

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber - Civic Centre, Saint Stephen's Place, Trowbridge, Wiltshire  
**Date:** Wednesday 3 October 2012  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718376 or email [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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### Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	Cllr Stephen Petty
Cllr Rod Eaton	Cllr Pip Ridout
Cllr Peter Fuller (Chairman)	Cllr Jonathon Seed
Cllr Mark Griffiths	Cllr Roy While (Vice Chairman)
Cllr John Knight	

### Substitutes:

Cllr Rosemary Brown	Cllr Tom James MBE
Cllr Andrew Davis	Cllr Francis Morland
Cllr Russell Hawker	Cllr Jeff Osborn
Cllr Malcolm Hewson	Cllr Fleur de Rhe-Philipe
Cllr Keith Humphries	

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# AGENDA

## Part I

### Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

2 **Minutes of the Previous Meeting** (*Pages 1 - 8*)

To approve the minutes of the last meeting held on 22 August 2012 (copy attached.)

3 **Chairman's Announcements**

4 **Declarations of Interest**

To receive any declarations of non pecuniary or pecuniary interests or dispensations granted by the Standards Committee.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

#### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 26

September 2012. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

## 6 **Planning Applications**

To consider and determine the following planning applications:

6a **W/11/03231/FUL - 78A Whaddon, Hilperton, Wiltshire** (Pages 9 - 20)

6b **W/12/01305/FUL - 8 Castle Place Shopping Centre Trowbridge Wiltshire** (Pages 21 - 26)

6c **W/12/01329/FUL - 29 Upton Scudamore Upton Scudamore Warminster Wiltshire** (Pages 27 - 32)

## 7 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

### **Part II**

*Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed*

None.

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## **WESTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 AUGUST 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE, BA14 0RD.**

#### **Present:**

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis (Substitute), Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Fleur de Rhe-Philippe (Substitute) and Cllr Roy While (Vice Chairman)

#### **Also Present:**

Cllr Rosemary Brown and Cllr Francis Morland

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#### **71 Apologies for Absence**

Apologies for absence were received from Cllrs Pip Ridout and Jonathan Seed.

Cllr Ridout was substituted by Cllr Fleur de Rhé-Philippe.

Cllr Seed was substituted by Cllr Andrew Davis.

#### **72 Minutes of the Previous Meeting**

The minutes of the meeting held on **01 August 2012** were presented. It was,

#### **Resolved:**

**To approve as a correct record and sign the minutes.**

#### **73 Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

The Chairman further announced that the meeting would be the last time the Planning Committee would be held at the Bradley Road Council Offices.

#### **74 Declarations of Interest**

Cllr Christopher Newbury declared a non-pecuniary interest in Minute No. 76c - W/12/01107/FUL: *Jasmin House, 115a Hilperon Road, Trowbridge* - as he was

acquainted with the applicant. Once he became aware of the connection, during the meeting, he declared he would contribute no further to the debate and would not vote on the application.

## 75 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

## 76 **Planning Applications**

### **76.a W/11/03178/FUL - Land Rear Of 69 Woolley Street, Bradford On Avon, Wiltshire**

#### **Public Participation**

Mr Kevin Burnside spoke in objection to the application.

Mrs Rachel Croft spoke in objection to the application.

Mr Gordon Duncan spoke in objection to the application.

Mr Gary, Llewellyn, agent, spoke in support of the application.

The Area Development Manager presented a report which recommended that authority be delegate to the Service Director (Development Services) to grant the planning permission subject to a legal agreement as detailed in the report.

It was noted that the application had been deferred from the last meeting in order to organise a site visit for Members, which had now occurred, and to clarify whether the site was a County Wildlife site. It was confirmed that the listing of the site as a County Wildlife site in the Wiltshire Core Strategy had been an error. It was also noted that the Woolley Plan for the area was not a policy consideration, but was a material consideration due to being a demonstration of local opinion on this and other developments in the area.

The Area Development manager also gave details of further representations received since the previous committee meeting, and reiterated that as before the main issues included the principle of the development and whether it preserved or enhanced the character of the Conservation area, which did not include the bungalow proposed for demolition.

The Committee then had the opportunity to ask technical questions of officers. In response to queries it was confirmed that further public consultation was not necessary regarding the incorrect listing of the site as a County Wildlife site in the Core Strategy, as it was an error, not an amendment to policy. Details on the definition of town policy limits were also sought, with the implications for the application site.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Rosemary Brown, then spoke in objection to the application.

A discussion followed, where the lack of objection from Highways and Landscape officers, and the objections of the Wiltshire Wildlife Trust, were noted, and the principle of the development was questioned. The impact of the application on the wider area was debated in addition to the nature of the impact on neighbouring properties, and the planning history of the site as detailed in the report was also raised, along with the suitability of the access to the site.

At the conclusion of debate, it was,

**Resolved:**

**That Planning Permission be REFUSED for the following reasons:**

- 1) The proposal by reason of its overall design, density and layout would neither preserve nor enhance the character or appearance of the conservation area contrary to Policies C17 & C18 of the West Wiltshire District Plan - 1st Alteration 2004, and would, furthermore, disrupt the character of Coronation Avenue and the surrounding area contrary to Policies H1(d) and H24 of the West Wiltshire District Plan - 1st Alteration 2004.**
- 2) The proposal by reason of the restricted access and lack of visibility onto Coronation Avenue, together with the poor visibility at the intersection of the new access with the existing public footpath, would be prejudicial to highway safety and result in conflict between vehicular traffic entering the site and pedestrians using the public footpath contrary to Policy H1 of the West Wiltshire District Plan - 1st Alteration 2004.**
- 3) The proposal would have an unacceptable adverse impact on the amenity of the residents of 69, Woolley Street, by reason of overbearing impact created by the close proximity of the gable wall of the proposed dwelling on plot 4, accentuated by the change in levels between the application site and the lower level that 69, Woolley Street is located at. This would conflict with policy C38 of the West Wiltshire District Plan – 1st Alteration 2004.**

**76.b W/12/01303/FUL - Church Farm, Winsley Bypass, Winsley, Wiltshire, BA15 2JH**

**Public Participation**

Mrs Fleur Shanalan, on behalf of Winsley Parish Council, spoke in objection to the application.

The Area Development Manager presented a report which recommended planning permission be granted. It was noted that the application was retrospective, and that no public objections had been received. It was also confirmed that the solar panels already in operation were much shorter than most such applications.

The Committee then had the opportunity to ask technical questions of officers, where the impact on the Green Belt land was raised.

Members of the public then had the opportunity to address the Committee with the views, as detailed above.

A debate followed, where the impact of the specific design of the solar panels on the land was raised, and the Parish Council's desire for more time to consider the issue was discussed. In response to queries, it was confirmed the application had undergone the normal consultation period, and it was stated that the proposed conditions contained in the report specified the site would be returned to grass agricultural land within six months of the solar panels ceasing to be in operation in the future.

After discussion, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**The proposal would make a contribution towards Wiltshire's renewable energy targets, and the modest scale and low height of the renewable energy installation and the consequent limited impact on the appearance of the landscape mean that the proposal is acceptable.**

**Subject to the following conditions:**

- 1) Within six months of the solar pv ground mounted system ceasing to be used for the generation of renewable energy, the solar panels and its associated infrastructure, including the scalplings and the membrane shall be removed from the site and the land restored to seeded grass agricultural land, in accordance with paragraph 3.20 of the accompanying Design and Access and Planning Supporting Statement.**

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

**POLICY:** Wiltshire Structure Plan 2016 Policies C12 and RE1 and West Wiltshire District Plan 1st Alteration (2004) Policies C1 and C34; and the National Planning Policy Framework (NPPF).

- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:**

**LOCATION PLAN** received on 11.07.2012



**SURVEY SITE PLAN received on 11.07.2012**  
**PROPOSED PHOTOVOLTAIC ARRAY PLAN received on 11.07.2012**

**REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.**

**76.c W/12/01107/FUL - Jasmin House, 115A Hilperton Road, Trowbridge, Wiltshire, BA14 7JJ**

Public Participation

Mr Peter Grist, agent, spoke in support of the application.

The Area Development Manager introduced a report which recommended planning permission be granted. It was stressed that the proposed development did not extend into the paddock land referred to within the report on which previous applications had been refused, and that there were no objections from Highways officers. The main issues for consideration therefore included the principle of development and the impact on the surrounding area, which officers deemed acceptable.

The Committee then had the opportunity to ask technical questions of officers.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Ernie Clark, then spoke in objection to the application, and had prepared some additional information for the Committee, which are attached to these minutes.

A debate followed, where the previous history of the site and nearby sites was raised, and the extent of the acceptable building line as a result discussed. The acceptability of a residential building on the site in place of an ancillary building as a result of previous inspectorate decisions was also raised, and the ensuing impact upon the nearby Conservation area.

At the conclusion of debate, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**This proposed application would be an appropriate form of development within the defined Town Policy Limits without causing harm to the surroundings, neighbouring interests, trees or conflict with highway safety.**

**Subject to the following conditions:**

- 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** The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.**

- 3** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to the subject building forming part of the development hereby permitted.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the development hereby permitted, without a separate application being submitted and obtaining the formal approval of the local planning authority.

**REASON:** In the interests of residential amenity and privacy.

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

- 5** No development shall commence on site until details of the design, external appearance and decorative finish of the fenced enclosure along the north-western and southern site boundary 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 brought into use.

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

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 6 No development shall commence on site until details have been submitted for the written approval of the Council showing the means by which the tree on the site which is protected by a Tree Preservation Order shall be enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. Before any fence is erected, the exact specifications and position must be approved the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

**REASON:** To enable the Local Planning Authority to ensure the protection of the Copper Beech tree on the site in the interests of visual amenity.

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

- 7 No development shall commence until a full No-Dig specification for works within the root protection area/canopies of the protected and retained Copper Beech tree has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

**REASON:** In order to protect the TPO'd Copper Beech tree on the site with surfacing placed near to or over the trees root system.

- 8 No part of the development hereby permitted shall be brought into use until the turning area and parking spaces as shown on the submitted floor plan layout plan have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In order to define the terms of this permission and in the interests of highway safety.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 - **POLICY:** C31a and T10.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

**EXISTING PLAN AND SOUTH EAST ELEVATION** received on 07.06.2012  
**PROPOSED PLAN AND SOUTH EAST ELEVATION** received on 07.06.2012  
**PROPOSED ELEVATIONS AND SITE PLAN** received on 07.06.2012

**REASON:** To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

**Informative(s):**

- 1 The developer/applicant is advised to make contact with Wessex Water to agree connections to the public water supply and waste water system.

*(Cllr Ernie Clark requested that his vote in favour of a motion to refuse the application be recorded)*

**77 Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.15 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services,  
direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	03.10.2012		
<b>Application Number</b>	W/11/03231/FUL		
<b>Site Address</b>	78A Whaddon Hilperton Wiltshire		
<b>Proposal</b>	Change of use of former agricultural buildings to B8 and B2 uses		
<b>Applicant</b>	Mr David Tucker		
<b>Town/Parish Council</b>	Hilperton		
<b>Electoral Division</b>	Hilperton	<b>Unitary Member:</b>	Ernie Clark
<b>Grid Ref</b>	388011 161336		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

- \* Scale of development
- \* Relationship to adjoining properties
- \* Environmental/highway impact
- \* Other: "a) Inappropriate use of buildings in a rural area. b) 'Industrialisation' of a rural area. c) Sustainability concern re encouragement of vehicle journeys. d) The B2 use is surely wholly unacceptable in this rural location and would set a dangerous precedent. e) If you are minded to permit the B8 use, this should be conditioned for indoor storage only."

Sustainability concern re encouragement of vehicle journeys. d) The B2 use is surely wholly unacceptable in this rural location and would set a dangerous precedent. e) If you are minded to permit the B8 use, this should be conditioned for indoor storage only."

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### 1. Purpose of Report

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

Neighbourhood Responses:

The formal public consultation process resulted in 10 parties objecting to the proposals and 5 parties supporting the proposals.

Parish/Town Council Response:

Hilperton Parish Council objects to the proposals.

### 2. Report Summary

The main issues to consider are:

- \* Whether the building is substantial, sound and of permanent construction;

- \* Whether the proposals would safeguard and enhance the essential form, structure, character and features of the building and the countryside;
- \* Whether it can be satisfactorily serviced and does not create highway safety problems;
- \* Whether it would harm the natural environment including the water environment;
- \* Impact on residential amenity; and
- \* Relevant planning history.

### **3. Site Description**

The application site is located in open countryside and accessed only by Whaddon Lane. It is occupied by 2 buildings, both lawfully agricultural buildings. Building A is a low profile, single storey, former poultry house and building B is a steel framed farm machinery storage building.

To the north are residential properties, with a natural hedge on the boundary. To the east and south is open countryside with a nearby public footpath running through it. To the west / front is Whaddon Lane and a farmhouse opposite.

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

94/00013/FUL – Change of use from chicken house to stonemason’s workshop – Permission on 15 February 1995.

05/01085/FUL – Change of use of agricultural building to domestic storage (on Whaddon Lane) – Refused (Allowed at appeal on 19 December 2005)

06/00633/FUL – Change of use of agricultural building to domestic storage units (on Whaddon Lane) – Permission on 21 March 2007

### **5. Proposal**

This is a retrospective application seeking to regularise the existing change of use which has occurred to 2 former agricultural buildings. Building A is a former poultry house that has been subdivided into 11 units and is occupied by 7x domestic storage users, 3x commercial storage users and 1x B2 private auto servicing user. Building B is one unit being used for commercial storage by Northern Lights Fireworks Company.

The proposals have been submitted with a supporting statement and during the course of the application this has been supplemented by another supporting statement, a hard and soft landscaping plan, letters of support, an updated occupants list, and an additional highway improvement plan.

### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)  
 C31a: Design  
 C38: Nuisance  
 E8: Rural conversions

National guidance  
 National Planning Policy Framework  
 Circular 11/95

## 7. Consultations

### Hilperton Parish Council

Objection: "This application was discussed at the Parish Council meeting held on the 17th January. The Parish Council objects to this application. It is felt that the proposed change of use to B8 and B2 will be unsuitable for this rural area and will cause a problematical nuisance to neighbours, creating an increase in traffic along a road which already has problems with its inadequate infrastructure. In addition, if – for any reason – the canal bridge needs to be closed, this will again create a potential nuisance. The proposed change of use will not be in character with the surroundings and more intensive use of the buildings will highlight the lack of utilities. If, for any reason, the planning authority is minded to grant permission, the Parish Council would wish to see a condition imposed stating that the hours of operation/access must be between 8am and 10pm. I have copied Councillor Ernie Clark in on this e-mail, with a request that, should you decide to grant permission, he calls in the application for determination by the full planning committee."

Reiterated the objection in June 2012.

### Highways

No objection subject to conditions.

### Environmental Health

No objection to B8 use, but objection to B2 use: "Whilst I would have no objection to the application with regards to B8 use in view of the fact that there are neighbouring residential properties very close to the site I would object to B2 use. If B8 use is to be permitted then the hours of use should be restricted. Recommendation: I would recommend that the hours of use of the development be restricted from 0800 until 2000 and that only B8 use is permitted".

Subsequently visited the site and confirmed that the B2 use occurring is low key and as long as a personal permission is granted to this user with a reversion to B8 thereafter then no objection is raised.

### Police Crime Prevention Officer, Wiltshire Police

No objection: "I have been out to the site, looked at the crime stats and spoken at length with the local PC. As you know the area is rural and quite isolated, and I have noticed from the statistics an increase in crime over the last 12 months. I can understand the residents' concerns regarding commercial use of the buildings which may increase the amount of non-residents attending this otherwise quiet and undisturbed area. However, if the action you have outlined in relation to the granting of the B8 commercial storage and the B2 Auto repairs to the persons currently running the businesses, to cease when their tenancy ends, is taken, I can see no reason why this would increase the crime in the area. Indeed, I believe formalising the current arrangement, and giving the residents the confidence that no increase or changes will take place may well result in a reduction in the current levels of crime and ASB."

## 8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 3rd February 2012

10 parties object to the proposals raising the following issues in summary:

- \* There has been a significant increase in traffic due to this development;
- \* The uses have not all being occurring for the length of time and continuously as implied in the submission;
- \* units are actually empty;
- \* The car repairs are a very noisy and smelly activity;
- \* Repairs to the building have occurred only in the past 18 months;
- \* There are trees on the site and the application form is completed incorrectly in this regard;
- \* Whaddon Lane is a single track road , very narrow with dangerous bends;
- \* The bridge over the Kennet and Avon Canal has a weight limit;
- \* The road surface is broken despite many repairs by the Council;

- \* Junction with rest of road network is poor and hard for large vehicles to manoeuvre;
- \* The applicant does not live as close to the activity as other residents of Whaddon Lane;
- \* Long lorries are using the lane and there are inappropriate facilities for them;
- \* Impact on residential amenity;
- \* Crime is on the increase in the area;
- \* Whaddon lane is an important recreation facility for walkers, cyclists and riders;
- \* Disturbance from industrial activity is unacceptable;
- \* A survey for bats should be done;
- \* Badgers and deer are seen in the area;
- \* A survey for asbestos should be done;
- \* Amount of fireworks stored on site is dangerous;
- \* Retrospective manner of proposals is reprehensible from a parish councillor;
- \* Had this not of been retrospective the application would be turned down;
- \* Increase in traffic and associated safety implications;
- \* Commercial activity and associated traffic is not acceptable off of this road;
- \* The local environment has been degraded by it with damaged verges and grassed areas;
- \* Waste storage and collection needs careful attention;
- \* Commercial waste disposal and storage must be provided for;
- \* Parking arrangements are not acceptable;
- \* There is no foul sewerage detailed;
- \* Operational hours need to be considered and restricted;
- \* Fire safety and spread is a concern especially with a motor repair unit – do the buildings meet necessary regulations;
- \* Canal bridge is being affected and large cracks can be observed in the underside;
- \* Want assurance that other poultry houses with domestic storage uses will not become commercial;
- \* Anecdotal evidence and photos showing large lorries, damage to lane and verges etc;
- \* If vehicles fall into ditches when vehicles try to pass this will result in a flooding problem;
- \* A vague and ambiguous application;
- \* The site needs to be properly enforced;
- \* Retrospective application should not be allowed;
- \* Domestic storage users will vary in frequency of visits and depending on time;
- \* Limited passing spaces;
- \* No speed limit for the lane;
- \* Surface water drainage has not been adequate considered;
- \* Outside storage is occurring including caravans;
- \* This is not a farming activity and not connected to farming or diversification to support a farm;
- \* The auto servicing uses was never mentioned in the recent certificate of lawfulness application, so it can have only recently started;
- \* The development is causing a nuisance;
- \* Traffic is already a significant problem in the area, this is making it worse;
- \* The site is an eyesore with rubbish dumped and burned on it;
- \* Loss of privacy as units look directly to private property;
- \* Being used 24/7;
- \* They have complained regarding local engineering uses and noise to no avail;
- \* trees and hedging have been removed;
- \* There is no sound proofing on the buildings;
- \* noise and smell from vehicle repairs appears more than simply repairs for friends and family;
- \* Noise complaints have been on-going for many years (solicitor's letter to this affect during the sale of one property);
- \* Length, configuration, narrow width and lack of passing spaces make the use of the road harmful to residential enmity from noise, disturbance, vibration, exhaust fumes and loss of privacy;
- \* Very untidy site;
- \* Why does a hobby car repair use pay business rates;
- \* Sheer Glass appears to be manufacturing on site;
- \* There is a systematic widening of the lane occurring with new passing places being created by heavy commercial vehicles;
- \* 1 official passing space would be inadequate;
- \* Highway officer obviously visited on a different day to when all the activity occurs;
- \* Location for waste dumping and toilets next to residential property is entirely inappropriate;



- \* Compromising is not an option as the Council does not have the resources to effectively enforce conditions;
- \* If permitted it will not be long before residents are living on an industrial estate;
- \* Other units are not effectively managed in terms of vetting those that hire the units. Cannabis growing equipment and hard core pornographic materials have been found at the site;
- \* Short term nature of rentals increases comings and goings from the site; and
- \* Decent tenants will be put off by the chance of crime.

5 parties support the proposals raising the following issues in summary:

- \* These units are invaluable to people needing temporary storage facilities at reasonable costs;
- \* An intelligent and popular use of an otherwise redundant building;
- \* Use the facilities and do not go there often;
- \* There is usually no-one there when I visit;
- \* Been brought into use with no environmental damage, no external visual damage and no new build;
- \* These are not industrial units operating unseemly hours and causing out of hours problems;
- \* Cannot understand concern about traffic – the lane is usually empty;
- \* Rather see the sheds put to good use than fall into disrepair;
- \* Farmers should be able to earn a living in austere times;
- \* Increased traffic is due to invasion of townies to the countryside; and
- \* Access can be obtained at any time.

## 9. Planning Considerations

### \* Introduction.

The principle policy of the local plan on which to assess applications such as this is Policy E8. This details that the conversion of rural buildings in the open countryside to business use will be permitted subject to detailed criteria. There are similar policies in both the Wiltshire Structure Plan 2016 and the national guidance.

The retrospective nature of the proposals and the Council's decision to refuse a certificate of lawfulness for the existing B8 storage use at the site are not significantly relevant to the determination of these proposals. Obviously the retrospective nature of the application and the fact that uses have been on-going unlawfully are deeply regrettable, but the application must simply be assessed on its own merits against the relevant policy of the development plan and any other material planning considerations.

### \* Whether the building is substantial, sound and of permanent construction.

The local plan policy E8 usually requires the submission of a structural survey on applications such as this. The fact that this is a retrospective application though is material as to whether such a request is reasonable. Given the length of time that the building has been in use unlawfully beyond agriculture, combined with the on-site inspections which indicates that building B is clearly in good repair and building A is in need of general maintenance but appears structurally sound; then a structural survey is not required in this instance.

On balance it can be concluded that the building satisfies criterion A of policy E8, in that the buildings are substantial, sound and of permanent construction.

### \* Whether the proposals would safeguard and enhance the essential form, structure, character and features of the building and the countryside.

There are no physical works being proposed as part of this retrospective application beyond general hard and soft landscaping, the erection of a portable toilet cabin and the siting of 3 storage containers and a waste skip. These details have emerged late in the application process and were submitted as the applicants response to the publically available consultation responses and after discussion with officers.

These landscaping works would cause no harm to the character of the buildings and would cause no harm to the character of the rural scene at this point. In fact the site has a rather unkempt appearance and so the general landscaping proposals would go some way to improving this situation. Furthermore there is outside storage occurring at the site as part of the wider unlawful activity. To

regularise the principle use is an opportunity through planning conditions to specify what external storage in this rural location can on balance be accepted. The plans detail that 3 containers will be retained at the rear of the site and painted green. On balance this would be acceptable as they would be largely screened by the buildings on site. They would be visible from the public right of way, but this is itself not a significant harm. The same can be said for the proposed portable WC. The skip proposed for waste again is not ideal, but it is not considered to be of significant harm to the character of the area, certainly not over and above any lawful agricultural use which can be very unsightly.

The harm that has been occurring from large vehicles using Whaddon Road and damaging the verges is very regrettable, but if the use were limited to domestic storage this situation is less likely to occur. Smaller vehicles are likely with domestic storage. It is also considered that other existing and lawful commercial uses in the locality may be contributing to this problem, and that is beyond the scope of this matter.

It is not considered that the proposals cause any harm to the countryside more generally and both local and national policy is permissive of reusing rural buildings in isolated locations once their agricultural use has ceased. Arguably it is better that then the site falls into significant neglect and it makes a small contribution to the diversification of the rural economy.

\* Whether it can be satisfactorily serviced and does not create highway safety problems. The proposals are located in a remote position but there is known to be electricity. Connection to sewerage is more problematic and the applicant suggests the erection of a portable toilet. This is not an ideal solution to the applicants desire to provide facilities. For a storage use it is not considered essential to provide toilet facilities as visitors would not necessarily be at site for significant periods; they would be visitors. However the existing B2 use on the site does require proper sewerage facilities in order to prevent pollution of the natural environment and or to protect public health.

A portable toilet would be an acceptable temporary solution whilst the existing B2 use remains. This could be achieved by condition. It is not considered necessary to have a toilet facility for B8 uses, so whilst a permanent and suitable option would not be objectionable, a temporary portable WC may not be justified purely for a storage facility. The portable toilet can be reasonably limited by condition to be a temporary feature whilst the personal B2 use remains.

Surface water drainage is not likely to be significantly affected by any change of use. However as any hard landscaping could affect this issue a condition is necessary to control this matter.

Highway considerations have been a significant issue during the consideration of this application and they have raised considerable public feeling on the suitability of Whaddon Lane to accommodate traffic from the development over and above the lawful agricultural site traffic. It has to be stressed that this is the fall back consideration, and the lawful agricultural use of poultry houses is likely to have attracted quite large vehicles to the site. This conclusion is reached in light of a planning inspector's findings in 2005 for a very similar case on Whaddon Lane.

The planning history in the area and the highway officer comments are relevant considerations in this matter too. In 2005 planning permission was granted at appeal for the use of former poultry houses to domestic storage purposes, and then subsequently in 2006 planning permission was granted at planning committee for conversion of other poultry houses to domestic storage purposes. All of this occurred in the vicinity of the site using Whaddon Lane for access. It was concluded that the use of domestic storage was likely to be a relatively low profile traffic generator and no worse than the lawful agricultural use. Much of this proposal is for a domestic storage use, with only 4 commercial storage uses being proposed and 1 industrial use.

The highway officer has raised no objection to the proposals on the basis that generally domestic storage would have a low traffic generation and those existing uses that are not domestic storage would too have a low traffic generation. These uses could in their view be controlled by condition. The approach they advocate would be pragmatic and reasonable; further the applicant has agreed to such an approach in discussion. The highway officers have suggested conditions to enhance the safety issues and also required a passing place to be provided. Further details and implementation of this can be achieved by condition.

On balance given the planning history in the area, the expert highway officer comments and the public objection to the scheme it is concluded that long term a domestic storage use should be achieved. It is noted that the commercial B8 uses and B2 use are relatively low profile, but other users under these use classes could be far more intensive and potentially harmful to planning interests. Personal permissions may be granted to those commercial B8 and private B2 users so that once their occupation ceases the use of the vacant unit reverts to a domestic B8 storage only. This is considered a pragmatic compromise.

\* Whether it would harm the natural environment including the water environment. The development is not likely to cause any significant harm in this regard.

The felling of trees and premature landscaping works could likely have occurred beyond the scope of this application anyway. This work will be rectified through implementation of the approved landscaping plans which can be secured by condition.

The buildings have long been converted and this is a retrospective application. In light of that and since there are therefore no physical works proposed a bat and barn owl survey is not considered necessary, despite the public requests for this detail. Furthermore there are controls on this consideration under other legislation.

\* Impact on residential amenity.

The proposals do include a B2 use, which is claimed to be a relatively low key affair to what could be carried out under a B2 use class. In this rural location a B2 operation does pose some significant planning concerns in regard to noise and the potential for pollution of the natural environment. In this case it is assessed that the proposals may also have a significant impact in terms of highways and also the local residential amenity. There are residential dwellings in close proximity to the application site and noisy vehicle repairs could cause harm. On balance and in light of on-site inspection by environmental health officers a personal permission to limit this activity would be acceptable. A condition would require the use to revert to B8 domestic storage once the current occupant leaves the unit.

\* Relevant planning history.

In reaching many of the conclusions above, regard has been had with the previous planning decisions on similar matters in the locality. Whilst the maxim of each case being assessed on its merits has been applied there are striking similarities and so consistency has been considered to be important. The inspector in 2005 stated that "I conclude that its use for domestic storage purposes only, excluding other commercial and industrial uses, would constitute an appropriate alternative use for this redundant building, and an acceptable form of farm diversification, without resulting in unacceptable impact on highway safety."

In addition the history of the site is noted. The recent certificate of lawfulness is not substantially relevant. The partial change of use of the poultry house to a stone mason is of some interest though as this too could have had an amenity impact, however since nearly 20 years have passed and the use has now been abandoned it is not considered to have very great weight. It is noted though that a stone mason use is industrial in character and could have generated significant nuisance issues. It does therefore support the compromise proposed here to allow a personal permission for the existing B2 user which is relatively low key.

\* Other matters

Finally the issue of crime has been raised and is a material consideration. To this end the planning liaison with Wiltshire Police has been contacted, and taken the time to visit the site and area, discuss the matter with the local officer and pass comment on the proposals. These are detailed above. They have advised that reported crime in the area generally has increased in recent years and they do have some concern with the proposals. However they do not have evidence to link any reported increase in crime with these retrospective proposals. In conclusion they do not feel able to substantiate any objection and have concluded that formalising the current arrangements would be beneficial in ensuring crime does not increase. Taking this in context with national and local planning policy which encourages the economic reuse of isolated redundant farm buildings; then this concern does not represent reasonable grounds for refusal. The proposals do not represent a significant crime risk.

\* Summary

In summary and very much on balance a pragmatic approach is advocated on this site in order to regularise a long standing unauthorised use of these former agricultural buildings. The development can be adequately controlled by condition to allow the current uses to continue, and long term move toward a blanket B8 domestic storage use on the site akin to other operations on Whaddon Lane. As such permission is recommended subject to conditions.

**Recommendation:        Permission**

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

**The development is hereby approved as subject to appropriate mitigation, that can be secured through the imposition of appropriate planning conditions, the development accords with the development plan and would cause no significant demonstrable harm to any acknowledged planning interests.**

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

- 1     The development shall be carried out in accordance with the hereby approved plans:  
Drawing: LDC.1603.005 received on 22 May 2012;  
Drawing: LDC.1603.004 B received on 22 May 2012;  
Drawing: LDC.1603.003 received on 12 December 2011; and  
Drawing: LDC.1603.002 received on 12 December 2011.

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

- 2     The occupation of the site hereby permitted shall only be by B8 domestic storage uses and/or those named below within the specified areas as identified on drawing LDC.1603.002. In the event that the below occupation(s) ceases the lawful use of those specific areas shall revert to B8 domestic storage only as detailed in condition 3:  
Building A, Unit 1 – Sheer Glass – B8 Commercial Storage;  
Building A, Unit 7 – Mr D.J. Mould – B8 Commercial Storage;  
Building A, Unit 10 – Mr Wisniewski – B8 Commercial Storage;  
Building A, Unit 11 – Mr Bryan Boughen – B2 Private Auto Servicing; and  
Building B – Northern Lights Fireworks Company – B8 Commercial Storage.

REASON: In order to define the terms of this permission, allow the on-going occupation by present 'low-key' users which exceptionally do not cause significant harm, and long term to retain control over uses that are otherwise likely to cause harm to the amenities of the surrounding area and highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) policies C1, C38 and E8.

- 3     Notwithstanding the specific personal exceptions detailed in condition 2 the premises shall be used for the storage of domestic goods owned by the tenant(s) of the building and for no other purpose (including storage in connection with any commercial or industrial activity or any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: In order to protect the amenity of the area and highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) policies C1, C38 and E8.

- 4     There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items other than specifically detailed on drawing LDC.1603.004B i.e. three storage containers, a portable WC and a waste storage skip. Furthermore within one month of this permission details of the green colour that the storage containers will be painted and a

timetable for the works shall be submitted to and approved in writing by the local planning authority.

REASON: In order to protect the amenity of the area.

POLICY: West Wiltshire District Plan 1st Alteration (2004) policies C1 and E8.

- 5 All soft landscaping comprised in the approved details of landscaping, drawing LDC.1603.004B (or other details submitted to and approved in writing by the local planning authority) shall be carried out in the first planting and seeding season following the grant of this planning permission. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out as detailed on drawing LDC.1603.004B (or other details submitted to and approved in writing by the local planning authority) in accordance with a timetable that must be submitted to and approved in writing by the local planning authority within one month of the date of this permission.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – policies C1 and E8.

- 6 The B8 uses of the site and all deliveries to and collections from the site shall be limited to be between 08.00-20.00 Monday to Saturday and 09.00-18.00 on Sundays and bank holidays.

REASON: In the interest of residential amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) – policies C38 and E8.

- 7 The B2 use of the site (including any associated deliveries to and collections from the site) shall be limited to be between 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and not at all on Sundays and bank holidays.

REASON: In the interests of residential amenity.

POLICY: West Wiltshire District plan 1st Alteration (2004) – policies C38 and E8.

- 8 The portable WC on drawing LDC.1603.004B shall be brought to the site and made available for use within one month of the granting of planning permission and maintained in a condition suitable for use and in accordance with the manufacturer's specification thereafter. Within one month of the below occupation ceasing, the portable WC shall be removed from site and the land restored to its former condition:

Building A, Unit 11 – Mr Bryan Boughen – B2 Private Auto Servicing.

REASON: In order to prevent pollution.

POLICY: West Wiltshire District Plan 1st Alteration (2004) policies C1, C38 and E8.

- 9 Within one month of this planning permission, full engineering details for the carriageway widening (as generally shown on drawing number LDC.1603.005), shall be submitted to and approved in writing by the Local Planning Authority. The said details shall include a timetable for the works and the works shall be completed in accordance with the approved details and timetable.

REASON: In the interests of highway safety and amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C1, C38 and E8.

- 10 Within one month of this planning permission, a timetable for works to ensure the first five metres of the access, measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel), shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed timetable and maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.

- 11 Within one month of this planning permission, visibility splays shall be provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 35 metres to the north and south from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.9 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.

- 12 Within one month of this planning permission, details of a parking scheme to provide parking of six vehicles, together with a vehicular access thereto, shall be submitted to and approved in writing by the Local Planning Authority. The said details shall include a timetable for the works and the works shall be completed in accordance with the approved details and timetable. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

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

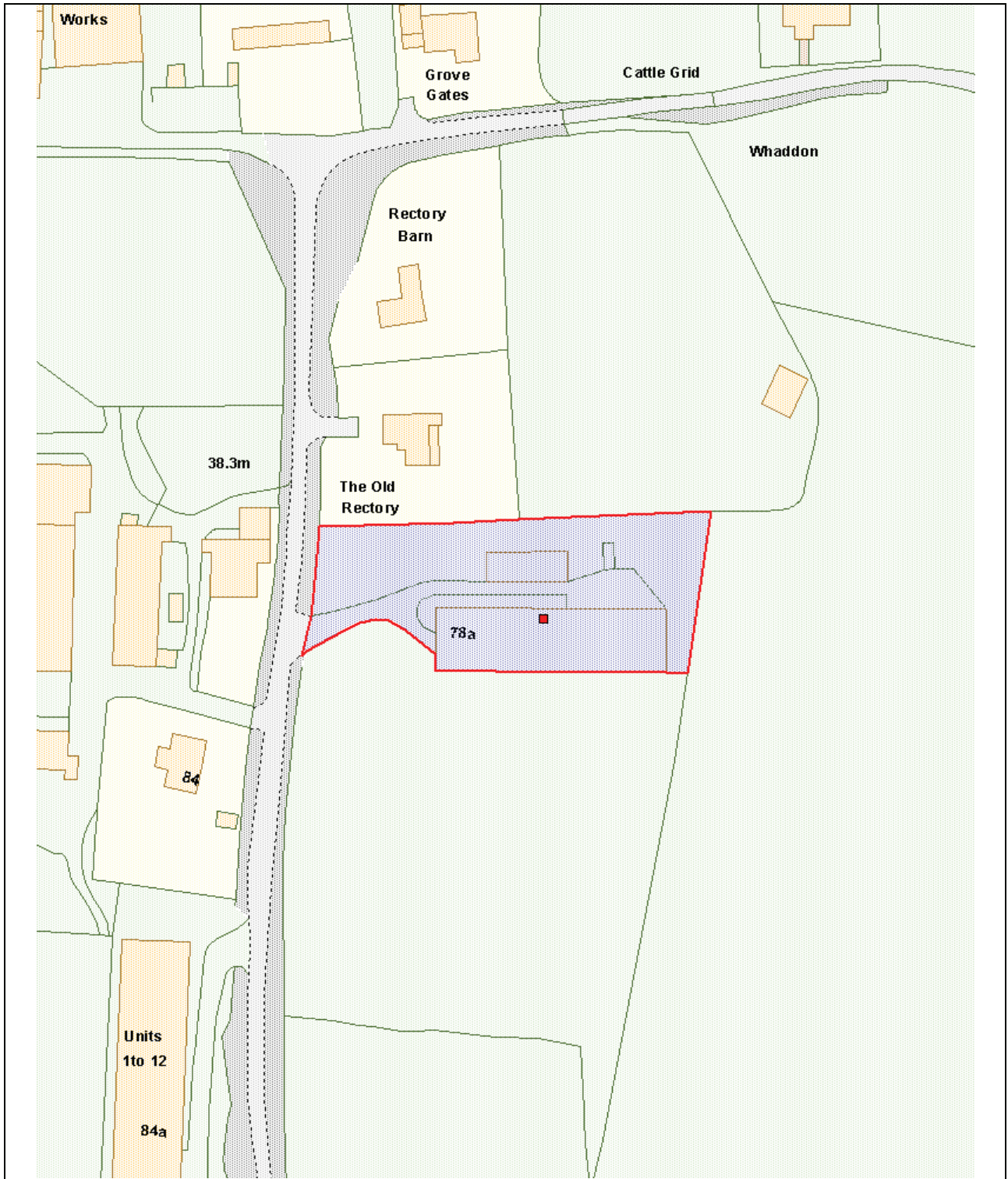
POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.

- 13 Within one month of this planning permission, details of surface water drainage works (to prevent its discharge onto the highway), shall be submitted to and approved in writing by the Local Planning Authority. The said details shall include a timetable for the works and the works shall be completed in accordance with the approved details and timetable, and maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy E8.

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



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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	03.10.2012		
<b>Application Number</b>	W/12/01305/FUL		
<b>Site Address</b>	8 Castle Place Shopping Centre Trowbridge Wiltshire BA14 8AL		
<b>Proposal</b>	Change of Use from Class A1 (retail) to Class A2 (Financial & Professional Services)		
<b>Applicant</b>	Cheque Centres Ltd		
<b>Town/Parish Council</b>	Trowbridge		
<b>Electoral Division</b>	Trowbridge Central	<b>Unitary Member:</b>	John Knight
<b>Grid Ref</b>	385676 157864		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr David Cox	01225 770344 Ext 01380 734826 david.cox@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

“the application not being in accordance with Wiltshire Council Policy – July 2012 – Adopted Motion No 19 re Affordable Credit.”

#### 1. Purpose of Report

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

#### 2. Report Summary

The main issues to consider are:

- \* Principle of Development.
- \* Impact on the conservation area.

#### 3. Site Description

The application site is located within the Castle Place shopping centre located between a Gregg's Café and Wilkinson's. Castle Place is part of the District Plan primary retail frontage designation. The application site is also within a conservation area.

#### 4. Relevant Planning History

There is no relevant planning history.

#### 5. Proposal

The proposal is to change the use of No 8 from an A1 shop into an A2 financial and professional services unit. The unit would be occupied by Cheque Centres Ltd who are a 'pay day' lender

#### 6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004 – SP4 – Primary Retail Frontages; C17- Conservation Areas; C31a – Design; C38 – Nuisance.

National Planning Policy Framework.

## **7. Consultations**

### Trowbridge Town Council

Objection: The proposal is contrary to Policy SP4 and would harm the vitality of Castle Place. Further degradation of the Primary Retail Frontages by change of use should not be permitted in the enclosed shopping centre locations.

## **8. Publicity**

The application was advertised by site notice and neighbour notification. Expiry date: 17 August 2012. Two letters of objection were received including one from "Wiltshire Money".

- There are already too many businesses that exploit poor and venerable people. They sell expensive credit and loan arrangements, to the least able to understand the eventual cost.
- This is supported by various survey data from Which magazine.
- Wiltshire Money was established in 2009 to address the lack of access affordable credit, like the West Wiltshire Credit Union.
- Reducing disadvantage and inequality is a key priority identified in the Wiltshire Community Plan 2011-2026. The Core Strategy is also focused on delivering this priority.
- Wiltshire Council in partnership with Wiltshire Money, adopted Motion 19 Affordable Credit and resolved:

"This Council believes that the lack of access to affordable credit is socially and economically damaging with unaffordable credit causing a myriad of unwanted effects such as poorer diets, colder homes, rent, council tax and utility arrears, depression and poor health.

This Council further believes that unaffordable credit is extracting wealth from the most deprived communities.

This Council supports the principle that it is the responsibility of all levels of government to try to ensure affordable credit."

## **9. Planning Considerations**

The application site falls within the primary retail frontage of Castle Place and as such policy SP4 of the West Wiltshire District Plan 1st Alteration 2004 is a primary consideration. This Policy states that:- "changes of use from A1 to A2 and A3 uses at ground floor level will only be permitted having regard to the existing mix of uses, where they do not prejudice the shopping function of the primary retail frontages or individually or cumulatively harm the vitality of the town centre."

Castle Place has 16 units; one A3 café unit, one A4 public house unit with the rest being A1 shops/sandwich bars of which four are vacant including No 8.

The information indicates that there is a strong mix of uses with the majority in retail use and the A1 uses would still constitute approximately 81% of the business types, a fall from 87%, if permission was granted for this proposal.

Officers consider that the proposal would not prejudice the shopping function, nor harm the vitality of the town centre.

The Government's 2012 "National Planning Policy Framework" is a material consideration in planning decisions. In terms of Paragraph 214 in Annex A to the NPPF the saved policies of the West Wiltshire District Plan, 1st Alteration 2004, until March 2013, are to be given weight in decision-making. Planning law requires that applications for planning permission must be determined in accordance

with the development plan, unless material considerations indicate otherwise. Whilst each case must be treated on its own merits it is considered that the proposal has the potential to add to the mix of uses in the Primary Retail Frontage, whilst not harming what would remain the predominantly A1 function of the area. Officers consider therefore that the proposal complies with policy.

The presence of two similar businesses within the town centre is noted as is the Wiltshire Council Motion to improve access to affordable credit.

New competition is not considered material to this decision.

Impact on the conservation area:

It is not considered that any harm would be caused to the character and appearance of the conservation area. The proposal does not include any alterations to the shop front which can be further controlled by condition.

**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 changes shall be made to the existing shop front and a shop window display shall be maintained at all times.

REASON: To prevent the introduction of dead frontage that would harm the vitality and viability of the Town Centre.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy SP4.

- 3     The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Supporting Statement received on 11 July 2012

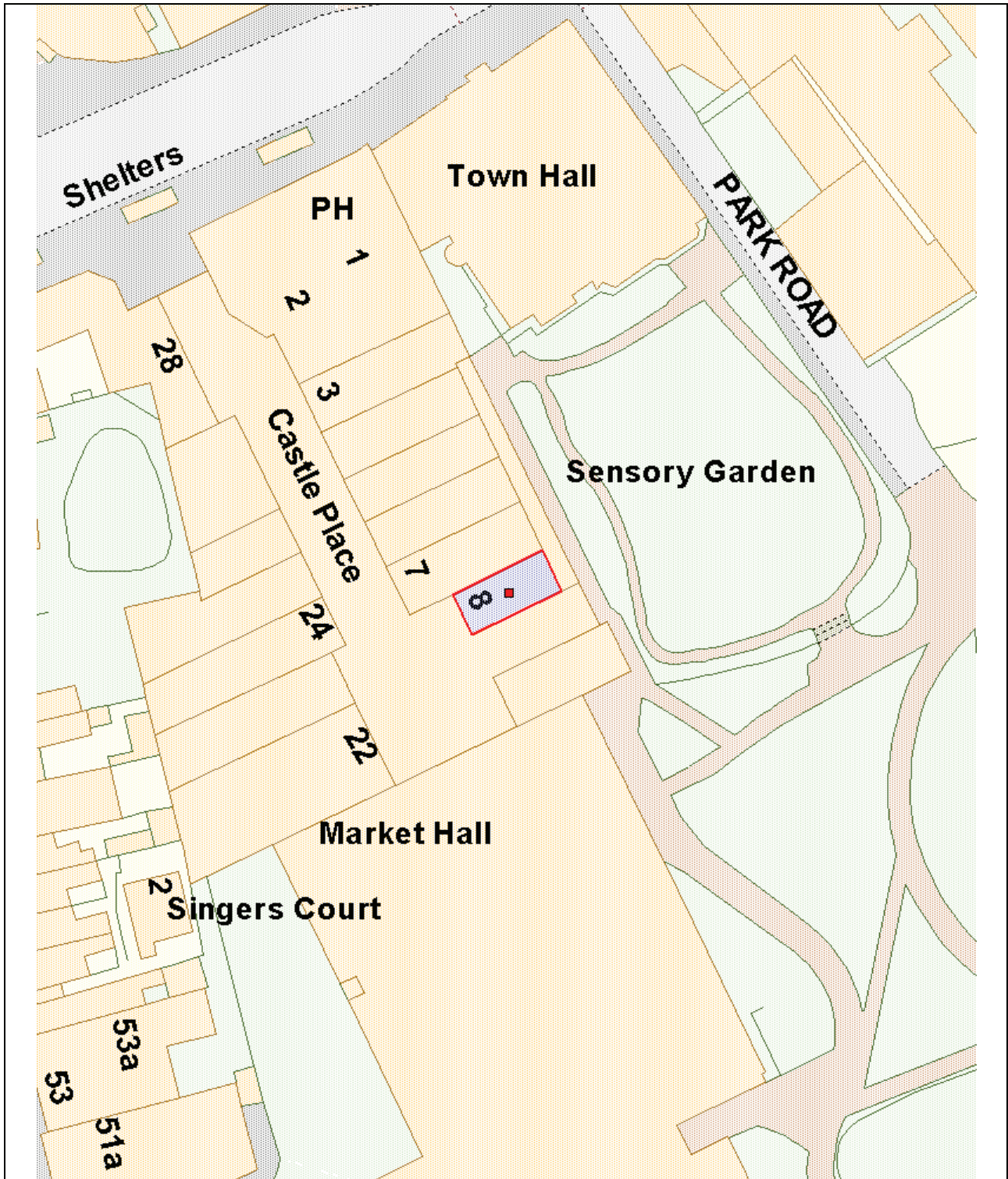
Site Location Plan received on 11 July 2012

Block Plan 1:500 received on 11 July 2012

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

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

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	03.10.2012		
<b>Application Number</b>	W/12/01329/FUL		
<b>Site Address</b>	29 Upton Scudamore Upton Scudamore Warminster Wiltshire BA12 0AG		
<b>Proposal</b>	First floor rear extension		
<b>Applicant</b>	Mrs H Turner		
<b>Town/Parish Council</b>	Upton Scudamore		
<b>Electoral Division</b>	Warminster Without	<b>Unitary Member:</b>	Fleur De Rhe-Philippe
<b>Grid Ref</b>	386622 147850		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Miss Carla Rose	01225 770344 Ext 01225 770283 carla.rose@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Rhe-Philippe has requested that this item be determined by Committee due to:

- Relationship to adjoining properties

### 1. Purpose of Report

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

Neighbourhood and Upton Scudamore Parish Council responses

These are reported in sections 7 and 8 below

### 2. Report Summary

The main issues to consider are:

- Impact on the appearance of the dwelling and the terrace
- Impact on neighbouring amenity
- Impact on archaeology

### 3. Site Description

The general area is characterised by terraced, semi-detached and detached residential properties. 29 Upton Scudamore is a two storey house with a ground floor rear extension that forms part of a long terrace of residential properties. The site is of a linear form with a rear garden and a path that separates the dwelling from the rear garden. The dwelling is located alongside the street frontage.

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

There is no relevant planning history

#### **5. Proposal**

The proposal involves building a first floor extension over an existing extension. The first floor extension is proposed to have a hipped roof set down below the existing ridgeline by approximately 0.3m. The walls of the proposed extension would be rendered blockwork and the roof is proposed to be constructed of plain concrete tiles.

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

West Wiltshire District Plan 1st Alteration 2004

C15 – Area of High Archaeological Interest/Potential

C31a – Design

C38 – Nuisance

U4 – Groundwater Source Protection Zones

Supplementary Planning Guidance on House Alterations and Extensions 2004

National Planning Policy Framework

#### **7. Consultations**

##### Upton Scudamore Parish Council

An objection was raised because of loss of light to the adjacent properties. Concern was also raised regarding maintenance of the properties (as there is no gap) and encroachment onto land outside of the applicant's ownership (neighbour's land).

#### **8. Publicity**

The application was advertised by site notice and neighbour notification.

One letter of objection has been received. These cover the following matters:

- Clarity of the plans
- Encroachment onto land belonging to 28 Upton Scudamore
- Concern that it would restrict them building an extension to 28 Upton Scudamore if this extension is built.
- Maintenance difficulties
- Disturbance
- Noise and safety concerns
- Concerns regarding access to other properties and the removal of steps.
- Concerns regarding design and materials
- Concern regarding loss of light to a bedroom window

#### **9. Planning Considerations**

##### Impact on the appearance of the dwelling and the terrace

There would be no harm to the appearance of the dwelling or the terrace as a whole because the proposed first floor extension is to be located to the rear of the dwelling and forms part of a terrace that is not uniform in design. There would also be no harm because the first floor extension is proposed to be set down approximately 0.3m below the ridgeline of the existing dwellings, which, along with the proposed hipped roof, would reduce the bulk of the extension.



Materials are proposed to be used that do not match the existing brickwork/stone dwelling, but since the development is to the rear, this is considered acceptable. However, in order to ensure that the development harmonises with its setting it is reasonable to request samples of materials by condition.

#### Impact on neighbouring amenity

The proposed extension would be located approximately 0.4m from a first floor bathroom window belonging to 30 Upton Scudamore. A bathroom is not considered to be a habitable room therefore loss of light or overshadowing of this window would not warrant a reason for refusal.

The proposed extension would also be in close proximity to a rear bedroom window belonging to 28 Upton Scudamore. Whilst it is recognised that a bedroom is considered a habitable room, loss of light and overshadowing of this window should not warrant a reason for refusal because the window is partially set within the roof slope of a ground floor extension which already reduces the amount of available light. It is not considered that the proposed extension would result in significantly more loss of light and overshadowing than exists at the moment.

There are two proposed first floor windows in the rear elevation which would obliquely overlook adjoining gardens. However, there is already a window in a similar position at the adjoining property and to refuse the proposal on grounds of overlooking would be unreasonable.

#### Impact on Archaeology

The site is located within an area of high archaeological interest/potential. Due to the fact that a first floor extension is proposed there would be no impact on archaeology.

#### Other

Encroachment onto neighbouring land, the impact of this proposal on future extensions, maintenance, noise and safety issues were raised during the course of this planning application; these are not planning considerations. However, an informative is recommended advising of the need to ensure that the development is carried out within the application site.

**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.**

- 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     Notwithstanding the submitted details no development shall commence on site until details and samples of the materials to be used for the external walls and roofs (including the proposed render) 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.

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

- 3     The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

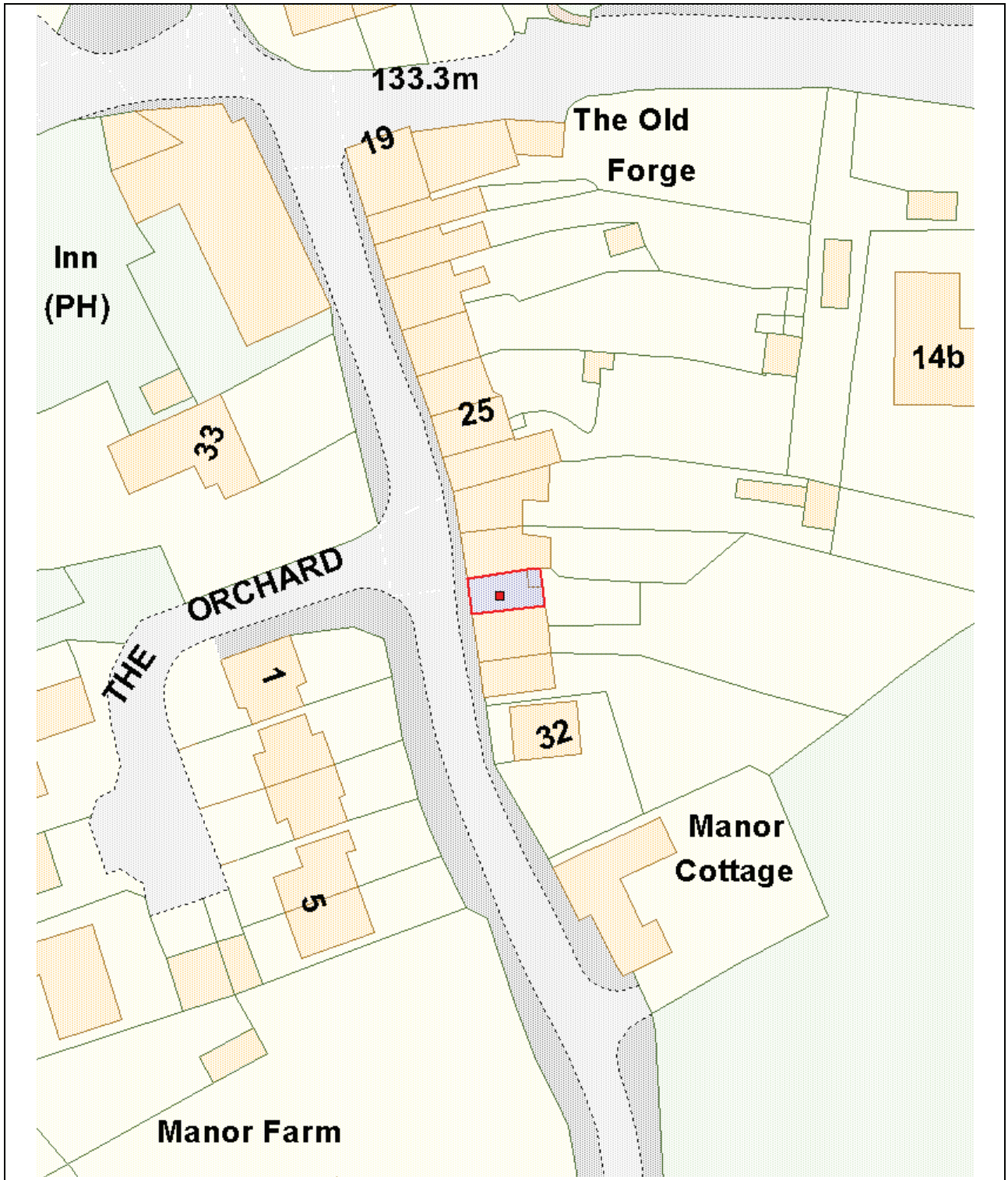
DRWG. 3 Rev.B received on 14.09.2012

Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

**Informative(s):**

- 1 The applicant is advised to ensure that the development is carried out entirely within the site and does not encroach onto neighbouring land.

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



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