

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** The Ridgeway Space - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 14 November 2012  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@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	

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### 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 Rhé-Philippe
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**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting (Pages 1 - 20)**

To approve the minutes of the last meeting held on **24 October 2012**.

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Declarations of Interest**

To receive any declarations of disclosable 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 07**

**November 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 (Pages 21 - 22)**

To consider and determine the following planning applications:

6a **W/12/01544/FUL: 14 Newtown, Trowbridge, Wiltshire, BA14 0BA**  
(Pages 23 - 28)

6b **W/12/01412/FUL: Land South of Four Winds, 81 Yarnbrook Road, West Ashton, Wiltshire** (Pages 29 - 40)

6c **W/12/01649/FUL: Land Rear of 12 and 12A Westbury Road, Warminster, Wiltshire** (Pages 41 - 52)

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 24 OCTOBER 2012 IN THE CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE, BA14 8AH.**

**Present:**

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

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**88 Apologies for Absence**

Apologies for absence were received from Cllr Pip Ridout.

Cllr Ridout was substituted by Cllr Andrew Davis.

**89 Minutes of the Previous Meeting**

The minutes of the meeting held on **03 October 2012** were presented. It was,

**Resolved:**

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

**90 Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency and introduced the officers present.

**91 Declarations of Interest**

Cllr Peter Fuller declared a non-pecuniary interest in item 6d - *14 Newtown, Trowbridge* - as a member of Trowbridge Town Council, where the application has been previously considered by its Development Control Committee. He declared he would consider the application on its merits and debate and vote with an open mind.

Cllr Peter Fuller also declared a non-pecuniary interest in item 6e - *5 Worsted Close* - as he was a colleague of the objector through membership on

Trowbridge Town Council. He declared he would vacate the Chair for the duration of the item and leave the room.

Cllr John Knight declared a non-pecuniary interest in Item 6a - *78A Whaddon, Hilperton* - through knowing the applicant. He declared he would consider the application with an open mind.

Cllr John Knight also declared a non-pecuniary interest in items 6d - *14 Newtown, Trowbridge* - and item 6e - *5 Worsted Close* – as a member of Trowbridge Town Council. He declared he would consider the applications impartially and on their merits.

Cllr Ernie Clark explained that he had been advised outside of this meeting, by the Wiltshire Council Head of Governance that neither legislation nor the Wiltshire Council Code of Conduct required him to declare any interests other than those which were a disclosable pecuniary interest.

Cllr Jonathon Seed declared a non-pecuniary interest in Item 6a - *78A Whaddon, Hilperton* - through knowing the applicant. He declared he would consider the application with an open mind.

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

The Committee noted the rules on public participation.

## 93 **Planning Applications**

### **93.a W/11/03231/FUL: 78A Whaddon, Hilperton**

#### **Public Participation**

Mrs Sally Evans spoke in objection to the application.

Mr Tony Pieri spoke in objection to the application.

Mrs Pamela Fisher spoke in objection to the application.

Mr Benjamin Pearce, agent, spoke in support of the application.

Ms Liz Tucker spoke in support of the application.

The Planning Officer introduced a report which recommended approval, and detailed how the application had been deferred from the last meeting to arrange a site visit, which had now taken place and also amendments to condition 2 & 3. It was highlighted that the buildings on site were considered to be structurally sound, and attention was drawn to the history of usage at the site, highway issues and the comments of the police.

The Committee then had the opportunity to ask technical questions of the officer. Details regarding the additional passing place on the road to the site were sought, along with clarification on relevant policies to be considered.

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.

A discussion followed, where the highways impact were debated, along with the impact on amenity for local resident's as a result of the change of use, potential clashes with emerging policies on development outside principal settlements and lack of enhancement of building. The sustainability of the site was raised, and whether this was a relevant consideration debated.

The structural soundness of the application buildings was queried, along with details of how the buildings were and could be sub-divided under current or future permissions. It was confirmed that some of the units were joined with a single access, and separate permission would be needed to alter the fabric of the structures if they were to be altered. It was also debated whether a time limit could be imposed on the B8 usage at the site.

At the conclusion of debate, it was,

**Resolved:**

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

**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 conditions:**

- 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 Building A and Building B within the specified areas below as identified on drawing LDC.1603.002 shall be for those named below and their use . 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** Subject to the details in condition 2, buildings A and B 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 from the date of this 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.**

*Cllr Ernie Clark requested his vote in opposition to the approved motion be recorded*

**93.b W/12/01169/FUL: Land Opposite Paxcroft Farm, Paxcroft, Hilperton,**

Public Participation

Mr Mike James spoke in support of the application.

Mr Chris Beaver, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended refusal. It was highlighted that the principle of the development had been accepted with previous applications, with the current plans reduced in scale, but that Highways issues were the major concern with the new application.

The Committee then had the opportunity to ask technical questions of the officers. In response to queries, officers detailed the Highways objections to the proposed application, including the 50mph speed limit on the Primary Route Network with 14,000 cars per day on average, and that although the peak times for the Rugby Club would be on Saturdays and Sundays, over short periods of time at those peak times there would be significant numbers of vehicles, and the proposal as submitted would allow the possibility of visitors attempting to turn right across the road into the sight despite signage restricting this option. It was confirmed Highways regarded the creation of a right turning lane, though more costly, as the safest and thus preferred option.

Members also raised questions regarding similarities with access issues and Chippenham Golf Course, which officers did not regard as comparable, and details of accidents on the two main roads serving the proposed Rugby Club and the Chippenham course were given. Questions were also raised regarding recent housing developments in the area and the impact of this on the road network and access points.

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 support of the application.

A debate followed, where details of any signage required to prevent inappropriate turning into the sign was raised, and the safety of the proposed access arrangements was debated.

After debate, it was,

**Resolved:**

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

**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 conditions:**

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

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

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

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

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

**3. No development shall take place within the proposed development site until**  
**a) a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the local planning authority; and**

**b) the approved programme of archaeological work has been carried out in accordance with the approved details.**

**REASON:** To enable the recording of any matters of archaeological interest  
**National Planning Policy Framework**

**4. The development shall be carried out in accordance with the recommendations outlined in the Ecological Appraisal dated 19 August 2005 and updated "Badger and Bat Survey" dated 13 April 2012 submitted as part of this application.**

**REASON:** To protect and conserve the natural environment.  
**National Planning Policy Framework**

**5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:**  
**(a) indications of all existing trees and hedgerows on the land;**  
**(b) details of any to be retained, together with measures for their protection in the course of development;**  
**(c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**  
**(d) finished levels and contours;**  
**(e) means of enclosure;**  
**(f) car park layouts;**  
**(g) other vehicle and pedestrian access and circulation areas;**  
**(h) hard surfacing materials;**  
**(i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);**  
**(j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**  
**(k) retained historic landscape features and proposed restoration, where relevant.**

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

**6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; 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 in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C31a & C32

7. Notwithstanding the requirements of Condition 5, no development shall take place until a scheme of planting to provide a screen for the site along its boundaries has been submitted to, and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented within 6 months of the commencement of development. All planting shall be properly maintained for a period of 5 years. Any plants, which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation. The screen shall be retained thereafter.

**REASON:** In the interests of the amenities of neighbouring properties and the appearance of the locality.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C32 & C38

8. Notwithstanding the requirements of condition 5, the existing natural hedgerow along the west boundary of the site shall be retained and reinforced where necessary in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority before any work starts on site. Any such reinforcement shall be carried out during the planting season October-March inclusive, following the first occupation of the adjacent building/s and properly maintained for a period of five years including replacement of any plants which die, are removed or become damaged or diseased within this period with plants of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation, and the approved scheme thereafter retained. The Local Planning Authority shall be advised in writing when the planting has been undertaken so that initial compliance with the condition can be checked.

**REASON:** In the interests of the amenities of neighbouring properties, the protection of native habitats and to maintain and enhance the appearance of the site.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C32 & C38.  
National Planning Policy Framework

9. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out in accordance with the approved details.

**REASON:** To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas.

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

**10. No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.**

**REASON:** In order to safeguard the amenities of the area in which the development is located.

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

**11. Notwithstanding the submitted details of floodlighting and prior to the installation of any lighting equipment, details of all external lighting within the site, including playing pitches, road areas etc and details of the lighting columns, external cowls, louvres, or other shields to be fitted to reduce light pollution shall be submitted to an approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved plans.**

**REASON:** In the interests of nature conservation and visual and residential amenity.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C1, C35 & C38  
National Planning Policy Framework

**12. The floodlighting hereby permitted shall only be used between the hours of 15.00 and 22.00.**

**REASON:** In order to minimise nuisance and protect rural amenities and protected species.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C1, C35 & C38

**13. The proposed access road, footways, footpaths, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, and car parking shall be constructed and laid out in accordance with details to be submitted to and approved in writing 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 methods 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 in the interests of highway safety.

**14. No development shall commence until a signing scheme which prevents vehicles from making a turn into the site from the Semington direction has been submitted to and approved in writing by the Local Planning Authority. The signing scheme shall be fully installed in accordance with the approved scheme before the first use of the development and thereafter subsequently retained.**

**REASON:** In the interests of highway safety

**15. The development shall not commence until a Travel Plan which meets the current required standard and is in accordance with the Department for**

Transport publication 'Making residential travel plans work: good practice guidelines' and Supplementary Planning Guidance 'Development Related Travel Plans in Wiltshire', has been submitted to and approved in writing by The Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

**REASON:** In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.

16. Details of storage areas for wheeled refuse bins, designed so as to minimise their impact on the appearance of the street scene shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

**REASON:** In the interests of the appearance of the street scene.

**POLICY:** West Wiltshire District Plan 1st Alteration 2004 – C31a & C32

17. Notwithstanding the provisions of Part 4, Class B of The Town & Country Planning (General Permitted Development) Order 1995, as maybe subsequently amended, no car boot sales or other markets shall be permitted within the application site.

**REASON:** In the interests of highway safety and to protect residential amenity.

18. The development hereby permitted shall be limited to D2 (Assembly and Leisure) and ancillary D1 (Non-Residential Institutions) uses of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order, with or without modification.

**REASON:** Because the use hereby permitted is acceptable whereas other uses including the same use class may not be.

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

Dwg 1031/001 rev C received on 20.06.2012  
Dwg 1031/002 rev A received on 20.06.2012  
Dwg 1031/003 rev A received on 20.06.2012  
Dwg 1031/004 rev A received on 20.06.2012  
Dwg 1031/006 rev E received on 20.08.2012  
Dwg 1031/008 rev G received on 20.08.2012  
Dwg 1031/009 rev B received on 20.08.2012  
Dwg 1031/010 rev D received on 20.08.2012  
Dwg 1031/011 rev B received on 20.06.2012  
Dwg 1031/013 rev A received on 20.06.2012  
Dwg 1031/014 rev A received on 20.06.2012  
Dwg 1031/015 rev F received on 20.08.2012  
Dwg 1031/016 rev A received on 20.08.2012  
Dwg GA01 rev B received on 20.06.2012 or Dwg GA03 received on 20.08.2012  
Dwg SPA03 received on 20.08.2012

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

**Informatives:**

**1. The applicant is advised to contact both Natural England and the District Ecologist with regard to protected species before and during construction.**

**2. The applicant is advised to contact the County Archaeologist with regard to the archaeological interest of the site and the requirements in respect of condition 3.**

**3. With regard to drainage, the applicant is advised that**  
**(a) on site arrangements for foul drainage will need to comply with the Building Regulations,**  
**(b) an Environmental Permit may be required from the Environment Agency depending on discharge volumes,**

**4. The applicant is advised that appropriate pollution measures should be used during the construction and operation of the site. The applicant should refer to the pollution prevention guidance on the following website for future information:**

**[www.environment-agency.gov.uk/business/topics/potential39083.aspx](http://www.environment-agency.gov.uk/business/topics/potential39083.aspx)**

**5. Further to the requirements of condition 14, the signing scheme shall consist of a banned turn sign which is enforced via a traffic regulation order and an additional sign indicating that drivers shall use the roundabout to 'U' turn in order to enter the site when approaching from the Semington direction. Both signs and the order making process shall be provided at the full expense of the developer.**

**6. The applicant is advised to contact the Council's Rights of Way Warden (Paul Millard) when/if any dead trees are to be felled in the hedge line along the western boundary to ensure that signage is adequate and a person is present on the byway during felling to prevent danger to users.**

**7. Further to the requirements of condition 11, the proposed lighting scheme should comply with guidance issued by the Institution of Lighting Engineers.**

**8. To request the Rugby Club include a note on their website for visiting teams approaching from the Devizes direction, advising them to comply with the traffic order to use the roundabout and not turn right into the grounds.**

**9. To request a similar note for those approaching from the Trowbridge direction to use Hilperton Drive, and not the Trowbridge-Devizes Road that runs through Hliperton village.**

**93.c W/12/01675/FUL: Land at Smallbrook House, Smallbrook Gardens, Staverton**

**Public Participation**

Mr Clive Letchford spoke in objection to the application.

Mr Roger Smith, agent, spoke in support of the application.



The Planning Officer introduced a report which recommended approval. The key issues included the scale and design of the development, the highways impact and relationship to adjoining properties. The previous planning history on the site was highlighted, as detailed in the report papers.

The Committee then has the opportunity to ask technical questions of officers. Potential impacts on two care homes north of the site was sought, along with further aspects of the previously agreed permission. The request of the Fire and Rescue Service for a contribution from the developer was also raised. In response to queries, it was stated the increased development did not meet the requirements to request an affordable housing contribution.

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

The Local Member, Cllr Trevor Carbin, then spoke in objection to the proposal.

A discussion followed, where the impact on local amenity was debated, along with the level of and timing of any construction traffic at the site and the extent of parking at the site.

After debate, it was,

**Resolved:**

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

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

**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 No development shall commence on site until details and samples of the materials to be used for all 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 H1 and C31a.**

- 3 The development hereby permitted shall not be occupied until the first five metres of the accesses, measured from the edge of the carriageway, have been consolidated and surfaced (not loose stone or gravel). All three**

accesses adjoining the public highway shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

- 4** The dwellings hereby approved shall only be occupied as single private residential units and shall not be occupied as an HMO (House in Multiple Occupation). Before any of the dwellings hereby approved are first occupied, the use of Smallbrook house as and HMO shall permanently cease.

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

- 5** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

**Reason:** In order to define the terms of this permission and to ensure that the Local Planning Authority has control over future extensions on this site.

- 6** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no windows or door openings, other than those hereby approved, shall be added to any of the gables forming plots 4, 6, 7, 8 and 9 without the express planning permission of the Local Planning Authority.

**Reason:** In order to define the terms of this permission and in the interests of protecting residential amenity and privacy.

- 7** The development hereby permitted shall not be brought into use until the recommendations cited within paragraph 5.2 of the submitted bat search and assessment survey (produced by CTM Wildlife dated February 2011) have been implemented on site and that the bat enhancement measures are maintained on site unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of maximising ecological and biodiversity interests.

**Policy:** PPS9: Biodiversity and Geological Conservation.

- 8** The garages hereby approved shall be used solely for the purpose of housing private motor vehicles or other uses incidental to the enjoyment of the dwellings/flatted units and that the garages shall not be converted to habitable accommodation and that no trade or business shall be carried out in or from the garage buildings.

**Reason:** In order to define the terms of the permission and in the interests of highway safety and local amenity.

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

- 9** Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

**Reason:** In the interests of preventing light pollution and nuisance

**Policy:** West Wiltshire District Plan - 1st Alteration policies C35 and C38.

- 10** No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

**Reason:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 11** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; 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 in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 12** The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Phil Goldsmith and shall be supervised by an arboricultural consultant.

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

- 13 No part of the development hereby permitted shall be occupied until the access and parking spaces 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 the interests of highway safety**

- 14 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access), 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.**

- 15 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.**

**REASON: In the interests of visual amenity.**

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

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

**LOCATION PLAN - drawing no. 2451-08 received 03.09.2012**

**SITE PLAN - drawing no. 2451-01 Rev L received 02.10.2012**

**PLOTS 4, 5 AND 6 ELEVATIONS AND FLOOR PLANS - drawing no. 2451-20 received 03.09.2012**

**PLOTS 7, 8 AND 9 ELEVATIONS AND FLOOR PLANS - drawing no. 2451-21B received 03.09.2012**

**GARAGING PLANS FOR PLOTS 8 & 9 - drawing no. 2451-22 received on 12.09.2012**

**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.**

- 17 No site clearance, preparation, or construction work shall take place outside the hours of 7.30 am to 6.00 pm on Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays, and no work shall take place on Sundays or Bank or Public Holidays.**

**Reason: To protect the amenities of the area and in particular the amenities of neighbouring residential properties.**

**Policy: West Wiltshire District Plan – 1<sup>st</sup> Alteration 2004 Policy C38 and National Planning Policy Framework**

**Informatives:**

- 1 The attention of the applicant is drawn to the contents of the attached letter from Wessex Water.**
  
- 2 The developer/applicant is encouraged to use / make provision for residential sprinkler systems within the new build development hereby granted permission. The Wiltshire Fire and Rescue Service actively supports and encourages their installation. They are inexpensive to install (particularly in new buildings), they cannot be accidentally activated, and in new builds such as this, they can be designed to sit flush with ceiling (behind a cover) so as not to be unsightly. When required, they also cause less water damage than standard fire fighting methods. Should further information be required on this particular aspect, you are advised to make contact with the Wiltshire Fire \_ Rescue Service on tel. no. 01225 756 500 or via email at [planning@wiltsfire.gov.uk](mailto:planning@wiltsfire.gov.uk).**

**It should be stressed that the above guidance / recommendation should be read in conjunction with Building Regulation requirements.**

**The applicant/developer is further encouraged to make contact with the Fire Authority to ensure that the site is able to provide adequate water supplies for the use of the fire service in case of any emergency. Such arrangements may include a water supply infrastructure, suitable siting of hydrants and/or access to appropriate open water. Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and specific advice of the Fire Authority on the location of fire hydrants.**

- 3. It is requested that no construction traffic parks within Smallbrook Gardens**

**93.d W/12/01544/FUL: 14 Newtown, Trowbridge**

**Public Participation**

Mr Brent Hodges, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended refusal. The key issues included the visual impact upon the surrounding area, the design of the application, and the relationship to adjoining properties.

The Committee then had the opportunity to ask technical questions of the officer. Details of the height of the proposed application were sought, and the extent to which the application would impact upon amenity. It was confirmed in response to queries that the neighbour in the closet property had not raised any objections, and that the owner of the property was the church.

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

The Local Member, Cllr John Knight, then spoke and suggested a site visit was required to properly assess the application.

A debate followed, where the lack of objection from conservation officers, highways officers and town council was noted, and whether the visual impact of the application could properly be determined from information before the Committee.

At the end of discussion, it was,

**Resolved:**

**That the application be DEFERRED to allow for a site visit of the application, which would take place prior to the next meeting of the Committee on 14 November 2012 at 3pm.**

**93.e W/12/01327/FUL: 5 Worsted Close, Trowbridge**

**Public Participation**

Mr Ernie Newcombe spoke in objection to the application.

Cllr Peter Fuller left the Chair for reasons as detailed under Declarations of Interest and withdrew from the room, and Cllr Roy While took his place in the Chair.

The Planning Officer introduced a report which recommended approval. The key issues for consideration included the scale of development, visual impact, design and relationship to neighbouring properties. It was confirmed officers concluded there was limited loss of amenity involved in the proposals.

The Committee then had the opportunity to ask technical questions of the officer. A correction was made to the report, which listed Melksham rather than Trowbridge Town Council as objecting to the proposal. Details regarding the distance between the application and nearest neighbouring property were sought.

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

A discussion followed, where the level of and potential for overdevelopment in the area was debated, as well as any precedent that could be set by approving the application. The impact of the proposal on amenity was also raised.

At the conclusion of debate, it was,

**Resolved:**

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

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

**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 those used in the existing building.**

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

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

- 3 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**

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

- 4 Notwithstanding the details submitted with the application, the windows on the south elevation extension hereby approved shall be fitted with obscure glazing. The obscure glazing shall be maintained for the lifetime of the development hereby approved.**

**REASON : To prevent overlooking of a neighbouring property.**

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

- 5 The works on the two storey side extension shall not commence until the parking spaces 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 the interests of highway safety.**

- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added to the south elevation facing no. 6 Worsted Close.**

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

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

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

**12.27.1 Rev B received on 16th August 2012**

**12.27.2 received on 13th July 2012**

**12.27.3 Rev B received on 8th October 2012**

**12.27.4 received on 13th July 2012**

**12/01372/1 received on 28th September 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**

94    **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.15 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



## WESTERN AREA PLANNING COMMITTEE

### INDEX OF APPLICATIONS ON 14/11/2012

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>
6a	W/12/01544/FUL	14 Newtown, Trowbridge, Wiltshire, BA14 0BA	Additional first floor storage space	Refusal
6b	W/12/01412/FUL	Land South of Four Winds, 81 Yarnbrook Road, West Ashton, Wiltshire	Change of use for one Romany family	Permission
6c	W/12/01649/FUL	Land Rear of 12 and 12A Westbury Road, Warminster, Wiltshire	2 x detached houses (revised design to W/11/01243/FUL)	Permission

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	14.11.2012		
<b>Application Number</b>	W/12/01544/FUL		
<b>Site Address</b>	14 Newtown Trowbridge Wiltshire BA14 0BA		
<b>Proposal</b>	Additional first floor storage facility		
<b>Applicant</b>	Mr Paul Ranger		
<b>Town/Parish Council</b>	Trowbridge		
<b>Electoral Division</b>	Trowbridge Central	<b>Unitary Member:</b>	John Knight
<b>Grid Ref</b>	385192 157593		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Steve Vellance	01225 770344 Ext 01225 770255 steven.vellance@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Members will recall that this application was brought before the Western Area Planning Committee on the 24 October 2012. It was resolved at this meeting that the application be deferred to the next following committee meeting on the 14 November 2012, to allow committee members to undertake a site visit on the day of this meeting at 3pm. The report set out below is the one considered by members at the 24th October meeting.

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

- \* Visual impact upon the surrounding area
- \* Relationship to adjoining properties
- \* Design - bulk, height, general appearance

### 1. Purpose of Report

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

Neighbourhood Responses: None.

Trowbridge Town Council Response: No objections.

### 2. Report Summary

The main issues to consider are:

- \* Impact on neighbouring amenity
- \* Whether the current application has overcome the previous reason for refusal within the earlier application W/11/02174

### 3. Site Description

The building which is the subject of this application is a detached linear single storey red brick structure, with a flat roof and is sited directly opposite to the rear of 14 Newtown, Trowbridge. The building is used for the storage of white goods, whereby sales takes place from number 14. The immediate vicinity consists of mixed use, but is primarily residential.

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

11/02174 Additional first floor storage facility Refused 10.01.2012

#### **5. Proposal**

The proposal is for the construction of a first floor extension over the existing building on a steel portal frame, with matching materials. The proposed increase in accommodation would be used for the storage of white goods. The original length and width of the building would remain unchanged; the proposed dimensions are:

24.5 metres (length) by 5.2 metres (width) by 6.4 metres (height)

The existing roof height is 2.8 metres, the proposal therefore represents an increase of 3.6 metres in height.

The first floor north west elevation would be set back by 0.3 metres as shown on plan reference 1108-11.

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

C17 Conservation Area; C19 Changes within the Conservation Area; C31a Design; C38 Nuisance.

#### **7. Consultations**

Trowbridge Town Council - No objections.

Conservation Officer - No objections.

Highways Officer - No objections.

#### **8. Publicity**

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

Expiry date: 21.09.2012 - No responses received

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

The previous planning application W/11/02174 was refused for the following reason:

"The proposed two storey extension by reason of its length, size, height and location in close proximity to the boundary of number 4A Newtown, would result in a loss of light and appear overly dominant impacting adversely on the amenities enjoyed by the occupiers of 4A Newtown, contrary to policies C31A and C38 of the West Wiltshire District Plan 1st Alteration 2004".

The current scheme is very similar to that previously submitted with the differences being the ridge height of the building has been reduced by 0.6 metres and that the height of the side walls to eaves height have similarly been reduced by approximately 0.4 metres. The proposal would have a pitched roof height of 6.4 metres.

The issue of amenity in this instance is paramount and Policy C38 of the Council's adopted local development plan states that proposals will not be permitted which would detract from the amenities enjoyed by or cause nuisance to neighbouring properties and uses.

In this instance the neighbouring property at number 4A is separated by a distance of 0.6 metres at the boundary from the proposal, 4A is also the nearest and most likely to be affected by the proposed two storey extension, due to the increase in height of the building by 3.6 metres. Number 4A has a high level side bedroom window that would be blocked out by the proposal.

The proposed increase in height is significant because of the overbearing impact the extension would have on 4A. Furthermore, the north east orientation of the application site, in relation to number 4A is a further material consideration because of the subsequent level of over shadowing and loss of natural daylight that would affect 4A. These factors are considered to be significant so as to negatively impact on the amenity of this dwelling.

This level of harm can be visually highlighted by applying the rule of thumb guideline of applying 45 degree projection lines. In this instance this would relate to the first floor windows of the front and rear elevations of 4A, closest to the proposal. The amount of development forward of the projection lines, indicates the amount of development which would cause a nuisance.

For the reasons as discussed throughout, the current scheme has not overcome the previous reason for refusal, does not accord with policy and consequently is recommended for refusal.

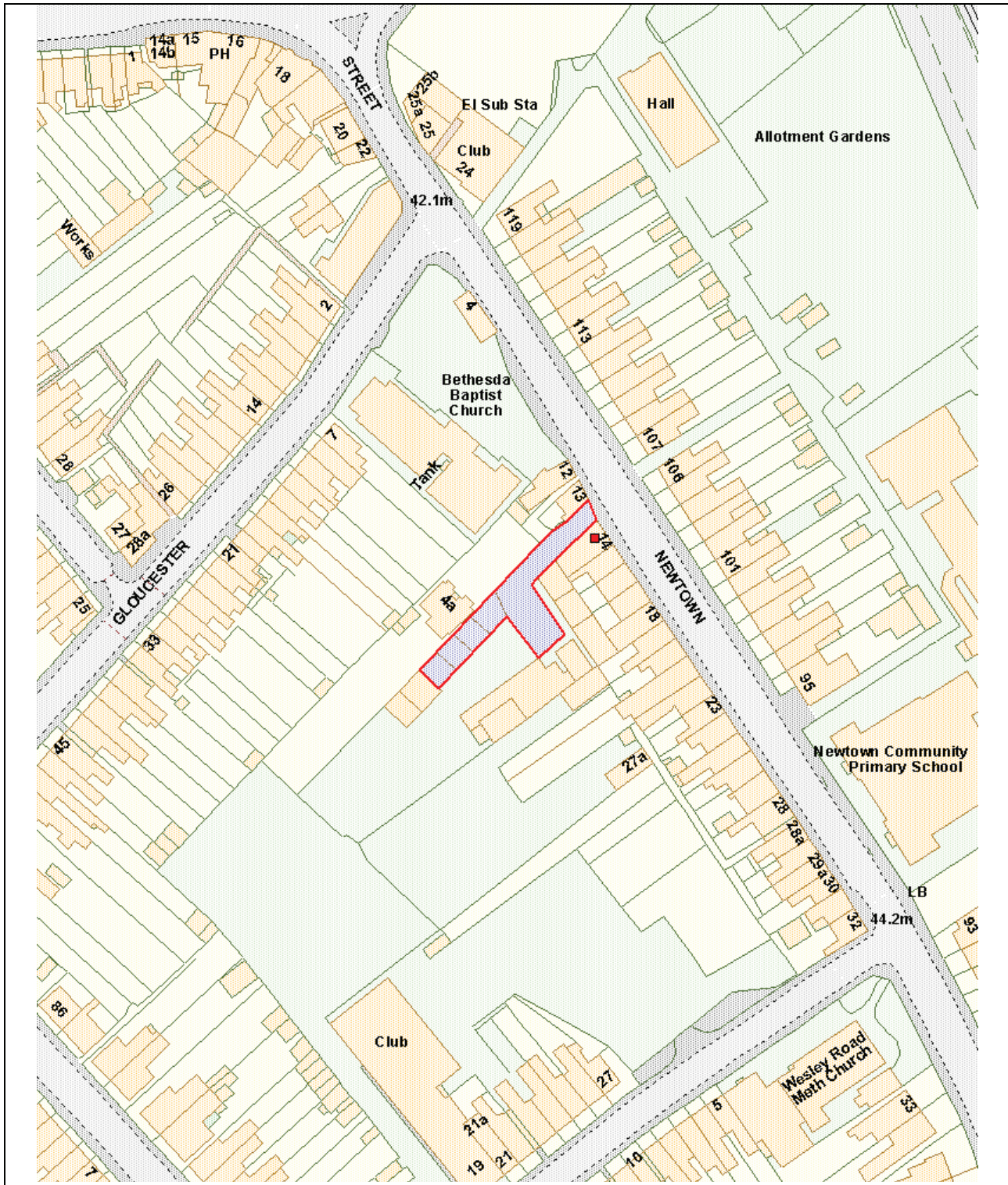
**Recommendation: Refusal**

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

- 1 The proposed two storey extension by reason of its length, size, height and location in close proximity to the boundary of number 4A Newtown, would result in a loss of light and appear overly dominant. It would have an adverse impact on the amenities enjoyed by the occupiers of 4A Newtown, contrary to policies C31A and C38 of the West Wiltshire District Plan 1st Alteration 2004.

<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>	14.11.2012		
<b>Application Number</b>	W/12/01412/FUL		
<b>Site Address</b>	Land South Of Four Winds 81 Yarnbrook Road West Ashton Wiltshire		
<b>Proposal</b>	Change of use for one Romany family		
<b>Applicant</b>	Mr William Sherred		
<b>Town/Parish Council</b>	West Ashton		
<b>Electoral Division</b>	Southwick	<b>Unitary Member:</b>	Francis Morland
<b>Grid Ref</b>	387492 155547		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

### Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Morland following a meeting of West Ashton Parish Council on Wednesday, 15 August 2012, when there was a formal request from the Clerk to call the matter in for consideration by the Planning Committee.

### 1. Purpose of Report

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

Neighbourhood Responses: 13 representations were received.

West Ashton Parish Council - Objects to the proposals for the reasons cited within section 7 below.

### 2. Main Issues

The main issues to consider are:

- Whether or not the proposals accord in principle with national and local planning policy, and any implications for the delivery of Gypsy and Traveller sites under the emerging Core Strategy;
- the effect of the proposal on the rural character of the area and on neighbouring amenity;
- the effect of the proposal on highway safety; and
- whether the proposal would represent a sustainable form of gypsy site.

### 3. Site Description

The application site is located in a field on the south side of the A350 some 320m west of the West Ashton crossroads. The land is some 1500 m<sup>2</sup> in extent, with the site for the mobile home set back from the road. Access is provided by an existing long established tarmac entrance with dropped kerbs directly off of the A350. Approximately 200m to the north east there is linear residential development at West Ashton Cross roads on the western side of the A350. On the opposite side of the road and slightly offset lies a bungalow (no.81). West Ashton village lies to the south of the crossroads and is linked to the site by a tarmac footway alongside the south side of the A350. Central Trowbridge is some 2.4 miles from the site.

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

87/01795/FUL : Temporary storage compound for salvaged building materials (in the north western corner of the parent property) - Refused

92/00788/FUL : New vehicular access - Permission

00/01053/FUL : Produce/machinery store - Permission

04/00454/FUL : Storage/machinery shed - Refused

#### **5. Proposal**

This is a planning application for a change of use to provide a single private gypsy pitch to include the siting of a mobile home and touring caravan and a hardstanding for the parking and turning of vehicles. No day room is proposed at this point.

The applicant previously occupied a permitted site in Capps Lane, Bratton. However, this is now legitimately occupied by his married son and family and he seeks permission for a pitch for himself and his mother, who is in need of care.

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

West Wiltshire District Plan 1st Alteration (2004) - CF12                      Gypsy Caravan Sites

Wiltshire Structure Plan 2016 - DP15 Accommodation for Gypsies and Travellers

National guidance

National Planning Policy Framework, 2012

Planning Policy for Traveller Sites: (PPfTS) DCLG, March 2012

Wiltshire Core Strategy Pre-Submission Document: Core Policy C47: Meeting the needs of Gypsies and Travellers

The Government's stated aim in the PPfTS, 2012 is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. In terms of the development plan Policy DP15 of the Structure Plan acknowledges the need for additional caravan pitches for gypsies and CF12 of the District Plan says that proposals for such uses will be permitted in appropriate locations subject to a range of criteria being met.

PPfTS, 2012 in paragraph states that "Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites."

#### **7. Consultations**

##### West Ashton Parish Council

The Parish Council objects to the proposal for reasons in relation to:

- Highways & Access safety - The proposal would be contrary to the DCLG 'Planning policy for traveller sites' dated March 2012 , Policy CF12 of the adopted WWDP and the emerging Wiltshire Core Strategy (Core Policy 47) in that all refer to the need to consider matters of safety for future residents when considering applications.

- The proposal is outside any settlement limits of village policy limits, and therefore is contrary to the National Planning Policy Framework , the Adopted Wiltshire and Swindon Structure Plan 2016 and the emerging Core Strategy for Wiltshire (Policy 60), which all seek to reduce the need to travel,

influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

- The proposed site is adjacent to the A350 which is used by a large number of HGVs, with a speed limit of 50mph and only a very narrow pavement on one side of the road. There is a dual problem of road safety to pedestrians and high levels of noise and pollution. The site an unsafe and unhealthy environment for children to live, and wholly unsuitable for the proposed use.

- There are serious concerns regarding highway safety with the ingress and egress of vehicles from the proposed site onto the A350 road - widely recognised as one of the busiest 'A' roads in the County, this stretch of the road is a known black spot for road traffic accidents, with a number of fatal accidents occurring in recent years. The site access is situated directly on the brow of the hill, and there is a dip in the road to the south of the site, creating a blind spot which further seriously effects driver visibility. It is considered that allowing an additional access onto the A350 at this point would irresponsibly increase the possibility of further accidents occurring.

- Permission would be inconsistent in that previous applications for development or use of this site have not been progressed because they would have been refused on Highways grounds. It is not acceptable to consider that the safety of this Romany family is any less important than those of previous applicants/users.

- Application 91/00820/FUL, Change of use of existing agricultural building into a granny annexe was refused for 81 Yarnbrook Rd and any change of use to the land opposite this property would be inconsistent with this decision. A pre-application for a bungalow on this site was also not supported.

- There are very few local services available within reasonable walking distance of the proposed site (Doctors surgery, hospital and supermarket would realistically all need to be accessed by vehicle). Policy CF12 of the adopted West Wiltshire Local Plan 2011 on Gypsy Caravan requires that consideration is given to access to local services and transport. Although there is a bus stop near the proposed site, there are no buses servicing it. and the nearest serviced bus stop is approx. 0.5 miles away, reached by crossing two very busy roads.

- No ecological or environmental report has been submitted with the application to determine if there are records of any protected species or habitats in the vicinity which will need safeguarding, or what environmental effects any such proposal would have.

- Wessex Water's letter to Wiltshire Council states that a new water supply will be required and that a public water main is shown on record plans close to the land identified for the proposed development. It appears the development proposals could affect existing water mains.

- The Applicant needs to take into account the advice given in Circular 3/99. If this is the only option (or there is an increase in effluent volume) an Environmental Permit may be required. The Environment Agency should be contacted for further details. Drainage must be separated between all clean roof and surface discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourse, ponds or lakes, or via soakaways/ditches.

- There are records of Badgers within 300m, close to Woodside Wood.

In the event of the permission being granted notwithstanding the above, West Ashton Parish Council requests that conditions are imposed in relation to:

- no businesses permitted on site;
- limit to visitors caravans for maximum of 14 days per year;
- only development permitted is as per application, nothing further;-
- retention of existing woodland and hedging;
- plan should be modified to provide proper screening from A350;
- removal of any Permitted Development rights;
- no occupation of site until services are provided;
- no burning of materials on site;

- Temporary permission for a maximum of three years is granted
- Occupancy of the restricted to the applicant and his immediate family.

In a late submission the Parish further queries whether or not police authorities had been consulted on highway safety, including accidents in the area. This was referred to highway officers for further comment. No response was received at the time of writing, but this will be included as a late item in the event that a response is received prior to the Committee meeting.

### Spatial Plans

The Spatial Plans Officer considered the relevant Policy criteria and advised as follows:

- Harm to neighbouring amenity would be unlikely given the location and an existing mature hedge boundary.
- The site is not located within a landscape designated for its quality (e.g. AONB or Special Landscape Area).
- The site is on the A350 (Yarnbrook Road) in close proximity to West Ashton with its low level of services and facilities, and few employment opportunities.
- Future occupants would be reliant upon the principal settlement of Trowbridge, located approximately 2 miles away, for facilities and services.
- The indication by the applicant is that essential services are available and it is noted that the site is also located adjacent a footpath which provides access to the village. It is nevertheless suggested that the sustainable transport service are consulted with regard to highway safety and transport.

In summary the site is well related to West Ashton and is within close proximity of Trowbridge, well screened within the landscape, is not within a designated landscape, and is not within an area liable to flood.

The officer considers that the analysis above suggests "...the application is not contrary to CP47 of the emerging core strategy and by implication determines that the site is in a relatively sustainable location in accordance with the NPPF. The NPPF does also say that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements. What is considered to be away from local settlements should be judged locally, in this instance, given recent appeal decisions and the proximity of Trowbridge, the site is not considered to be remote.

With specific reference to the weight to be attached to the emerging Core Strategy the Officer advises that "...12 people or organisations have submitted comments in relation to Core Policy 47 (in response to consultation on the CS). Issues raised mainly relate to the presentation of data, for example the combined north and west area rather than individual targets for these areas and the way in which sites should be provided (for example as part of strategic allocations). No alternative targets are proposed but one or two comments raise more fundamental issues, for example, using the caravan count as a basis, the need for a longer term supply of pitches. The direction of the policy was not challenged, lower targets are not called for and one respondent considered the criteria to be in general conformity with the new Government advice. In these circumstances due weight should be given to the emerging policy. However, following advice given by the appointed examiner the council is undertaking further consultation on the proposed pre-submission changes including an opportunity to comment upon the implications of the Government Policy for Gypsy and Travellers."

The officer finally notes that the question of the need for a 5 year supply of specific deliverable sites as required by NPPF also arises. In that regard, for the north and mid HMA an annual delivery rate of 2 pitches per year would provide a supply for years 2011 to 2016. Permission has been granted for 6 pitches this year and monitoring has indicated that there are sites with planning permission in west and north Wiltshire that have not yet been implemented providing a deliverable supply of at least 13 pitches. "Using this simplistic approach, housing land supply is not an issue.

*(Important Note: This comment was made prior to the outcome of the Appeal case referred to in the Officer's Assessment below. The issue of "need" is further addressed therein).*

Wessex Water

No Objection, but notes that new connections will be required, and that any development within 3m of a water main would require their consent.

District Ecologist

No objection.

Environmental Health

No objections.

## **8. Publicity**

The application was advertised by site notice, newspaper advert and neighbour notification. Expiry date: 31.08.2012.

Summary of points raised by objectors:

- Encroachment onto open countryside/woodland;
- "Overstretching" of local services including schools;
- No indication of dimensions of development or of additional buildings and type or certainty on number of "tourer" caravans;
- lack of access to facilities and services;
- no clarification on what constitutes a "Romany Family" and if occupants would be. Possibility of large numbers of people;
- unsafe situation in relation to highway and access, in particular for children;
- pedestrian pavement is dangerous because of draught from fast moving HGVs;
- access intended for occasional agricultural use;
- loss of green space and wildlife;
- loss of property values;
- possible accumulation of waste on site;
- inadequate service provision;
- land better suited to other uses, possibly allotments, agriculture or coppice area;
- outside of West Ashton development boundary;
- application actually appears to be for a dwelling of unspecified size;
- Council shouldn't provide for Gypsy sites via "back door" but should create sites under its own control;
- previous application for shed refused due to impact on countryside;
- appears from application description that no restriction can be placed on numbers of caravans;
- detrimental to West Ashton;
- risk from large numbers of people, e.g. children safety near road, fires, waste, harm to surrounding environment;
- fear of increase in damage, theft and anti-social behaviour in area.

## **9. Planning Considerations**

### *9.1 Policy background*

The Council is required to requirement is

With regard to the comments of Policy Officers outlined in the 'Consultations' section above, it is noted that subsequent to that comment being made, the outcome of the Appeal at the site at Rose Field, Hullavington became known, with the Inspector having granted permission for six gypsy and traveller pitches there.

The cumulative result with other recent permissions is that emerging Core Strategy target requirement for permanent pitches for travellers to December 2016 has been met, where a total of 18 pitches have

been permitted in the North and West Wiltshire Housing Market Area. In this regard it must however be noted that:

- The Core Strategy is still emerging and there remain objections in relation to the "pre-submission" version of the CS. Further consultation is ongoing, with a closing date of 2nd November 2012. Inter alia comment is invited on the "soundness" of the CS as it relates to PPfTS, 2012. Thus, prior to acceptance of the expression of need for pitch provision as it stands, it must still be examined by the Inspector and the pitch provision proposed in the policy approved before the Council can be absolutely certain that this expression of need has been accepted.

- Core Policy as written is reflective of Paragraph 10 of PPfTS, 2012, i.e. "Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community."

Core Policy thus incorporates the National Guidance that indicates that, even where need has been met, applications should continue to be considered against the general criteria aimed at ensuring that new sites are in sustainable localities.

Paragraph 22 (PPfTS, 2012), includes in the criteria for considering applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
- that LPAs should determine applications for sites from any travellers and not just those with local connections

It is considered in the light of the above that refusal on the grounds that targets in the emerging CP47 have been met would be contrary to National Policy. Individual sites such as this should continue to be assessed on their merits against the criteria established in the adopted development plan and the emerging core policy 47. Where the proposal is in accordance with the criteria set out in the development plan/CP 47 it is considered that it would not be justifiable to refuse the application.

In this instance the applicant has presented personal circumstances in relation to the legitimate occupation of his previous single pitch site in Capps Lane that is now occupied by his son and family. This has meant that the applicant requires a site for his own needs, as well as to care for a family member. It is a material consideration that the applicant be able to seek provision for his own accommodation in these circumstances.

### *9.2 Potential Impacts on the Rural character of the area and on neighbouring amenity*

Neighbour and Parish observations are that the proposals are not within settlement limits and will impact on the countryside and are therefore by definition unacceptable in terms of Policy. However, neither current policy nor that in the emerging Core Strategy stipulate that new sites for Gypsies and Travellers should be within existing developed boundaries. (Structure Plan Policy DP15 states 'Suitable sites may be found both within and outside settlements' and WWDP policy CF12 only referring to 'appropriate locations'. Core Policy 47 has as a criterion in relation to location that sites must be "located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.") Each site must however be considered on its merits. Existing and emerging policies have criteria requiring that sites in rural areas do not unacceptable harm the appearance of the countryside and do not "dominate" the nearest settled community. The PPfTS 2012 also does not constrain new pitches to localities within established settlements.

The site is well screened, with a backdrop of woodland/well established hedging and trees to the east and southern boundaries. A substantial hedge defines the road boundary. The mobile home and tourer parking sites would (as noted by the Parish) be visible directly from the access to the site. They

would however be set back some 60m from the boundary and be visual in the nearby public realm only in passing the access point. Some distant views would arise, but the units would not be prominent in the landscape. Location elsewhere on site as suggested by the Parish would mean either being in close proximity to the road with associated noise, or mean that additional areas of the site would be taken up with access/hardstanding provision. The reference of objectors to a previous refusal in relation to a shed for reasons of countryside protection is in relation to a storage building of 9m x 15m x 4.9m that was proposed to be located at the upper end of the property.

The mobile home/tourer would not be in a locality that would impact on neighbours in terms of loss of privacy or visual impact, with no dwellings in the immediate proximity.

The application is for the change of use to allow for one family (The applicant, his partner and elderly relative). Proposals include space for siting one mobile home and a tourer caravan. The use being proposed is fairly typical of a single, private gypsy application including a mobile home and a touring caravan. A dayroom (frequently associated with this type of use) is not proposed. The applicant has confirmed this, and stated that this would be the subject of a separate application if required in future. The proposals, albeit on elevated land relative to the road would not be dominantly visual to the surrounding area, and significant screening exists.

Objectors have highlighted nature conservation as an issue. County Ecology was consulted, and has raised no concerns, nor recommended any conditions.

With regard to waste disposal, a condition in relation to the septic tank/soakaway would be appropriate (the issue of any permit would be the subject of separate legislation). A condition not allowing for the burning of waste or other materials on site is also considered reasonable, and would address neighbour/Parish concerns.

Objectors have raised concern with the lack of detail on the design of the mobile home. Recent case history on other sites has however confirmed the situation that the siting of caravans, by definition including mobile homes, is not operational development. Further, over time, caravans may be replaced without the need for submission of details. The mobile home would therefore not be treated as a permanent building that requires assessment of design. A constraint to dimensions however is that the unit (and any replacement) would need to conform to the definition of a "caravan", i.e. inter alia being limited in size and remaining capable of being removed from site by being towed or transported on a motor vehicle or trailer.

The touring caravan would also be sited within the confines of the screened site and well set back from the access.

Seen in the above context the proposal is not considered to be harmful to the rural character of the area.

### *9.3 The effect of the proposal on highway safety*

A paved walkway runs the full length of the Road between the Trowbridge/West Ashton intersection and the Hawkeridge/ Trowbridge /Westbury roundabout to the south, on the same side of the A350 as the application site.

The busy nature, and presence of HGV traffic is raised by a number of objectors and the Parish.

The site gains access the A350 via an existing entrance that has a depth of approximately 16m between the edge of the roadway and the gates. At the time of the site visit a degree of overgrowth was evident adjacent to the pavement and to the boundary hedge. It is however clear that trimming back is wholly feasible to improve sight lines.

The Highway Officer gave pre-application advice regarding visibility splays, entrance gates, the splaying of the access, on-site turning space and the provision of a drain on the highway boundary to prevent surface water entering the highway. This was re-affirmed during consultation. It is considered that provided a pre-occupation condition in relation to the officer comments is imposed the application can be supported from this perspective.

It is considered that the application can be accepted in terms of highway considerations subject to a condition requiring the submission of detailed plans and their implementation in accordance with the highway officer comments.

#### *9.4 Sustainable form of gypsy site*

The applicant acts as a representative for the local traveller community in the Wiltshire area and has previously been granted permission for a site in Capps Lane, since taken over by his son. His status as a traveller (for the purposes of relevant policies) is therefore considered to be well established.

The NPPF and latest Government Guidance on Traveller sites as well as gypsy site policies in the Development Plan allow for sites outside of settlements. However, access to services and facilities remains a consideration in respect of sustainability. In particular Policy CF12 of the District Plan includes the proximity of local services as an assessment criterion. Policy and highway officers have confirmed the view (from their separate perspectives) that the site is in a sustainable location. In considering their views it is noted that the pedestrian link exists to West Ashton as well as to the facilities at the Yarnbrook roundabout to the south, and that Trowbridge central facilities are under 2.5 miles distant.

The proposals indicate the provision of sewerage treatment facilities on the site as a sealed septic tank. It is noted that Wessex water raises no objection to the proposals as submitted, advising that new connections will be necessary. The Parish observation in relation to the WW comments on the presence of the water main are noted. However, the plan provided by WW indicates only a main running past the roadside frontage of the plot, and on the adjacent property to the south west. No buildings are proposed in the proximity of the main. It is considered reasonable to require the submission of foul water drainage details by condition. In the unlikely event of any pollution occurring then this would be subject to other legislation to control. In terms of electricity for the site then it is noted that the site is close to other development that has electricity and therefore this factor poses no significant concern. Environmental Health has raised no objection to the proposals.

The Wessex Water plans confirm that there is water supply in close proximity. The site does not fall within any Environment Agency zone subject to flooding.

In this locality and given the relative accessibility of local services the site is considered to be a sustainable form of gypsy development.

#### *9.5 Occupancy of the site*

The site is located in the countryside where general residential development is subject to policy restrictions and a condition restricting occupancy to gypsies and travellers is therefore considered appropriate and reasonable in the event that permission is granted.

Objections have been raised with regard to the control of numbers of units and families on site. The application is for a single pitch and it would be reasonable and address these concerns to impose a condition on the number and type of caravans, so as to constrain the use to the number of units as proposed (the mobile home and the touring caravan) to ensure that the site is occupied in accordance with the application details. It is also wholly reasonable to impose a condition as requested by the Parish Council not allowing any commercial use on the site.

#### **9.8 Conclusion**

The proposals are considered to be in accordance with the criteria set out for such sites in the development plan policies for the area and in accordance with national guidance in the "Planning Policy for Traveller Sites" DCLG, March 2012 . Notwithstanding the "target" provision in the emerging Core Strategy having been met, it is considered that refusal on those grounds would be contrary to National Policy, for the reasons discussed above. The application is recommended for permission subject to conditions in relation to highway safety, occupation, landscaping and drainage.



**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     The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 to the Department for Communities and Local Government document "Planning Policy for Traveller Sites" published in March 2012.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

- 3     No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than 1 shall be a static caravan, shall be stationed on the site at any time.

REASON: In the interests of the amenity of the area and in order to define the terms of this permission.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 4     The use hereby permitted shall not be first commenced until works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority for:

- the provision of visibility splays at the access onto Yarnbrook Road to be in excess of 2.4m by 160m corresponding to the 50mph speed limit. These splays shall be maintained in perpetuity;
- The siting of entrance gates to be set back a minimum of 15m from Yarnbrook Road and to open inwards only;
- The provision of adequate width within the access splay to enable passing and exit from the main road;
- The on-site provision of sufficient space for parking and turning of vehicles; and
- the installation of an ACO drain, on or immediately adjacent to the highway boundary to avoid surface water entering the highway.

REASON: In the interests of highway safety

West Wiltshire District Plan 1st Alteration 2004 - POLICY: CF12

- 5     No commercial activities shall take place on the land, including the storage of materials.

REASON: In the interests of the amenity of the area and in the interests of highway safety.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 6 No development shall commence on site until details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority. The site shall not be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U1a

- 7 The development hereby permitted shall not be first occupied until the access up to the gates, 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.

West Wiltshire District Plan 1st Alteration (2004) POLICY CF12.

- 8 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

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

- 9 Notwithstanding the approved plans no caravans shall be brought onto the site until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include details of existing and proposed planting, including the protection of existing hedgerows and woodland, any new boundary treatments and the surfacing materials to the hardstanding. The landscaping scheme shall be implemented in accordance with the approved details.

REASON: In the interests of protecting the rural character of the area.

West Wiltshire District Plan 1st Alteration (2004): POLICY CF12.

- 10 The development hereby permitted shall be carried out in accordance with the details shown on the following plans:

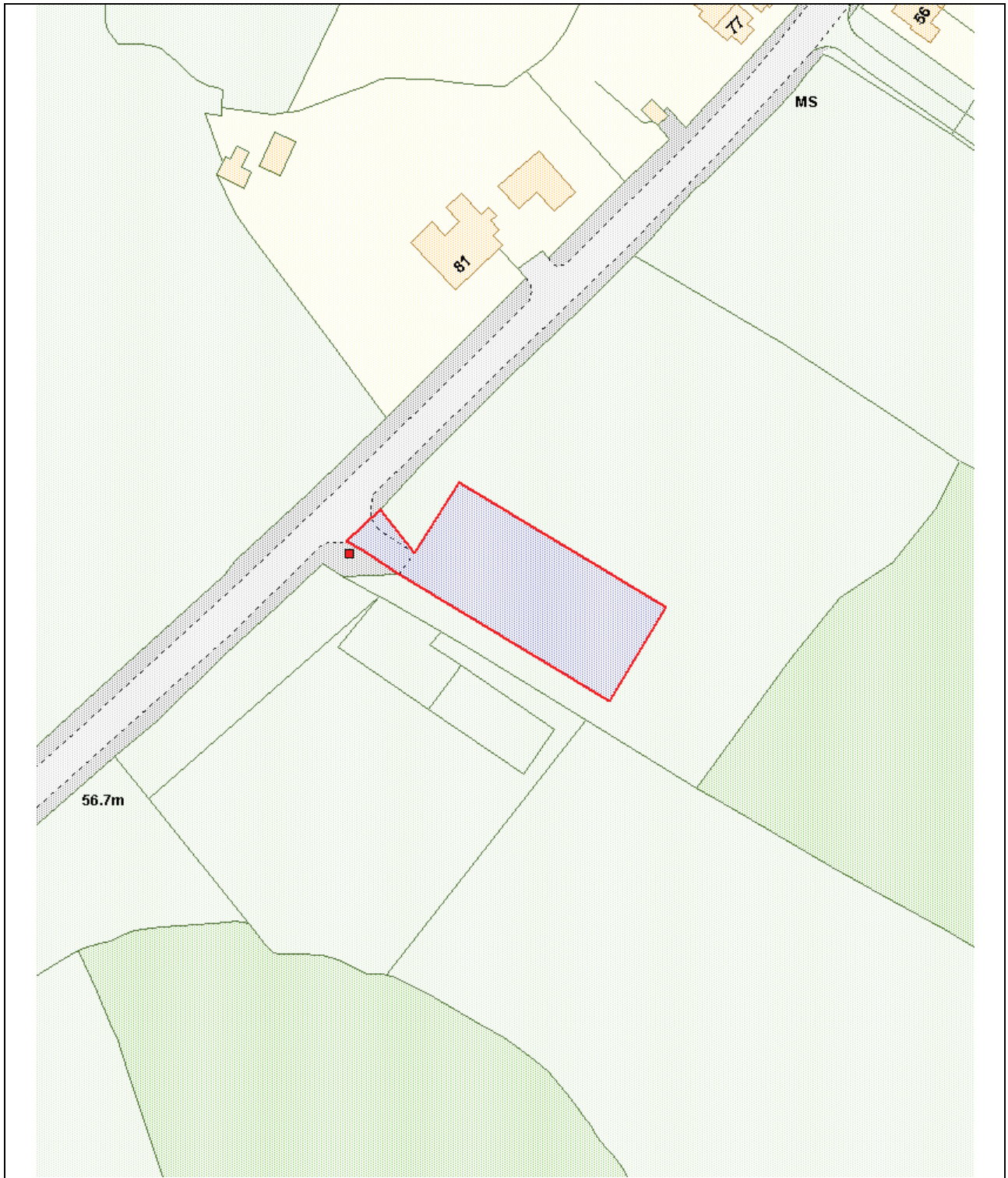
- Site Location Plan : Received on 25 July 2012; and
- Site Layout Plan : Received on 25 July 2012.

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

**Informative(s):**

- 1 The applicant is advised to contact Wessex Water (01225 526000) with regard to connection to, and protection of, water infrastructure.

<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>	14.11.2012		
<b>Application Number</b>	W/12/01649/FUL		
<b>Site Address</b>	Land Rear Of 12 And 12A Westbury Road Warminster Wiltshire		
<b>Proposal</b>	2 x detached houses (revised design to W/11/01243/FUL)		
<b>Applicant</b>	Mr R Denton		
<b>Town/Parish Council</b>	Warminster		
<b>Electoral Division</b>	Warminster West	<b>Unitary Member:</b>	Pip Ridout
<b>Grid Ref</b>	387443 145767		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance

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### 1. Purpose of Report

To consider the above application and to recommend that planning permission is granted subject to the completion of an amended S106 Agreement in relation to Affordable Housing.

Neighbourhood Responses - Five neighbours responded to advertising with objections, some making more than one submission.

Town Council Response - Warminster Town Council objects to the proposals for reasons as outlined in the "Consultations" section below.

### 2. Report Summary

The main issues to consider are:

The main issues to consider are:

- the principle of development in this locality;
- highways and access;
- design and neighbouring amenity;
- affordable housing; and
- landscaping.

### 3. Site Description

The application site is a backland site to the rear of No 12a and 12 Westbury Road, rectangular in form and served by a newly constructed access recently named Tangier Close which will serve these two plots and the three other residential properties on adjacent land to the rear of 11 and 12 Westbury

Road . Tangier Close is protected by a security gate, so it is not possible without permission to access the site. These properties are at various stages of development, in accordance with separate planning permissions. At the time of writing two dwellings exist on the adjacent land to the east. The dwelling permitted to the rear of, No. 11 (accessed via the same shared driveway) remains vacant. Development is also occurring to the west, to the rear of No 12b, with a dwelling currently under construction. This dwelling is served by a separate access and stands as an isolated backland plot.

The rectangular portion of the site is some 1300m<sup>2</sup> in extent. The site falls within Warminster Town Policy limits, and forms part of a brownfield allocation site that encompasses land to the rear of the linear development comprising No's 3 to 12b of Westbury Road, to the north east of the railway line. It is not visible from Westbury Road due to the slope of the land, intervening houses and tree cover.

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

This site: W/11/01243/FUL: Two detached houses with detached garages : Permission : 29.11.2011

Recent approvals in the vicinity:

W/10/02406/FUL: Construction of access drive and two detached houses with detached double garages : Permission : 21.03.2011 (adjacent site to east to rear of 12 Westbury Road, served by separate access)

W/11/00755/FUL : Detached house and garage : Permission : 19.10.2011 (Site to rear of 11 Westbury Road, served by same private access)

W/12/00257/FUL : New dwelling : Permission : 21.03.2012 (adjacent site to west to rear of 12b Westbury Road served by separate access)

#### **5. Proposal**

The proposal is for a revision to the design and location of the two dwellings approved under Planning reference W/11/01243/FUL. The re-design is for two x two/three storey four bedroom dwellings of contemporary design replacing the previously proposed conventional gabled houses. The proposal is for a flat-roofed modular design using a mixture of pre-rusted Corten steel and render finishes.

The different elements to the dwellings would vary in height between 5.4m and 8m (integral carports 2.9m). This would be equivalent or below the height to the previously proposed scheme. An "open-plan" design is proposed at ground floor level, providing living room/dining room and kitchen accommodation, whilst the levels above would contain the bedrooms and associated private rooms.

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

West Wiltshire District Plan 1st alteration 2004

H1Town Policy Limit; H3 Urban Brownfield Allocation; H24 New Housing Design; C31aDesign; C38 Nuisance.

National Planning Policy Framework

Emerging Wiltshire Core Strategy

#### **7. Consultations**

##### Town Council

The Warminster Town Council objects to the proposal on the grounds that the design is completely alien to the surroundings and as such represents an unacceptable visual impact on neighbouring properties.

##### Highways

No objection subject to a condition in relation to parking space and turning area provision.

### Network Rail

No objection, but observations made in respect of activities on site that need to be addressed with due consideration for Network Rail property.

### Ecologist

No objection but informative recommended in relation to protected species.

### Environmental Health

No objections or conditions recommended

### Wiltshire Fire and Rescue Service

Invites attention to the importance of fire safety measures and water supplies.

## **8. Publicity**

The application was advertised by site notice and neighbour notification. Expiry date: 17 October 2012

Summary of points raised:

Loss of homogeneity in Tangier Close;  
Not in keeping with the character of the area;  
The site is part of a uniform "street scene"  
Significant diversion from design to dwellings in Tangier Close  
Materials and design not in accordance with existing Westbury Road developments  
The turning area and parking area are questioned where there are inaccuracies on the plan;  
Neither the architect nor applicant took the pre-application advice to consult with neighbours;  
Overshadowing and overbearing on new dwelling being built to rear of 12b Westbury Road; and  
The new units would in fact form part of a single development sharing essential services and access.

In addition Cllr Ridout has commented that this is a very traditional part of Warminster and development should be "tasteful and sympathetic". Experimentation with trendy twists should be avoided. It is not accepted that just because plots are owned by different developers that there should not be a uniformity of approach.

## **9. Planning Considerations**

### *9.1 Principle of Development*

The principle of the development is well established by virtue of previously granted permission for two dwellings on this site, which is within Warminster Town Policy Limits. The site also forms part of the Urban Brownfield Allocation under Policy H3 of the West Wiltshire District Plan 1st Alteration, 2004. This latter Policy is proposed to be "saved" under the emerging Core Strategy and residential development would also therefore be compliant with the emerging document. It would furthermore accord with the National Planning Policy Framework insofar as that document requires that housing applications should be considered in the context of the presumption in favour of sustainable development, and prioritises the use of brownfield land. In this instance the locality is by definition sustainable, being within Town Policy Limits. There is therefore no objection to the principle of development of two dwellings on this site.

### *9.2 Highways and Access*

The development proposes the use of the same access as approved under the previous proposals, i.e. a private shared drive off of Westbury Road that passes between No's 12 and 12a, Westbury Road. The access has already been constructed to serve the two dwellings on land to the rear of no. 12, but the turning head would be extended to serve the units now proposed.

The courtyard parking and manoeuvring area has been enlarged relative to that for the currently extant permission on the site that had a narrower separation distance between the dwellings, which

were set at an angle on the site. Detached garaging was also proposed within the area now allocated exclusively for turning and parking.

The Highway Officer initially requested the submission of a tracking diagram for a medium sized service vehicle. This was done, but led to queries by a neighbour in relation to manoeuvring overlapping onto the adjacent site. In considering the highway recommendation and these comments it must be noted that there is an extant planning permission, with a fall-back situation where more constrained courtyard space was permitted. The extent of control that the applicant has over works to a turning/parking area is furthermore confined to the land under his ownership as defined by the red line of the application site.

In addition the proposals provide for integral carports to each of the dwellings, plus two parking bays which provide for wholly adequate provision equivalent to that provided in the previous permission.

The highway officer has confirmed that there is no objection, and has recommended only a condition in relation to the provision of the parking spaces/turning area as per the submitted plan.

### *9.3 Design and Neighbouring amenity*

A common theme in the objections raised by neighbours and the Town Council is the design of the new dwellings, the view being that a departure from design characteristic of the "surrounding area" is not acceptable. The contemporary appearance and materials are considered by them to be inappropriate in this setting. It is the case that Policy H1 includes the criterion that requires consideration of siting, layout and design which should be satisfactory and in keeping with the character of the surrounding area.

Related to this, current national guidance in the form of the National Planning Policy Framework states that *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."*

A key consideration therefore is whether or not there is "local distinctiveness" and resultant character that indicates that development in the Westbury Road backland allocation site should conform to an established norm.

The area carries no statutory designation for conservation of character or appearance.

In further considering the local context, it is clear that historically various arrangements of plots and housing have been permitted in the land between the dwellings fronting onto Westbury Road and the railway line. In the vicinity of this site, subdivisions providing for dwelling units of varying design have been permitted.

An example is the units to the east to the rear of No. 12, where substantial use of timber and large glazing areas to the primary elevations provide for a relatively striking contemporary appearance relative to the more conventional approach to design of the older housing that exists on the Westbury Road frontage. The following is an extract of the Design and Access Statement that was submitted in support of that development proposal:

*"It was felt that a more contemporary form of external appearance would look good, in this particularly visually isolated site, and (it was) decided on a mix of faced stone with vertical oak boarding and grey aluminium joinery with black fascia under a slate grey roof." and "The design of the proposed houses follows investigation into the various types and styles already approved and erected on similar sites in the area which revealed no particular theme."*

On the Westbury Road frontage itself the older dwellings have no standardised or repetitive form in terms of general appearance. It is considered that the one common factor to most dwellings in the area are that they are of fairly generous proportions on currently large plots. In the wider proximity, to the rear of 16 to 19, smaller and more randomly arranged subdivisions of land has occurred (Queens Chase). A more generous form of division then resumes behind the next four properties to the west,



beyond which higher densities apply towards the Town Policy boundary. There is therefore no regularity to the pattern of development or housing design within this approximately 600m length of backland, albeit that a more repetitive approach to design exists in the more modern estates to the west, but these do not sit in any way in the same visual context as the application site.

In summary: It is clear from Planning history that a uniform approach to the design and layout of the entire backland area will not emerge simply because owners are making individual decisions in terms of timing and design of applications. An ad-hoc approach has been accepted to date, a key constraint for further development being the provision of access to the area from Westbury Road. The form of residential development along Westbury Road and in the allocation site has in terms of design, size and type of dwelling been variable, albeit with a more conventional appearance to older units.

In the light of these factors it is considered that a highly contemporary approach to design using modern materials does not affect any "local distinctiveness". The application must be considered on its own merits. As outlined above the proposed dwellings sit in the context of the ad-hoc situation with regard to development in land to the rear of the Westbury Road frontage. The plots furthermore stand in isolation of any "standardised" street scene (and the wider public realm, being served by a private access). The W/11/01243/FUL permission did reflect a similar design approach to the completed neighbouring units but that in itself should not predetermine refusal of an alternative design on what are separate plots under separate ownership.

Insofar as neighbour amenity is concerned, in this instance the siting of the buildings would approximately aligned with the neighbouring units to the south east, with the unit on Plot 1 slightly forward of the dwelling to the north west, so as to simultaneously take account of the need to preserve and protect the larger trees (which have been subject to careful landscaping in all previous applications in this area) on the sites.

The existing permission would have sited the units so that they were set at an angle to the courtyard between them, with front facing windows orientated more towards the neighbouring units to the south east, producing a greater degree of intervisibility with rooms of the neighbouring dwellings.

The current proposals would revert to a situation with primary windows facing at 90 deg. to the neighbouring boundaries, together with no front-facing windows to habitable rooms. This produces an improved sense of privacy relative to that in the previous scheme, albeit that adequate separation distances existed in that case. The primary windows to habitable rooms in the proposed units face the rear of both dwellings, overlooking the private rear garden spaces to the new plots.

With regard to the neighbouring dwelling to the north east currently under construction, it is firstly noted that this sits on a plot wholly separated by a significant boundary hedge and trees under the control of the application site's owner, from the adjacent "Plot 1" on the application site. It is accessed via a separate driveway.

The trees and hedge are indicated for retention under the submitted drawings, which include proposals for their protection during construction. The dwelling being built on the neighbouring site has no windows to habitable rooms in the side facing elevation to the main body of the house (at first floor level there will be a bathroom with obscure glazing, and at ground floor level a garage, utility room and kitchen window all facing directly onto the hedge which varies in height but is substantially taller along the boundary than ground floor level).

A proposed garden room/conservatory to the dwelling being built would have "wrap-around" windows, with those facing north east orientated towards Plot 1 looking directly into the relatively dense hedge at a distance of  $\pm 3\text{m}$ . Other windows to the room would face south east and south west, into the generous garden area.

In considering the objections from the owner of the neighbouring site, the presence of the hedge and large trees to the southern aspect present separate and significant factors in terms of direct overshadowing and impact on light from the south. In terms of outlook from the front-facing windows to the dwelling under construction, the extant scheme W/11/01243/FUL would have placed a 5m high x 11m long garage block at 2m from the common boundary, all within the 45 deg "field of view from the front of the dwelling. This structure is removed from the revised proposals.

The new building on Plot 1 would furthermore not at any point fall within the 45 deg field of view "rule of thumb" guideline for loss of light or unacceptable visual intrusion from any front facing windows to the main body of the dwelling under construction. The dwelling to Plot 2 to the proposed scheme would be in excess of 30m distant, and would be obscured from view by one of the large trees to the boundary.

With regard to the relationship between the proposed units themselves it is considered that the scheme would be acceptable. The separation distance between the two dwellings would be 19m at minimum, with no windows to habitable rooms directly intervisible. No side-facing windows to habitable rooms are proposed to upper storey levels (bathroom and landing only). Substantial screening would be provided by trees and shrubbery in the wider area.

In view of the above, it is considered that, in the absence of any conservation status to the area and given the separation of the site from the more conventional Westbury Road street scene and the other estate developments in the proximity, refusal based on preserving local distinctive character would not be justified. The siting, design and orientation of the new units would furthermore not unacceptably harm neighbouring amenity. A requirement to impose a particular architectural style or meet a particular taste in this setting is not considered reasonable.

### *9.3 Affordable housing*

Where the site falls within a Policy H3 allocation area housing officers have confirmed that a commuted sum is acceptable. any permission will therefore require the completion of an amended S106 agreement to reflect the new permission.

### *9.4 Landscaping*

The drawings include proposals for landscaping and tree/hedge protection during development. This has been discussed with the Tree & Landscape Officer, who has recommended relevant conditions.

### *9.5 Conclusion*

The principle issue here is whether the contemporary design proposed is acceptable. Contemporary designs often provoke public debate, particularly given the normal 'traditional' route followed by most volume builders. However, national advice in the NPPF favours innovation and originality, and given that this site is located in a modern development outside of any protected area, and largely visually isolated from public view, it is difficult to justify a refusal on design grounds.

In the light of the above considerations, permission is recommended subject to the completion of a S106 Agreement in respect of a contribution to housing in accordance with Policy H3 of the WWDP, 1st Alteration 2004.

### **Recommendation:**

**Planning Permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of an amended legal agreement to secure a commuted sum towards affordable housing in accordance with policy.**

### **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 No development shall commence on site until details and samples of the materials to be used for the external walls, roofs and fenestration frames 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 No part of the development hereby approved shall be first occupied until the parking area and turning spaces shown on the approved plans have 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 and turning within the site in the interests of highway safety.

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

- 4 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority. 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;

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the 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 and section 197 of the Town & Country Planning Act 1990.

- 5 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 proposed work and working procedures prior to any demolition, site clearance and any development. 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. A report 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 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:  
Site Location Plan received on 30.08.2012  
D841 D01 received on 30.08.2012  
D841 D02 received on 30.08.2012  
D841 D03 REV A received on 30.08.2012

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.

- 7 This permission shall be alternative to planning permission W/11/01243/FUL given on 29.11.2011 and shall not be exercised in addition thereto or in combination therewith.

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

**Informative(s):**

- 1 The applicant is advised that reptiles are protected from injury/ killing under the Wildlife & Countryside Act (1981, as amended). Therefore prior to the commencement of construction work, the site must be cleared with due care and attention for reptiles: any significant debris (logs, large stones, piles of garden waste) should be checked by hand for the presence of reptiles sheltering beneath; vegetation should be cut down to 10cm, and left as such for several days before cutting further and removing the topsoil. All cuttings should be removed from the site. Vegetation clearance should take place outside the breeding bird season (March - August inclusive) unless checked beforehand by a suitably qualified ecologist for the presence of nesting birds.
- 2 The applicant is advised to contact Wessex Water (01225 526000) with regard to connections to water infrastructure and to check for the possible existence of uncharted sewers or water mains on, or near to, the site.. Wessex Water furthermore advises that the site is within a source protection zone and any discharge of surface water will need to be within Environment Agency guidelines.
- 3 The applicant should note that under current circumstances "wheely bins" will need to be set out on collection days at least within 25m of the access to the private road serving this complex and that future occupants should be made aware of this.
- 4 Network Rail invites the applicant's attention to matters to be considered in relation to adjoining railway land, where relevant:

**FENCING**

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

**DRAINAGE**

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 20 metres of Network Rail's boundary.

**SAFETY**

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

proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

#### GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

#### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

#### PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### ENVIRONMENTAL ISSUES

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

#### LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fence. Lists of trees that are permitted and those that are not are provided below and these should be added to any tree planting conditions:

Permitted:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Permitted:

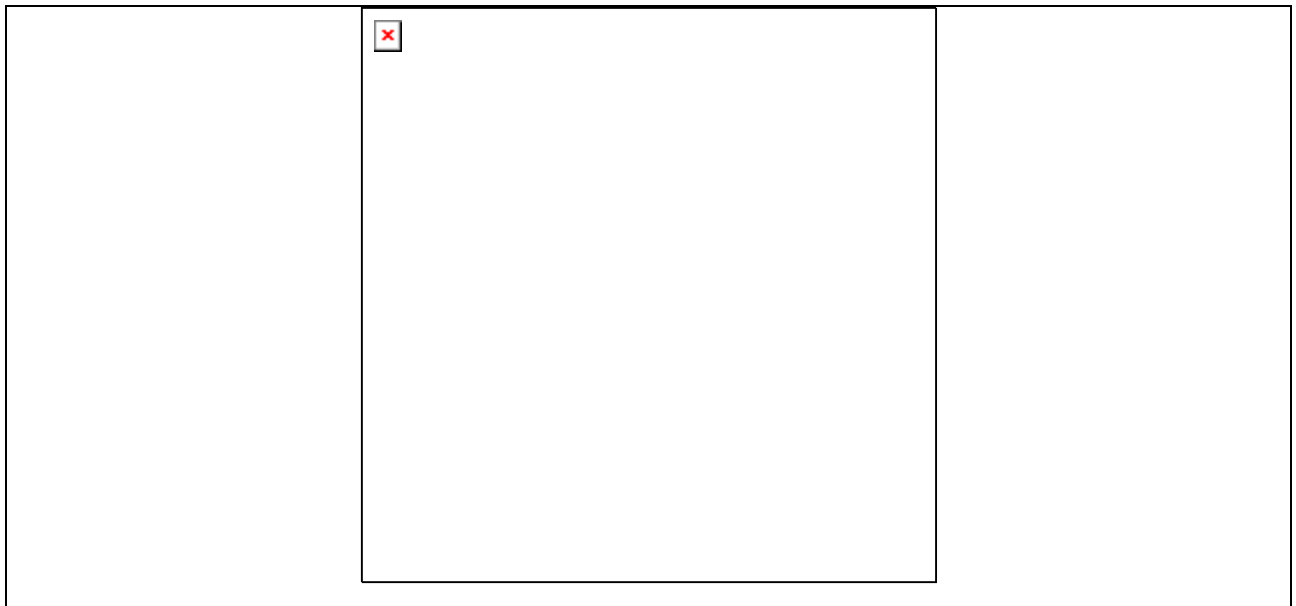
Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

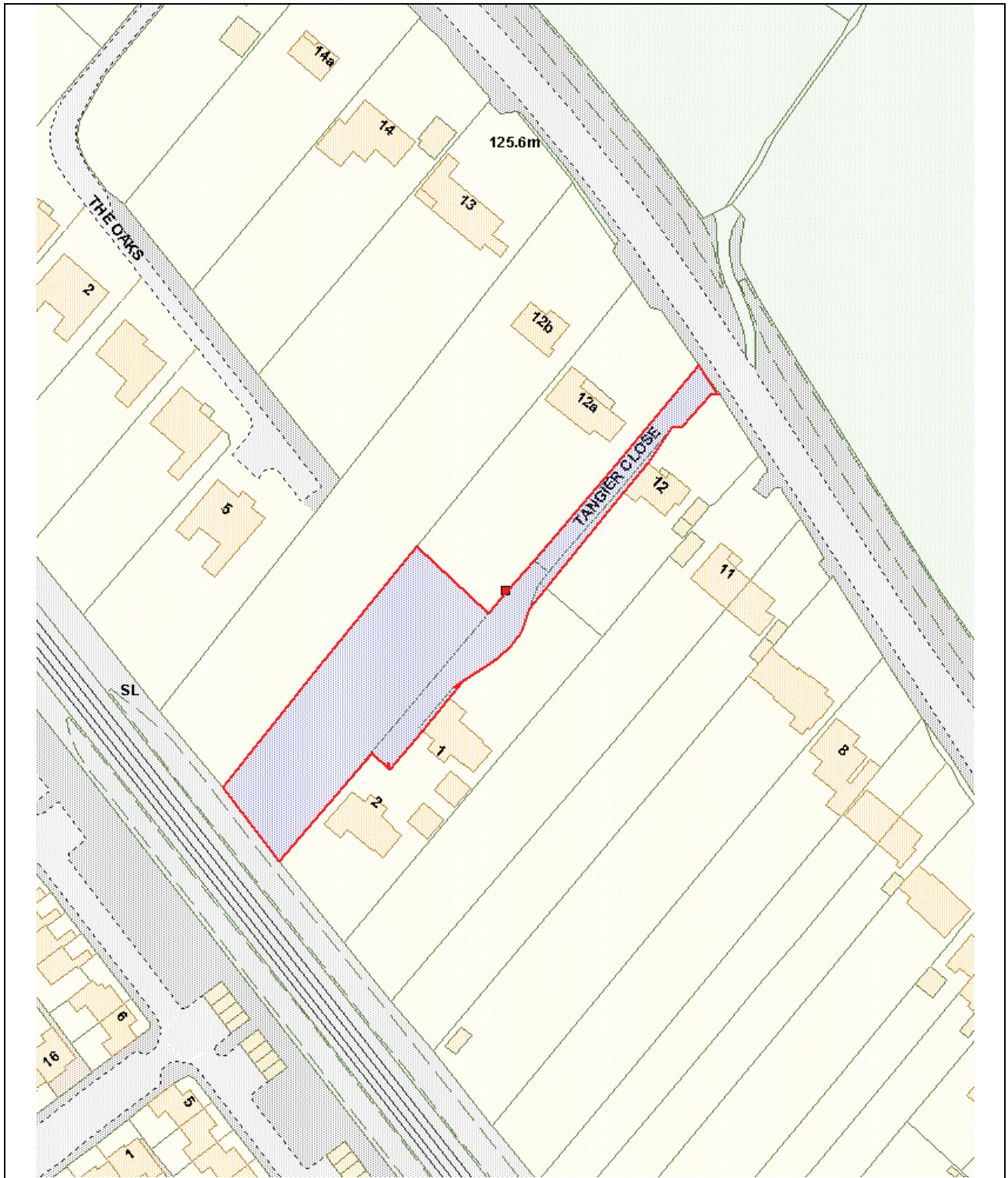
- 5 The applicant is advised to contact the Wiltshire Fire and Rescue Service (01225 756500) if any advice is required in respect of fire protection measures. Attention is invited to the information provided in the correspondence dated 07 September 2012 from that Authority.

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



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