

AGENDA

Meeting: Western Area Planning Committee
Place: The Cotswold Space - County Hall, Trowbridge BA14 8JN
Date: Wednesday 5 December 2012
Time: 6.00 pm

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

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

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

Substitutes:

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

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 - 6*)

To approve the minutes of the last meeting held on **14 November 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 28 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**

To consider and determine the following planning applications:

- 6a **W/12/01412/FUL - Land South Of Four Winds 81 Yarnbrook Road West Ashton Wiltshire (Pages 7 - 18)**
- 6b **W/11/02440/FUL - Land South Of Farm Bungalow Deverill Road Sutton Veny Wiltshire (Pages 19 - 38)**
- 6c **W/11/01663/REM - Land West Of Biss Farm West Ashton Road West Ashton Wiltshire (Pages 39 - 56)**
- 6d **W/12/01890/REG3 - Staverton Church Of England Primary School School Lane Staverton Wiltshire BA14 6NZ (Pages 57 - 64)**
- 6e **W/12/01720/FUL - Land North West Of 2 The Uplands Warminster Wiltshire (Pages 65 - 72)**
- 6f **W/11/02320/FUL - Land Rear Of 25 And 26 Union Street Melksham Wiltshire (Pages 73 - 86)**
- 6g **W/12/01893/FUL - Land Adjoining 51 Summerleaze Trowbridge Wiltshire (Pages 87 - 94)**
- 6h **W/12/01609/S73 - Church Farm Brokerswood Brokerswood Westbury Wiltshire (Pages 95 - 100)**

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

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 NOVEMBER 2012 IN THE THE COTSWOLD SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.

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 Pip Ridout and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Francis Morland

95 Apologies for Absence

An apology for absence was received from Cllr Jonathon Seed.

96 Minutes of the Previous Meeting

The minutes of the meeting held on **24 October 2012** were presented. It was,

Resolved:

That subject to the addition of Cllr Andrew Davis among the list of attendees as a substitute, and the substitution of 'closest' for 'closet' in Paragraph 3 of Minute 93.d, to APPROVE as a correct record and sign the minutes.

97 Chairman's Announcements

There were no announcements.

98 Declarations of Interest

Cllr Peter Fuller declared a non-pecuniary interest in application W/12/01544/FUL - *14 Newtown, Trowbridge, Wiltshire, BA14 0BA* - as a member of Trowbridge Town Council, which had previously considered the item. He stated he would consider the application on its merits and debate and vote with an open mind.

Cllr John Knight declared a non-pecuniary interest in application W/12/01544/FUL - 14 Newtown, Trowbridge, Wiltshire, BA14 0BA - as a member of Trowbridge Town Council, which had previously considered the item. He stated he would consider the application on its merits and debate and vote with an open mind.

99 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

No questions were received for the attention of the Committee.

100 **Planning Applications**

Attention is drawn to the documents attached to Items 6b and 6c as listed in report (Minutes 100b and 100c), which were circulated to the Committee at the meeting with the permission of the Chairman.

100.a W/12/01544/FUL: 14 Newtown, Trowbridge, Wiltshire, BA14 0BA

Public Participation

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

The Area Development Manager introduced a report which recommended the application be refused. Details were provided of late representations, with 5 letters raising no objection from two nearby business and three nearby residents, and a letter of objection from the owners of 4a Newtown. It was highlighted that the key issue for the application was the impact of amenity on 4a Newtown. A site visit took place prior to the meeting, as requested at the meeting on 24 October 2012.

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

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

The Local Member, Cllr John Knight, thanked Members for attending the site visit, and sought the views of the Committee.

A discussion followed, where the dimensions of the building and its dominance of the neighbouring site was debated, and the level of objection raised.

It was,

Resolved:

That Planning Permission be REFUSED for the following reason:

The proposed first floor 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.

100.b W/12/01412/FUL: Land South of Four Winds, 81 Yarnbrook Road, West Ashton, Wiltshire

Public Participation

Mrs Pauline Hume spoke in objection to the application.

Dr Angus Murdoch, agent, spoke in support of the application.

Mr Richard Covington, Chairman of West Ashton Parish Council, spoke in objection to the application.

The Area Development Manager introduced a report which recommended planning permission be granted. The exact location and details of the site in relation to West Ashton and the nearby crossroads were highlighted, and it was noted the site was served by pavement in both directions and that Highways officers considered the visibility at the access acceptable.

It was also noted that as the Council had, in its view, permitted the legally required number of Gypsy and Traveller pitches, the application did not need to be considered in the light of urgent need, but only by criteria set out in council policies as detailed in the report, and which officers felt the application abided by.

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

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

The Local Member, Cllr Francis Morland, then spoke in objection to the application.

A debate followed, during which the highway safety at the site was queried, and to what extent the application would impact on the highways in the area. Details of the pedestrian access and locally served bus services were also sought, along with specifics as to occupancy of the site.

It was,

Resolved:

That the application be DEFERRED until a site visit could take place, with an officer from Highways to be in attendance and additional details of traffic incidents on the A350 adjacent to the site to be provided.

**100.c W/12/01649/FUL: Land Rear of 12 and 12A Westbury Road,
Warminster, Wiltshire**

Public Participation

Mr Gary Bourne spoke in objection to the application.

Mrs Jennifer Chaundy spoke in objection to the application.

Mr Ray Taylor spoke in objection to the application.

Mr Richard Robins, agent, spoke in support of the application.

The Area Development Manager introduced a report which recommended approval. It was noted that permission for two houses on the site had already been granted, and therefore the only issue related to the proposed new design.

The Committee then had the opportunity to ask technical questions of the officer, where the extent of consideration to be given to the impact of the specific design was queried.

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

The Local Member, Cllr Pip Ridout, then spoke in objection to the application.

A debate followed, where the context of the application's design next to properties in the surrounding area was raised, as well as the scale and material of the proposal.

At the conclusion of debate it was,

Resolved:

That the application be REFUSED for the following reasons:

The proposed development, by reason of its design and external appearance, would be alien to its surroundings and out of keeping with the character of the surrounding area, which has an existing built and under construction context of more traditional building forms utilising pitched roofs and shorter eaves heights. The proposal therefore conflicts with policies H1A and C31a C of the West Wiltshire District Plan.

The proposed development on plot 1, by reason of its siting and the consequent scale and proximity to the adjacent house on plot 12b of the proposed external wall facing 12b, would have an overbearing and unacceptable impact on the amenity of the occupiers of the dwelling on plot 12b. This would conflict with policy C38 of the West Wiltshire District Plan.

101 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.05 - 7.55 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services,
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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/12/01412/FUL		
Site Address	Land South Of Four Winds 81 Yarnbrook Road West Ashton Wiltshire		
Proposal	Change of use for one Romany family		
Applicant	Mr William Sherrad		
Town/Parish Council	West Ashton		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	387492 155547		
Type of application	Full Plan		
Case Officer	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 m² 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."

Highways Officer

The proposal is acceptable subject to the following: visibility splays onto Yarnbrook road are maintained in excess of 2.4 metres by 160 metres; any entrance gates are set back 15 metres from the road and open inwards; the access is splayed and there is sufficient space within the site for the parking and turning of vehicles; andrain is installed to avoid surface water entering the highway.

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 Assessment against planning policy

The Council is required to determine planning applications in accordance with the policies of the development plan, unless material considerations indicate otherwise.

Policy CF12 of the West Wiltshire District Plan states that proposals to provide caravan sites for gypsies will be permitted in appropriate locations having regard to a number of factors. These are addressed in turn below:

(A) Potential nuisance to adjoining land uses, in particular, residential areas: - the site proposed is in a well-screened field that adjoins other fields and does not abut any residential areas. There is no evidence that a single pitch gypsy site in this location will create a nuisance to adjoining land uses. The proposal is therefore in accordance with this criterion.

(B) Encroachment into open countryside: - the site lies in a field in the countryside, but National Planning Policy makes it clear that sites in rural or semi-rural sites can be acceptable where their scale respects the scale of the nearest settled community and does not dominate it. (A six pitch site was recently approved at Hullavington in a paddock a mile outside of the village). Previous appeals, such as the one at Semington, have also examined whether the proposed site is subject to any special planning constraints or designations. This site is not in an area with any specific landscape or ecology designations and is for a single pitch within a few hundred metres of West Ashton. 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 only be visible from the public realm directly when passing the access to the site and then would be set back some 60m from the boundary.

(C) The needs and safety of future occupants and their children - the site has a tarmac pavement on the same side of the road linking the site to West Ashton. The proposed siting of the mobile home is set back into the site away from road traffic and noise. It is well contained. It has a long-established vehicular access onto the road that has good visibility in either direction to allow for safe access.

(D) Highway safety, access, pedestrian safety, the impact of traffic on local roads and access to public transport - as noted above, the site has a long established vehicular access onto the main road with good visibility in either direction. It is within a 50 mph speed limit. There is no objection to the proposal on road safety grounds from the highways officer. Pedestrian safety is provided by the footway on the same side of the road linking to West Ashton and in the other direction to Yarnbrook cross roads, where there are further facilities. Public transport is available nearby. The limited traffic generated by a single pitch will not have any adverse impact on local roads.

(E) Availability and adequacy of infrastructure - water and electricity supplies are available to the site and the single pitch can be adequately provided with on-site foul drainage.

(F) The proximity of local services and facilities - there are limited facilities, including a primary school in West Ashton, and other facilities, including a public house/restaurant, at Yarnbrook. Trowbridge is within 2-3 miles. The site is therefore considered to be a sustainable one in relation to this criterion and in this respect is similar to the Semington site, where the Inspector found that similar distances from Semington to Trowbridge and Melksham were acceptable.

(G) The need to protect the best and most versatile agricultural land - the land is not within this category.

(H) Potential flood risk - the site is well elevated and not at risk of flooding or causing flooding to other nearby landowners.

In the Core Strategy, the criteria set out in policy CP47 are very similar to those of the CF12, although encroachment is replaced with judging whether the proposal will have an unacceptable impact on the character and appearance of the landscape and the amenity of nearby properties - a matter that has been addressed above.

In the National Planning Policy for Traveller Sites, in addition to drawing attention to the fact that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, attention is drawn to the need to assess applications in accordance with the presumption in favour of sustainable development. Councils are also asked to consider the following issues amongst other relevant matters:

(1) the existing level of local provision and need for sites. - At present, due to recent appeal decisions and permissions, the Council's current position is that there is no unmet need for gypsy sites in this housing market area that would justify considering sites that would otherwise be regarded as unsuitable in planning terms for gypsy and traveller use.

(2) the availability or lack of alternative accommodation for the applicants. - The applicant has explained that the site that he previously occupied at nearby Bratton is now occupied legitimately by his son;

(3) other personal circumstances of the applicant - the applicant has explained that he needs his own site, and also that he has an elderly relative that he needs to care for;

(4) that the locally specific criteria used to guide the allocation of sites in plans or that 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 - this has been done, as set out above in detail in relation to policy CF12 and CP47;

(5) that applications for sites from any travellers should be considered, not just those with local connections - in this case, there is a local connection.

Councils are also urged to attach weight to the effective use of brownfield, untidy or derelict land (not relevant in this case); sites being well planned or soft landscaped in such a way as to enhance the environment (the site is well landscaped by the existing roadside hedgerow and other planting on the boundaries of the site); promoting healthy lifestyles and not enclosing the site in such a way as to

isolate it from the rest of the community (the site is wellscreened, but not hidden behind high bunds or turning in on itself).

9.2 Conclusion

The proposal is considered to meet the Council's stated criteria for assessing gypsy sites, as set out in the West Wiltshire District Plan and the emerging Core Strategy. Whilst the 'target' for the number of such sites to be provided may have been reached, the Council still has a duty, as set out in the national guidance, to assess applications on their own merits against its own stated criteria, as set out above.

Accordingly, the application is recommended for approval, with appropriate conditions to control the size of the site and its use.

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:

- Any entrance gates to be provided at the access shall be set back a minimum of 15m from the carriageway edge of Yarnbrook Road and shall open inwards only;
- The on-site provision of the space shown on the submitted plans for the 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.

The parking and turning facility, and visibility splays of 160 metres in either direction measured from a point 2.4 metres back from the carriageway edge at the centre of the access shall thereafter be retained.

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.

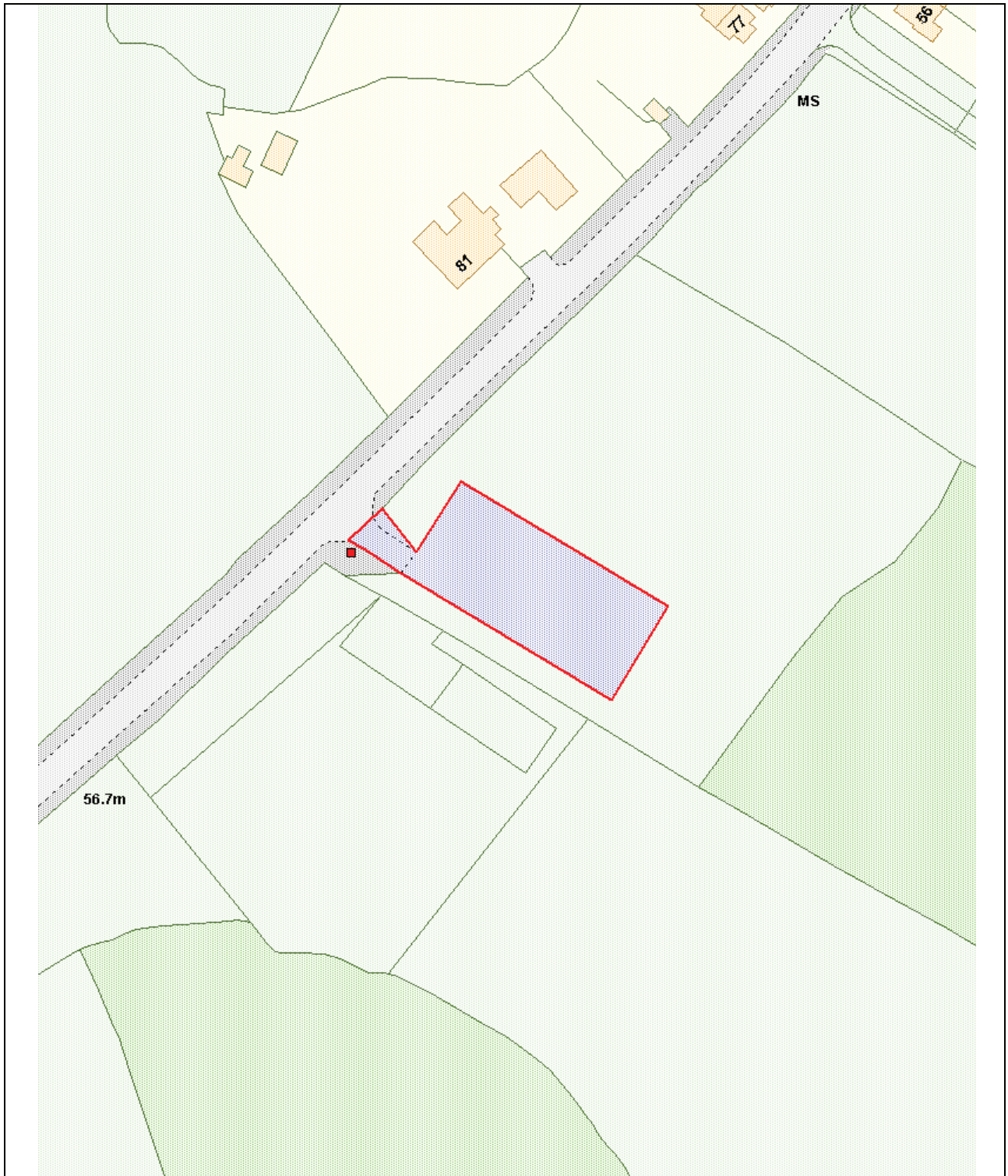
Informative(s):

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

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/11/02440/FUL		
Site Address	Land South Of Farm Bungalow Deverill Road Sutton Veny Wiltshire		
Proposal	Demolition of four existing poultry buildings and their replacement with five new structures along with the provision of associated infrastructure including feed bins and hardstanding.		
Applicant	Amber Real Estates Investment Ltd		
Town/Parish Council	Longbridge Deverill Sutton Veny		
Electoral Division	Warminster Without	Unitary Member:	Fleur De Rhe-Philippe
Grid Ref	389127 141677		
Type of application	Full Plan		
Case Officer	Mr Michael Kilmister	01225 770344 Ext 01225 770228 michael.kilmister@wiltshire.gov.uk	

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

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact

1. Purpose of Report

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

Neighbourhood Responses

140 letters of objection from approximately 127 households. One of which is from Spitting Feathers Sutton Veny & Longbridge Deverill Action Group which contains a petition of 400 signatories and another letter from Solicitors acting on behalf of the Sutton Veny & Longbridge Deverill Action Group.

Parish Council Response

Longbridge Deverill Parish Council object to the proposal, for the reasons set out in the report.

2. Report Summary

The main issues to consider are:

- Policy
- Visual impact
- Local amenity
- Highway Implications
- Other Matters

3. Site Description

The site is an existing poultry farm, situated to the west of Sutton Veny on the southern edge of the Deverill Road Trading Estate, a small industrial estate which is located between the villages of Sutton Veny and Longbridge Deverill.

The site extends to 3.17 hectares located in the Parish of Longbridge Deverill entirely within the Cranbourne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

The site is relatively flat but slopes in a southerly direction from north to south comprising of grassland containing a number of trees and hedges, areas of hardstanding and four poultry buildings, associated infrastructure and a farm dwelling all of which have been disused for about five years. Prior to ceasing the broiler production the four buildings provided approximately 155,000 broiler rearing places.

The site is already partly screened by an earth bund on the southern boundary and by existing vegetation in all directions. However, it has been identified that there is potential to strengthen the planting along the southern, eastern and western boundaries of the site.

The land use surrounding the site is almost exclusively agricultural or equine. The land directly to the north and adjacent to the site is a former army camp which has been used for light industrial uses for a number of years, with this site being characterised by a range of built development and light industrial activity.

Access to the site is via Deverill Road, a classified road (C41). Access to the surrounding area is provided by the A350 which is approximately 3/4 mile to the west, though the A36 is also only 1 mile to the east which also provides access to the wider road network.

Predominantly isolated rural properties form the residential provision within the area though the nearest lies within the trading estate and is approximately 230m from the development site. The edge of the village of Sutton Veny is some 400m distant.

There is a single public footpath linking Longbridge Deverill and Sutton Veny that crosses the holding situated north of where the proposed poultry buildings will be erected.

The application is accompanied by a Design and Access Statement and a Environmental Impact Assessment (EIA) which assesses the impact of the proposal on the local environment under a number of topic headings and sets out proposed measures to mitigate these identified impacts.

The main issues covered within the EIA are: -

- Waste Management;
- Impact of odours, dust and noise;
- Impact of ecology;
- Impact on the landscape.;
- Traffic issues

Also submitted was further information on

Emissions assessment

Ammonia and Odour Emissions Booklet

ADAS - Addendum to A Study of the Impact of Ammonia and Odour Emissions from the Redevelopment of the Broiler Chicken Rearing Unit at Sutton Veny Farm, Warminster in Wiltshire

4. Relevant Planning History

None

5. Proposal

The proposal involves demolition of the four existing poultry buildings currently in place and replacing them with five new poultry houses each measuring 97.6m x 23.2m, with a ridge height of 4.6m with ventilation chimneys adding 1.7m to this, to provide 223,900 bird places.

The buildings provided will be sited on new concrete slabs and a steel framed construction, clad with box profile polyester coated steel sheeting, coloured Merlin Grey on the gable and side elevations and goosewing Grey on the roof.

The scheme also seeks to provide the necessary site infrastructure including dirty and clean water handling facilities, feed bins and concrete yard areas.

Along the side elevations of the buildings close to the eaves will be a number of glazed windows fitted with internal blackout blinds. These windows will allow natural light into the buildings in accordance with current thinking on bird welfare.

The buildings will all be insulated to modern high standards with glass fibre insulation. Efficient insulation reduces condensation and the level of energy input required to maintain a stable environment. The new buildings will also allow for the use of low electrical consumption equipment further improving the efficiency of the unit.

The ventilation system will consist of high velocity roof extract computer-controlled mechanical ventilation. This system will principally comprise of 3 roof vents located just off the ridge of each building along with 6 vents over the saddle of the ridge at one of end of the building; all will house 710mm Ziehl-Abegg or similar fan units.

Six fans will also be provided in the gable elevations to allow for tunnel ventilation to be used at times of peak ventilation load (when the birds are close to fully grown and during hot weather).

Use of such a system will result in a well controlled environment inside the houses, with no condensation to cause litter to dampen. Good control of the internal environment will be the prime factor influencing litter quality, which in turn influences the amount of odour being emitted from a site. A drier litter is a less odorous one.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

C1 Countryside Protection; C2 Areas of Outstanding Natural Beauty; C31a Design
C32 Landscaping; C38 Nuisance; U2 Surface Water Disposal

National Planning Policy Framework (NPPF) (published March 27th 2012)

Core Planning Principles - Paragraph 17

Chapter 1 - Building a Strong Competitive Economy

Chapter 3 - Ensuring a Prosperous Rural Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

(In addition to the adopted and emerging plans and documents, the following Planning Policy Statements were extant at the time the application was submitted and are therefore referred to and incorporated in the various supporting documents and correspondence, although as they have now been replaced by the NPPF, they are no longer material considerations.

PPS1; PPS9; PPG13; PPS23; PPG24; PPS25.)

7. Consultations

LONGBRIDGE DEVERILL PARISH COUNCIL

At a meeting held on 2nd October 2011 the Parish Council supported the application

Following further revised plans Longbridge Deverill & Crockerton Parish Council held a planning meeting on the 13th April 2012 and voted two councillors for and three against the application.

The Parish Council would like the following objections considered. Highways grounds and the road narrows at the end of Sand Street. There are no pavements, many young children and families have to walk along the road and it is not wide enough to walk along and for traffic pass. Only one vehicle can go through Sand Street at a time.

The visibility, coming out of the Industrial Estate and the visibility of both lanes coming off of Sand Street was seen to be a big issue. The following conditions would need to be added should it be approved by Wiltshire Council Planning Committee.

1) The Parish Council would like a Curfew put in place for 7pm to 7am on the movement of materials and chickens to/from and within the site to match the adjoining Industrial Estates conditions already in place.

There was also concern whether the operation of the Chicken Farm would have a negative impact on employment on the Industrial Estate. The removal of waste was a concern and it was asked that this was clarified and that all traffic leaving with waste must be sheeted. The section 52 agreement would need to be checked as it is seen as a possible concern. Councillors asked if the public right of way could be kept in place.

SUTTON VENY PARISH COUNCIL (The site is adjacent to Sutton Veny Parish) who have provided the following comments

The Parish Council object to the application for the following reasons:

- 1). The application represents a massive 44% increase in the volume of birds on the site
- 2). The site is derelict at the moment and has evolved in recent years into a wildlife habitat
- 3). We find it impossible to believe that this volume of poultry and the use of some 60 extractor fans will not generate a significant nuisance factor in terms of both noise and odour. The nuisance would be continuous - animals do not recognise the weekends and bank holidays. The nuisance would apply to the surrounding workshops and homes as well as the village which lies for the most part downwind of the site.
- 4). The existing traffic movements do not stack up against those in the 2008 application on the site (08/02632). They are higher than 2008 and therefore the proposed vehicle movements represent a smaller percentage increase. The application does not specify the number and size of the tractors and trailers required to move several thousand tonnes of chicken litter along village roads annually. The resultant increase of heavy lorries and tractors with trailers onto the Longbridge Deverill road would further exacerbate the hazards prevalent on a narrow country road; a road with no passing places; a road used by cyclists, pedestrians and horse riders; a road with no pedestrian facilities; a road with a hidden dip close to the industrial estate entrance/exit.
- 5). The cycle from stocking to cleaning the sheds would appear to be 40 days. Add to this the 7 days for cleaning (4.2 in the Environmental Statement) and each cycle would seem to be marginally under 7 weeks instead of the 8 weeks on Table 6, which would further increase the total traffic movement by about 16% ie 1/6th.
- 6). The application will only generate 2 low paid jobs. The jobs losses will be significantly greater as follows:- a world class horse racing stable would have to shut up shop with the loss of at least 25 jobs; several small businesses involved in food production will become hygienically unacceptable resulting in at least 10 job losses. Some of the tenants on the Industrial Estate are already intimating that they may leave if the nuisance becomes intolerable.
- 7). Recently, after a number of years spent trying to find land, the Parish Council managed to secure a lease for 15 allotments. Both central government and local authorities have been urging us to do this for years. Unfortunately, these allotments are next to the chicken farm. The allotments have just completed their second season and are flourishing. The tenants are expressing grave concerns that

their hard work and enterprise will be destroyed. They fear that they will no longer be able to enjoy the fruits of their endeavours whilst working next to the noise and smell of the chicken farm. In conclusion, we believe that whilst this application is of a rural nature it is on a huge industrial scale. There is a strong feeling in the village that to allow this application to go ahead would be a monumental disaster. Accordingly, we feel that it should be rejected

WILTSHIRE HIGHWAYS

No objection

WILTSHIRE COUNCIL RIGHTS OF WAY

No objection

WILTSHIRE COUNCIL ECOLOGIST

No objection subject to appropriate conditions being attached

WILTSHIRE COUNCIL LANDSCAPE OFFICER

No objection subject to condition concerning protection of existing trees.

WILTSHIRE COUNCIL PUBLIC PROTECTION

No objection

ENVIRONMENT AGENCY

No objection in principle to the proposal but would, however, wish conditions to be attached concerning surface water and contamination.

Additional letter received after initial response to provide clarification regarding whether the proposal will require an Environmental Permit and what issues a Permit would address.

The proposal will mean the farm will have a capacity exceeding 40,000 poultry birds. This will require an Environmental Permit from the Environment Agency before the commencement of operations. Under the Environmental Permitting regime our assessment for the permit will address the following key areas:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery
- Operating activities and techniques including the use of poultry feed, housing design and management, slurry spreading and manure management planning)
- Emissions to air and discharges to water, land and groundwater along with odour, noise and vibration
- Information – monitoring, records, reporting and notifications.

All of the above are assessed within the requirements of Best Available Techniques (BAT). The pre-application screening will look at potential impact on sensitive receptors.

When assessing the application for a permit we will set conditions in the permit to ensure the emissions and discharges are at a level that will not result in significant impact on people and the environment, reflecting current statutory requirements. If the applicant does not demonstrate an ability to comply with such conditions, the permit will be refused.

NATURAL ENGLAND

No objection. Based on the information submitted, the proposals are unlikely to result in a significant effect on the European Sites (Salisbury Plain Special Protection Area/Special Area of Conservation/Site of Special Scientific Interest River Avon Special Area of Conservation/River Avon System Site of Special Scientific Interest).

AONB OFFICER

No objection subject to conditions being attached regarding materials and appropriate landscaping/trees being planted.

WILTSHIRE COUNCIL AGRICULTURAL CONSULTANT

The planning application is to remove the existing buildings and to replace them with five new production sheds.

The buildings are proposed for the accommodation of broilers under an intensive indoor system. The key design requirements for such buildings are:

- * Sufficient space for the birds, in order to comply with EU legislation
- * Sufficient daylight for the birds, to comply with industry best practice
- * Heating for the birds when they first arrive and insulation to ensure an optimum temperature to sustain growth.
- * Ease of access to enable de-population, clearing out and re-population

Under the EU Directive on Broiler Welfare stocking density must be less than 39kg live weight per m² of the building. The proposed buildings have been designed to operate at 32 kg LW/m², so the buildings achieve compliance with the Directive. In the event that the weight limit is reduced below 32 kg LW/m² in future years then the stocking density at the unit would need to be reduced.

The buildings will be fitted with windows along the upper elevations. The applicant's agent advises that the windows will allow sufficient daylight into the buildings, to comply with current industry practice.

A key element of the production of broilers is to ensure as much energy as possible is converted from food into the growth of the bird and hence the production of meat. To that end it is essential to provide artificial heat when the chicks are first brought onto the unit and thereafter careful control of the temperature in the buildings to ensure an optimum environment is maintained. The temperature is essential so that the bird's energy is not diverted to keeping itself warm, but concentrated on the development of muscle (meat). Artificial heat is retained in the buildings through high levels of insulation.

A further element to the environment within the building is to ensure there are sufficient air changes so that the buildings do not become damp through respired air. Fan systems are therefore an essential part of broiler production. The application papers indicate that the proposed buildings will be equipped with high velocity fans to mitigate the effects of condensation.

Overall it is my opinion that the proposed buildings are of an appropriate size and design for the type and quantity of production that is proposed at the site.

The proposed buildings are essential for the proposed agricultural activity at the site.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 14th October 2011

Summary of points raised:

140 letters of objections have been received from approximately 127 addresses in respect of this application and a petition is included with over 400 signatories (many of whom have already sent in objections and many names on petition are from single households or names with no address). These objections make reference to some or all of the following points:-

In an area of outstanding natural beauty
Lorry movements late at night and in the early hours
Access to the site is poor
Smell on clean out days

Battery farming a thing of the past
Oppose increase in size of buildings
Chicken faeces droppings in trading estate
Noise of transportation during night and chicken crates loaded
Hours should be restricted to between 7am to 7pm
Unsuitability of roads
Articulated lorries
Vermin on site
Increasing traffic congestion
Adjacent racehorse training stables may be forced to close
Loss of around 25 jobs
Racehorse stables forced to move to alternative location
Concerns over health of owners horses and the staff who work there
Significant increase in carbon emissions
Road safety
Adds nothing to local community
Road too narrow
Racing stables created 30 jobs
Create precedent for additional chicken or other development on the trading estate
Only creates two jobs
This proposal detrimental to the interests of the local community
Will not improve the quality of the local environment
Animal welfare
Economic impact on villages
Nuisance to neighbouring properties
Dust issues
Ammonia levels in close proximity and potential harm to Horses First and allotments and nearby food business.
Very strong local opposition
Unsustainable development
Allotments – within 100m of pollution area
Loss of employment due to possible move of Horses First Racing
Never expected large lorries on roads as already have large tractors on a regular basis.
Doubling of traffic, night time vehicle movements increased
Danger to pedestrians and cyclists
Noise pollution
Air pollution/poor air quality
Allotments unsafe to work in due to Ammonia fumes, flies and additional rodents
Factory farming for thousands of chickens
Smell and rat infection
Dust omitted from site
Smell will be unbearable
Wind predominately comes though the valley west to east; therefore the whole village of Sutton Veny will be affected.
Difference of opinion between veterinary practices concerning horses welfare
Light pollution
No pavements or street lights to protect residents
Damage to properties caused by large vehicles, tractors, trailers and very large farm machinery
Fabric of village, age old walls and listed cottages already at risk from large vehicles
Extreme conditions could cause serious accidents involving a lorry load of chickens
The proposal will affect our business
Wildlife and tree sparrows affected
Can not risk contamination to our food business
Cheap way of rearing birds for slaughter
Affect people walking on the public right of way
Flooding
Affect drinking water
Does not comply with local policy and government guidance

9. Planning Considerations

9.1 Planning Policy

The Government's 2012 "National Planning Policy Framework" (NPPF) supports a prosperous rural economy, including the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. It also promotes the development and diversification of agriculture and other land-based rural businesses. The NPPF is a material consideration in planning decisions

However, the law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Therefore the development plan should be the starting point in determining the application and other material considerations, starting with the NPPF, should be taken into account in reaching a decision.

The key relevant Local Plan policies that need to be considered in relation to the principle of the development are policies C1 and C2 of the West Wiltshire District Plan First Alteration. While the emerging Core Strategy can be given limited weight at this stage, the principles of policies C1 and C2 are taken forward in CP51 and the NPPF.

The site is located in the open countryside where Policy C1 states: Development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation, unless there is an agricultural, forestry or other overriding justification such as essential transport improvements, schemes of national importance or overriding benefit to the local economy. Acceptable mitigation measures will be implemented where appropriate.

Policy C1 is therefore supportive of agricultural development . The proposed development relates to the expansion of an existing poultry farm by replacing four poultry buildings with five new poultry buildings and associated infrastructure to bring the overall poultry numbers to approximately 223,900 from the previous use of 155,000 birds.

The modern purpose built poultry accommodation at Sutton Veny Poultry Farm is required to support the market demand from the expanding poultry sector. The new poultry accommodation is designed to ensure the highest levels of stock welfare and to minimise external impacts.

Policy C2 deals with development in Areas of Outstanding Natural Beauty.

The national landscape importance of the Cotswolds Area Of Outstanding Natural Beauty and the Cranborne Chase And West Wiltshire Downs Area Of Outstanding Natural Beauty, shown on the Proposals Map, will be conserved and enhanced. Priority will be given to the landscape over other considerations and development proposals likely to be detrimental to the special landscape character will not be permitted. Proposals for new development essential to the economic and social well-being of the rural community will be permitted, having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations. Major industrial or commercial development will only be permitted where it can be demonstrated to be in the public interest, having taken account of the need for the development, in terms of national considerations, the cost and scope of developing elsewhere and any detrimental effect on the environment and landscape.

Agricultural development is essential to help ensure the economic wellbeing of the rural sector. In the case of the poultry sector significant investment in new buildings is needed across the country to offset the decline in building stock and quality caused by previous poor conditions. Despite the need for new development it is recognised that proposals within sensitive landscapes have to be dealt with in a sympathetic manner with all potential impacts of the development proposed being very carefully considered.

The principle for an agricultural development of this nature in this location is therefore in accordance with the policies of the development plan and the NPPF. Moving on from the principle, the details of

this particular proposal need to be carefully assessed in relation to the visual impact; the amenities of the locality, local landscape character and highway safety.

9.2 Visual Impact

The issues to consider are the landscape character and the visual impact. In terms of character, the site and its surroundings are located in an area of existing poultry buildings; an industrial estate and other rural activities (farming, equine etc). The character will remain unchanged as the existing poultry buildings will be replaced with newer poultry buildings.

In relation to the visual impact, the layout and orientation of the new buildings will be the same as the existing buildings, and the replacement buildings will be of similar construction and have approximately the same eaves and ridge heights as the existing buildings. The redevelopment of the farm will take place within the boundary of the existing farmyard although the buildings will extend further to the north.

The existing poultry buildings measure approximately 95.2m x 18m x 4m with the roof ventilation unit giving a height of approximately 5m. The proposed poultry buildings measure approximately 97m x 23m x 4.6m with the roof vents adding just less than 1.7m to this.

The existing poultry buildings are low level and cannot easily be seen from within the surrounding landscape due to the natural contours of the site and enclosing hedges, shelter belts and soil bunds. The site of the existing poultry buildings is enclosed on the southern side by an earth bund and on the western boundary by a 6 m tall dense beech hedge. The farm track alongside the buildings to the west is also lined with a dense hedge of field maple, hawthorn, and cypress trees, extending to over 5 m tall. Views from the public footpath outside of the confines of the trading estate further west are obscured by the hedges.

There are no views into the site from the south due to the earth bund at the rear of the buildings and then the landform of Longbridge Hill and obscures any further views from the south back to the site. There are limited views from Sutton Veny to the east due to existing existing trees and hedgerows. This can be reinforced with further landscaping.

The extent of visibility of the site will not alter as the buildings are of the same scale and type of construction as those already on the site. The uniform nature of the new buildings and the selection of a sympathetic choice for the external cladding and colour should act to further reduce their visual impact.

The AONB officer has commented that it strongly advises that a light grey – apparently proposed – would be inappropriate as that light colour would not enable the roofs to blend with the landscape. We would recommend the use of a darker Moorland Green colour on the roofs of the buildings. If you feel a slightly lighter shade could be appropriate for the walls then, again, I would suggest a green rather than a grey tone. This can be conditioned.

The extent of visibility of the site is limited by the natural contours within the wider landscape, and by the appropriately placed shelter belts, hedges, and soil bunds, which largely enclose the site and visually isolate it from the surrounding landscape.

The site is well screened and therefore the visual impact on the appearance of the surrounding countryside and in particular its location within the Area of Outstanding Natural Beauty would be fairly minimal.

9.3 Local Amenity

The nearest residential property is over 230m north from the proposed new poultry buildings. Thereafter two further residential buildings are over 340 metres away again towards the north. Adjacent to the site to the east is where the equine activities take place, to the north is Longbridge Deverill Trading Estate and to the west, south of the access road at the entrance are allotments.

A large number of objections have been raised in regard to the potential increase in odours, dust and noise as a result of the new buildings and activities being carried out on the site.

There are concerns that the operation will generate unacceptable smells at certain times and therefore people will be unable to enjoy being outside. There are also concerns about the noise of ventilation systems, deliveries and other onsite operations which could be a problem, with disturbance occurring at unsociable hours i.e. at night. As well as concerns over the potential for contaminated dust and other emissions from the ventilation system.

The Council's Environmental Protection Officer has commented that

'The site will house more than 40,000 poultry therefore the site will require a Permit from the EA before being able to operate. Noise, fugitive emissions (including dust and flies), odour, ammonia releases from the premises will form part of the conditions within the Permit. With regard to this particular application this is the primary legislation which will be applied and should address all areas of concern in relation to potential noise, dust and odour issues.

We have powers to investigate complaints and problems in relation to noise, dust and odour emanating from premises, however, in this case as the site will be Permitted by the Environment Agency these powers are overridden.

However, we would concede that providing the applicant complies with the design criteria in their report entitled Noise Impact Analysis of replacement Poultry House Buildings, The Hatchery, Deverill Road Trading Estate and dated 17 June 2010 we will not object.'

In relation to Air Quality the Environmental Health Officer has commented the following

'With regard to the particulate levels and exceeding air quality objectives (EU levels) the annual average objective is 40 ug/m³ and a 24 hour average of 50 ug/m³ not to be exceeded more than 35 times a year.

LAQM. TG(09) states that in local air quality terms we only need to consider poultry houses which have in excess of 400,000 birds in a mechanically ventilated unit before the likely hood of exceedences of the PM₁₀ objective being exceeded. The proposed poultry units will house 223,900 birds.

The objective levels set are health based and there must be a 'relevant' exposure ie residential properties, schools, hospitals near the area of concern. The nearest residential property is Java Bungalow at 230m. People passing by (or in this case riding by) would not be classed as a relevant exposure bearing in mind the objective levels are for 24 hour periods and an annual average.

In conclusion the particulate objective is unlikely to be breached in this location. The objectives can only be applied to human health, so I am unable to make any comments with regard to the impact upon horses.'

The applicant has stated regarding odour

'there appears to be an element of concern and some confusion regarding potential risks in and around the proposed buildings. Any odour from these ventilated buildings is a small percentage and therefore in no way considered to be a risk. There are various activities undertaken within close proximity of the site; horses walked on the neighbouring land to the east, users of the public footpath to the north, workers and visitors to the industrial estate and the allotments to the west. There is no risk to human or animal health. A question was raised regarding the use of facemasks on site. There is a duty of care on the part of the employer to provide the necessary personal protective equipment, partly for health & safety reasons and partly biosecurity.'

The Environment Agency have stated

'The impact of odour is taken into consideration during our permitting process however this does not always include the assessment of odour modelling. As part of any permit application an odour management plan will be required.

Where there are residential properties within 400 metres of intensive farming an environmental permit will include a condition that requires there to be no pollution, as perceived by an Environment Agency officer, unless all appropriate measures have been taken to prevent or where not practicable, to minimise emissions and odour. Where intensive farming is proposed within 400m of an existing or potential future receptor sensitive to odour, noise or dust, additional mitigation measures to control emission to air may be needed, this might affect the type and height of ventilation and the need for abatement equipment to mitigate the risks.

Appropriate measures to minimise odour include but are not limited to those in the odour management plan. When we approve an odour management plan, during the determination of a permit, we will agree the scope and suitability of measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. This will remain the responsibility of the operator.

If the operator follows an odour management plan to deal with amenity issues and takes all reasonable precautions to mitigate these impacts, the facility and community can co-exist. We recognise that no odour management plan can cover every eventuality and even if the operator is taking all the appropriate measures specified in their plan, some odour pollution may still occur as there are limits to the mitigation the operator can apply.

In exceptional circumstances the Environment Agency can revoke an operators permit if the emissions from the activity are not considered acceptable.

Pollution is defined in the Regulations as:

'any emission as a result of human activity which may be harmful to human health or the quality of the environment, cause offence to any human senses, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment.'

The Environment Agency (EA) will only issue a permit or variation if they believe that significant pollution will not be caused and the operator has the ability to meet the conditions of the permit. The EA would need to be satisfied that the standards proposed for the design, construction and operation of the facility meet or exceed their guidance, national legislation and relevant directives".

To take odour as an example, the EA would regulate the site using the odour condition within the permit. "If the EA consider the residual odour is at such a level that it is unreasonable it will be necessary for the operator to take further measures to reduce odour pollution or risk having to reduce or cease operations". The same policy and course of action applies to other environmental considerations such as ammonia, dust and noise for example i.e. if the operator does not comply the permit is withdrawn.

The withdrawal of the permit would have serious ramifications on a business (particularly financially) as the scale of the unit would have to drop below 40,000 birds and then the unit would be 'policed' by the council's environmental health department.'

For information, unlike in many other developments where planning consent is granted, conditions discharged and the scheme is built, so discharging responsibility and control away from the local planning authority (except where enforcement is a course of action), for this poultry unit where a permit is required it is monitored by the EA regularly, at the least annually, to ensure compliance with the permit. The operator pays a fee each year for the permit and the ability to operate. If there is a concern in the future that what is discharged from the buildings (noise, odour, dust etc) it is for the EA to take any complaint and action accordingly.

In relation to the noise aspect it should be remembered that this is an existing poultry farm which many of the issues raised would be carrying on for example the deliveries and other onsite operations.

In sum, the Council have no evidence that the operation of these poultry units would cause any unacceptable impact on the amenity of the area through odour, dust or air quality.

9.4 Highway Implications

The Highways Officer is satisfied that the information provided in the submitted Transport Statement is reasonable and the estimated traffic generation is not contested. Whilst it can be difficult to interpret and extract relevant information, Highways remain satisfied that the overall increase in traffic compared to the previous authorised use is insignificant at 2-6 trips per week.

Of concern to local residents is the fact that the 'existing traffic' currently does not exist, as the poultry units are not operating. But as the existing lawful site use could recommence without the need for planning consent, the fall-back position needs to be taken into account.

The Highways Officer notes that the use of articulated vehicles is proposed at only two trips in week 8 of the cycle. However it is recognised that HGV movements resulting from the development would be better directed to and from the A350 road in order to avoid restricted movements within Sutton Veny village. The Agent has confirmed that 'the lorries would turn left out of the site towards the A350 (westerly) then onto the A303 thereby avoiding travelling through the village' (Sutton Veny).

The Highways Officer therefore recommends that for the avoidance of doubt, a Traffic Management Routing Plan (TMRP) should be submitted and approved by the local planning authority before development commences and the TMRP be implemented in accordance with the approved plan. A condition to this effect should be included as part of any consent.

Vehicular access to the site is via an existing established Trading Estate access point onto Deverill Road within a 40 mph speed limit. The local highway authority considers that the existing access which already caters for the traffic generated by the Trading Estate, is adequate and suitable to accommodate the additional traffic resulting from the proposed development.

Whilst it is acknowledged that Sand Street is narrow in places and without separate pedestrian facilities, the insignificant increase in traffic above and beyond that which the existing use could generate, is considered acceptable. There are no reported personal injury road traffic accidents along this section of road.

9.5 Other Matters

There is concern from some objectors regarding issues on poultry waste. For clarity this is detailed in the Environmental Statement (ES), with waste bedding being taken off site via sheeting tractor and trailer typically by farmers in the area to spread on their agricultural land as a soil conditioner/fertiliser. The agent has stated that there may in some instances (where available) be scope to send the waste material to an alternative point of disposal e.g. a local power station or anaerobic digestion plant to generate power. In either case the waste is taken off site under controlled conditions regulated under the Environmental Permit from the Environment Agency.

Once the material is taken off site, it is then the responsibility of the third party and their storage and spreading of the material must meet the Code of Good Agricultural Practice and, where applicable, Nitrate Vulnerable Zone (NVZ) requirements.

There has been concern regarding vermin level on the site. It is not in the applicant's interest to have vermin on site given biosecurity is paramount. There are also Permit requirements to control vermin under other legislation.

In relation to ecology – a Phase 1 Habitat Survey has already been undertaken by a qualified ecologist to assess the impact of the proposed development on the existing habitat. Reference has been made by the AONB officer and others regarding tree sparrows. As part of the CEMP

(Construction Environmental Management Plan) referred to in the report, bird mitigation such as new nesting boxes etc is included. The applicant has stated that a bird nesting survey will be undertaken before clearance and demolition works commence (If works are to commence between 1st March and 31st August) otherwise works will be undertaken outside of the active bird nesting season.

The proposals will retain the important habitats (boundary hedge bank, trees and shrubs, and there will be new native species planting)

The Ecology Officer has stated that 'the details of appropriate precautionary working measures have been provided in the large Phase 1 Habitat Survey report (for badgers) and the Reptile Survey report. The development should be carried out in accordance with these guidelines. However, the report also proposes a further CEMP and further Mitigation Method Statement which are not considered necessary, and the 'Site Specific Mitigation' includes several measures that are not reasonable when considering the scale of the proposed development and the impacts (i.e. the installation of 15 bat boxes; post-construction monitoring surveys). If the applicant is willing to install a practical number of bat and bird boxes (in addition to those for tree sparrows) then that would be welcomed. The Ecologist Officer has recommended an informative to be attached to in relation to the above.

In relation to the possible risks to the neighbouring horses adjacent to the site from discharges from the poultry unit, Officers requested further information from vets acting on behalf of the applicant and in their professional opinion, there 'was no evidence or recorded incidence of harmful effect to horses and therefore the potential impact on the neighbouring racing yard should be negligible.'

The Environment Agency commented with regards to the permit that they will not consider the race horses (either individually or collectively) to be a sensitive receptor. Only places where humans are present and considered in this respect, i.e. the offices and parts of the business where humans are working. As part of the application process (permit) we would consult with the Health Protection Agency and invite comments from concerned individuals or groups but this would be based on health impact of humans, not animals. Therefore the racehorse business will be considered as a sensitive receptor, but only in respect of impact on humans.

The planning and pollution control systems are separate but complementary. Planning authorities should focus on land use issues rather than the control of processes or emissions themselves. Planning authorities are advised to work on the assumption that the pollution control regime will be properly applied and enforced.

Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment from different sources to the lowest practicable level.

10. CONCLUSION

This site has been the subject of considerable public interest. As a result it has generated much debate and correspondence.

Local Planning Authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

The proposal is on an existing poultry farm to remove existing dilapidated poultry building which are to be replaced with a more efficient modern purpose built accommodation ensuring the highest levels of stock welfare and minimising external impacts. This is in accordance with both national and local planning policy and guidance, which allows development that supports a prosperous rural economy, including the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. The various concerns in terms of impacts have been carefully assessed and addressed.

This is after all an existing poultry farm, last operational in December 2005, and one which may continue to operate as a poultry unit in the future dependant on obtaining permits, either based on the

existing layout or the new proposal. The National Planning Policy Framework clearly supports agriculture and the production of food and encourages the provision of modern facilities.

For the avoidance of doubt the Council can grant permission for the development. However because of the scale it requires a permit from the Environment Agency (EA). If the submission does not satisfy the EA, a permit cannot be issued and the site cannot operate. It is therefore very clearly in the applicant's interest to ensure that all the necessary information provided is sufficient for the EA to grant a permit.

The proposal is for agricultural development and therefore in principle is acceptable in this countryside location. Officers consider on balance taking the above into account that the proposed development would not have an adverse impact on the character or appearance of the locality and in particular the Area of Outstanding Natural Beauty within which it is situated. The development would not give rise to conditions that would prejudice the amenities of adjoining residents nor would it adversely affect highway safety. Consequently the proposal is considered to comply with the relevant policies in the development plan and the NPPF.

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 development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA), H20K, dated August 2010, Reference J-3198-BW, and the following mitigation measure detailed there in. Limiting the surface water run-off generated by the 1 in 100 year critical storm, including an appropriate allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 3 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON: To prevent pollution of controlled waters.

- 4 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 :-

- location and current canopy spread of all existing trees and hedgerows on the land;

- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities,
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft 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);
- details of the bundings
- details of works to the public footpath

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

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

- 5 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.

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

- 6 The development shall be carried out in accordance with the hereby approved plans (other than where amended by details submitted to and approved in writing in any subsequent discharge of planning condition application(s))

JW/0663/2010/200-01 revision A - Location and site plans

JW/0663/2010/200-02 – Survey plan

JW/0663/2010/200-03 revision B – Proposed layout plan

JW/0663/2010/200-04 – Floor Plan

JW/0663/2010/200-05 revision A – Sections and elevations

JW/0663/2010/200-07 revision A – Drainage plan

JW/0663/2010/200-08 revision A – Lighting plan

JW/0663/2010/200-10 revision A – As existing elevations and site sections

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

- 7 Prior to development commencing a Traffic Management Routing Plan (TMRP) shall be submitted to and approved in writing by the local planning authority. The TMRP shall be implemented in accordance with the approved plan.

REASON: To ensure that the developer can control the direction of HGV traffic entering and leaving the development site.

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

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

West Wiltshire District Plan 1st Alteration 2004 – Policies C35 and C38

- 9 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- 10 No development shall commence on site until details of the LPG tank to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 – Policy 31A

- 11 The development hereby approved shall comply with the design criteria in their report entitled Noise Impact Analysis of replacement Poultry House Buildings, The Hatchery, Deverill Road Trading Estate (dated 17 June 2010) so that to ensure that the overall sound from the plant will be 10dB below the existing background level and that the sound emission from each of the 60 fan units shall be restricted to 52dB LAeq at 1m distance from each outlet.

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

West Wiltshire District Plan 1st Alteration 2004 – Policy C38

Informative(s):

- 1 The applicant must ensure the development complies with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO). These regulations aim to prevent water pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new, substantially reconstructed or substantially enlarged facilities for storing these substances. Storage facilities should be sited at least 10 metres from inland freshwater or coastal water and have a 20-year life expectancy. The Environment Agency must be notified in writing about any new, substantially enlarged or substantially reconstructed system at least 14 days before it is first used. Further guidelines and factsheets on the SSAFO regulations are available from the following website:

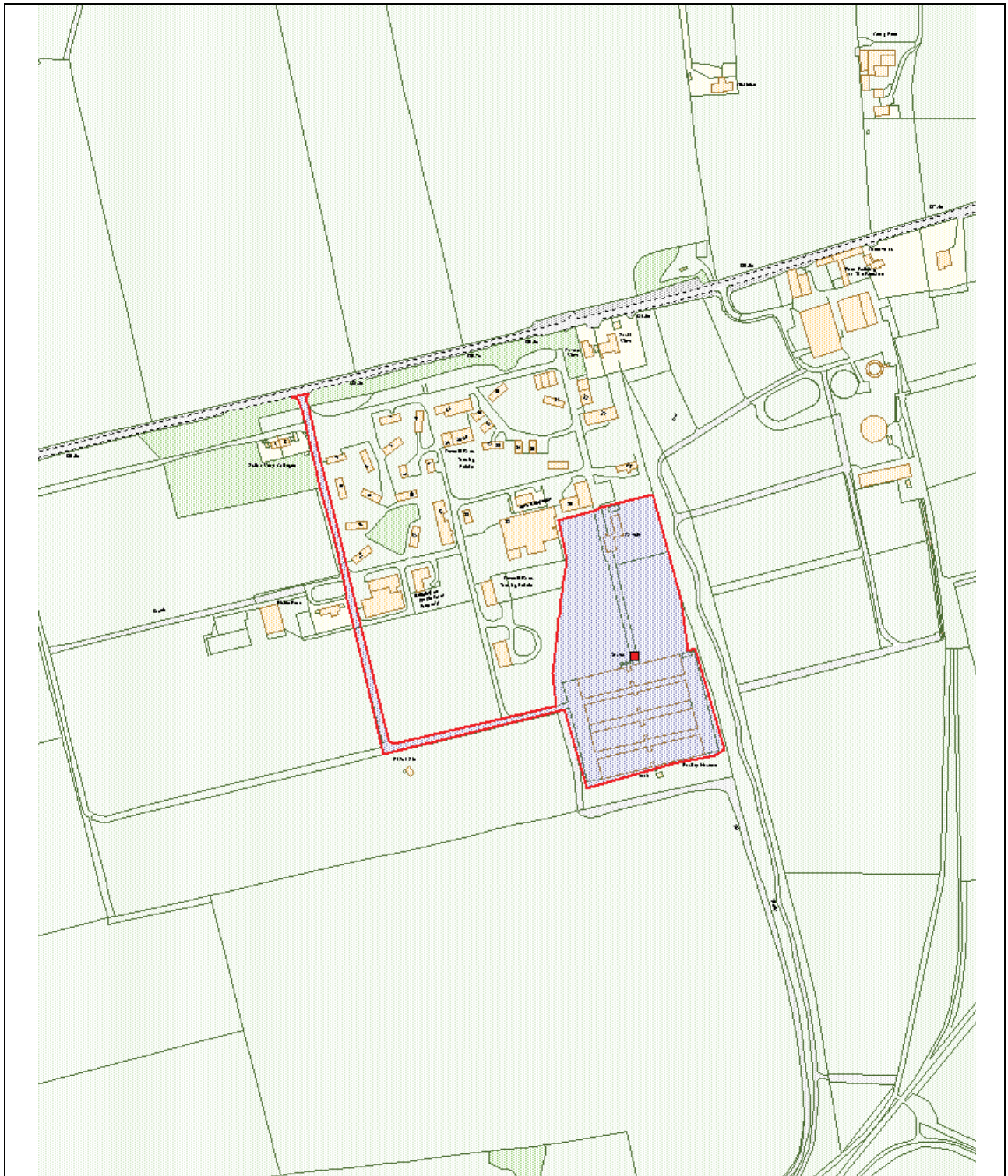
<http://www.environment-aencv.aov.uk/business/sectors/118798.aspx>

- 2 Badgers, reptiles and breeding birds have been identified at the application site; badgers are protected by The Protection of Badgers Act 1992; reptiles and breeding birds are protected under the Wildlife & Countryside Act (1981, as amended). Planning permission does not derogate the applicant's responsibilities under these pieces of legislation. The development should be carried out following the guidelines provided in the Phase 1 Habitat Survey and Reptile Survey report (Eco-Check Consultancy Ltd., August 2010). Nest boxes for tree sparrows should be installed on the new buildings following RSPB guidelines.

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/11/01663/REM		
Site Address	Land West Of Biss Farm West Ashton Road West Ashton Wiltshire		
Proposal	Approval of reserved matters for employment development comprising B1 B2 and B8 uses and associated access and landscaping pursuant to outline permission ref 05/00744/OUT		
Applicant	Persimmon Homes (Wessex) Ltd		
Town/Parish Council	West Ashton		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	386962 157248		
Type of application	Reserved Matters		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Environmental/highway impact
- * Car parking; and
- * To enable public debate on controversial proposals and as requested by West Ashton Parish Council.

1. Purpose of Report

To consider the above application and to recommend that the reserved matters be approved.

Neighbourhood Responses - 32 letters of representation received from third parties

West Ashton Parish Council Response - Objects, for the reasons set out in the report.

2. Report Summary

The main issues to consider are:

- * Established Principle of Development/Economic Growth
- * Layout and Scale
- * External Appearance / Design and Detailing
- * Access
- * Landscaping
- * Impacts on Neighbouring land use(s)

3. Site Description

The land which is the subject of this application relates to 13.9 hectares located on the north-east side of West Ashton Road on the edge of Trowbridge. The land is currently used for agricultural purposes and is roughly triangular in shape. It is separated from existing residential properties to the north by a strip of farmland and Blackball Brook along with clusters of bushes and trees. Open farmland abuts

the site to the east and south. The western boundary of the site is formed by an approximate 2 - 3.5 metre high mature hedgerow, beyond which and opposite the public highway, there is a mixed residential development comprising 2 and 2.5 storey properties using a mix of materials including brick and render with a varied roofscape of pitched roofs, gabled fronts and projecting end gables.

Green Lane Wood and Biss Wood, situated to the north and south of Blackball Brook, provides a distant landscaped backdrop to the site.

The site's landscape character is defined as "rolling clay lowland" and the applicant's describe it as "large scale open, flat and relatively featureless agricultural land" approximately 40 metres AOD (above ordnance datum). Near the A350, the land starts to rise reaching approximately 85 metres AOD, in the village of West Ashton, approximately 1.2 miles distant from the site.

One Public Right of Way (PROW) crosses the site (West Ashton FP16) which leads west from the site to the A350. Over the A350, the footpath and a bridleway lead westwards to Stourton Water (a total distance of 1.25 miles). A second footpath leads off north-east towards Ashton Common. There is another PROW on the opposite side of West Ashton Road where West Ashton FP14 crosses the River Biss and leads to Drynham Lane and the White Horse Business Park beyond.

Roadside pavements from Trowbridge along West Ashton Road stop on the northern side before reaching Blackball Bridge, and extends only to the recent residential development. The remainder of the road has grass verges.

The adopted West Wiltshire District Plan -1st Alteration identifies the site for future employment use under Policy E1(A). This followed on from the former District Council's decision to grant outline permission in 1998. The Local Plan states that:

"the site is well related to the town, residential areas and the town centre, whilst not being so close as to cause environmental or amenity problems. The site has no adverse implications for the interests of nature conservation. In particular, the ancient semi-natural woodland of Biss and Green Lane Woods. The site offers an excellent opportunity to provide an attractive landscaped site, integrated with the proposed country park and adjacent residential areas, which could cater for a wide range of employment uses".

The Emerging Wiltshire Core Strategy (reference 134 of the schedule of proposed changes) identifies the site as being of "strategic" importance to the overall strategic development of the Town.

4. Relevant Planning History

98/01149/OUT - Development of land to the west of Biss Farm, West Ashton Road for employment uses B1, B2 and B8 with all matters reserved granted on 8 October 1998

01/01617/FUL - Section 73 renewal for the above application granted on 6 February 2003

05/00744/FUL - A further renewal application granted for six years on 7 June 2005

W/10/03031/FUL - Renewal of planning permission W/05/00744/FUL to allow five years to submit reserved matters pursuant to ref 98/01149/OUT was refused at committee (contrary to officer recommendation) on 15.09.2011.

This decision was successfully appealed on 24 May 2012. An award of Costs was also granted against the Council for the aforementioned refusal. The site therefore has the benefit of planning permission for employment development.

(Application W/11/01697/FUL is a duplicate application to the one granted planning permission on appeal and is still pending a decision as it was deferred by members on 4th of January 2012 until the Wiltshire Core Strategy has been approved).

5. Proposal

This application seeks Approval of Reserved Matters (namely: the siting, design and external appearance; along with the means of access and landscaping) for an employment development comprising a mix of B1, B2 and B8 uses with associated access and landscaping on a land holding which has extant approval. The application is made pursuant to previously approved outline application 05/00744/FUL, which was granted on 7 June 2005.

If granted, over 33,000 square metres of employment floor space would be provided. This equates to about 44% of the net development area (measuring just over 7.5 hectares within a total site area of 13.9 hectares). At this stage in the process, no end users have been confirmed; however, it is envisaged that a range of employment users would be able to locate to this edge of town site. The predominant use would be B1 office space. The development would be split into four phases, starting with the B1 uses which would be built parallel with West Ashton Road, the landscape bunds, the balancing pond located in the top north-west corner of the site; and, the access entry off the East Trowbridge Distributor Road (ETDR). Phase B would complete much of the internal development, Phase C would see most of the remainder of the ETDR completed and the required completion of the landscape buffer along the south-eastern boundary, leading to Phase D which would see the last part of the site built out, all the while complying with the extant outline permission and its associated conditions.

Two-storey B1 use premises of a 'domestic scale' are proposed to form the key external frontages (i.e. the development site facing West Ashton Road and the ETDR), with the larger units located more centrally within the site and towards the northern boundary, with very robust tree planting and landscape provision. The designed vernacular and the proposed building materials reflect those found locally, but in the main, brick would be used, predominantly red in colour, but enhanced by some buff brick and rendered facades under slated roofs. The fenestration treatment and especially to those public facing directions is again predominantly domestic in scale and rhythm, complemented in places by glazed panels.

Access to the business park site would be obtained directly off the ETDR in two places. No vehicular access is permitted off the West Ashton Road. The employment premises would be served off a looping 7.3 metre wide spine road with 2 metre wide pavements on both sides, which would link up with a wider, extended footpath network, including the proposed re-routing of PROW West Ashton FP16 (which would run to the south and south-east of the development area through the 30 metre wide landscaped buffer). The spine road would be complemented by an avenue of tree planting and the car parking, service areas and yards would be provided centrally again augmented with tree planting, internal landscaping and where appropriate for security reasons, service areas would be enclosed.

The layout recognises and provides for a robust / strategic 30 metre wide landscape buffer around the development site. This buffer would contain native woodland planting including within the northern landscape buffer a mix of semi mature and heavy standard tree planting and native shrubs set in a meadow grassland along with 3.5 metre high undulating landscaped bunds running alongside, although set back from, the West Ashton Road and the ETDR. This means that there would be at least 30 metres landscaped separation between any of the proposed new buildings and the brook, the ETDR and the West Ashton Road in order to comply with the extant outline permission (and specifically to conditions 8 and 19) in order to mitigate against flood risk and visual impact.

Cohesive, well integrated street columns and street furniture are also proposed to create a sense of continuity and place - which shall hopefully provide for an enjoyable working environment.

6. Planning Policy

Wiltshire _ Swindon Structure Plan 2011 - DP4 Main Settlements

West Wiltshire District Plan - 1st Alteration 2004

E1A New Employment Allocations / T4B New Distributor Roads / C31a - Design / C32 - Landscaping / C35 - Light Pollution / C38 - Nuisance / T10 - Car Parking / U1a - Foul Water Disposal / U2 - Surface Water Disposal

Government Guidance

The National Planning Policy Framework (NPPF) and The Noise Policy Statement for England (NPSE)

The Emerging Wiltshire Core Strategy

Strategic Objective 1 - Delivering A Thriving Economy / Strategic Objective 2 - To Address Climate Change (NB: Strategic Objective 3 is not relevant as it relates to affordable housing) / Strategic

Objective 4 - Helping to Build Resilient Communities / Strategic Objective 5 - Protect and Enhance the Natural, Historic and Built Environment / Strategic Objective 6 - Ensure that Essential Infrastructure is in place to Support our Communities

Core Policy 1 - Settlement Strategy / Core Policy 29 - Trowbridge Community Area / Core Policy 35 - Existing Employment Sites / Core Policy 36 - Economic Regeneration / Core Policy 41 - Sustainable Construction and Low Carbon Energy / Core Policy 50 - Biodiversity and Geodiversity / Core Policy 51 - Landscape / Core Policy 52 - Green Infrastructure / Core Policy 57 - Ensuring High Quality Design and Place Shaping / Core Policy 60 - Sustainable Transport and Core Policy 61 - Transport and Development

7. Consultations

West Ashton Parish Council - Objects on the following grounds:

A 30 metre landscaping buffer must be provided around the site. No landscaping or buffering is shown between the Business Park and the adjacent field running alongside the East Trowbridge Distributor Road. There are some trees at the entrance to the Business Park, onto the East Trowbridge Distributor Road but they do not continue along its length; and therefore, it will present a building line above the trees when viewed from the A350.

There is a lack of an Environmental Impact Assessment and appropriate assessment under the Habitats Regulations 2010.

There is a lack of any agreed Transport Plan for the site.

Other comments and observations made by the Parish Council -

There appears to be a very high density of buildings. This is supposed to be a light industry Business Park, but drawing P549/06 has an illustration of an articulated lorry of 16m approx. in length indicating that it is intended to use the Business Park.

What existing approval is there for the 'other adjacent land' in the applicant's control? What are their plans for it? Should they be expected to provide this as a condition now?

There is little indication on the application of what occupation in general is undertaken by the residents of the Paxcroft Mead development, which suggests there is no clear understanding of the types of jobs that should be encouraged on the Business Park.

The proposed Business Park buildings give the impression of being costly to build and therefore it seems an unlikely cost that the developer will want to incur. Would this application therefore, if approved be subject to a refining, possibly to a less costly solution once approved?

Queries are raised over the submitted Design Statement in terms of lack of boundary planting, the accuracy of plans, what tangible benefits will accrue off-site_ The Parish Council also questions the timeframes for any on-site implementation.

In view of the Parish Council's strong views on the development of this site we have instructed Councillor Francis Morland to 'call in' this planning application for consideration by the Planning committee.

The Former Vision Director For Trowbridge - Supported the application.

The adopted Scoping and Vision Study for Trowbridge (dated August 2010) formed the first phase in an emerging Masterplan for the town. It is anticipated that the Masterplan will be adopted as a Supplementary Planning Document under the Core Strategy. The Scoping and Vision Study states the following in respect of opportunities for Employment Growth:

"The town provides higher order services for towns such as Melksham, Westbury and Warminster and therefore opportunities for Trowbridge should be considered in this context"

"There is a need for these employment uses to be maintained and further employment opportunities secured"

"Trowbridge has been identified as an area for housing and employment growth in the former RSS and emerging Wiltshire Core Strategy. The Masterplan will need to appropriately respond to this

requirement by identifying suitable locations for such growth. This growth also provides Trowbridge with the policy framework to secure additional housing and employment within a sustainable location, and the scale of development envisaged provides an opportunity to help deliver new services and facilities which are urgently needed in the town".

The Scoping and Vision Study goes on to state:

"The employment allocation to the southeast provides an opportunity to move some town centre uses which would best be relocated and provide opportunities for high quality employment provision which is currently absent in the area".

It also identifies that office stock in the town centre is poor and the centre is not attracting new office occupiers. This is recognition of the fact that in the current and foreseeable economic conditions leisure, retail and some residential uses are the higher value land uses that are most attractive to developers in the town centre. Thus new employment opportunities will be more likely to be delivered at new, high specification locations outside of the town centre. This is the case with the Biss Farm site.

The Scoping and Vision Study also recognises that the high level of out-commuting experienced by Trowbridge is a key issue for the town that must be addressed. In order to do so, it is self-evident that there is a need for local employment opportunities of the type offered by this application.

Conclusion

This application is wholly consistent with both existing and emerging Wiltshire Council Planning Policy (further evidenced by the previous permission given to this scheme) in respect of land allocated for employment uses. Moreover, the proposal entirely meets the policies and aspirations of Transforming Trowbridge as it reinforces the role of Trowbridge as a "service hub" for a large hinterland. It will provide further demand and attraction for investment in the town centre and recognises the limitations in the ability of the town centre in current market conditions to provide anything like sufficient opportunities for strategic employment growth, which is more appropriate on sites outside of the centre. Given these facts, this application is supported.

Highways Authority - Following meetings with the applicant and agent, the overall road layout, parking (including cycle parking) and servicing provision for this extensive development is acceptable and no highway objection is offered subject to a planning condition requiring full construction details of the internal road layout have been submitted for the written approval of the Council.

Environment Agency - No objections are raised, however advises that surface water drainage should be subject to another condition as it has not been discharged. The site plan shows that the proposed development would not be located within 30 metres of the Blackball Brook - thus meeting the requirements as previously set by application 05/00744/FUL. Safeguards should be implemented during the construction phase to minimise risks of pollution and detrimental effects to water interests in and around the site. Such safeguards should cover the use of machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and waste.

Wessex Water - No objection subject to an informative.

Wiltshire Council Spatial Planning - Supports this application. This site shall be carried forward into the Core Strategy. Any employment land we are still seeking to bring forward should not be removed from the development plan until such time as it has been implemented. This site is certainly seen as an important component of the future employment land supply in Trowbridge.

The site should be mapped as already having consent and there was an oversight (in not notating its existence) in terms of the preparation of the Core Strategy consultation document. As the site already has permission, it should have been listed as a 'Principal Employment Area' which the proposed policy would seek to protect.

Wiltshire Council Environmental Protection - No objections raised.

Wiltshire Council Tree and Landscape Officer - No objections are raised in Arboricultural or landscape terms, subject to conditions. These should include approval of landscaping pre-commencement; carrying out and maintaining the approved landscaped scheme, retention of the existing hedgerow along the West Ashton Road (except where highway improvement work and pedestrian footpath links are proposed). A condition should also require that large specimen trees should be supplied and planted at a ratio of 25% Semi mature and 75% extra heavy standard (such as Oak, Lime and Hornbeam).

As a precautionary note, it is suggested that the Ash is substituted for another species or simply increase the number of other larger specimen trees within the scheme.

Wiltshire Council Ecologist - In terms of the reserved matters application, I have also revisited the ecological measures already secured for the site under 04/02105 (the East of Trowbridge development) which include plans for a Country Park extending across the northern corridor of the application site. These measures are within the approved landscape plans (Swale Corridor Country Park Proposals, Drawing number 20204-09 K, East of Trowbridge development) and the approved Habitat Creation, Management and Monitoring Plan (HCMMP, Pegasus Planning Group, May 2006). With this in mind, I have the following comments to make:

The lighting proposals for the development needs to be clarified. The agreed HCMMP states that there will be no lighting within the Country Park (the northern part of the site) and the current proposals should confirm this.

The planting scheme (Planting Plans, P.0678_10-A, 19th May 2011) needs to be in accordance with the planting proposals in the agreed 'Swale Corridor Country Park Proposals' (as referenced above): the current plans include fewer proposed tree standards along Blackball Brook, and no marginal planting has been included around the balancing pond.

Wiltshire Council Urban Designer - No objection subject to an appropriate landscaping scheme which incorporates trees of an appropriate size and maturity along the site boundaries, in particular adjacent to the larger scale B2 and B8 buildings.

8. Publicity

The application was advertised by site notice/press notice/neighbour notification. Expiry date: 8 July 2011

Summary of points raised:

32 letters of representation have been received from third parties raising the following comments:

The following supportive/positive comments were submitted

There seems to be adequate car parking provision on site, but local residents would not like to see business park users parking adjacent to residential areas.

It is good to see a policy which encourages walking and cycling, as an alternative to using cars. It is also good to see the extended path and cycleway network being proposed as part of this application, especially if the network links up to the existing networks in Paxcroft Mead and Biss Meadow Country Park. Will there be a dedicated cycle lane from Broadcloth Lane roundabout? Such a network would link up many large housing developments and would maximise options for avoiding car use.

The landscaping of the development looks very attractive. Will there be a pedestrian access to the edge of the balancing pond? Will an island be built to encourage water fowl nesting? The land around here tends to waterlog, with trees and shrubs dying in the winter because roots get starved of oxygen. Soft landscaping should be conditioned to ensure it is maintained.

All in all, the proposals look to be a high-quality development. Let's hope it will bring sorely needed high-quality jobs to the area.

The following material objections/ concerns were raised

Jobs / On-site uses

There are no jobs in Trowbridge. There is a considerable amount of outward commuting from Trowbridge to Bath, Swindon and Bristol.

Doubts are raised over whether this development will bring much needed business/jobs into the area. A parking study prepared by Mouchel, states that Trowbridge is 'economically deprived', local retailers I am sure, would agree.

The site may well be zoned for employment, but it will probably end up with small storage units, offering little employment opportunities.

There is a local rumour spreading that the site could be used as a waste recycling centre. Would that be acceptable?

What kind of restrictions will there be on the uses of the new units?

Highways

Little consideration has been given to the infrastructure and the affect the development will have upon the highway infrastructure. An improved road infrastructure is required. Perhaps the developer could contribute towards this. The Yarnbrook crossroads is at standstill at peak times. Any proposed alterations to the West Ashton traffic lights will achieve nothing, due to what can be described as a bottleneck at Yarnbrook.

Traffic volumes have increased significantly since the outline permission was granted, and therefore the traffic impact on the existing urban area needs to be revisited. In particular, I would suggest that, if granted, there should be a condition that no unit should be occupied until the Trowbridge Distributor Road shown in the plans has been constructed and brought in to use. In addition, there should be restrictions to the use by HGVs of West Ashton Road between the County Way roundabout and the proposed roundabout on the Trowbridge Distributor Road.

Why is this still under consideration? It was my understanding that the Hilperton Gap road was no longer to be built. Indeed that the very same developer had built on some of the proposed route? The application is based on the existence of this road, as is the Transport Plan.

The original schemes were granted initially based on the assumption that the Westbury Bypass would be built - but that has also been dropped. Recently the businesses at Westbury Trading Estate were badly hit by measures taken to protect the weak bridge at Station Road. The Transport Study does not place this matter in the wider context, e.g. Bradford on Avon & Staverton Bridges, & it does clearly identify that the junctions at West Ashton Road (both ends) & Yarnbrook are over capacity.

What design measures are being put into place to ensure the speed limits will be observed? Will there be an electronic speed display sign? Will the 30 mph limit be extended well beyond the proposed pedestrian crossing?

Can the existing manhole on West Ashton road be investigated to remedy the clanking noise it makes every time a vehicle runs over it?

Visual Impact

Computerised tin sheds do not employ many people. We don't want tin sheds built in the countryside. The number and spacing of the proposed units seems to be an over-use of the site, and there are concerns over the design of the units. The time for building business 'sheds' is long gone, and if the business park is to be built, good design is a high priority, especially given that this is a greenfield site. Romantically, the vista from West Ashton Crossroads is currently inviting, reminiscent of the fabled "dreaming spires" of Oxford. Practically, the vista is part of a landscape designed by the late Lord Long at great expense - we were built to receive a proposed visit by Queen Victoria - he designed to impress.

Impacts on Neighbours / Local Residents

This is a residential area; it is not a suitable location for Commercial/Industrial use.

This sort of site should be located further away from residential areas and closer to better communication links.

The development would adversely affect local residents' quality of life. This side of Trowbridge has seen lots of development over the past 15 years. It is time to call a halt to more development. Why does this not apply to the other side of the Town?

The development would result in noise and air pollution.

The Council says it has a plan for the future, but it clearly does not take into account the views of the residents of West Ashton Road, West Ashton village and the surrounding area.

The Town Council's vision states: "Working together to achieve the best quality of life for everyone". Their mission statement reads: "Working together to promote and develop the wellbeing of our Community".

In theory you can achieve both by declining the proposed development and if there is still a need that helps others in the Community with this development, find a more suitable location.

Flood Risk

The site is flood plain and developing on it could mean that the park could be more likely to be at risk of flooding. Any future flooding caused by developing this site would be held against the Council.

Ecology

Loss of feeding ground for bats. Loss of wildlife (foxes, deer, hedgehogs, pheasants, herons, birds of prey and many common birds including blue tits, blackbirds which live in the hedgerow).

Has the Council and its predecessor complied with environmental impact assessment requirements in approving this project? Have Environmental Impact Assessment(s) or appropriate assessment under the Habitats Directive/UK regulations 2010 been undertaken?

To permit this scheme to proceed to construction without full compliance with UK and European biodiversity law could be unlawful.

Environmental Issues

The assurances provided by the Environment Agency bear little credit. The advice and guidance is unreliable. What about sewage disposal?

What sustainable considerations have been given to: water supply source, disposal of surface water (especially during heavy storms); the covering of a natural sump soak-away producing a near flood, and the inevitable pollution of the River Biss?

Increased noise problems will be created. There is a hospice nearby to this site.

The development would lead to noise from traffic and increased pollution and congestion.

Wiltshire is well behind its carbon emissions target.

Plans and Supporting Information

Objections and concerns are raised against the level and type of information submitted. The Design Statement and Transport Plan are considered to be flawed, unless the infrastructure is provided.

There is an over-reliance placed on old, historic data. Have the principles been established_ There have been a significant number of accidents recorded at the main bends along West Ashton Road.

The White Horse Alliance submitted the following objections

The obstacles to determining this matter have not been resolved.

The development is still without a viable transport plan complying with the conditions imposed when planning permission was first granted. Mr Creedy has informed us that the Council does not yet have a preferred route, design, or funding stream for the Yarnbrook-West Ashton improvement.

The Campaign for Better Transport (Bristol and Bath Travel to Work Area) raised the following objections

The emerging Core Strategy puts the emphasis on developing brownfield sites in Trowbridge with greenfield sites pushed to the end of the plan period. The importance of placing new employment in Trowbridge itself is emphasised, as is the re-use of buildings and the modernisation of existing trading estates. Why, in the current policy context, are we allocating employment in an unsustainable place remote from the town and remote from public transport corridors_ The development is obviously unpopular with local people.

9. Planning Considerations

Established Principle of Development/ Economic Growth

Although the applicant is recognised as being a national house builder, there should be no doubt over what is being proposed under this application. It would appear that many third parties have misunderstood what is being applied for. This is an application for reserved matters pursuant to an extant outline permission, which established the principle of the development. It is no longer open for the Council to consider for discussion the principle of development of this site for employment

purposes. Contrary to some received objections, no houses are proposed at this site and erroneous objections raised thereto, cannot be considered.

Fundamentally, it is essential to note that the application proposal is entirely consistent with the Development Plan. The site is allocated for employment development (defined as Policy E1A) and the strategic importance of this site as a future business park is to be enshrined within Wiltshire's Core Strategy (citation: Pre-Submission Document and Schedule of Proposed Changes) which will be considered by a Planning Inspector in the coming months at an Examination in Public (EiP). The site's continued formal Policy allocation and the extant permissions (as cited above) establishes a very clear principle: confirming that the site is ideally suited for a business park to provide for a wide range of employment uses; and in so doing, make a positive contribution towards providing jobs, stimulating the economy and creating an attractive landscaped site which integrates well with its surroundings.

The Coalition Government has repeatedly asserted its top planning priority as being 'to promote sustainable economic growth and jobs'. The Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would run contrary to an adopted Development Plan and/or compromise the key sustainable development principles set out in National Planning Policy. Within the published NPPF, the Coalition Government sent out a clear message that it expects local planning authorities to *give appropriate weight to the need to support economic recovery, and that applications that secure sustainable growth are treated favourably*. It has further been confirmed that Planning Inspectors and the Secretary of State will *"attach significant weight to the need to secure economic growth and employment"*.

Trowbridge Town Council and the former Trowbridge Vision Director have made clear statements in terms of fully supporting this development on the edge of Town for employment purposes. Trowbridge Town Council have argued that this site is *"an important element in the delivery of growth for the town and for the delivery of infrastructure improvements"*...

Adopted and Emerging policies recognise that this site acts as a significant positive element in the overall strategic development of the Town. It accords with the Town Council's Strategy which supports further development to the South and East of the town, in areas well connected to the A350 whilst close to the town centre as the most sustainable locations for further growth of the town. It is furthermore, able to deliver welcomed improvements to local transport infrastructure which shall make areas to the north of the town better connected to the main A350.

As stated above, the delivery of this strategically important employment site satisfies Council Policy requirements and satisfies the aspirations of Transforming Trowbridge; and it shall greatly help towards reinforcing the role of Trowbridge as a "service hub" for a large hinterland.

Following pre-application discussions and negotiations, the final detailed submission is fully supported by officers and the reasons for this are explained below.

Layout and Scale

The proposed layout and siting of 15 building blocks comprising a mix of B1, B2 and B8 uses, the internal road layout, parking provision, the means of accessing the site (via the ETDR), the detailed public footpath and cycling links through and around the site (including the proposed diversion of PROW West Ashton FP16); and, the extensive tree planting and landscaping throughout the site have all been rigorously assessed, and the details are found to be acceptable.

The two-storey B1 uses have been deliberately sited parallel, but set back at least 30 metres from the West Ashton Road and the ETDR. In doing so, this not only accords with the extant outline permission, but it also respects local residential properties through the proposing domestic scaled architecture and vernacular. It is also considered good urban design. It should also be noted that only one B1 use (type 1) could be argued to be sited "opposite" existing residential properties located along West Ashton Road - but even then, it must be noted that the B1 use premises will be constructed behind a 3.5 metre high landscaped bund and at least 55 metres from any residential property - with the rest facing a landscaped buffer before reaching out towards open farmland or woodland.

Having the B1 uses around the western, eastern and southern perimeter not only presents a lower scaled frontage, which reflects the scale and massing of the residential development on the west side of West Ashton Road, but along with robust landscaping and tree planting (both proposed and conditioned) they will assist towards screening the larger warehouse units and allow for an appropriately scaled road hierarchy 'not a highway dominated development' and sensitive internal parking and service areas. The formation of various through-routes and links with the wider footpath network is fully supported which would create a positive interaction between buildings and the landscaped areas.

In recognising that the larger B2 / B8 uses tend to have larger, often bland elevations, it is to be welcomed that in this particular submission, the proposed arrangement positions these larger units at an oblique angle to the brook towards the northern periphery of the site. With the provision of a mixed and heavily planted northern boundary comprising semi mature and extra heavy standard trees to complement the use of standards and feathered standards (which is recommended as a condition), the landscaped buffer and the internal planting / landscaping, these buildings will be well screened, and although the roofscapes will be visible, as the landscaping develops and matures, the development will blend more and more with its surroundings. It will not be hidden, but equally, it will not be visually obtrusive or harmful.

External Appearance / Design and Detailing

As stated above, the design and detailing of the buildings pick up upon the established local built vernacular. The mix of using red (lbstock) brick complemented by some buff brick facades and a limited use of cream coloured render using largely 'domestic scaled' architecture is considered appropriate and entirely compliant with the relevant conditions attached to the extant outline permission. The proposed massing and roofscape are not cause for concern, nor is the proposed use of grey coloured Russell Grampian interlocking roof slates. Where used on sections of the B2 and B8 premises, recessive coloured profile sheeting would be used. To avoid an entire facade being dominated by such a material, it is welcomed that the plans show elevations being broken up by use of brick and appropriate wall openings.

Landscaping

As reported above, the Council's tree and landscape officer is fully satisfied with this development and recommends the use of a planning condition requiring a mix of 25% semi mature and 75% extra heavy standard tree planting within the northern 30 metre wide landscape buffer to complement the proposed mix of standards and feathered standard trees within a grassland meadow, which shall provide a very robust northern backdrop and help assimilate this development into the wider landscape. The 30 metre wide landscaped buffer on the western and south / south-eastern perimeter of the site shall also present a clear and robust landscaped edge, which would be enhanced by smaller shrub and ornamental planting. Whilst the floodplain and bunding cannot be regarded as public open space, sufficient informal landscaped areas will be provided along with enhanced cycle and footpath links. The landscaping scheme does not seek to screen every building from public vantage points, as this would be completely unreasonable. There would be sections of buildings glimpsed through the landscaped buffers, but given the domestic scale of those buildings, this is not seen as being inappropriate or unacceptable. All in all, the proposals have the full support of officers.

Access

As reported above, the Council's highways authority report no objections to the proposed development and asserts that the development would not have a detrimental impact on highway safety. If approved, a condition requiring more details pursuant to the internal road layout, is recommended.

It should not be forgotten that the applicant is both committed and legally tied (through a s.106 Agreement) to providing new highway infrastructure needed to serve both the approved residential development (under application 04/02105/OUTES - which was finally granted in October 2011) and this strategic employment site. The Agreement stipulates that public access to a completed ETDR (East Trowbridge Distributor Road) and HRR (Hilperton Relief Road) must be provided prior to the occupation of more than 225 of the 650 permitted dwellings and 50% of the gross floor area of any

buildings permitted at this employment site. If no development commences on the employment site, the trigger is 450 dwellings.

As a backstop, the Agreement provides that both of the aforementioned roads shall in any case be completed and be open for use by the public before the fourth anniversary of the residential occupation of the first dwelling. The Agreement also commits the applicant to undertaking, at various specified trigger points, improvements to the West Ashton Road comprising carriageway widening, kerbing and drainage, improvements and lane-width adjustments at the junction with the A350; and improving Blackball Bridge.

In considering the appeal for refused application W/10/03031/FUL, the Planning Inspector accepted the previously submitted traffic modelling forecasts contained within the applicants' Transport Assessment and recognised that the above commitments would deliver material highway improvements; and more importantly, it is necessary *to note that in light of all currently committed development, capacity would be exceeded with or without this particular proposal. The works to the County Way and the Yarnbrook junctions that could be conditioned to take place as part of this proposal would, while making only a small improvement to the overall problem of congestion, nevertheless be sufficient to mitigate the impact of the additional traffic generation*".

The recent appeal decision re-established that with adequate conditions, there is no highway reason why this site could not be developed as a strategic business park.

Impacts on Neighbouring land use(s)

The adopted West Wiltshire District Plan - 1st Alteration recognised that in identifying this site for employment development it would be *"well related to the town, residential areas and the town centre, whilst not being so close as to cause environmental or amenity problems"* (citation: paragraph 3.3.5 of the aforesaid Plan).

The proposed distance and separation between the proposed buildings, internal roads and parking areas on the site and existing residential properties to the north and west is considered acceptable and the development as proposed, should not result in significant and/or detrimental nuisance. The additional provision of robust landscaping will ensure the development integrates sensitively with its surroundings.

There is no doubt, the development of this greenfield site will bring about a material change to many an outlook and during the course of construction, there may be a degree of disturbance. The site has however strategic importance in terms of delivering future new jobs, supported by new infrastructure at a sustainable location (located close to a future workforce). A Construction Method Statement, required by a planning condition, would adequately deal with construction / delivery hours and on-site management in terms of pollution controls.

The site and development proposal would have no adverse implications for the interests of nature conservation. A suitably worded condition can deal with concerns about light pollution affecting the Country Park. Given the importance of protecting local nearby habitat, it is recommended that a lighting plan be submitted as a further conditional requirement, and that it is made clear that the Council would not support inappropriate levels of lighting near the northern part of the site, in accordance with the previously approved Habitat Creation Management _ Monitoring Plan (HCMMP, dated May 2006).

In terms of flood prevention works, the applicants' proposed realignment of the blackball brook and the re-formed floodplain are shown on the submitted plans (i.e. Drawing No. P.0678_01-1), and are acceptable.

For the avoidance of any doubt, the site has been subject to two recent EIA Screening Opinions (which were adopted by the Council on 29 September 2010 pursuant to application W/10/03031/FUL and 10 June 2011 pursuant to this REM submission) and a thorough ecological assessment undertaken by the Council's Principal Ecologist. The Council's adopted position is that this development does not constitute an EIA development which would necessitate the submission of an Environmental Statement and decided that all environmental considerations could be (and were) duly

considered through the normal planning process augmented with appropriate surveys and statements produced by the applicants and their consultants. It should be noted that the Planning Inspector at the recent appeal did not consider that one was required

Conclusion and Recommendation

Planning permission has already been granted for this use. The committee is simply looking at the details reserved for subsequent approval.

The National Planning Policy Framework contains a presumption in favour of sustainable development, and states within paragraph 14, that proposals which accord with adopted Development Plans should be approved without undue delay. This strategic development relates to an allocated site which has the full support of Trowbridge Town Council, the former Vision Director of Trowbridge, the Highways Authority, the Council's Head of Spatial Planning, the urban designer and Tree and Landscape officer and planning officers. No objections are raised by the Council's Ecologist or the EA. The scale, layout, design and detailing, including the access arrangements and parking provision and landscaping proposals are all considered acceptable, and as a consequence, this application is recommended to committee for approval.

Recommendation: Approval

For the following reason(s):

The principle of developing this site as a strategic employment site has been fully established (following the approval of the extant outline application 05/00744/FUL, and most recently on appeal: application W/10/03031/FUL). The reserved matters hereby approved are considered wholly compliant with the adopted development plan and emerging Council policies.

Subject to the following condition(s):

- 1 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - (a) the parking of vehicles of site operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (e) wheel washing facilities;
 - (f) measures to control the emission of dust and dirt during construction;
 - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - (h) measures for the protection of the natural environment.
 - (i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38, as well as the NPPF and NPSE.

- 2 The developed shall be carried out fully in accordance with the recommendations contained within the Ecological Assessment published by Aspect Ecology Ltd dated May 2011.

REASON: In order to protect protected species and their associated habitats.

POLICY: The National Planning Policy Framework (NPPF)

- 3 No phased development shall commence on site until external lighting details for the site have been submitted to the local planning authority for its written approval. The development shall be carried out in accordance with the approved details.

REASONS: In order to protect against inappropriate levels of lighting detrimentally impacting upon local, neighbouring properties and nature conservation interests.

POLICY: The National Planning Policy Framework (NPPF) and West Wiltshire District Plan – 1st Alteration – Policy C35 and C38.

Note: The applicant is expected to carefully consider any lighting scheme and to have due cognisance of its impact upon neighbouring properties and occupiers as well as to nature conservation interests; and especially have regard to the recommendations contained with the Habitat Creation Management and Monitoring Plan, dated May 2006.

- 4 For the avoidance of any doubt, and excepting those sections where the existing hedgerow fronting West Ashton Road shall be cut back and opened up pursuant to highway improvements and providing pedestrian linkages, the remainder of the hedgerow and identified tree shall not be cut down, uprooted or destroyed, other than in accordance with the approved plans, without the prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance BS3998: 1989 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No equipment, machinery or materials shall be brought on to site for the purpose of development, until a scheme showing the exact position of protective fencing to enclose all retained trees and hedgerows beyond the outer edge of overhang of their branches in accordance with British Standard 5837: 2005: Tree in Relation to Construction, has been submitted and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority.

In this condition "retained tree" means an existing tree / section of hedgerow which is to be retained in accordance with the approved plans and particulars; and the paragraphs above shall have effect until the expiration of five years after the completion of the development.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land].

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity.

- 5 Notwithstanding the details shown in respect to the landscaping treatment, no phased development shall commence on site until the following details have been submitted to the local planning authority for its written approval:-

- Full details and measures of protecting the retained section of hedgerow during the course of the phased development;
- A detailed planting specification showing all plant species, supply and planting sizes and planting densities,
- Finished levels and contours;
- Proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- Large specimen trees shall be supplied and planted at a ratio of 25% Semi mature and 75% extra heavy standard (consisting of Oak, Lime and Hornbeam) within the northern landscape buffer. The remainder shall be a mix of standards, and feathered standards in locations to be agreed in writing with the Local Planning Authority; and to be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.
- Enhanced marginal planting around the balancing pond;

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 Policy C32.

- 6 All soft landscaping comprised in the approved details of landscaping (Drawing no. P.0678-10-A sheets 1 & 2), 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 - POLICY: C31a and C32

- 7 No development shall commence on site until full construction details of the internal road layout have been submitted to and approved in writing by the Local Planning Authority; and the internal roads shall thereafter be constructed in accordance with the approved details so that each new building, when occupied, is connected to the existing public highway by a completed road.

Reason: In the interests of road safety

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

SITE LOCATION PLAN – Drawing No P.0678_05 received on 31.05.2011

SITE LAYOUT PLAN – Drawing No. P.0678_01-1 received on 31.05.2011

PLANS & ELEVATIONS B2 UNIT D – Drawing No. P.0678_02A

PLANS & ELEVATIONS B2 UNIT I – Drawing No. P.0678_02A

PLANS & ELEVATIONS B8 UNIT G – Drawing No. P.0678_03A

PLANS & ELEVATIONS B2 UNIT H – Drawing No. P.0678_03A

PLANS & ELEVATIONS B1 UNIT TYPE T1 – Drawing No. P.0678_09 (T1) received on 31.05.2011

PLANS & ELEVATIONS B1 UNIT TYPE T2 – Drawing No. P.0678_09 (T2) received on 31.05.2011

PLANS & ELEVATIONS B1 UNIT TYPE T2 (HANDLED) – Drawing No. P.0678_09 (T2) received on 31.05.2011

PLANS & ELEVATIONS B1 UNIT TYPE T3 – Drawing No. P.0678_09 (T3) received on 31.05.2011

PLANS & ELEVATIONS B1 UNIT TYPE T4 – Drawing No. P.0678_09 (T4) received on 31.05.2011
 PLANS & ELEVATIONS B1 UNIT TYPE T5 – Drawing No. P.0678_09 (T5) received on 31.05.2011
 PLANTING PLAN SHEET 1 OF 2 – Drawing No. P.0678_10-A received on 31.05.2011
 PLANTING PLAN SHEET 2 OF 2 – Drawing No. P.0678_10-A received on 31.05.2011
 BIN STORES AND SERVICE YARD FENCING – Drawing No. P.0678_11 received on 31.05.2011
 PHASING PLAN – Drawing No. P.0678_12 – received on 31.05.2011
 MATERIALS PLAN – Drawing No. P.0678_13 – received on 31.05.2011
 FOOTPATH LINKS – Drawing No. P.0678_14 – received on 31.05.2011
 TOPOGRAPHIC SURVEY AND EXISTING VEGETATION – Drawing No. P.0678_15 – received on 31.05.2011
 EXTENT OF DEVELOPABLE AREA – Drawing No. P.0678_16 – received on 31.05.2011
 ROOF PLAN – Drawing No. P.0678_17 – received on 31.05.2011
 CROSS SECTIONS – Drawing No. P.0678_18 – received on 31.05.2011
 HORIZONTAL GEOMETRY & SETTING OUT SHEET – Drawing No. P291/100 Rev C – received on 31.05.2011
 HORIZONTAL GEOMETRY & SETTING OUT SHEET – Drawing No. P291/101 Rev C – received on 31.05.2011
 HORIZONTAL GEOMETRY & SETTING OUT SHEET – Drawing No. P291/102 Rev C – received on 31.05.2011
 HORIZONTAL GEOMETRY & SETTING OUT SHEET – Drawing No. P291/103 Rev C – received on 31.05.2011
 VEHICLE SWEEP PATH ANALYSIS – Drawing No. P549/106 – received on 31.05.2011
 PROPOSED FINISHED FLOOR LEVELS – Drawing No. P549/07 – received on 31.05.2011

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

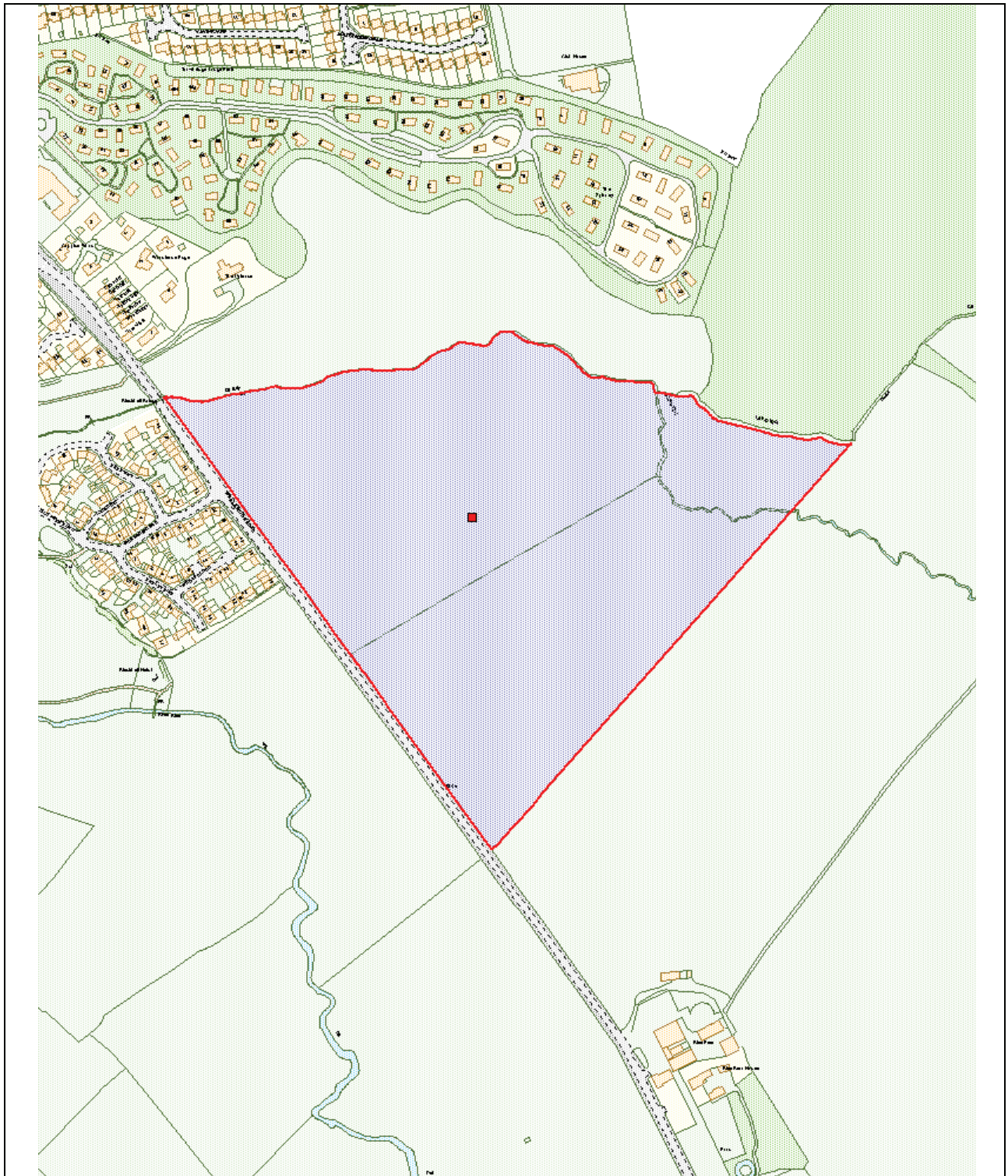
Informative(s):

- 1 The developer is reminded that this development is still subject to those remaining extant conditions attached to the decision notice for application 05/00744/FUL which remain necessary and applicable and shall require formal discharge as per the requirements of each condition.
- 2 The developer is advised to contact Wessex Water's Developer Services to agree either means of diverting an existing public water main or means by which it shall be protected during the construction stages, to ensure that no development takes place until the aforesaid infrastructure has been properly protected. The developer shall also need to reach an agreement with Wessex Water over connecting the development to a public sewer.

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/12/01890/REG3		
Site Address	Staverton Church Of England Primary School School Lane Staverton Wiltshire BA14 6NZ		
Proposal	Extension to existing school building		
Applicant	Wiltshire Council		
Town/Parish Council	Staverton		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	385553 160336		
Type of application	Reg 3 Application		
Case Officer	Jemma Boustead	01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk	

REASON FOR THE APPLICATION BEING CONSIDERED BY THE PLANNING COMMITTEE

Councillor Carbin has requested that the application be called to the Planning Committee for the following reason:

The success of the school is to be welcomed, but the traffic implications of this proposal need to be considered carefully, particularly the impact on residents of School Lane.

A further reason for the application to be considered by Planning Committee is that Wiltshire Council is the applicant and objections have been received.

1. Purpose of Report

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

Neighbourhood Responses – 6 letters of objection have been received

Staverton Parish Council - object, for the reasons set out below.

2. Report Summary

The main issues to consider are:

- design issues and impact upon the immediate area
- impact on amenity
- highway and access considerations

3. Site Description

Staverton School is located on the edge of the built up area of Staverton. The school is adjacent to existing residential properties which are all accessed via School Lane.

4. Relevant Planning History

There is no relevant planning history related to this extension, however it is important to note that the funding for the proposed school extension is coming from commuted sums gained through 2 previous Section 106 Agreements:

- Land South West of Elmfield, Hilperton Trowbridge – A sum of £59,400 for school provision to serve the development within Trowbridge and the surrounding area
- New Terrace, Staverton – A sum of £170,631.80 for school provision surrounding the development.

5. Proposal

The proposal is for an extension to the existing school to provide two new classrooms, a group room, two toilets and a connecting corridor.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004 - C1 Countryside Protection; C31aDesign; C38 Nuisance
CF1 General Community Facilities

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

National Planning Policy Framework (NPPF) requires development that is sustainable and in accordance with the policies of the development plan to be approved, unless material considerations indicate otherwise.

7. Consultations

Parish Council - Staverton Parish Council has objected to this application to extend the existing school building because the increase in traffic caused by parents of the additional children the extension would accommodate would be detrimental to residents living in School Lane leading to School Lane Close. This short lane gives access to 3 schools. When children arrive at school in the morning and leave in the afternoon the traffic congestion is intolerable, driveways are blocked and residents are unable to leave or access their homes. Unless alternative parking is provided it will only cause more distress and problems for those unfortunate to live along this lane and for those who live at the end of the close needing access. It should also be pointed out that the congestion at these times would make it very difficult for Emergency Services to negotiate this road.

Wiltshire Council Public Protection – No Objection

Wiltshire Highways – No Objection, subject to a condition requiring a School Travel Plan to be approved and implemented.

Wiltshire Childcare Manager – No Objection

Wiltshire County Ecologist – No Objection

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 13th November 2012

Summary of points raised

6 letters of objection from the public with the following concerns:

Traffic issues - traffic will be increased in an area already suffering due to there being 3 schools down this lane which have all been extended in the past. Emergency vehicles will not get through and the road can be totally blocked at school pick up/drop off times. this will have an adverse impact on local residents.

The play area for existing school children should not be reduced in a time of concerns over obesity.

9. Planning Considerations

9.1 BACKGROUND

The expansion of Staverton Primary School is required due to the increase in housing within the school's designated area and also to the rising birth rate in the school's catchment area –

2007 – 40 births
2008 – 60 births
2009 – 59 births
2010 – 66 births
2011 – 63 births

The large 2008 group will be the 2013 reception cohort, at present neither Staverton or any of the other local schools have sufficient places to admit all of these pupils. Staverton School has a net capacity of 240. The proposed extension which will provide two new classrooms will create an additional 60 places across the whole age range at the school. The school currently has a published admission number of 34. If the proposal is approved the capacity will increase to 300 and the school will have a new published admission number of 42. This means there will be 42 places available in each year group.

The other schools that are located off this road are: Emmaus School which is an Independent School and also an Independent Nursery, neither of which are Local Authority schools. The nearest schools to Staverton are Holt Primary 1.6 miles away and Hilperton Primary 1.2 miles; both schools are popular and are near to full capacity. The S106 money that has been secured is for 'primary school places in the vicinity of the land'. Both Hilperton and Holt schools are located on restricted sites which precludes extensions of the size required to meet rising demand.

9.2 DESIGN ISSUES & IMPACT UPON THE WIDER AREA

The proposed single storey extension is to be located to the rear and side of the existing school, adjacent to the existing rail network. The design of the proposed extension is very modern in its approach with large openings, colourful elevations mixed with buff brick to match the existing school and slanting roof slopes. The proposal by reason of its siting and design is considered to be in keeping with the existing school building and due to its location will minimise its impact on the existing street scene. As such the proposal is considered to comply with Policy C31a

9.3 IMPACT UPON AMENITY

Due to the location of the proposed extension it is considered that the proposal would not have an adverse impact upon neighbouring amenity in terms of overlooking or overshadowing and as such complies with Policy C38.

9.4 ACCESS AND HIGHWAYS

It is acknowledged that the school as existing results in large amounts of traffic movements on a small lane during school drop off and pick up times which results in the road being blocked. It is important to note that this planning application is unable to help solve existing traffic problems and can only look at the traffic numbers that would be associated with the proposed extension.

It has been proposed by the Head Teacher that a new travel plan be adopted by the School which includes using the car park of Staverton Club (which has been negotiated by the School) and also the new car park adjacent to the footpath that leads from Marina Drive to School Lane. When including the school car park this gives 3 areas for children to be dropped off and picked up and parents will be given colour coded stickers to put in their cars which will give them entrance to the particular car park allocated to them. In addition to this 4 School Crossing Patrolling Employees would ensure that the children would then get to school safely.

As such it has been considered by the Highways Officer that due to provisions being made to reduce the traffic impact that could potentially result from the extension to the school, no objections to the proposal are raised. However, if the proposal is approved it would be necessary to condition a travel

plan be submitted to the highways department for approval and to ensure that the development is carried out in accordance with the submitted and approved details.

9.5 OTHER

Other areas that have been highlighted by the public include School Lane having a 20mph or 15mph restriction. This is a separate matter for the local highway authority to consider. Comments have also been received regarding loss of part of the playground, however the school have provided evidence to prove that they will still have adequate facilities that are required under separate legislation.

10. CONCLUSION

It is considered that the proposal complies with the relevant policies of the development plan and advice contained in the National Planning Policy Framework. Accordingly, the proposal is recommended for approval.

Recommendation: Permission

For the following reason(s):

The proposal by reason of its location, siting and design would not have an adverse impact upon neighbouring amenity or the street scene and complies with Saved Policies C31a, C38 and CF1 of the West Wiltshire District Plan 1st Alteration 2004, the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy and advice contained in the National Planning Policy Framework

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 development hereby permitted shall be carried out in accordance with drawing numbers 120483 P(0): 07, 08, 09A, 10A, 11A, 12A, 13, 14 received on 18th October 2012.
Reason: For the avoidance of doubt and in the interests of proper planning
- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.
- 4 No development shall commence on site until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with the approved details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

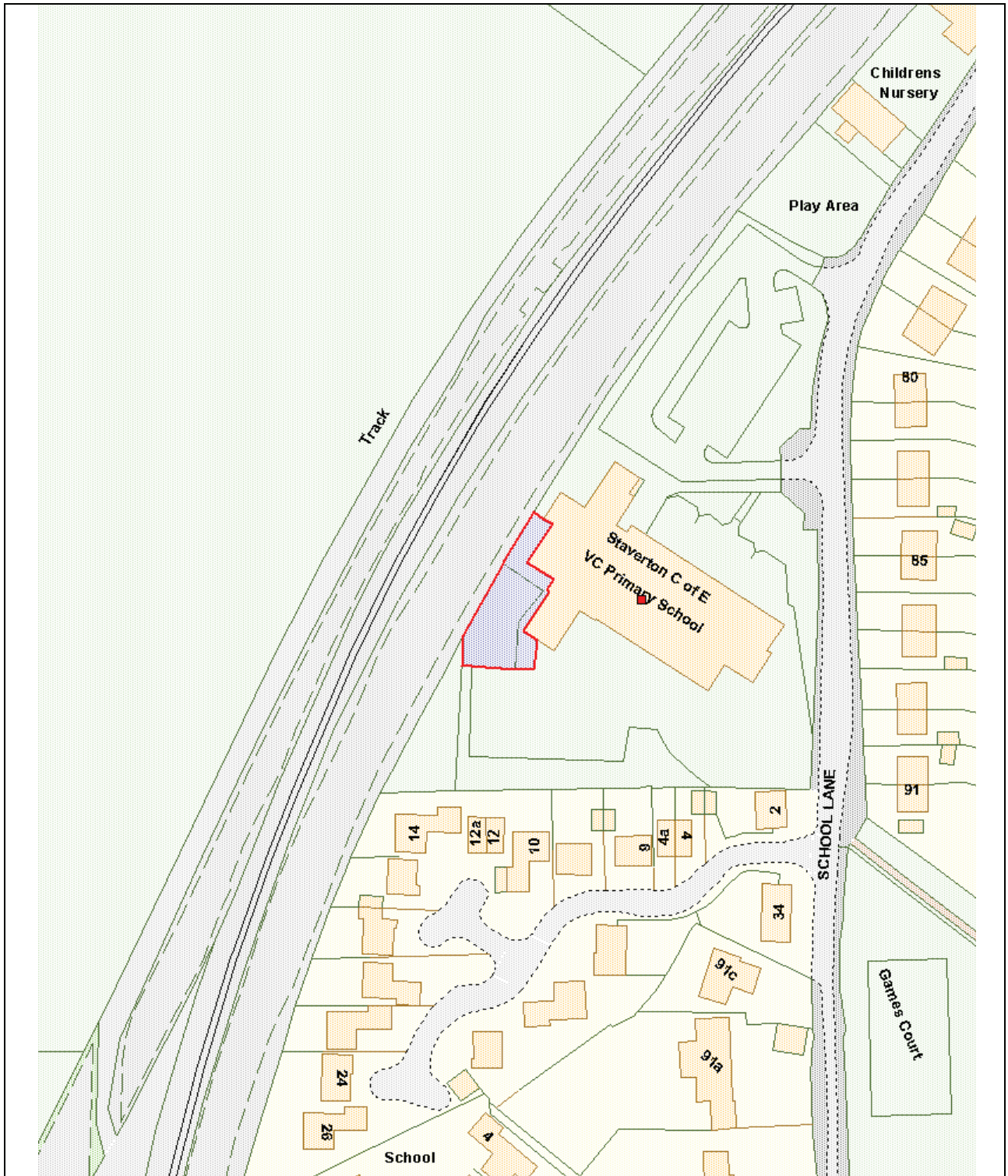
Reason: In the interest of highway safety and reducing traffic development to the site having regard to the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy and advice contained in the National Planning Policy Framework.
- 5 The development hereby approved shall be carried out in strict accordance with the Phase 1 Habitat Survey written by Clarke Webb Ecology Limited received by the Local Planning Authority on 12th October 2012 unless otherwise agreed in writing.

Reason: In the interest of ecology having regard to advice contained in the National Planning Policy Framework

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/12/01720/FUL		
Site Address	Land North West Of 2 The Uplands Warminster Wiltshire		
Proposal	Proposed dwelling		
Applicant	Mr M Sharpe		
Town/Parish Council	Warminster		
Electoral Division	Warminster Copheap And Wylve	Unitary Member:	Christopher Newbury
Grid Ref	388180 145476		
Type of application	Full Plan		
Case Officer	Jemma Boustead	01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk	

REASON FOR THE APPLICATION BEING CONSIDERED BY THE PLANNING COMMITTEE

Councillor Newbury has requested that the application be called to the Planning Committee if recommended for approval or refusal for the following reasons:

Scale of development, visual impact on surrounding area, relationship to existing properties and design

1. Purpose of Report

To consider the above application and to recommend refusal

Neighbourhood Responses – 4 letters of objection

Warminster Town Council - object

2. Report Summary

The main issues to consider are:

- principle of development
- design issues
- impact upon the immediate area
- impact on amenity
- highway and access considerations

3. Site Description

Uplands is a cul-de-sac of large properties in large spacious gardens. The dwellings are of differing designs and are at different levels. The dwelling of Number 2 has been cut in to the existing landscape and as such part of the garden is on much higher ground.

4. Relevant Planning History

W/11/00640/FUL – Detached Bungalow – Refused for the following reasons

1) The proposed development, by reason of its size, location, design and relationship with adjoining properties would result in a cramped form of overdevelopment which would be out of keeping with the character of the area contrary to the requirements of policies H1 and C31a of the West Wiltshire District Plan 1st Alteration 2004, the principles of the Council's supplementary planning guidance and Government advice in Planning Policy Statement 3.

2) The proposed development, by reason of its size, location, design and relationship with the existing dwelling and site boundaries, would result in overdominance, overshadowing, loss of light and privacy and reduction in general amenity for occupants of both existing and proposed properties contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

03/00812/FUL – Demolition of double garage and construction of detached retirement bungalow including alteration to access drive and construction of replacement garage – Refused 02/07/03 for the following reasons:

1) The proposed development, by reason of its siting, form, massing, and proximity to the adjacent dwelling scale would be poorly related to number 2 The Uplands, resulting in a cramped form of overdevelopment which would be detrimental to the setting of the host building and the amenities of future occupiers of that dwelling, and also to the character of the surrounding area. This would be contrary to the provisions of Policy H1 of the West Wiltshire District Plan and Policies H1 and C31A of the West Wiltshire District Plan - 1st Alteration (Revised Deposit including Pre-Inquiry Changes).

This decision was upheld at a Planning Appeal in 2004.

93/0645 – Outline for Two Dwellings - Refused 10/08/1993 for the following reason:

1) Having regard to the scale and general character of the existing adjoining development the erection of two dwellings on this limited site is considered to constitute overdevelopment, with the dwellings having an unsatisfactory relationship to each other and inadequate space around them, thereby resulting in a form of development out of keeping with the area

OTHER RELEVANT PLANNING HISTORY

02/00698/FUL – Shed at 4 The Uplands – Approved

01/01358/FUL – Conversion of garage into domestic annexe at 4 The Uplands - Approved

90/01168/FUL – Double garage and playroom at 3 The Uplands – Approved

5. Proposal

The proposal is to divide the plot of number 2, demolish the existing garage and replace with a parking and turning area and a new two storey two-bedroom property.

It is important to note that the applicant has now served notice on the neighbours who own the road that is within the red line of the application.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004 - C1 Countryside Protection; C31a Design; C38 Nuisance

H1 Further Housing Development within Towns

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy
National Planning Policy Framework (NPPF)

7. Consultations

Town Council – Object on the grounds of overdevelopment with the site being too small and near to neighbouring properties.

Highways officer – No Objection but recommend a condition requiring parking and turning areas

Wessex Water - New water supply and waste water connections will be required to serve the proposed development. New regulations also require all new sewer connections serving more than

one dwelling to be subject to a signed adoption agreement with Wessex Water before the connection can be made.

8. Publicity

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 16th November 2012

Summary of points raised:

Four letters of objection from the public with the following concerns:

- In 1983 Wiltshire Council granted planning permission for a development limited to only four dwellings served by a private drive. In August 1993 on an adjacent site two dwellings were refused on the basis that it constituted overdevelopment. Also two previous applications on this site have also been refused.
- The site levels change in height (some four feet). Increase in traffic is unacceptable and would cause subsidence and erosion to neighbouring dwellings particularly in wet weather.
- The proposal is not in keeping, is overdevelopment and would be an eyesore.
- At no point has the developer requested permission to use the private road and they do not own it. Increase risk of safety to children who play outside the house.
- Increase in noise and pollution.
- The proposed house would result in loss of privacy and impact upon the peaceful enjoyment of garden as due to the levels the site will be on much higher ground so will cause overshadowing.
- The applicant makes reference to an annexe at Number 3 – however this is actually a double garage and a playroom and is not used as a separate dwelling.
- The amenities of the existing occupiers will be significantly reduced through the loss of a garage, smaller garden.
- There are existing concerns with surface water at Uplands.
- The site is outside the Warminster boundary.

The applicant has responded to these objections with the following comments:

The original consent for four dwellings was some 27 years ago and should not be viewed as cast stone. It is normal to demolish some properties and redevelop the site. Neighbours have raised concern regarding the proposal being cramped but I would like you to refer to the site of the Downlands which is immediately adjacent to Uplands. Increase in traffic will be minimal for a 2 bedroom property. Despite ownership it is impossible to prevent anyone from accessing the private road. The deeds for number 2 clearly state that they have a right of way at all times and for all purposes. The plans show very clearly that there will be no windows on the north east side and as such no overlooking will occur to number 3 either front or rear gardens. It is also not possible to see into their gardens due to an existing hedge and as such would not overshadow the rear garden. The annexe to number 3 was used by their eldest son as normal living accommodation for several years before the property was sold to the new owners. A large window on this annexe overlooks part of the gardens of number 2 which would cease to apply if planning permission were granted. Planning permission has been granted for a flat above the garage to number 4. Surface water will be dealt with via a soakaway. The division of the garden area for the host building and the proposed new house is flexible and can be mutually agreed with the planning officer. Objections are based on inaccurate facts. We also invite all members of the Planning Committee to visit the site

9. Planning Considerations

It is important to highlight the differences between the previously refused application and the current application. These differences include:

Location – the previous application was located to the north west of the existing dwelling and is now proposed north east of the existing dwelling.

Design – the previous application saw a single storey dwelling and is now proposed to be two storey
Access – the previous application saw a vehicular access to the west of the existing dwelling and it is now proposed to be located to the east.

9.1 PRINCIPLE OF DEVELOPMENT

The site is located outside of the town boundary limit, which in theory places it in the open countryside. However, it has to be recognised that this cul-de-sac is a built-up area and has a suburban appearance and it is not considered reasonable in these circumstances to argue that the development would harm the appearance of 'countryside'.

9.2 DESIGN ISSUES AND IMPACT UPON THE WIDER AREA

Saved Policy C31a states that proposals for new development should respect or enhance: townscape and landscape features and views, existing patterns of movement, activity and permeability, the quality of architecture of surrounding building and historic layout and spatial characteristics.

Saved Policy H1 states that new development should be in keeping with the character of the area and not create backland or tandem development.

The National Planning Policy Framework attaches great importance to the design of the built environment. It also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The character of the immediate vicinity (The Uplands) is of very low density with large properties that face onto private drives with spacious undeveloped gardens. The existing dwellings are clustered around a narrow curving private drive.

In dismissing the appeal in 2004, the Inspector referred to the site "being constrained by the siting of the existing house and the boundary of the neighbouring property" and noted that "the site is narrow in comparison with others in the area and that the proposed building would be located uncharacteristically close to the boundary with its neighbours"

The application site is still significantly smaller than those plots surrounding it and the location of the dwelling is set deep into the plot which measures approximately 4.5 metres from the rear boundary and 2 metres from the neighbouring boundary. This pattern of development (so close to the rear and neighbouring boundaries and it being a small plot) is not currently found in The Uplands.

Neighbouring properties do have garages/annexes located in similar locations, however these appear incidental to the main planning unit.

A new two storey dwelling by reason of its location would appear to be out of keeping with the existing built form, would result in inappropriate backland development and would appear cramped due to the gap between the existing residential properties being removed.

The proposal sees a dwelling which is dug into the ground so it appears two storey from the front elevation but single storey at the rear and side. It will be built with facing brick and concrete render which would be similar to number 2 The Uplands.

The existing dwellings in The Uplands are of differing designs but are all large 4 bedroom properties. The proposed dwelling which is a small (when compared to those existing) two bed property is considered to be out of keeping with the character of The Uplands.

It is considered that the proposal has not overcome the first previous reason for refusal.

9.3 IMPACT UPON AMENITY

The proposed dwelling has only one window proposed on the north east elevation which will serve a bathroom and as such could be conditioned to be obscure glazed.

The proposed dwelling also sees a window and French doors on the north west elevation which would be at ground floor level and as such would not overlook 2 The Uplands due to a proposed 2 metre high fence. The dwelling would also have windows on the southern elevation at both ground floor and first floor level which by reason of their location would overlook the proposed parking and turning area, but would not overlook the rear garden of number 3 The Uplands or the garden of Number 1 The Uplands.

It is also considered that the proposed dwelling would not overshadow its immediate neighbours due to the siting of the dwelling, it being dug into the ground, its height and the differing levels that currently exist. It could be considered that a 2 metre high fence on top of the high wall that would form the boundary between the proposed dwelling and the existing dwelling could be overdominant, however the owners could erect a fence in the same location under permitted development rights and it would not be appropriate to use this as a reason to refuse the application.

Due to the single storey nature of the dwelling above existing ground level and its location north east of the existing dwelling, the proposal has overcome the second previous reason of refusal.

9.4 ACCESS AND HIGHWAYS

It is considered that the proposal would not have an adverse impact upon highway safety as the proposal provides adequate turning and parking facilities for both the existing and proposed dwelling. The existing junction is also considered to be adequate and the proposal is considered to comply with the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy and the NPPF.

It is noted that concerns from the public include ownership of the road, however the correct certificate has now been served and if planning permission is granted, the applicant would still require permission from those who own the road but this is a civil matter and as such the Local Planning Authority would have no involvement.

10. CONCLUSION

It is considered that the proposal would still be an inappropriate form of development that would be out of character with the area and would have an adverse impact on the appearance of this cul-de-sac. Accordingly, it is recommended for refusal.

Recommendation: Refusal

For the following reason(s):

- 1 The proposed development, by reason of its size, location, design and relationship with adjoining properties would result in a cramped form of overdevelopment which would be out of keeping with the character of the area contrary to the requirements of Saved Policies H1 and C31a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained in the National Planning Policy Framework

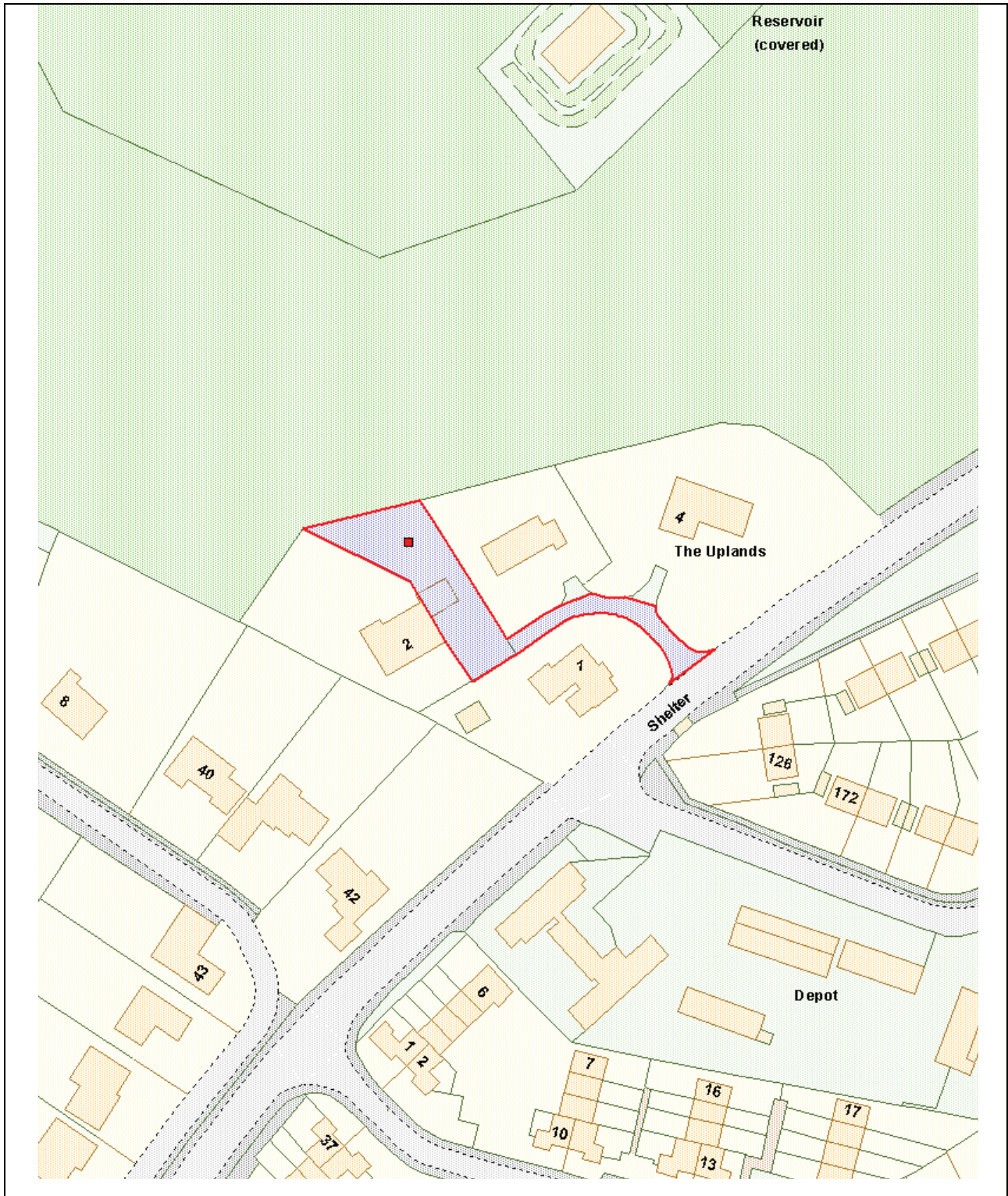
Informative(s):

- 0 This decision relates to drawing numbers MS/01 MS/02, MS/03, MS/04 and drawing annotated as Site and Location Plans received on 12th September 2012.

Reason: For the avoidance of doubt and in the interests of proper planning

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/11/02320/FUL		
Site Address	Land Rear Of 25 And 26 Union Street Melksham Wiltshire		
Proposal	Erection of 2 dwellings with garages; reinstatement of railings and gate piers across site frontage; new tree planting; demolition of garden sheds and brick boundary walls		
Applicant	Mr B Copland And Mr And Mrs A Plummer		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham Central	Unitary Member:	Stephen Petty
Grid Ref	390671 164029		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact
- * Car parking
- * Other: Called-in due to neighbours and Town Council concerns on flood plain displacement, protected wildlife displacement, loss of amenity by overlooking, loss of light and tree removal, highways and parking issues.

1. Purpose of Report

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

Neighbourhood Responses - 45 letters received from 16 individuals objecting.

Melksham Town Council Response - Objection.

2. Report Summary

The main issues to consider are:

- * Principle of development;
- * Siting, layout and design considerations are satisfactory and they are in keeping with the character and appearance of the Conservation Area;
- * Whether inappropriate backland or tandem development;
- * Whether the loss of an open area or visual gap important for recreation or amenity reasons has occurred;
- * Surface water disposal and flooding issues;
- * Water supply and foul water disposal;
- * Ecology;

- * Accessibility including highway safety; and
- * Any other material considerations such as neighbouring amenity and archaeology.

3. Site Description

The application site is the rear gardens of 25 and 26 Union Street, Melksham.

The site has a typical appearance of residential curtilage with the frontage laid to hard standing for parking and turning, and the remaining area beyond a mixture of lawn and bedding for flowers and/or vegetables. The site slopes from the south down to the north where the rear of the site is denoted by Clackers Brook which feeds into the River Avon at the town bridge. Beyond this are the George V playing fields.

The area is characterised by residential development that fronts onto Union Street, but there is some limited backland development in the vicinity and also to the east property is at a right angles to Union Street as it fronts onto Bath Road. The area is characterised by period property over two storeys with red brick and bath stone predominant.

Access to the site is via Union Street to the front/south of the site. This is a C-classified highway which is one way traffic running west to east. There is a public pay and display car park approximately 45 metres to the west and the town centre is beyond this.

4. Relevant Planning History

08/03105/FUL - Demolition of existing garage and construction of new garage, through access to rear, with two bedroom flat above – Permission by committee on 12.03.2009.

08/02965/FUL - Erection of two houses with garages – Withdrawn

5. Proposal

This is an application for the erection of two houses with garages. It has been subject to extensive discussion and negotiation and the final submission details the following.

Access from Union Street to two parking spaces allocated to 25 Union Street and then private drive (3.6 metres wide and approximately 24 metres long) to a backland development of 2 houses linked by covered car ports and hard standing to provide for 4 car parking spaces and turning. The proposal provides for outdoor amenity space to serve the 2 existing and 2 proposed dwellings.

The proposed dwellings are 2-storey in height, with three bedrooms and two bathrooms at first floor, and on the ground floor kitchen, WC and two reception rooms. The external materials proposed are a mixture of reclaimed stone, brick and timber cladding to the walls and slate and reclaimed tiles to the roofs.

The two dwellings would be set back from Union Street by approximately 29 metres with finished floor levels of 35.4 metres AOD and an overall external height of no more than 8 metres.

The submitted plans also detail the erection of railings to the frontage of the site within the applicants control but outside of the application site. Further flood compensation works are detailed in the form of land re-profiling.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) - C17 Conservation Areas; C18 New development in Conservation Areas; C31a Design; C32 Landscaping; C38 Nuisance; H1 Further Development Within Towns; U1a Foul Water Disposal; U2 Surface Water Disposal

National Planning Policy Framework
National Planning Policy Framework's technical guidance.

7. Consultations

Melksham Town Council

Objection on the following grounds:

- * This development is in a flood plain. If the development goes ahead this will cause displacement of water to other properties within the vicinity.
- * Loss of amenity enjoyed by neighbours.
- * Proposed new development not in keeping with street scene which is in a conservation area.
- * Even though garages have been provided, concern was raised, due to lack of other parking spaces, and an inadequate turning circle, vehicles may have to reverse out onto Union Street, given the poor visibility splay this may cause difficulties.
- * Potential increase in noise/fume pollution from cars and the impact to health of nearby neighbours.
- * There is insufficient parking for the site.
- * With the introduction of a brass block base there is no compensation for the impact this will have on flood plain area.

If development goes ahead the Town Council asked that:

- * There is no overlooking windows onto neighbouring properties.
- * The Environment Agency conducts a survey on the impact of flooding on the site and impact on neighbouring properties.

The Town Council raised the following concerns:

- * Loss of wildlife. The Town Council would welcome comments from English Nature and Wiltshire Wildlife on the impact on wildlife if the development goes ahead.

County Ecologist

No objection subject to conditions / informatives:

The above application has been flagged up by the WSBRC due to records of water voles in Clackers Brook, which forms the northern boundary of the site. Water voles have been recorded along several sections of Clackers Brook and given the favourable habitats in the vicinity, there is potential for water voles to be present at the application site. As a precaution in order to avoid any harm to water voles and their burrows (both are protected under the Wildlife and Countryside Act 1981, as amended) an exclusion zone of 5m from the water bank should be undertaken within this zone.

The site has potential for low numbers of reptiles, such as slow worm and grass snake, although due to the well-managed nature of the gardens, these are likely to be restricted to the margins and the Clackers Brook corridor (the latter will be protected by the exclusion zone). I advise issuing the following Informative: Site clearance should be removed by hand and grass should be maintained as short-cut until construction work commences and all cuttings removed from the site.

Environment Agency

No objection to revised plans: We have reviewed the revised plans and revised Flood Risk Assessment that have been submitted. We now consider the revised proposals acceptable as the car parking area has been removed from the floodplain. Therefore we have no objection to the proposed development subject to conditions and informatives.

Wiltshire Highways

"No objection "

Libraries and Heritage

No objection subject to conditions.

Wessex Water

No objection

8. Publicity

The application was advertised by site notice, press notice and neighbour notification. Expiry date: 20 November 2012.

45 letters received from 16 individuals objecting. Summary of points raised:

- * Harm to the character and appearance of the conservation area;
- * Inappropriate design;
- * Impact on protected species;
- * Loss of trees;
- * Loss of view to park;
- * Inadequate parking;
- * Inadequate emergency access;
- * Highway safety with likely manoeuvring on highway;
- * Inadequate visibility;
- * Flood risk exacerbated;
- * Further investigation of flooding required;
- * Is a flat still proposed adjoining 25 Union Street;
- * Loss of amenity/light from overshadowing/overbearing;
- * Potential overlooking;
- * Permitted development rights should be removed;
- * Disruption from moving electricity pole;
- * Noise, fumes and light from backland development harmful to amenity;
- * Inaccuracy in submission; and
- * With 700 houses being built in Melksham is there a need for 2 more in an unsuitable area.

9. Planning Considerations

9.1 Principle of development.

The application site is located within the town policy limits of Melksham where the principle of further housing development is established by policy H1 of the West Wiltshire District Plan 1st Alteration (2004) – This permits new housing subject to them meeting detailed criteria.

The application site is located within a designated conservation area, where new development is acceptable, again subject to detailed issues, as set out in Policy C17-C19 of the local plan.

The application site is partially located within, and immediately adjacent to, a designated flood plain area. The development of dwellings is termed to be “more vulnerable development” within government guidance in the NPPF and its technical guidance on flooding. More vulnerable development is appropriate in flood zones 1 and 2, in flood zone 3a an exception test needs to be applied. Therefore it is concluded that in principle this is not an insurmountable issue but is subject to detailed considerations.

In summary therefore the principle of housing in this location is acceptable, rather it is a matter of detailed consideration as to whether any demonstrable harm would result to any material planning considerations that would warrant refusal of the application. If not, or if any harm can be adequately addressed through the appropriate use of conditions then planning permission should be granted. Below is an assessment of the detailed material considerations.

9.2 Siting, layout and design considerations are satisfactory and they are in keeping with the character and appearance of the Conservation Area.

The proposal is to erect two dwellings on a backland plot within the established urban form of Melksham’s Conservation Area. Although the main spatial characteristic of development in this location is to front the highway there are some exceptions, most notably a modern cul-de-sac close to the site to the west (Webbs Close). The erection of two dwellings to the rear would therefore not be out of keeping with the spatial form of the area that has evolved.

The layout has been dictated by the significant constraint of flood risk. The access and area where the dwellings are located has been identified as flood zone 1, the lowest level of fluvial flood risk. To the rear though is flood zone 2/3 (they are indistinguishable in this location), so development has generally been avoided here. It is noted that a nominal amount of dwelling H2 falls within the 1:100 year flood risk zone 3, the rear of the car port buildings and some decking to the rear dwelling H1. However suffice to say at this point it is considered that to push the dwellings further to the north would increase the risk of flooding to the development and to other property in the flood plain’s

vicinity. Where the buildings are sited is where the environment Agency have no objection on flood risk grounds.

Dwelling H1 is a 2 storey property with low eaves levels and the first floor is therefore partially within the roof. It has been proposed to use reconstructed stone to the walls and slate to the roof. Dwelling H2 is a similar proposal but the most notable difference is the use of timber cladding to the first floor walls. Linking the two properties would be covered car ports (not garages) which would have reclaimed tiles to the roof. The roof forms of the buildings are quite steep, similar to Webbs Close, which has been constructed with a more modern design and high pitched roofs. It is also noted that the site would be set back from the frontage and therefore is less prominent in the street scene and conservation area. Furthermore due to having a finished floor level some 1.2 metres below the property fronting Union Street the overall height appears lower than the ridge of 25 Union Street.

Taken in isolation the dwellings are considered to be of an acceptable design, with their window arrangements designed to eliminate the risk of unacceptable overlooking. Given their siting in a backland position, set back from the road and at a slightly lower finished level than those properties on Union Street then, subject to the use of traditional local materials, it is considered that the character and appearance of the conservation area would be preserved. In addition it is noted that there is an intention to improve the frontage boundary treatment and this would be an enhancement of the character and appearance of the conservation area at this point.

It is considered that the siting, layout and design are satisfactory and that the character and appearance of the conservation area would be preserved.

9.3 Whether inappropriate backland or tandem development.

As already detailed the site is a backland plot. This presents its own challenges; in terms of creating acceptable access, acceptable window arrangements and not least avoiding any demonstrable harm to existing and future resident's amenity through overlooking, dominance, overbearing and access.

The proposals have a carefully designed window arrangement that avoids any significant direct overlooking of existing residential property. In fact the whole scheme has avoided any harm in that regard.

Due to the relative orientation of the proposals to existing property and the degree of separation it is considered that no significant level of dominance, overbearing or overshadowing would occur. The proposals will obscure views of some existing property, but that is not a material planning consideration. Any level of overshadowing or dominance would be to a limited area of neighbouring gardens, but as these are relatively large the overall impact is not considered to be grounds for refusal. Conditions can be used to ensure that no further development occurs and that window arrangements are not changed.

In terms of access, the highway safety implications are addressed below. The two properties most affected by the access and turning would be 25 and 26 Union Street, and it is noted that these are the applicants.

In summary, although backland development, on balance it is not considered to be inappropriate in this location due to the design and layout.

9.4 Whether the loss of an open area or visual gap important for recreation or amenity reasons has occurred.

The proposal would close a visual gap in the street scene and build on an area which is currently open. However, the space is privately owned and not part of any publicly accessible space.

It is also noted that there has been some local objection as the development would obstruct their views towards trees, the brook and the park beyond. Whilst such views are pleasant there is no private right to a view. Furthermore such views are not considered to be of such merit or importance so as to be sacrosanct. It is therefore not considered that the loss of this open area and visual gap is of such importance as to merit refusal of the application.

9.5 Surface water disposal and flooding issues.

The access and area where the dwellings are located has been identified as flood zone 1, the lowest level of fluvial flood risk. To the rear though is flood zone 2/3 (they are indistinguishable in this location). It is noted that a nominal amount of dwelling H2 falls within the 1:100 year flood risk zone 3, the rear of the car port buildings and some decking to the rear of dwelling H1 is also in the higher probability of fluvial flooding.

Dwellings are classed as more vulnerable development within the National Planning Policy Framework and its technical guidance on flooding, but in flood zone 1 this is considered to be appropriate development. Given that the vast majority of the development is proposed to be in flood zone 1 then it is assessed that the proposals would not be at a higher risk of flooding. The finished floor levels to habitable accommodation would be at a level 35.40 which would be 47cm above the 1:100 year flood level detailed in the flood risk assessment accepted by the Environment Agency. The finished floor levels within the car port would be 35.20, 27cm above the 1:100 year flood level. So despite the back edge and a nominal part of unit H2 (and the decking to H1) falling within the existing flood zone 3 the result would be they are raised outside of the established flood risk and would be within zone 1.

It is therefore considered necessary to ensure that adequate flood compensation area is provided for within the site to address the displaced flood plain storage volume. Compensation has been indicated in a number of ways with the removing of existing outbuildings in the gardens, re-profiling of land and new open boundary treatments. It seems that elements of this are not substantial works and rather an academic exercise of ensuring that the equation balances – the details are more indicative rather than detailed. For example the cross sectional plans indicate that a volume of 4-7 cubic metres will be created by lowering ground levels by 5cm over an area of 36 x 2-4 metres adjoin Clackers Brook. 5cm is a modest amount and would be indistinguishable over the existing levels. Furthermore it would silt up in a very short period of time. Enforcement of such a change would not be easy, as details are imprecise and the change detailed is so modest. Moreover though this works could have an impact on water voles, where the Council's ecologist recommends a 5 metre exclusion or buffer adjacent to the brook should be retained to avoid harming water voles and their habitat. Also it would impact on existing vegetation and the potential loss of this has been a concern in the consultation responses. There is a conflict here.

The Environment Agency has confirmed that they have no objection based on the submitted plans and flood risk assessment given the level of compensation that has been provided and the finished floor levels proposed. They have recommended conditions that seek to ensure the stated finished floor levels, amount of compensation storage and open boundary treatments detailed are complied with. Furthermore they want permitted development rights for outbuildings removed and details of surface water drainage strategy to be provided. They also seek the use of informatives. Great weight is attached to their opinions as they are expert in matters of flooding.

The surface water drainage strategy is imprecise on this proposal, it generally points toward the use of sustainable drainage principles being applied but has no actual detail. Given the sensitivity of the immediate area to fluvial flooding and that the site would be further urbanised then the treatment of surface water drainage is an important point. However it can be adequately controlled by condition.

The insubstantial detail for the flood compensation works and the lack of detail in regards to surface water strategy needs to be weighed against the expert opinion of the Environment Agency. It is considered that all of the EA's objectives and conditions suggested in their formal consultant response do adequately control the flood risk to existing, future and neighbouring occupiers and their property. In principle the proposals would therefore be acceptable. It is also assessed that the level of flood compensation necessary can be achieved at the same time as ensuring that a 5-metre exclusion adjacent to the brook is achieved. Furthermore it is considered that a holistic approach to flood compensation and surface water drainage can create opportunity for enhancing biodiversity and landscaping; perhaps with a wetland pond habitat being created as part of a rear garden landscaping and flood compensation scheme. All of which can be secured through appropriate use of conditions.

In summary, conditions can adequately control any concern in regards to potential flood risk and any existing ambiguity. Furthermore the use of such conditions presents the applicant with an opportunity

to create a more holistic approach to flood compensation, surface water drainage, landscaping and biodiversity protection/enhancement over and above the existing submission.

9.6 Water supply and foul water disposal.

The application site is within an area where water supply and access to foul water supply are possible. Wessex water raises no objection subject to easement of their infrastructure. The submitted plans appear to show this can be satisfactorily achieved.

9.7 Ecology.

The proposed built form would affect an existing garden area and this is likely to have a relatively low ecological value, but may support some reptiles. The wider works would potential impact on the brook to the north and this does have a greater potential for ecological interest. Ecology has been raised in numerous consultation responses from local residents and the town council and it is noted that the Wiltshire and Swindon Biological Records Centre flagged up the development as potentially affected water voles that are recorded on the brook.

In light of this the Council's ecologist has been consulted. They have detailed no objection, their response is detailed above. In light of the expert ecological advice then subject to a condition and an informative, no harm to protected species is likely to occur.

One necessary condition is that Clackers Brook and an exclusion area of 5 metres is not affected by the works. This will mean that water voles are protected, but equally should prevent loss of trees along the brook (save for appropriate thinning and management). The implication being though that the flood compensation cannot be carried out as proposed and so by condition a different approach will have to be agreed to gain adequate compensation. Such a scheme may take opportunity to modestly enhance ecological potential on the site.

9.8 Accessibility including highway safety.

The proposed development has detailed the provision of 2 car parking spaces for 25 Union Street from the new access, the retention of the existing arrangements at 26 Union Street and the provision of access and parking for 4 vehicles in connection to the units H1 and H2. This is in principle acceptable, especially given the proximity to the services and facilities of the town centre.

The turning provision for the two new units is tight, but not unacceptable.

It is noted that Union Street is a C-classified highway, but it is a one-way street with traffic flowing from the west only. The proposed frontage railings may provide some very limited obstruction to visibility but the benefit to the street scene and conservation area outweighs any concern in that regard, especially given that highway officers are raising no objection.

Finally the proposals have detailed the use of a car port and not garaging, therefore it is considered much more likely that the space would be used for cars. A condition to define this is considered prudent.

Turning to more general issues of accessibility, the site is very conveniently located to the facilities and public transport provision within the town centre. There is also public car parks in close proximity to serve any potential visitors to the development. Pedestrian and cycle access to and from the site is acceptable.

9.9 Any other material considerations such as neighbouring amenity and archaeology.

The Council's archaeology team have advised that it is possible that archaeological features and deposits associated with the medieval or later occupation of this part of Melksham could be disturbed or destroyed by the proposed development. As such they recommend no objection subject to a full watching brief. This can be secured by condition.

The concern over potential impact on neighbouring amenity has been addressed in the consideration of whether the development is inappropriate backland development. All the neighbour responses have been given very careful consideration including those points regarding overlooking, window arrangements, dominance, bulk, massing and siting. However on balance it is not considered that any harm would be significant or demonstrable.

9.10 Planning History.

Planning history was granted on the frontage of this site for a single unit. This was an extant permission at the time of application, but has subsequently expired and hence any reference to it on the submitted plans has been removed.

10. Summary and conclusion.

In summary, the proposal is regarded as a sustainable development that meets the criteria of the development plan. The Environment Agency are satisfied on the floodplain issue and accordingly, planning permission is recommended.

Recommendation: Permission

For the following reason(s):

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

Subject to the following condition(s):

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

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

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C17, C18, C19, C31a and H1.

- 3 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 park 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.

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

- 4 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.

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

- 5 Notwithstanding the hereby approved plans no development shall commence until final details of a flood mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. This shall include:
- i) Provision of compensatory flood storage on the site to a 1:100 year standard;
 - ii) Finished floor levels set no lower than 35.40 metres above Ordnance Datum (AOD);
 - iii) Only open boarded fencing used to mark boundaries within 8 metres from the top of bank of the watercourse;
 - iv) Method statement, including timetable, for the demolition and clearance of all existing buildings in the application site; and
 - v) Details of how the scheme shall be maintained and managed after completion.

The strategy shall subsequently be implemented in accordance with the approved details before the development is completed and maintained in perpetuity.

REASON: To reduce the risk of flooding to the proposed development and future occupants. To reduce the likelihood of flood flows being impeded.

POLICY: National Planning Policy Framework and its associated Technical Guidance.

- 6 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and maintained in perpetuity.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy U2 and the National Planning Policy Framework and its associated Technical Guidance.

- 7 Notwithstanding the hereby approved plans no development including flood compensation works shall be carried out within 5 metres from the top of bank of the watercourse.
- REASON: As a precaution in order to avoid any harm to water voles and their burrows (both are protected under the Wildlife and Countryside Act 1981, as amended).
- POLICY: National Planning Policy Framework.
- 8 No part of the development hereby permitted shall be first occupied until the access, turning area 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.
- West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and H1.
- 9 No development shall commence within the application 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 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.
- POLICY: National Planning Policy Framework.
- 10 Before the development hereby permitted is first occupied the first floor window in the west elevation of unit H1 and first floor window in the east elevation of unit H2 shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.
- REASON: In the interests of residential amenity and privacy.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C38 and H1.
- 11 The car ports/garages shall be open fronted (i.e. no doors) as detailed on the approved plans and remain so at all times thereafter.
- REASON: In order to encourage the use of car ports for car parking.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B, C, D, E, F, G, and Part 2, Class A shall take place on the dwellinghouses hereby permitted or within their curtilages.
- REASON: In the interests of the amenity of the area and to preserve the floodplain in perpetuity.
- POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICIES: C31a and C38; and the National Planning Policy Framework.
- 13 The development shall be carried out in accordance with the hereby approved plans (other than where amended by details submitted to and approved in writing in any subsequent discharge of planning condition application(s)):

Drawing: USBC1 received on 19 October 2012;
Drawing: USBC2 Revision A received on 19 October 2012;
Drawing: USBC23 received on 19 October 2012;
Drawing: USBC6 received on 19 October 2012;
Drawing: USBC7 received on 19 October 2012;
Drawing: USBC22 Revision A received on 19 October 2012;
Drawing: USBC21 Revision A on 19 October 2012; and
Drawing: USBC5 received on 29 March 2012.

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

Informative(s):

- 1 The developer is advised that a holistic approach to the issues of flood compensation, surface water drainage, landscaping and nature conservation should be developed in order to address the discharge of the pre-commencement planning conditions. For further advice please contact the planning case officer prior to the submission of any application to discharge the planning conditions.
- 2 The developer is advised that disposal of surface water to soakaways is the preferred option, providing ground conditions permit and percolation tests demonstrate that they are appropriate. The soakaways may require separate approval under Building Regulations and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". The surface water drainage scheme for the proposed development must meet the following criteria:
 - i) Any outflow from the site must be limited to Greenfield run-off rates and discharged incrementally for all return periods up to and including the 1 in 100 year storm.
 - ii) The surface water drainage system must incorporate enough attenuation to deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change for the lifetime of the development. Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
 - iii) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) should be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site.
 - iv) The adoption and maintenance of the drainage system must be addressed and clearly stated.
- 3 The developer is advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Clackers Brook, designated a 'main river'.
- 4 The developer is advised that safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes.

It is recommended that the developer refer to the Environment Agency's Pollution Prevention Guidelines, which can be found at:

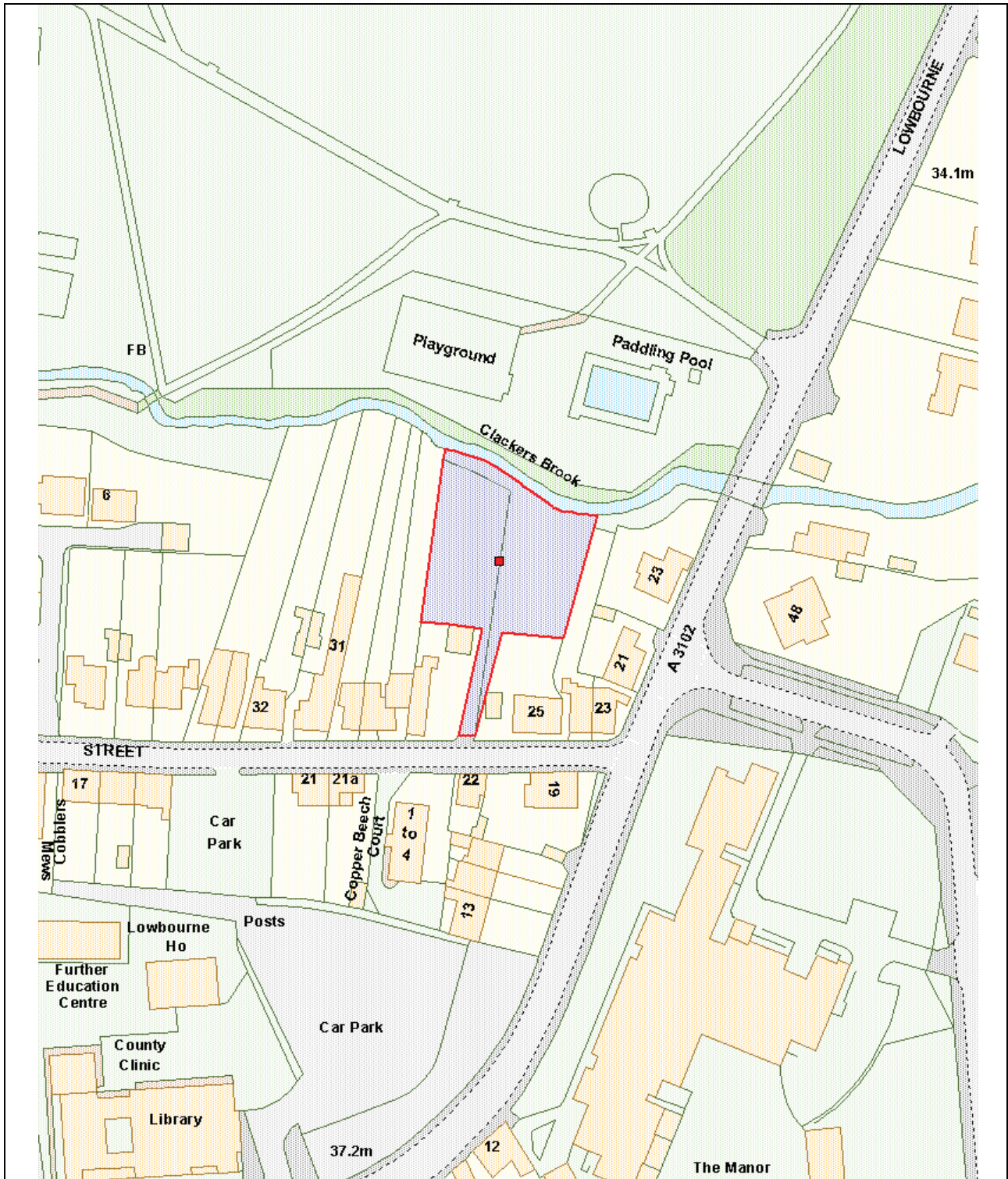
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

- 5 The developer is advised that the site has potential for low numbers of reptiles, such as slow worm and grass snake. Therefore any site clearance should be carried out by hand and grass should be maintained as short-cut until construction work commences and all cuttings should be removed from the site.

- 6 The developer is advised that Wessex Water's infrastructure is recorded as crossing the application site. No building will be permitted by Wessex Water within the statutory easement of 3 metres from the pipeline without their agreement. For further information you should contact Wessex Water on 01225 526000.
- 7 The developer is advised that pursuant to condition 9, the work, in the form of an archaeological watching brief, should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by Wiltshire Council and there will be a financial implication for the developer. For further information please contact 01249 705502.

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/12/01893/FUL		
Site Address	Land Adjoining 51 Summerleaze Trowbridge Wiltshire		
Proposal	Conversion of 51 Summerleaze into two flats and two storey extension for two flats		
Applicant	Morris Developments		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Lambrok	Unitary Member:	Helen Osborn
Grid Ref	384184 156942		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact

1. Purpose of Report

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

Neighbourhood Responses - No comments received.

Town Council Response - no objection

2. Report Summary

The main issues to consider are:

- * Principle of development;
- * Impact on the character and appearance of the area;
- * Neighbouring amenity;
- * Whether a reasonable subdivision; and
- * Highway safety including parking provision.

3. Site Description

The application site is a flat site that is occupied by a 3-bedroom semi-detached dwelling with a private side and rear garden. It is currently a construction site with extant planning permission for 2 flats being implemented.

The existing arrangement is typical of the area which is characterised by a mix of 2 storey residential housing development. The area is characterised in part by frontage car parking.

4. Relevant Planning History

04/00520/FUL – Conversion/two storey extension to form 4 flats (at 38 Summerlease)– Permission on 03.06.2004

05/03007/FUL - Conversion and extension of existing dwelling to form four flats (at 49 Summerlease) – Permission on 17.02.2006

06/01436/FUL - Conversion/extension to dwelling to form four flats (at 40 Summerlease) – Permission on 13.07.2006

07/02398/FUL - Erection of dwelling and link garages (at 29 Westfield Road) – Permission on 11.10.2007

W/11/03270/FUL - Side extension to 51 Summerlease to create two new additional dwellings (flats) – Committee approval on 07.03.2012

W/12/01677/FUL - Conversion of dwelling to form two flats – Withdrawn.

5. Proposal

This is a proposal to erect a 2-storey side extension to facilitate two flats and the subdivision of the existing built form to facilitate two more flats. The resultant development being the replacement of a 3-bedroom house with 4x flats (3x 2 beds and 1x 1 bed).

The proposal includes frontage parking for 5 vehicles and private rear amenity space for each flat to the rear and accessed to the side of the building.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) - C31a Design; C32 Landscaping; C38 Nuisance; H1 Further Housing Within Towns; H16 Flat Conversions

National Planning Policy Framework (NPPF)

7. Consultations

Trowbridge Town Council - No objection.

Highways

Objection. Development generates a need for 7 spaces according to Wiltshire Council's Parking Standards. There is a shortfall of 2 spaces.

Wessex Water

No objection.

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 20 November 2012.

No comments received.

9. Planning Considerations

9.1 Principle of development.

The principle of further housing development within towns is acceptable as set out in policy H1 of the local plan subject to detailed criteria. The policy on conversion of existing buildings into flats is acceptable too as set out in policy H16 of the local plan subject to detailed criteria.

9.2 Impact on the character and appearance of the area.

It is stressed that the extension of the built form is externally identical to that recently approved at planning committee this year.

The proposal creates a built form (semi-detached house in appearance) that utilises the side garden area of this semi-detached property. The proposal has a gable end 2-storey projection which would reflect that on the other half of the semi-detached pair and create a sense of symmetry. Indeed these projecting gables are typical of the street scene at this point. The eaves and ridge heights, the materials and all other aspects are in keeping with the existing built environment. As such it can only reasonably be concluded that the siting, layout and design are in keeping with the surrounding area.

The proposals are not backland or tandem development. The extension is to the side, not the rear, and maintains the existing form and width of the terrace of houses at this point. The projecting gable 'bookends' the existing gable at the other end of the terrace and is in keeping with the character and appearance of the street scene at this point.

9.3 Neighbouring amenity.

The proposals would not be overlooked by any existing development and would not themselves create any significant overlooking issues as the only first floor gable window is an obscure glazed bathroom window. The built form has been set in from the boundary to the east and would not cause any dominant or overbearing impact to occupiers of 29 Westfield Road.

9.4 Whether a reasonable subdivision.

The proposal would create, from the envelope of the existing 3 bedroom dwelling, 2x 2-bed flats. These units are quite reasonable in size as the stair to the first floor flat has been accommodated within the 'extension'. It is considered a reasonable subdivision and the building is not inadequate.

9.5 Highway safety including parking provision.

The proposal would create 3x 2 bedroom flats and 1x 1 bedroom flat. This generates a need for 7 car parking spaces according to the Council's standards. However the site only has space to provide for parking on the site frontage and even maximising this area, only 5 can be provided. As such the highway officer has made an adverse recommendation.

On balance, it is not considered that a refusal based on the shortfall of two spaces can be justified in this location. The site is in a sustainable location and there are reasonable buses in the vicinity. The NPPF makes it clear that development proposals in these situations need only be refused where transport impacts are severe. Whilst the document needs to be read on the whole, this is an important point to note. Furthermore on-street parking is available in the vicinity. This is not a car free scheme, rather they seek a lower provision so that in effect each unit has an allocated space, plus there is one spare. In these circumstances, it is not considered that there are adequate grounds for refusal.

10. Conclusion.

The only issue is the level of off-street parking provision. The proposal provides five spaces for the four small units. In this location, this is considered to be acceptable.

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 development shall be carried out in accordance with the hereby approved plans:

Drawing: 12-45-1 received on 12 October 2012;
Drawing: 12-45-1-1 received on 12 October 2012;
Drawing: 12-45-1 received on 12 October 2012;
Drawing: 12-45-2 received on 12 October 2012;
Drawing: 12-45-3 received on 12 October 2012;
Drawing: 12-45-4 received on 12 October 2012;
Drawing: 12-45-5A received on 12 October 2012;

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

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

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

6 The development hereby permitted shall not be occupied until the flank boundary features have been reduced to not more than 0.6 metres for 1 metre back from the adjacent footway. These features shall be maintained at that height at all times thereafter.

REASON: In the interests of highway safety.

7 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. 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 flats 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.

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

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

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

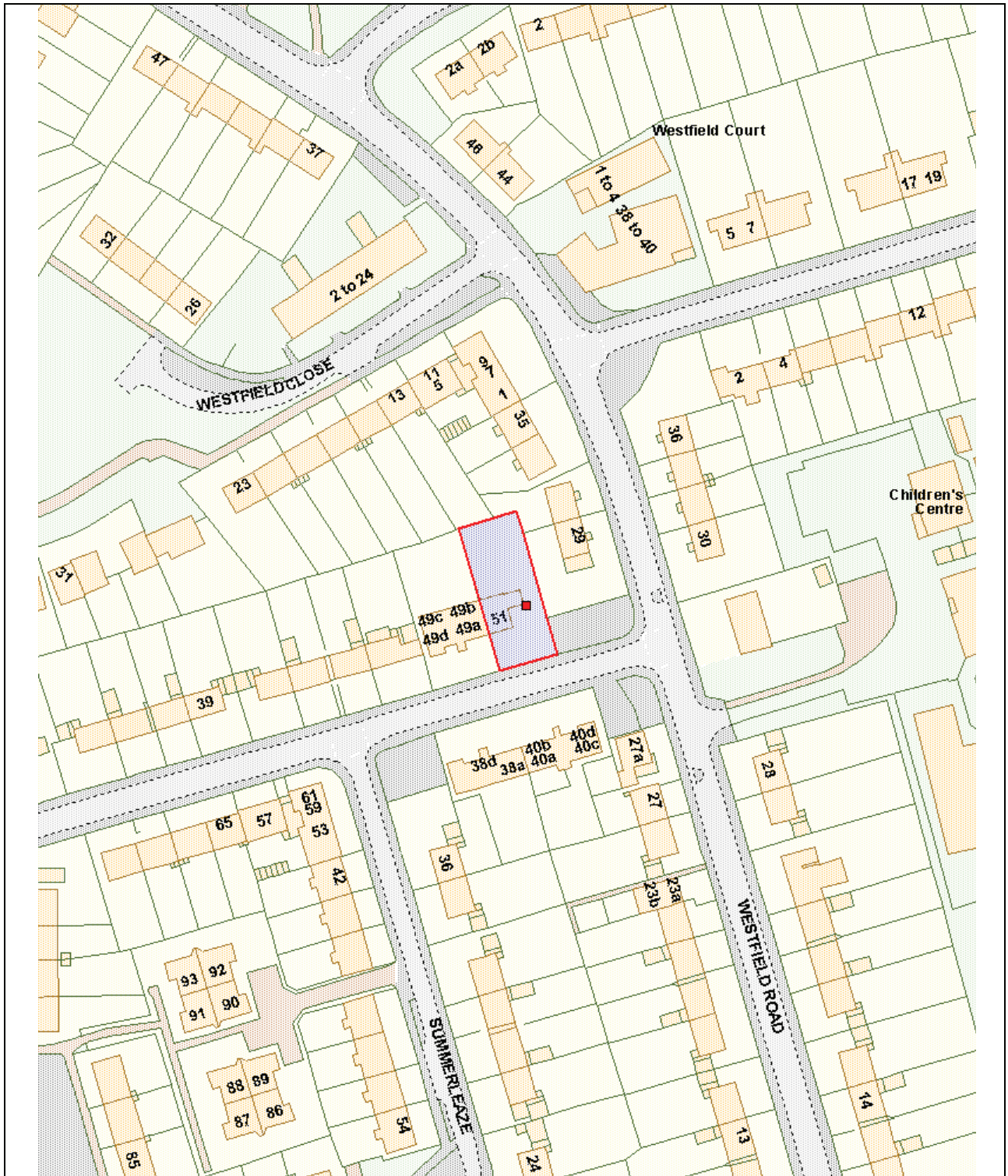
Informative(s):

- 1 The developer is advised to contact Wessex Water to ensure that any section 105a sewers (formally private sewers and lateral drains) that may be existing on the site are identified and then, as appropriate, suitable action is taken to ensure proper drainage and sewerage to serve residential property is provided. Wessex Water may be contacted on 01225 526000.
- 2 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence may be required from Wiltshire's highway authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
- 3 The developer is advised that any details of landscaping should include frontage planting to compliment the built form and soften the hard landscaping / parking area. To discuss this further you are advised to contact the planning case officer on 01225 770249.

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	05.12.2012		
Application Number	W/12/01609/S73		
Site Address	Church Farm Brokerswood Brokerswood Westbury Wiltshire		
Proposal	Variation of condition 3 of planning permission W/11/02859/FUL to allow the annexe to be occupied by person(s) responsible for the upkeep of Church Farm		
Applicant	Miss Claire Thorne		
Town/Parish Council	Southwick		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	383457 152247		
Type of application	Variation of Condition		
Case Officer	Miss Carla Rose	01225 770344 Ext 01225 770283 carla.rose@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Morland has requested that this item be determined by Committee due to the visual impact upon the surrounding area and the environmental/highway impact

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted subject to a section 106 agreement.

Southwick and North Bradley Parish Council - These responses are reported in section 7 below

2. Report Summary

The main issue to consider is whether it is acceptable to vary the wording of condition 3 on planning application 11/02859/FUL.

3. Site Description

Development in Brokerswood is quite sporadic. The site is located outside of village policy limits and in an area that is within the open countryside. The site is accessed by a long driveway from south of the site. A Public Right of Way is located to the south east of the site.

The annexe is located to the north of Church Farm. The building was once an old milking parlour and was granted planning permission for conversion to accommodate an elderly relative in 2004. Since then planning permission has been granted for a bedroom extension to the outbuilding, which has not yet been implemented. Conditions were imposed on both applications stating that the annexe shall be ancillary to the main dwelling.

4. Relevant Planning History

03/01998/FUL - Erection of two storey side extension and conversion of outbuilding former milking parlour to accommodation unit for elderly relative - Permission subject to conditions 17.02.2004

5. Proposal

This is an application to vary condition 3 on planning application 11/2859/FUL. Condition 3 states that:

‘The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Church Farm Brokerswood and shall not be let or sold as a separate unit of accommodation’

It is proposed to change the condition to:

The annexe hereby permitted to be extended shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Church Farm, Brokerswood, or by person(s) responsible for the upkeep of the fabric of the dwelling and the surrounding farmland known as Church Farm, Brokerswood.

In addition, it is proposed to enter into a Section 106 legal agreement to prevent the annexe from being sold off separately from Church Farm. (This would meet the suggestion of Southwick Parish Council)

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

C1 – Countryside Protection; H19 – Development in open countryside

National Planning Policy Framework

7. Consultations

Southwick Parish Council

‘The Parish Council supports this proposed development subject to the retention of a condition that the annexe cannot be sold separately and that it remains integral to Church Farm.’

North Bradley Parish Council

‘At the meeting of the Parish Council the occupation of the annexe was discussed and if it had been in North Bradley there were no objections. However as only part of the land is in North Bradley then it was felt that this application was not for them to make comment.’

8. Publicity

The application was advertised by site notice. Expiry date: 28th September 2012.

No response received

9. Planning Considerations

The current situation is set out below.

Planning permission was granted in February 2004 and implemented under 03/01998/FUL for the erection of a two storey side extension to Church Farmhouse and the conversion of an outbuilding former milking parlour to accommodation unit for an elderly relative.

The annexe was originally occupied by Miss Thorne’s father-in-law. Following the breakdown of the marriage, the Farm was put up for sale in July 2006 and marketing continued unsuccessfully until March 2009, by which time the divorce was finalised and Miss Thorne had arranged a buy to let mortgage on the Farmhouse.

A subsequent permission was granted in March this year, but not yet implemented, under W/11/02859/FUL for a bedroom extension to the 1 bedroomed annexe where Miss Thorne now lives with her three year old daughter. The Farmhouse has been rented out to provide a modest income for Miss Thorne and her dependent daughter after mortgage outgoings. Miss Thorne is responsible for the upkeep and maintenance of the fabric of the Farmhouse under the statutory repairing obligations in the Tenancy Agreement and she is also responsible for the upkeep of the fields in the surrounding landholding comprising Church Farm:

Permission was originally granted for the use of this building for purposes ancillary to the residential use of Church Farm. While the particular circumstances have now changed, the general principle of it being used for ancillary residential accommodation in accordance with the condition would remain. It is argued by the agent that there would still be an ancillary and functional link between Church Farm and the annexe because they are owned by the same person and because the applicant is responsible for the upkeep of the house and the farmland. Whilst an ancillary use has been held before to be capable of being met by occupation by a member of staff employed by the occupant of the main house, it is less clear if the current link would do so, and a variation is considered necessary to ensure that the Council's position is safeguarded. Furthermore, the completion of a legal agreement to prevent the annexe being sold separately from the dwelling would secure the matter on a stronger legal footing.

Accordingly, permission is recommended, and it is recommended that the Area Development Manager be authorised to grant planning permission on completion of a section 106 legal agreement to prevent the annexe being sold separately from Church Farm.

Recommendation: Permission

For the following reason(s):

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

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

Site location plan received on 18.09.2012

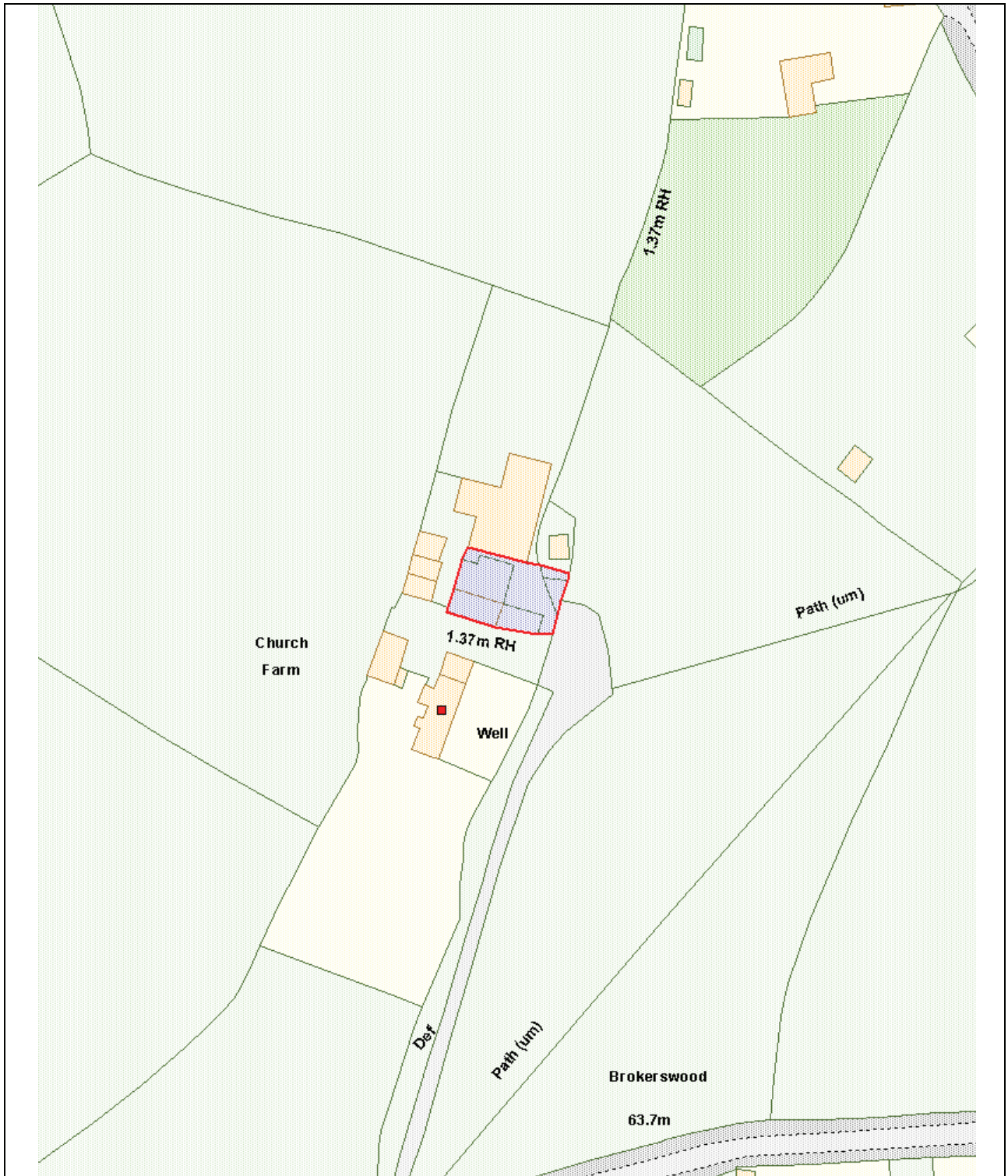
Reason: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

- 2 The annexe hereby permitted to be extended shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Church Farm, Brokerswood, or by person(s) responsible for the upkeep of the fabric of the dwelling and the surrounding farmland known as Church Farm, Brokerswood.

REASON: The additional accommodation is sited in a position where the local planning authority, having regard to the reasonable standards of residential amenity, and the planning policies pertaining to the area, would not permit a wholly separate dwelling.

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