available to hire for birthday parties/fundraising events (the excellent facilities at the village hall and the church hall are already available for this).

Any future before/after-school care provided in the Acorns building would be determined by the demand from parents of pupils at the school ONLY, not Acorns. It would allow Winsley School to comply with the 2010 Government requirement for all schools to offer on-site 'wrap around care'. The school has no space to offer this formal requirement within its current buildings.

The school gates would be locked at the same time that they are currently. The time allocated for outside play would not coincide with that of the school. Therefore, Pre-school children would not be at risk from ball games etc. The proposals are seen as a key opportunity for the continued sustainability of both the school and Acorns - it is mutually beneficial.

Without the purpose built facility at the school there is a very real possibility that Acorns would not continue to flourish due to the unavoidable constraints arising from operating from the village hall; in particular, meeting the strict requirements of Ofsted, whilst still maintaining the hall for all village user groups. Acorns can only request such provisions are made to the village hall committee.

Acorns has already had to give notice of the potential need to leave the village hall; (out of courtesy, a 10 month notice period was given to the village hall committee, to allow them maximum time to plan for alternative income streams). Therefore, any delay in this planning application could have significant consequences for the children due to attend in September and their parents/carers - many of them village residents. The village hall may not be available for the hours required and Acorns may be 'homeless' and need to close. We are concerned that parents having to seek alternative pre-school care (even on a temporary basis) may not return to Acorns. This would be seen by the residents of the village as an entirely avoidable disaster. As well as direct negative impacts to the children, parents and carers who rely on Acorns, there would be employment implications for the staff, with the loss of four permanent local jobs, together with the use of the village hall for fundraising.

Acorns does not have a track record of noise complaints from its current close neighbours and no complaints have been investigated by an Environmental Health Officer. It is not anticipated that this would change at the school site. The use of a very small proportion of the school playing field to provide for Acorns is not seen as significant. The vast majority of the field will not be affected, and the remaining area is considered by the school to be ample for its sports and recreational uses. The proposals are fully endorsed by the school.

The proposed building will still be used for child education purposes, including outdoor play. Any wrap around care occurring in the facility will be for school pupils ONLY. The design, form and volume of the building accords with the other 'portacabin' style classroom within the school site, which is also situated on the school boundary adjacent to local residents.

Alternative locations for the Pre-school within the school boundary will result in similar effects to the location proposed. Alternative locations within the village are not readily available, would require land purchase/lease, would split the educational provision, force parents to continue to travel to two sites and undermine the sustainability of the school and Acorns. Other site-specific issues are also likely.

The children, parents, staff and past/present volunteers of Acorns and the wider members of the community who support the proposals would be immensely grateful if you could take these comments into account when considering this planning application.

We strongly believe there is an opportunity for all concerns to be resolved through achievable solutions delivered through appropriate planning conditions.

Winsley Parish Council concerns

Access - The Headteacher is prepared to provide a dedicated access for Pre-School parents via the main school drive. The proposed access off the existing footpath (between Whitehorse Road and the public playground) will be for pedestrians who live in the Dane Rise and Lyddieth Court area.

Waste Bins - There is no intention to use existing waste bins. The Pre-School will be responsible for making their own arrangements for refuse collection.

Access by school children via Whitehorse Road - Whitehorse road is an unrestricted public highway with an established access to the school. If the Parish Council wish access & parking in Whitehorse Road to be limited, this request should be referred to Wiltshire Council's Highways Section.

Fencing - A full risk assessment will be made of the playing facilities. The pre-school may adjust their play times to avoid any conflict and thus avoiding the need for higher fencing.

Staff parking - The Head teacher and the Highway Authority are satisfied that there are sufficient spaces within the school's main car park to accommodate cars belonging to Pre-School staff.

Trees. The relocation of young trees will be undertaken in a professional manner.

Other uses - It is not intended to use this facility for birthday parties or other functions. It is possible that the building may be available for Winsley Primary School to provide extended schools facilities (outside Pre-School hours) if there is local demand e.g breakfast club or extended school. The potential use of the building is therefore 8am to 6pm as stated on the application form. Any such use will be properly assessed and supervised.

9.3 Design and Detailing

The proposed pre-school facility would be a single storey low profile building positioned on land which presently has a limited active recreational use given the presence of trees and saplings. In the event this proposal is implemented, the school would still retain a useable playing field. The design and detailing of the proposed facility is considered acceptable in policy terms. A condition is however required for material samples to be provided to ensure quality and safeguard visual amenity.

9.4 Loss of playing field / green space

It must be recognised that Sport England formally object to this proposed development on the grounds that they do not consider that the proposed development meets the requirements of our Playing Field Policy. For the avoidance of any doubt, the policy relates to all or any part of a playing field or land last used as a playing field, or land allocated for use as a playing field in an adopted or draft deposit local plan. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The application does not address whether there are other alternative locations within the school site or nearby which could accommodate the proposed building, without impacting on playing fields.

From the information provided, it is submitted that there is a lack of evidence of any exceptional circumstances that justifies the permanent loss of part of the school playing field. Sport England would strongly support the retention of all of the school playing field area, unless one of the five exceptions to our nationally adopted Playing Field Policy applies.

The five exceptions are:-

1. A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport;
2. The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use;
3. The proposed development affects only land incapable of forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site;

4. The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development; and,
5. The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

In response to the Sport England objection, the applicant submits that:-

Further contact has been made with Sport England in an attempt to address their objection. The Headteacher and Governors of Winsley Primary School are satisfied that the proposed pre-school site will have no adverse effect on sports provision in the School. It is also submitted that Playing field provision in Winsley totals over 9 hectares, with the school playing field contributing only 0.6 hectares to this total. The Acorns footprint measures at 6% of the school playing field area, which equate to approximately 0.036ha.

In this particular case, Members are advised that the pre-school facility would not result in the loss of valuable, useable recreational playing field land. The site has little or no special significance to the interests of sport. Whilst the site is laid down as grass, trees limit its recreational use. The pre-school building would be modest structure taking up approximately 122 square metres, with the external area associated to the pre-school being devoted to external recreational use. The proposed development would not result in the loss of or the inability to make use of the neighbouring playing field pitch, including its maintenance. It is for the above reasons that this application is recommended for approval subject to conditions.

Should Members be minded to grant permission in line with officer recommendation, the application must be referred to the Government office for the South West in line with the Town and Country Planning (Playing Fields) (England) Direction 1998 to establish whether the Sec. of State wishes to call the application in to determine.

Recommendation: **The Secretary of State be informed that this is a Local Authority application for planning permission and that this Council raises no objection to the proposal and recommends that planning permission be granted.**

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 be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: West Wiltshire District Plan - 1st Alteration policies C31a and CF1.

- 3 No development shall commence on site until a Green Travel Plan for the pre-school facility has been submitted to and approved in writing by the Local Planning Authority, through consultation with the Highways Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

POLICY: West Wiltshire District Plan 1st Alteration policy CF1, C38 and T10.

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

A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005

A schedule of tree works conforming to BS3998.

Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;

Plans and particulars showing the siting of the service and piping infrastructure;

A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;

Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

Details of all other activities, which have implications for trees on or adjacent to the site.

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

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

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

- 6 No development shall commence until details, including the exact location of the dedicated parking spaces for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until that spaces have been completed in accordance with the approved details. Such spaces shall thereafter be retained and kept clear of obstruction at all times.

REASON: To ensure that the facility has adequate parking provision and to enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration policy CF1, C31a and C38.

- 7 The development hereby approved shall be used as a pre-school facility and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 8 The use hereby permitted shall only take place between the hours of 08:00 and 18:00 from Mondays to Fridays. The use shall not take place at any time at the weekend or at Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

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

- 9 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

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

- 10 There shall be no raising of existing ground levels on site.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan - 1st Alteration policy C31a and C38.

- 11 No development shall commence on site until samples of the boundary treatment to be used on the development 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: West Wiltshire District Plan - 1st Alteration Policy C31A, C38 and CF1.

- 12 No development shall commence on site until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall include the following:-

the parking of all vehicles at the school site including provision for site operatives and visitors;
loading and unloading of plant and materials
storage of any plant and materials on site
the erection and maintenance of security hoarding including any decorative displays and
facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control dust and dirt pollution during construction;
a scheme for recycling/disposal of waste resulting from the construction works;
measures for the protection of the natural environment; and,

hours of construction, including delivery times.

Development shall be carried out in accordance with the approved details.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phases.

POLICY: West Wiltshire District Plan - 1st Alteration Policies C38 and CF1.

- 13 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

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

- 14 No development shall commence on site until details of the tree replanting scheme and monitoring has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Should the replanting prove unsuccessful, details of the necessary tree replacement shall be submitted in writing for the approval of the Local Planning Authority.

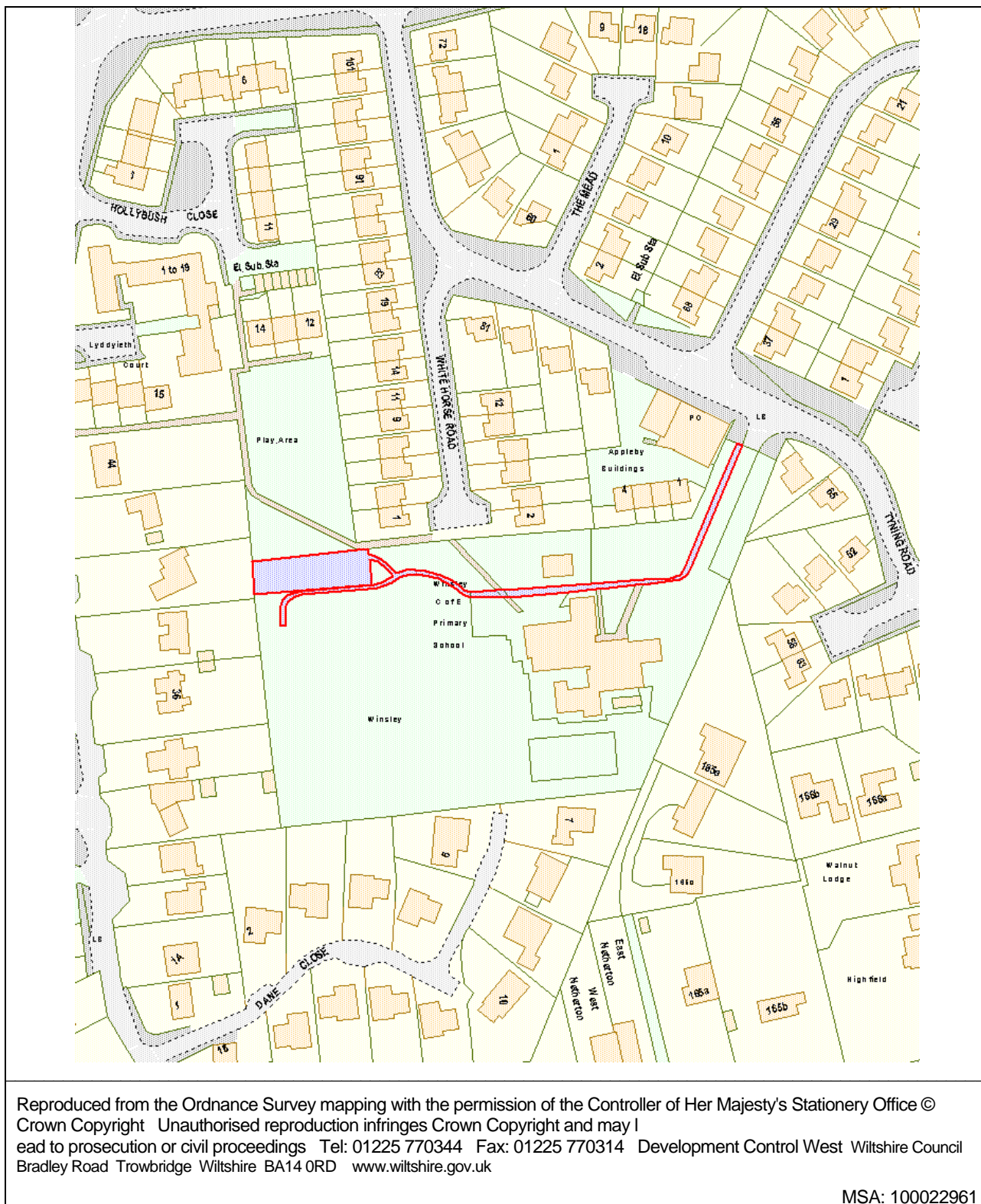
REASON: In the interests of visual amenity and the character and appearance of the area.

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

Informative(s):

- 1 The applicants are encouraged to formulate a wildlife management plan for the school grounds, which could be drawn up and linked to the curriculum so that ecology benefits firstly, from the area being managed for wildlife and secondly, that pupils are encouraged to be aware of wildlife issues and ecological processes. A wild area which is marked on a plan could be brought within the management plan. Should the school be keen to adopt such a plan, the Council's ecologist Fiona Elphick would be happy to provide further advice. Fiona can be contacted on ext. no. 3241 or by email at fionaelphick@wiltshire.gov.uk

Appendices:	
Background Documents Used in the Preparation of this Report:	



RELEVANT APPLICATION PLANS

Drawing : LOCATION PLAN w1541/21 received on 11.05.2009

Drawing : BLOCK PLAN 0838 - 02 REV A received on 11.05.2009

Drawing : BLOCK PLAN 0838 - 02 REV B received on 23.06.2009

Drawing : SITE PLAN 0838 - 04 received on 11.05.2009

Drawing : FLOOR PLAN 0838 - 05 received on 11.05.2009

Drawing : PROPOSED ELEVATIONS 0838 - 06 received on 11.05.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 03

Date of Meeting	15.07.2009		
Application Number	W/09/01013/FUL		
Site Address	Maidens Cottage Watermeadow Lane Bapton Wiltshire BA12 0SB		
Proposal	Erection of double garage, new conservatory, installation of windows in north elevation		
Applicant	Mr Mark Graham		
Town/Parish Council	Stockton		
Electoral Division	Warminster Copheap And Wylke	Unitary Member:	Christopher Newbury
Grid Ref	399042 138224		
Type of application	Full Plan		
Case Officer	Miss Carla Rose	01225 770344 Ext 283 carla.rose@wiltshire.gov.uk	

1. Purpose of Report

Councillor Newbury has called this application to Committee on the grounds of scale of development, visual impact, design, environmental impact and consistency with other decisions in the neighbourhood.

The purpose is to consider the above application and to recommend that permission is granted

2. Summary of Main Issues

The main issues to consider are:

Street scene

Neighbour amenity

Trees

3. Site Description

The site is characterised by open countryside adjoining a mix of residential detached and semi-detached properties.

4. Planning History

78/00983/HIS Renovation of cottage and erection of garage with access. Permission with no conditions 29/09/1978

80/00325/HIS Erection of double garage. Permission with no conditions 29/04/1980

87/01674/FUL Two storey extension. Permission with no conditions 09/12/1987

89/01529/FUL Extension link. Permission with no conditions 03/10/1989

99/00109/FUL Conservatory. Permission with no conditions 01/03/1999

5. The Proposal

The proposal is for an attached double garage, new conservatory and installation of windows on the northern elevation.

The proposed conservatory would be approximately 4.6m by 5.7m and the height would be 3.1m to the ridge and 2.1m to eaves.

The garage is proposed to be 6.3m by 5.9m and the height would be approximately 5.9m to the ridge and 2.5m to the eaves.

A window is proposed in the western elevation of the garage.

Two new windows are proposed in the northern elevation and an existing door way and stairs is proposed to be removed from the northern elevation.

The new garage is proposed to be timber framed with Douglas Fir weatherboard cladding. The north gable of the garage is proposed to be stone millions to match existing. A plain clay tiled roof is also proposed.

The conservatory is proposed to be green oak timber framed with oak doors and windows. Slate roof tiles are proposed.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004
C2 - Area of Outstanding Natural Beauty
C31a - Design
C38 - Nuisance

Supplementary Planning Guidance on house alterations and extensions (Adopted July 2004)

7. Consultations

Town/ Parish Council

Stockton Parish Council: 'There appears to be a change of use from Agricultural on part of the development, which is in an AONB. It looks as if the old watermeadow flood ditches have been removed, and significant earthworks undertaken.' 2) 'A certain amount of development has already taken place, e.g. trees felled, new bridge built, ditch excavated, old double garage already turned into a room with 2 new windows. Nobody has seen any notices relating to the above. The PC therefore reject this application as it stands, and would appreciate your comments.'

Highways

Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty: - 'This application does not appear to create a major precedent for the AONB and I am confident your Conservation Architect will be able to deal with matters such as detailed design and materials.'

Landscape and Arboricultural

There are serious concerns with regard to the proposed location of the garage and the proximity of the Willow tree located within a few metres of it. This tree is already to close the dwelling. Due to this fact and taking into account the tree species and habit I am unable to place a Tree Preservation Order it. As the tree is shown as being retained the recommendation would normally be to refuse the application.

However, this situation could be overcome by conditioning the removal of the Willow. A replacement tree more suited to the environment and conditions should then be planted within the same area, 3 to 5 metres away from the felled willow.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 30th April 2009

Summary of points raised:

A previous garage has already been converted

Application is on agricultural land

Parking

Previous applications have been turned down in Bapton for change of use from agricultural land to garden

Bridge has been built

Conservatory is not 'like for like' replacement and is larger in size

Increase in footprint of building

Contrary to Policy H19 and H20

Concerns regarding trees

Out of scale development with the area.

Concerns that the proposed plan does not show trees. Could lead to a precedent to remove trees.

Safety concerns

Boundary concerns

Concerns a change of use from agricultural land to domestic

9. Planning Considerations

9.1 Street Scene

A conservatory exists on the rear elevation and is slightly smaller in size than the newly proposed conservatory. Although the proposed conservatory is larger in size the conservatory would not look overly large in comparison to the dwelling as a whole. The conservatory is located to the rear of the property and would not be visible from the street scene but would be visible in the open countryside. The conservatory is proposed to be green oak timber framed with oak doors and windows with a slate roof. The existing conservatory is made of UPVC and the proposed materials would improve the appearance of the cottage. The materials are different than the existing materials. However, these materials which are natural would be sympathetic to the host dwelling and would not be create a dominant feature in the open countryside. The tiled roof on the newly proposed conservatory would reduce the visual impact of the conservatory in the landscape, which is part of the Cranborne and Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. It is not unusual for a variety of different materials to exist in a development and these can add interest and character to a property.

The garage will be visible from the street scene as the proposed garage extends near the boundary of the property. Supplementary Planning Guidance advises that 'garages should be designed in sympathy with the house, whether it is detached or attached.' The proposed garage is considered sympathetic to the dwelling as a whole due to the open nature of the garage, which does not detract from the character of the building.

The garage is a subservient element that has been set down below the ridge line of the roof, which respects the character of the dwelling. The proposed garage would not harm the character of the street scene due to the sympathetic and subservient design. Stone mullions are proposed on the northern elevation, which match the existing dwelling. This would ensure that the garage harmonises with its setting and reduces the impact on the street scene. The roof of the garage is proposed to be constructed on plain clay tiles. The materials do not match the existing thatched roof. However, would not detract from the character of the cottage. In addition the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty have not objected to the proposal. Due to the pitch of the roof it is not possible for the roof tiles on the garage and the conservatory to match.

It has been noted that the property has had previous extensions including the conversion of a former garage into living accommodation. The proposed garage and conservatory would increase the footprint of the dwelling and it has been noted that the house is large in comparison to some of the other houses in the immediate vicinity; however the site is large enough to accommodate the extension without becoming an eye-sore in the countryside. The sympathetic design of the extension, which is set down would not harm the character and setting of the dwelling. The proposal would not be out of scale with the dwelling as it is keeping the same 'L' shaped form of the building.'

Concerns were raised that the application is contrary to Policy H19 and H20. Policy H19 relates to Development in Open Countryside and Policy H20 relates to Replacement dwellings. The proposal is not a new dwelling or a replacement dwelling therefore would not be contrary to policy. Accompanying text to Policy H20 states that 'Proposals which involve substantial alteration and/or other types of change will be treated as proposals for new dwellings and will be considered under Policy H19.' However, in this instance the design and size of the dwelling is not considered tantamount to a new dwelling.

Concerns were raised by the neighbours about the impact that the proposals would have on trees within the area. The Parish Council advised that trees have already been felled on the site. The property is not located in a conservation area and there are no trees protected by tree preservation orders therefore consent would not be required to fell these trees.

A willow tree is located close to where the extension is proposed to be. The Council's Landscape and Arboricultural officer was consulted and raised concerns due to the close proximity of the garage to the tree. However, he advised that if the application is to be permitted a condition should be attached to ensure that another tree is planted on the site. He advised that a replacement tree more suited to the environment and conditions should be planted 3-5 metres away from the felled willow.

The tree is important in the street scene and whilst it is regrettable that this tree would be lost as a result of the development the tree is not located in a conservation area and is not protected by a Tree Preservation Order. The landscape and arboricultural officer also advised that it is not possible to protect the tree by a tree preservation order as it was not a suitable species so close to a dwelling. It is not possible to protect the tree with a root barrier due to the long roots of the willow tree. The roots would affect the implementation of the development. Due to the close proximity of the willow tree to the existing dwelling the willow tree would eventually need to be removed, as the roots would disturb the original dwelling; therefore the removal of the tree and replacement with another would be the most viable solution and would be beneficial to the street scene in the long term.

Concerns have been raised that the proposals are on agricultural land. The proposals are clearly indicated within the area of the site outlined in red as part of the domestic curtilage submitted with the application. The land did not appear to have an agricultural use on the site visit, as it currently forms part of the garden. This has also been checked by the Enforcement Officer and the view was taken that there has been no unauthorised material change of use.

No car parking would be lost as a result of the proposal as the garage will accommodate cars.

Concerns were raised that a bridge has been built and that ditches have been excavated. This does not form part of this application and a separate application will be required to authorise the works. This has been requested by the Enforcement Officer.

9.2 Neighbour Amenity

The conservatory and the garage are located away from neighbouring properties therefore there would be no adverse impact.

Conclusion

In conclusion the proposal would not have an adverse impact on the street scene, open countryside and neighbouring amenity.

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.

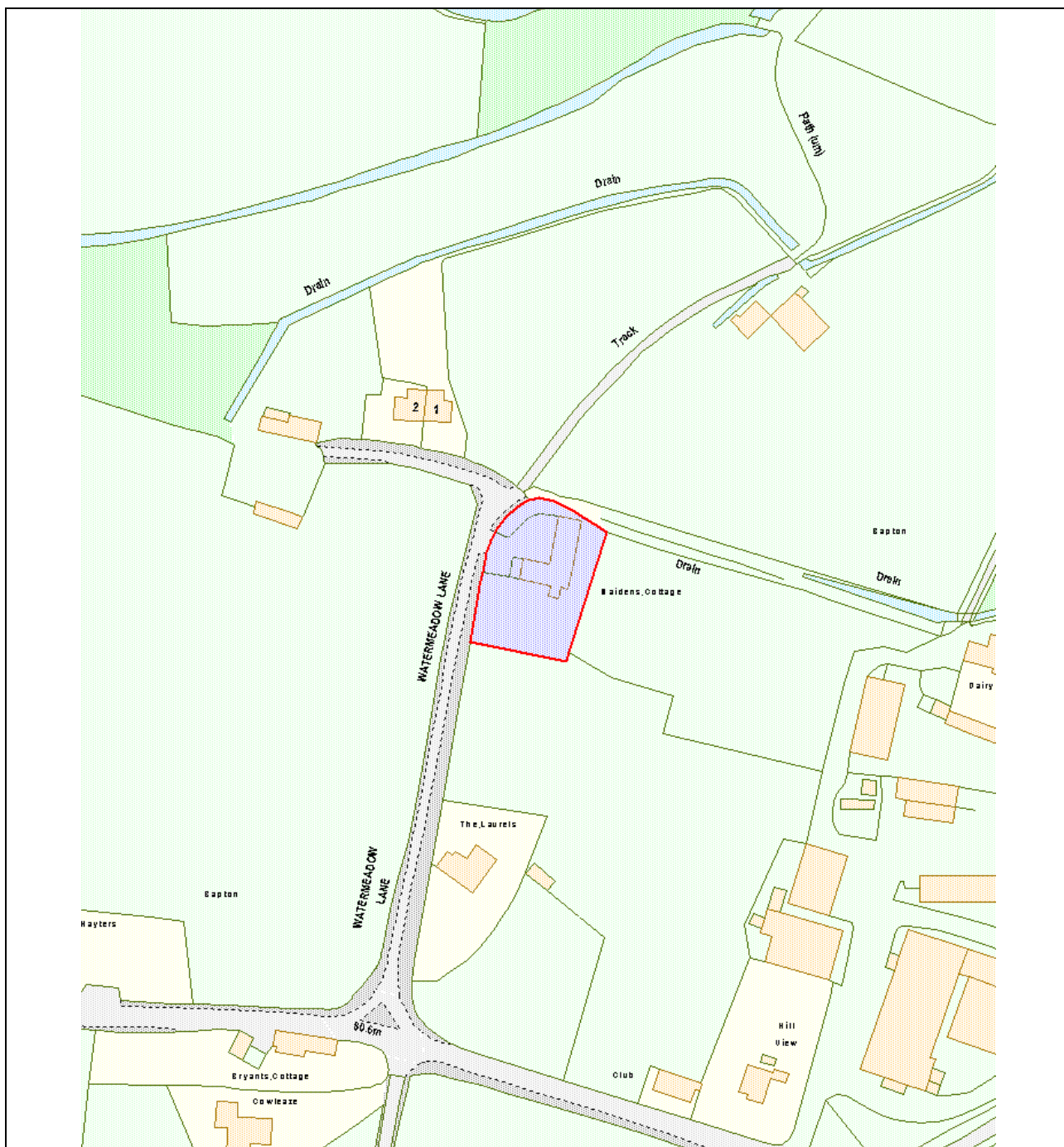
REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 The Willow tree located adjacent to the proposed garage should be removed. 1no. Extra Heavy Standard Betula utilis 'Jacquemontii shall then be planted within 5 metres of the felled tree and in accordance with BS.3936 (Parts 1 and 4), BS.4043 and BS.4428 in the earliest planting season following implementation of this permission. The tree shall be thereafter maintained for a period of five years including the replacement of the tree, or any tree(s) planted in replacement for it, which die, are removed or become damaged or diseased within this period with tree(s) of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

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

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

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 8/3/09-1/1 received on 06.04.2009
 Drawing : REVISED 8/3/09-1/2A received on 02.07.2009
 Drawing : REVISED 8/3/09-1/3A received on 02.07.2009
 Drawing : 8/3/09-1/4 received on 06.04.2009
 Drawing : REVISED 8/3/09-1/5A received on 02.07.2009
 Drawing : 8/3/09-1/6 received on 06.04.2009
 Drawing : 8/3/09-1/7 received on 06.04.2009
 Drawing : 8/3/09-1/8 received on 06.04.2009
 Drawing : SITE PLAN received on 06.04.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 04

Date of Meeting	15.07.2009		
Application Number	W/09/01411/FUL		
Site Address	Land Adjoining 36 Summerleaze Trowbridge Wiltshire		
Proposal	Conversion of semi-detached dwelling to two 1 bed units and erection of two 2 bed dwellings with parking		
Applicant	Messrs Mould And Morris		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Lambrok	Unitary Member:	Helen Osborn
Grid Ref	384161 156893		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor J Osborn has requested that this item be determined by Committee due to "...overdevelopment, out of character with local area, loss of neighbourhood amenities, amount of neighbour concern".

1. Purpose of Report

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

2. Main Issues

This application is a revision to a proposal previously refused under reference W/09/00402/FUL for the following reasons:-

"1. The proposed extension to provide two dwellings would, because of its size and massing, result in development disproportionate to the existing semi-detached pair at 34 and 36 Summerleaze as well as the neighbouring building to the north east. This would harm the appearance of the area and the host building contrary to Policy H1 of the West Wiltshire District Plan 1st Alteration 2004.

2. The proposed extension to provide two dwellings would, because of its proximity to the upstairs window to the dwelling at No. 38 Summerleaze, result in an overbearing presence and loss of direct light harmful to the amenity of the occupants of that dwelling contrary to Policies H1 and C38 of the West Wiltshire District Plan 1st Alteration 2004.

3. The proposed amenity space to the northernmost of the proposed two dwellings would, because of its restricted size and close proximity to the building immediately to the north, be cramped and subject to an overbearing presence resulting in an unsatisfactory outdoor space for this proposed three-bedroom family dwelling. This would be contrary to Policy H1 of the West Wiltshire District Plan 1st Alteration 2004."

The site falls within Trowbridge Town Policy limits and therefore falls to be considered under Policy H1 of the WWDP, 2004 and the principle of new residential development is therefore accepted. The previous proposal was refused for reasons primarily in relation to Policy H1, and the key issue is therefore whether or not the previous reasons for refusal have been overcome.

3. Site Description

The application site is the residential curtilage to No 36 Summerleaze. It is approximately 410m² in extent and lies to the south of a small open area of land on a corner within the Summerleaze estate. No 36 is a semi-detached double storey dwelling. The area is characterised by a variety of residential types but primarily terraced and semi-detached units interspersed with flats, a number of which are conversions.

4. Relevant Planning History

W/09/00255/FUL: Conversion of semi-detached dwelling to 2 x 1 bed units and erection of 3 x 2 bed dwellings with parking: Withdrawn : 11.02.2009
W/09/00402/FUL: Conversion of semi-detached dwelling to two 1 bed units and erection of two 3 bed dwellings with parking: Refused : 15.04.2009

5. Proposal

The proposal is to convert 36 Summerleaze into 2 one bedroom houses and to erect, in the form of a terrace, 2 additional two bedroom houses. Each property would have its own garden and parking to the front. A total of six parking spaces are proposed.

6. Planning Policy

Wiltshire and Swindon Structure Plan 2016
DP1 Sustainable development
DP7 Housing in Towns and Main Settlements

West Wiltshire District Plan - 1st Alteration 2004
C38 Effects of development on neighbouring properties
H1 Housing development in towns
T10 Parking

PPS1 Delivering sustainable development.
PPS3 Housing

7. Consultations

Town/ Parish council

The Trowbridge Town Council repeated the previous objection to a similar proposal as overbearing and cramped form of development detrimental to the amenity of the area.

Highways

Highway officers have no objection subject to conditions in relation to parking and surface drainage.

Wessex Water

Surface water should not be discharged into the main sewer and the applicants should provide suitable arrangements for the disposal thereof. The applicants are also advised to contact Wessex Water with regard to connections to infrastructure prior to commencing any works.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 12.06.2009.

The Selwood Housing Society comments that there are certain private covenants that will have to be addressed, but that there is no objection to the proposals.

No other neighbour comments were received.

9. Planning Considerations

This is a revision to the refused proposal in that 2 additional three bedroom units were proposed. The size of the previously proposed unit would have resulted in an extension that was disproportionate to the existing building in terms of height and massing. The current proposals would reduce the ridge line to that of the existing building, and a design that appears as a natural extension, maintaining the existing width of footprint, albeit slightly set forward from the front of the existing. The front elevation design accords with that of the existing, and reflects the appearance of surrounding buildings. It is considered that reason 1 for refusal of application W/09/00402/FUL has been overcome.

Reason 2 of the refusal related to the proximity to, and effect on, a neighbouring upstairs window to the north east. The revised plans would relocate the end elevation to the extension to approximately 4.5m from this window and would reduce the overall size of the new side elevation in terms of both height and width. This would have the effect of removing the previous sense of proximity and overbearing, and would allow for increased light to this window. It is considered that reason two has been overcome.

Reason 3 of the refusal related to the inadequate provision of outdoor amenity space to what was previously proposed as a 3 bedroom family home. The current proposals provide for a two bedroom dwelling served by a slightly larger amenity space than before, with a wider gap between the rear of the dwelling and the adjacent property. The amenity space would be adequate in these circumstances, reflecting similar sized garden space permitted elsewhere for modest dwellings. This reason for refusal is considered to have been addressed.

There have been no changes to other material circumstances surrounding this site that bring new considerations into effect. The area has been characterised by conversions and additional dwellings have been permitted that have given rise to irregular plots with sometimes unfortunate relationships between properties. It is considered that the proposal would not result in any unacceptable increase in harm to neighbouring amenity in this context, and would create four modest homes at the entry level to the housing stock. This would accord with the goals of PPS to provide a mix of available dwelling types.

Highway officers are satisfied with the parking and access proposals.

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 be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: West Wiltshire District Plan - 1st Alteration (2004) - C31a

- 3 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be commenced until surface water drainage has been constructed in accordance with the approved scheme.

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

- 4 No part of the development hereby approved shall be occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

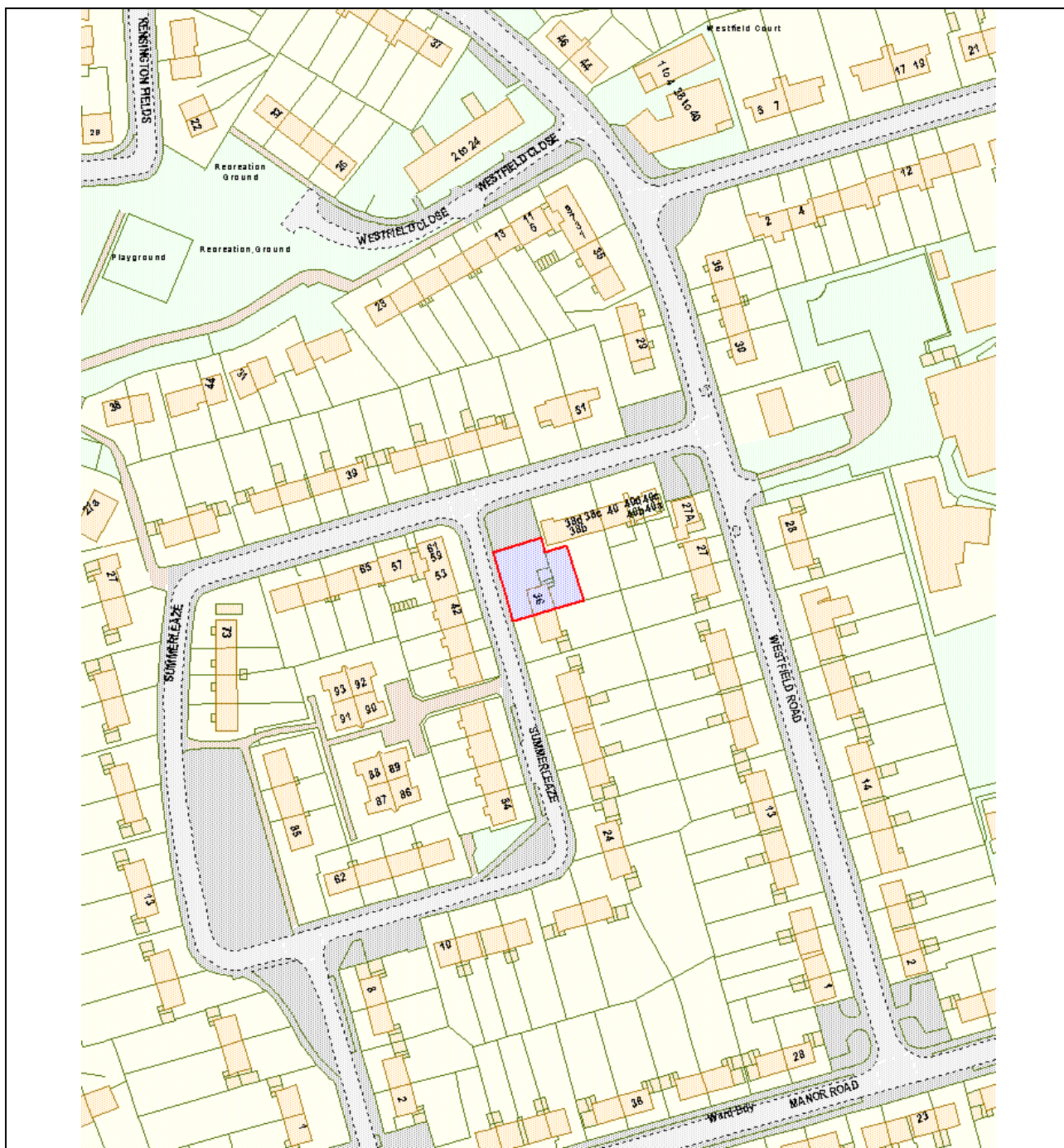
REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration (2004) - T10.

Informative(s):

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to connection to and protection of water-related infrastructure.
- 2 The applicant is advised to contact Selwood Housing (01225 715846) with regard to sewerage issues and covenants.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : 09.1.1.B received on 18.05.2009

Drawing : 09.1.2.B received on 18.05.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 05

Date of Meeting	15.07.2009		
Application Number	W/09/01519/FUL		
Site Address	Dairy House Farm Lambourn Lane Edington Wiltshire BA13 4NP		
Proposal	Conversion of barn complex to domestic annexe		
Applicant	Dr Karamjeet S Bimbh		
Town/Parish Council	Edington		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	392670 155104		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Julie Swabey has requested that this item be determined by Committee due to:
* “as a building in a dilapidated state, conversion to a domestic annexe would retain its existence and maintain family links”.

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:

- * Relevant Planning History
- * The principle of the development
- * Sustainable development
- * Impact on rural character

3. Site Description

The application site of approximately 0.19 hectares is situated at Dairy Farm House, Edington. The existing buildings are in an ‘L’ plan, and comprise a brick and slate agricultural building and an attached single storey byre structure with corrugated metal roof.

4. Relevant Planning History

01/01609/FUL - Conversion of redundant farm buildings to living accommodation, demolition of redundant structures and construction of swimming pool in their place – REFUSE - 02.05.2002

1) The proposal by reason of its size, proposed accommodation, and relationship with the principal dwelling, Dairy House Farm, is tantamount to a new dwelling in the countryside. As no agricultural or forestry justification has been submitted in support of the application, the proposal is contrary to Policy DP15 of the Wiltshire Structure Plan 2011, Policy H7 of the West Wiltshire District Plan and Policy H19 of the West Wiltshire District Plan - 1st Alteration (Revised Deposit including Pre-Inquiry Changes).

2) The proposal, by reason of its location outside any established settlement, remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of PPG 13, which seeks to reduce growth in the length and number of motorised journeys, and is also in contrary to Policy DP1 of the Wiltshire Structure Plan 2011.

3) The proposal, by reason of introducing domestic development in a countryside location would result in erosion of rural character, and would not provide any benefit to the rural economy. The proposal is therefore contrary to Policy C1 of the West Wiltshire District Plan, and Policy C1 of the West Wiltshire District Plan - 1st Alteration (Revised Deposit including Pre-Inquiry Changes).

03/02215/PUD - Conversion of existing outbuildings to form additional living accommodation ancillary to the existing house – NOT LAWFUL - 06.09.2004

5. Proposal

The application relates to a proposal for ancillary accommodation to the main dwelling, Dairy Farm House. The proposed development would provide the following accommodation: open plan living, kitchen and dining area in the brick building and entrance hall, W/C, storage and 2 en-suite bedrooms in the byre; whilst retaining a garden and equipment store and garage facility.

The development would retain the existing buildings on site. It is proposed to strip the existing roof, re-batten, felt and insulate. The existing slates would be reused on the brick building and the block structure would be recovered with Spanish slates. Structural works to the building would be carried out in accordance with the accompanying structural report.

The works recommended in the structural report include:

- * Removal of all trees in close proximity in accordance with an arboricultural report.
- * reconstruct all floors
- * renew all windows, window frames, doors and door frames
- * stitch fractured brickwork in the north and south gables of the brick barn (minimum of 2 stitches per fracture)
- * rafters and purlins should be upgraded to prevent roof spread. Inspect trusses.
- * rebuild byre with cavity walls and foundations or upgrade with internal skin and off reinforced concrete floor slabs.
- * length of byre to have a new cavity wall with foundations.
- * Byre roof to be strengthened/modified/reconstructed due to increased weight.

The application has been submitted with a bat and barn owl survey, a structural report and a design and access statement.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C1 Countryside Protection

C15 Archaeological Assessment

C31a Design

C38 Nuisance

H19 Development in Open Countryside

H21 Conversions of Rural Buildings

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable Development

DP14 Housing, Employment and Related Development in Open Countryside

National guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPS25: Development and Flood Risk

7. Consultations

Edington Parish Council
NO COMMENT RECEIVED.

Steeple Ashton Parish Council
SUPPORT SUBJECT TO CONDITIONS: "This application lies just in the parish of Edington. Steeple Ashton Parish Council has no objections to the above Planning Application provided a condition is included which prevents the selling of the property as a separate dwelling from the main property."

Wessex Water
NO OBJECTION

Highway Authority
NO OBJECTION: "There is adequate space on site to accommodate the additional parking which may be generated. The proposed access is to use the existing vehicular access to the main dwelling.

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

The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Dairy House Farm. REASON: The additional accommodation is sited in a position where the LPA, having regard to the reasonable standards of residential amenity, access and planning policies pertaining to the area would not permit a wholly separate building."

Environment Agency
"The applicant proposes use of non-mains drainage facilities. However, if the site is located within an area served by a public sewer, in accordance with Circular 3/99 (Planning requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development), connection should be made to this sewer. The applicant must provide good reasons why a connection is unfeasible. The advice of Circular 3/99 has, in this respect, been supported by the Planning Inspectorate.

If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume to an existing system, a Consent to Discharge may be required. This must be obtained from us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact us on 08708 506506 for further details on Consents to Discharge."

8. Publicity

The application was advertised by site notice.

Expiry date: 3 July 2009

Summary of points raised:

* No comments received to date.

9. Planning Considerations

9.1 This proposal requires careful scrutiny due to its sensitive countryside location, where all new development is strictly controlled in the interests of sustainability and countryside protection.

9.2 Fundamental to the consideration of this application is the recent planning history and whilst each case must be considered on its own merits, these proposals are very similar and there have not been any significant material changes in circumstances since these decisions.

9.3 In brief, similar proposals were refused planning permission by the local planning authority in 2001 for 3 reasons detailed above. It was concluded that the degree of separation between the main dwelling and the outbuildings and the extent of accommodation provided made the development tantamount to a new dwelling. In 2003 the local planning authority determined that the principle of converting the outbuildings to residential accommodation was not lawful and that planning permission was required.

9.4 Again, the application is being proposed as ancillary accommodation to the principal dwelling, and the applicant's agent, the Highway Authority and Steeple Ashton Parish Council have suggested a 'linked annexe condition'. The key issue in the determination of this application is how enforceable such a condition would be, particularly in view of the self-contained nature of the proposed accommodation and its relationship with the principal dwelling, i.e. being sited at a distance of more than 30m away. This new application is the same in that respect as the previous proposals. This time the accommodation proposed has 2 en-suite bedrooms, a W/C, separate hall and open plan living, dining and kitchen provision.

9.5 The nature of this proposal is such that the Council would not easily be able to monitor a 'linked annexe condition', which could at some point in the future result in the establishment of a separate dwelling in the countryside, contrary to the development plan policies and national planning policy guidance. Such a condition would therefore fail the 'enforceability test' as set out in Circular 11/95. Paragraph 27 of this circular states that if a condition is impractical to monitor then there would be severe difficulty in proving a contravention. This site is located remote from any other dwellings, so neighbours would not be able to report any contravention and monitoring the condition by staff is not practical.

9.6 Further, due to the degree of separation from the principal dwelling and the self contained and extensive facilities of the accommodation, the proposals would be equivalent to that of a dwelling. So once development is complete it would be hard to establish any harm in a subsequent application to remove the condition. Such an application would not involve any operational development and arguably no intensification in movements. The consequence of this is that the proposal must be considered against applicable policies for new dwellings in the countryside.

9.7 Indeed it is noted in the design and access statement that the applicant considers a benefit of their scheme to be the creation of an additional dwelling to meet the total housing stock requirements. This acknowledges your officers' significant concerns.

9.8 The policies for the conversion of rural buildings to residential use will only be permitted where every reasonable attempt has been made to secure an economic use such as business, tourism or recreation. No evidence of this approach has been submitted, the design and access statement simply concludes that the building is not appropriate for economic reuse. Therefore the proposal fails this fundamental policy test.

9.9 The building must be of a substantial, sound and permanent construction, capable of conversion without extensive alteration or rebuilding. The applicant's structural report highlights extensive rebuilding is required of the byre building. It details the need to create new foundations, new walls, new floor and rebuilding the roof. The red brick barn requires structural stitching, new fenestration, renewed roof and reconstruction of the floor. As such the whole of the proposal fails to meet this policy test.

9.10 For the two reasons detailed above the proposal also fails to accord with the national planning policy guidance contained in PPS7.

9.11 Finally the proposals have not been presented as a dwelling in connection with agriculture, forestry or other rural occupations and therefore are not acceptable. The above forms the basis of suggested reason 1 for refusal which is an amendment from the decision in 2001.

9.12 Fundamentally the siting of further housing development in such a remote location fails to accord with sustainability objectives, which in part are being addressed by siting development in locations within or well related to established settlements with suitable access to facilities, employment, education and recreation. The above forms the basis of suggested reason 2 for refusal which is an amendment from the decision in 2001.

9.13 The buildings are not listed as being of any historic or architectural merit; albeit that the red brick barn is typical of its type and age, it is in a very poor state of repair. While the designs of the proposed development could be acceptable in a more appropriate location, the proposal introduces domestic development into a countryside location, which would result in an erosion of rural character. Furthermore the development would not encourage diversification of the rural economy and rural recreation. The above forms the basis of suggested reason 3 for refusal which is an amendment from the decision in 2001.

9.14 The ecological survey makes recommendations which appear to have informed the final design of the scheme. Conditions could reasonably ensure that protected species would not be harmed in light of this information. The Environment Agency verbally raise no objection in terms of flooding which would only affect the garden area of Dairy House Farm.

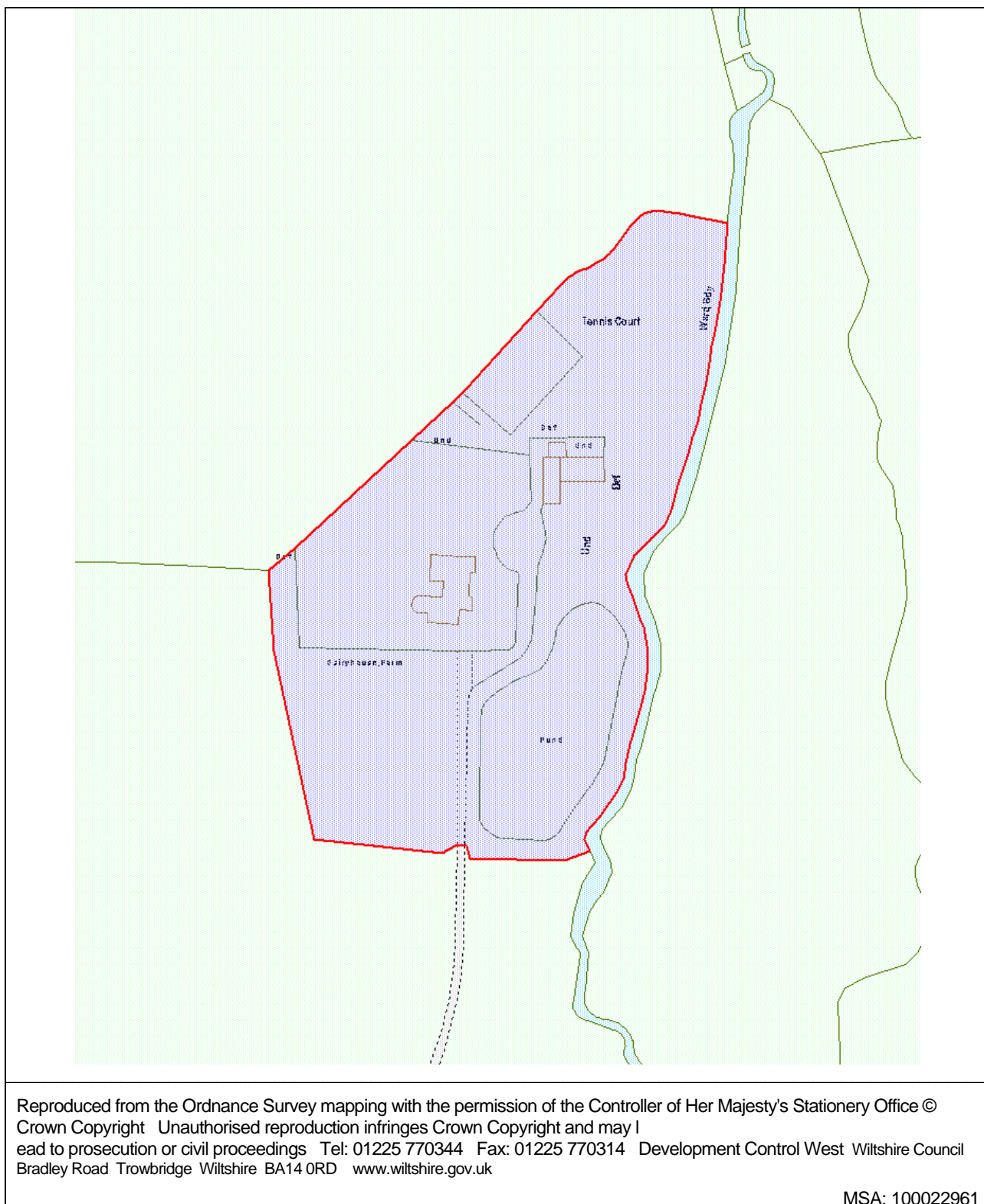
9.15 Further, issues of archaeology and amenity have been considered and do not pose any concerns.

Recommendation: Refusal

For the following reason(s):

- 1 The proposal by reason of the self-contained accommodation and its relationship with the principal dwelling, Dairy House Farm, is tantamount to a new dwelling in the countryside, which without adequate justification is contrary to Policies H19 and H21 of the West Wiltshire District Plan - 1st Alteration 2004 and DP14 of the Wiltshire Structure Plan 2016.
- 2 The proposal, by reason of its location outside any established settlement, remote from services, employment opportunities and being unlikely to be well served by public transport is contrary to the key aims of PPG 13, which seeks to reduce growth in the length and number of motorised journeys, and is also contrary to Policy DP1 of the Wiltshire Structure Plan 2016.
- 3 The proposal, by reason of introducing domestic development in a countryside location would result in an erosion of rural character, and would not encourage diversification of the rural economy and rural recreation contrary to Policy C1 of the West Wiltshire District Plan - 1st Alteration 2004.

Appendices:	
Background Documents Used in the Preparation of this Report:	



RELEVANT APPLICATION PLANS

Drawing : 2004/1 received on 01.05.2009
Drawing : 2004/2 received on 01.05.2009
Drawing : 2004/3 received on 01.05.2009
Drawing : 2004/4 A received on 01.05.2009
Drawing : 2004/5 A received on 01.05.2009
Drawing : 2004/P/1 received on 01.05.2009
Drawing : 2004/P/2 received on 01.05.2009

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Item No. 06

Date of Meeting	15.07.2009		
Application Number	W/09/01361/FUL		
Site Address	Land Rear Of 103 Forest Road Melksham Wiltshire		
Proposal	Erection of two storey dwelling house and parking provision		
Applicant	Mr Steven McCoombe		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham North	Unitary Member:	Rod Eaton
Grid Ref	391097 164649		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 174 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Eaton has requested that this item be determined by Committee due to:

The proposed over development of the site

The off site parking arrangement

The lack of amenity space for both the current and proposed dwellings

1. Purpose of Report

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

2. Main Issues

The main issues to consider are:

Principle of residential development within Town Policy Limits
Design and detailing of proposed dwelling
Servicing arrangements
Impact on neighbours
Tree and Landscape considerations

3. Site Description

The application site presently forms part of the domestic curtilage of a single storey dwellinghouse which is located on the junction of Forest Road and Awdry Avenue. The site is located within the defined Town Policy Limits of Melksham in a predominantly residential area. Whilst the host property is single storey, there are two storey properties located to the immediate west of the site and in the general vicinity.

A single storey garage occupies the site along with several trees, including a cherry with a 3 m canopy and 2 no. false cypresses with 2 m canopies, which would all be removed to accommodate the proposed development.

The application site abuts other residential plots to the north, east and west (all of which are two storey properties), and sits opposite a residential property and garden located to the south.

4. Relevant Planning History

None.

5. Proposal

The applicant seeks planning permission to erect a two storey 3-bed dwellinghouse with a front porch and demolish an existing single storey detached garage and conservatory which is built onto the northern end gable of the host property.

The proposed dwelling would be located on the northern side of Awdry Avenue and set between existing dwellinghouses. The design and detailing of the proposed dwelling reflects the predominant house style found in the general area, most notably to the immediate west of the site. The proposed dwelling would have a footprint of about 56 square metres within a plot measuring about 230 square metres, which equates to a 24.3 % development of the plot or 1:4 ratio.

The house would be set back approximately 5.7 m from the public highway (Awdry Avenue). The proposed development would benefit from 90 square metres of rear garden ground as well as a nominal amount at the front (in addition to two off street car parking spaces). The host dwelling would maintain its 12 m x 12 m front garden facing onto Forest Road as well having some to the side.

The proposed 3 bed dwelling would measure 7.6 m x 7.35 m with a 1.8 x 2.65 m porch.

2 metre high timber fencing would form the proposed new boundaries of the site with 0.6 m high fencing separating the site and its two immediate neighbours for the first 5 metres as measured from the public highway.

The applicants propose to utilise the existing vehicular access off Awdry Avenue to serve the proposed dwelling and introduce an additional drop kerb access to provide two additional parking spaces off-street to serve the host dwelling at 103 Forest Road. It should be noted that the off-street car parking arrangements have been designed in accordance with guidance provided by the Council's Highway officers.

6. Planning Policy

Government Guidance

PPS1 - Delivering Sustainable Development - The Planning System: General Principles

PPS3 - Housing

Wiltshire and Swindon Structure Plan 2016

DP1 - Priorities for sustainable development

DP2 - Infrastructure

DP7 - Housing in Towns and Main Settlements

DP9 - Reuse of land and buildings

West Wiltshire District Plan - 1st Alteration

C31a - Design

C38 - Nuisance

C40 - Tree Planting

H1 - Further Housing Development Within Towns
H24 - New Housing Design
T10 - Car Parking

Council Adopted Supplementary Planning Guidance

Residential Design Guide (2005)
Design Guidance Principles (2004)

7. Consultations

Town/ Parish Council - Melksham Town Council objects to the proposal on the following grounds:-

Overdevelopment of site

Off site parking will cause a hazard to those using Awdry Avenue. This is already an issue and residents have already asked for the extension of yellow lines from its junction with Forest Road to stop people parking too close to the junction and causing a hazard.

Lack of amenity space for both the current and proposed new dwelling.

Planning policies C31a (paragraph D), C38, HI (paragraph D) and T10 apply.

Council's Tree and Landscape officer - There are a few ornamental trees and shrubs within the site, but none are worthy of protection. There is no objection on tree or landscape terms. If permission is granted, there should be a tree replacement condition.

Highways This application was subject to pre-application discussions and it was concluded that the driveway to the existing dwelling had to be wider than a standard driveway to enable vehicles to manoeuvre in and out of the spaces.

No highway objection is raised subject to the imposition of planning conditions requiring the proper consolidation of the access and adequate access drainage dealing with surface water.

Wessex Water - No objections subject to an informative.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 12.06.2009

Summary of points raised:

No third party made any representation against or for this application.

9. Planning Considerations

9.1 Principle of residential development within Town Policy Limits

The site is within the town policy limits of Melksham. Under Policy H1 of the West Wiltshire District Plan 1st Alteration, 2004, proposals for housing development in this area may be permitted provided, inter alia, that the siting, layout and design considerations are satisfactory, and that they are in keeping with the character of the surrounding area and they do not give rise to highway problems.

Government advice contained within PPS 3 states, inter alia, that the outcomes which the planning system and decisions should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice.

West Wiltshire District Plan Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected.

Under Policy H1, the Council outlines clear design, layout and siting requirements to ensure that new proposals do not lead to inappropriate backland or tandem development. Policy H24 leads on to state that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics.

In this particular case, the proposed development would make more efficient use of urban land, which accords with the general aims of Planning policy Statement 3 - Housing, and the site is considered to be an appropriate 'windfall' site suitable for redevelopment.

9.2 Design and detailing of proposed dwelling

The design and detailing of the proposed new dwellinghouse is considered acceptable in policy terms. The siting, design and massing of the proposed dwelling would respect and reflect the character of the housing found locally. The dwelling would respect the scale and massing of the terraced buildings located to the immediate north. The existing host property (which is a bungalow) benefits from a relatively large garden, which this site forms a part. The proposed sub-division of the plot would still leave the host building with adequate amenity ground, similar to neighbouring properties; and at the same time accommodate a new residential unit with its own amenity ground without creating over development or site cramming.

It is recognised that the proposed house would respect the established building line, would not constitute as backland development and would respect the character of the surrounding area.

The proposed development would not represent over-development of the site. The proposed house would take up 24% of the plot, which is not considered excessive or out of keeping with the prevailing character of the area. The future occupiers would have adequate amenity ground to the rear and by virtue of the dwelling's orientation, there should not be any overbearing or overlooking concerns.

In this particular case, the proposed development would make good re-use of urban Brownfield land efficiently, without conflicting with established Local Plan policies.

9.3 Servicing arrangements

As noted above, the Council's Highway Authority reports no objection to the proposed development. The car parking arrangement and proposed new drop kerb access servicing the host property raises no road safety conflicts. Notwithstanding the concerns as raised by the Town Council and Councillor Eaton, it should be recognised that the applicant has designed the scheme with guidance from the Council's Highway officers.

Whilst the proposed parking arrangement for the host property appears to be rather awkward the Transport and Development Manager reports there are no road safety policy grounds to refuse this particular application.

9.4 Impact on neighbours

The proposed development would not result in any demonstrable harm to existing neighbouring properties. There would be no significant loss of sunlight/daylight penetrating adjoining properties and the window - window relationships are considered acceptable; and, through respecting the established building line, there should be no significant loss of residential amenity/privacy within the surrounding area.

9.5 Tree and Landscape considerations

The Council's Tree and Landscape officer reports no objection on tree and landscape terms, and consequently, the proposed development is considered acceptable on environmental terms.

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 be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the external finishes to be used on the development 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: In the interests of visual amenity and the character and appearance of the area.

POLICY: West Wiltshire District Plan - 1st Alteration policy C31a and H1

- 3 No development shall commence on site until details of the design and the external appearance of the means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: West Wiltshire District Plan - 1st Alteration policies C31a, C38 and H1.

- 4 One extra heavy standard tree of species and location to be agreed in writing with the Local Planning Authority shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428 in the earliest planting season following implementation of this permission. The tree(s) shall be therefore maintained for a period of 5 years including the replacement of any tree(s), or any tree(s) planted in replacement for it, which die, are removed or become damaged or diseased within this period with tree(s) of a similar size and of the same species, unless the Local Planning Authority gives written permission to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

REASON: In order to provide a satisfactory landscape setting for the development

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

- 5 The development hereby permitted shall not be brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration policy C31a and C38.

- 6 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

POLICY: West Wiltshire District Plan - 1st Alteration policy U2

- 7 Prior to the construction of the dwellinghouse hereby approved, all the existing buildings on site which are identified for demolition shall be permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

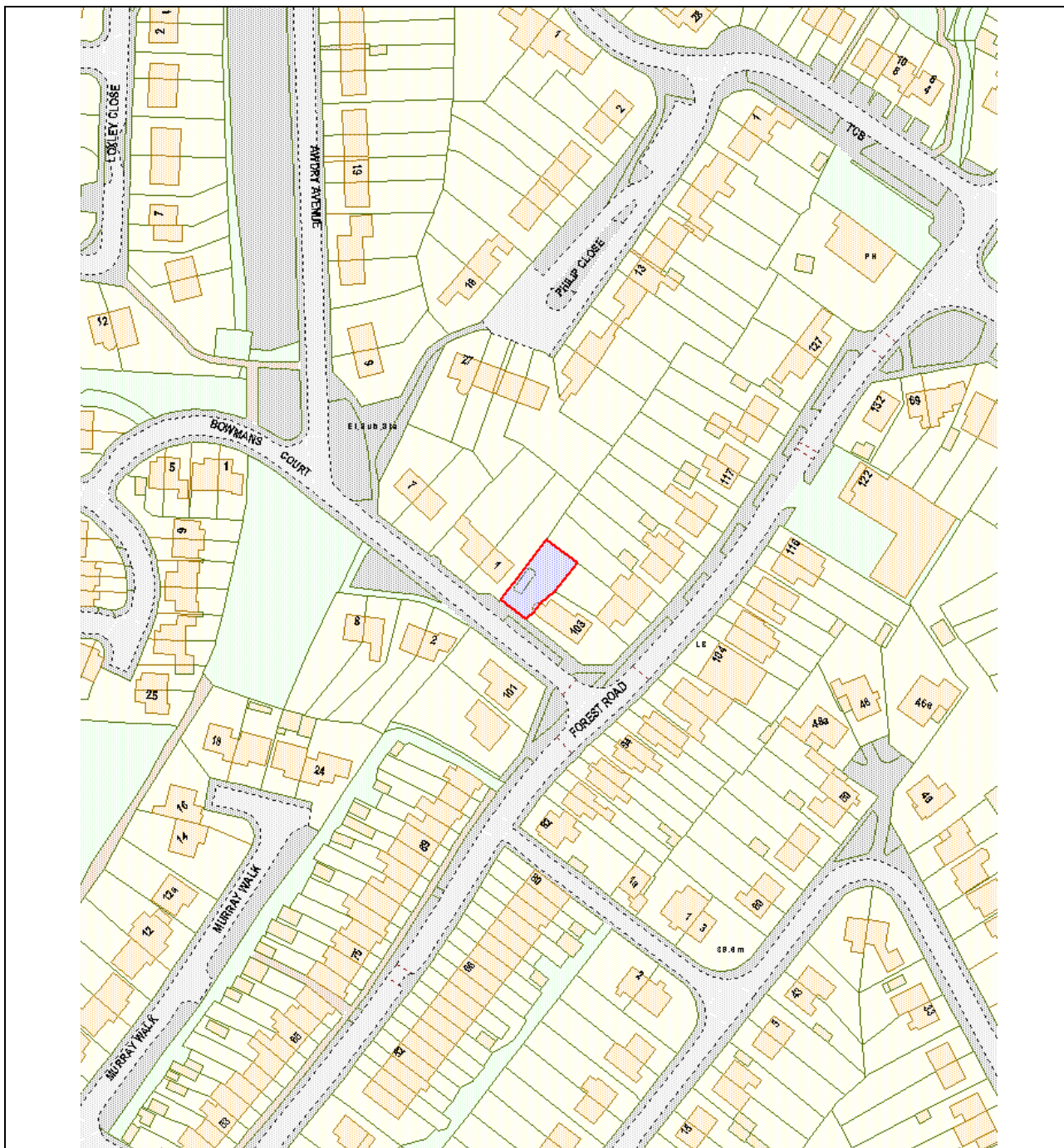
REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

POLICY: West Wiltshire District Plan - 1st Alteration policies C31a, C38 and H1.

Informative(s):

- 1 The attention of the applicant is drawn to the contents of the attached letter from Wessex Water dated 1 June 2009.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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MSA: 100022961

RELEVANT APPLICATION PLANS

Drawing : LOCATION PLAN received on 15.05.2009

Drawing : AH2009/26 SHEET 1 rev A received on 01.06.2009

Drawing : AH2009/26 SHEET 2 received on 15.05.2009