

AGENDA

Meeting: Western Area Planning Committee
Place: The Ridgeway space - County Hall, Trowbridge BA14 8JN
Date: Wednesday 17 April 2013
Time: 6.00 pm

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

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

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Membership:

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

Substitutes:

Cllr Rosemary Brown	Cllr Tom James MBE
Cllr Andrew Davis	Cllr Francis Morland
Cllr Russell Hawker	Cllr Jeff Osborn
Cllr Malcolm Hewson	Cllr Fleur de 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 - 36)**

To approve the minutes of the last meeting held on **13 February 2013**.

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 10**

April 2013. 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 Appeals Update Report (Pages 37 - 38)**

To receive an Appeals update report for 2012.

7 **Planning Applications (Pages 39 - 40)**

To consider and determine the following planning applications:

7a **W/13/00074/FUL: Land Rear of Fire Station, Meadow Lane, Westbury (Pages 41 - 48)**

7b **W/12/02235/FUL: 19 St Mary's Lane, Dilton Marsh, BA13 4BL (Pages 49 - 56)**

7c **W/12/02344/FUL: Land Rear of 4 Sandridge Road, Melksham (Pages 57 - 68)**

7d **W/13/00223/FUL: 68 Marina Drive, Staverton, Trowbridge, BA14 8UR (Pages 69 - 74)**

8 **Urgent Items**

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

Part II

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

None

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 13 FEBRUARY 2013 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Andrew Davis (Substitute), Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr Russell Hawker (Substitute), Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Keith Humphries, Cllr Francis Morland, Cllr Graham Payne and Cllr Fleur de Rhé-Philippe

11 Apologies for Absence

Apologies for absence were received from Councillors Ernie Clark and Rod Eaton.

Councillors Andrew Davis and Russell Hawker replaced Councillors Rod Eaton and Ernie Clark respectively for this meeting only.

12 Minutes of the Previous Meeting

The minutes of the meeting held on 23 January 2013 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 23 January 2013, subject to the following amendments:

- **Page 3, paragraph 1, line 3 to read 'spoil off site'**
- **Page 6, condition 13, paragraph 1, line 6 - to amend adhere to read adhered**
- **Page 6, condition 13, paragraph 2 – to add the words 'out accordingly' to the end of line 2**
- **Page 8, condition 16, paragraph 1 – to delete the words 'on the approved plans' at line 4 and 5**

13 **Chairman's Announcements**

There were no Chairman's Announcements.

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

14 **Declarations of Interest**

- 1) Councillor Peter Fuller declared a non-pecuniary interest in relation to agenda item 6a – Former Bowyers Site, Stallard Street, Trowbridge as he was a member of Trowbridge Town Council, where the application had been previously considered by its Development Control Committee. He was also a member of the Trowbridge County Town Initiative. He declared that he would consider the application on its merits and debate and vote with an open mind.
- 2) Councillor John Knight declared a non-pecuniary interest in relation to agenda item 6a – Former Bowyers Site, Stallard Street, Trowbridge as he was a member of Trowbridge Town Council, where the application had been previously considered by its Development Control Committee. He was also the current Mayor of Trowbridge. He declared that he would consider the application on its merits and debate and vote with an open mind.

15 **Public Participation and Councillors' Questions**

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

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

16 **Planning Applications**

The Committee considered the following applications:

17 **W/12/02299/FUL - Former Bowyers Site, Stallard Street, Trowbridge, Wiltshire**

Public Participation

- Mr David Feather, Local resident, spoke in objection to the application
- Mrs Rebecca Millard, spoke in support of the application
- Mr Chris Quinsee, representing the applicant, spoke in support of the application
- Mr Lance Allen, representing Trowbridge Town Council and Transforming Trowbridge Board, spoke in support of the application

The Area Development Manager introduced the report which recommended approval, subject to conditions. He explained that the planning application was for the demolition and alteration of existing buildings and structures for a comprehensive redevelopment of the site comprising a food store (Use Class A1), non-food retail units (Use Class A1), leisure floorspace (Use Class D2), food and drink floorspace (Use Class A3/A4), and associated petrol filling station (sui generis) together with associated car parking, new access and landscaping. Members noted that since the preparation of the report additional letters of support and objection had been received.

Members of the Committee were reminded of the details of the previous application that was refused on 20 June 2012 and a subsequent appeal held in abeyance until 21 February 2013. It was noted that the context for determining this application now included the earlier decision and the reasons which supported it. The areas listed in the report included (i) impact on vitality /viability of the town centre; (ii) impact on planned and committed investment; (iii) impact on the highway network and (iv) integration with the railway station.

The Highways Officer continued to express concerns about the application, especially as the highway assessment continued to show that the proposed development would have a detrimental impact on the local highway network and would justify a refusal.

He considered that the application should be refused on highway grounds, citing four reasons set out in the planning officer's report. Overall the planning officer felt that the current application was a significant improvement over the previous application, with the cinema complex no longer included and the new uses proposed being more complementary to the town centre than the previous proposal. However the highway issues and impact on the traffic in the town centre were substantial objections and had not been satisfactorily addressed. There would be an adverse impact on the highway network as a result of the proposals, but this had to be balanced with the benefits that the proposal would deliver in terms of redevelopment of this brown field site, re-use of historic buildings and creation of job opportunities.

The Area Development Manager advised members that they had a difficult balancing act to follow and would have to make a finely balanced judgement as to whether the highway problems should outweigh the benefits the proposal would deliver.

Members asked technical questions in relation to the application, in particular about highway issues and whether the proposed planning obligation contribution of £250,000 was too low and would not cover all the necessary costs when spread over the required works. The highways officer and Area Development Manager advised that it was unlikely to cover all the costs, but that this was the offer on the table from the applicants and the application had to be considered on the basis of this offer.

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

Local members, Councillors John Knight and Graham Payne paid tribute to the planning officers, in particular the Case Officer, Judith Dale, for the work undertaken with the application and discussions with the applicant. The local members spoke about the investment on offer and the number of jobs being created, the great work of Rebecca Millard and how she had encouraged the residents of the Town to back the scheme. There was still some concern about the highway issues, however it was felt that the traffic issues were for only short periods of the day and would be no different to when Bowyers were operating on the site. The Cabinet member for Economic Development and Strategic Planning, Fleur de Rhé-Philipe, also spoke to the application and explained that she had previously encouraged the officers to work with the applicant to achieve an acceptable application, which on balance was what was before the Committee to consider.

The Committee then considered the application and debated a number of issues. Concerns were raised in relation to the highways issues, impact on transport infrastructure, the description of the leisure box and possible usage as a gym, and the developer contribution towards highway issues.

Resolved:

That the Area Development Manager be authorised to grant planning permission subject to:

- (a) The application not being called in following referral to the Secretary of State under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009;**
- (b) The submitted Unilateral Undertaking (modified by the exclusion of proposed clause 7) being secured to deliver, inter alia, contributions to highway improvements and public art; an agreed car parking management scheme; the dedication of land for a future highway link between the site and station forecourt;**
- (c) The following conditions which shall include a condition which secures the comprehensive delivery of the development.**

For the following reason(s):

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area and deliver a comprehensive redevelopment scheme on this vacant and sustainable brownfield site which, on balance, would deliver significant benefits to the town in accordance with adopted and emerging policy and the principles of the NPPF.

Subject to the following Conditions

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

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

- 2 The retail floorspace (namely the A1 foodstore) and café/restaurant floorspace (namely nos 6-7 Bowyers Buildings, proposed A3 unit at the site entrance, Innox Mill and Innox House) shall be constructed and fitted out in accordance with the approved plans and the retail foodstore shall not be brought into use until all of the café/restaurant floorspace referred to above is ready for occupation.

REASON: In order to secure the delivery of comprehensive development to protect the vitality and viability of the town centre and to protect the heritage environment.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3
National Planning Policy Framework
Wiltshire Core Strategy Pre-Submission Document – CP38

- 3 The retail foodstore shall not be brought into use until a programme for the delivery of the leisure box (unit 3), the retail units 1 and 2, and 5 Bowyers Buildings has been agreed in writing by the Local Planning Authority.

REASON: In order to secure the delivery of comprehensive development to protect the vitality and viability of the town centre and to protect the heritage environment

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3
National Planning Policy Framework
Wiltshire Core Strategy Pre-Submission Document – CP38

- 4 Notwithstanding the access arrangements submitted, no development shall commence until full details of the Stallard Street site access junction, internal access roads, parking areas and servicing areas have been submitted to and approved in writing by the local planning authority. The internal access roads, parking area and servicing areas shall be constructed in accordance with the approved details before any part of the development is first brought into use.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, T10, LE1 & SP3
National Planning Policy Framework

- 5 No development shall commence until full details of works to upgrade and enhance the existing pedestrian route and subway which links the site with Innox Path and the existing cycle way link to National Cycle Route 4 have been submitted to and approved in writing by the local planning authority. The details shall provide for a continuous cycle route between the site and the link to NCR4 with no steps or barriers. The approved works shall be implemented in full before any part of the development is first brought into use.

REASON: In the interests of highway safety and improved connectivity to surrounding residential areas and the town centre

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, T11 & T12
National Planning Policy Framework

- 6 No part of the development shall be brought into use/occupied until the access junction to Stallard Street, the details of which shall first have been submitted to and approved by the local planning authority, has been completed in accordance with the approved details.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, LE1 & SP3
National Planning Policy Framework

- 7 No part of the development shall be occupied prior to the implementation of an approved Travel Plan [or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. The Travel Plan must be submitted and approved in writing by the local planning authority prior to commencement of development.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, LE1 & SP3
National Planning Policy Framework

- 8 No part of the development shall be brought into use/occupied until a signage scheme has been designed and approved in writing by the local planning authority and installed on the ground in accordance with the approved scheme. For the avoidance of doubt, the scheme will be primarily for the benefit of pedestrians, and its scope will need to be wide enough to ensure that the proposed development is signed both to and

from key destinations in the town. The signing scheme shall be implemented in accordance with the approved scheme before any part of the site is first brought into use or occupied.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, LE1 & SP3
National Planning Policy Framework

- 9 No part of the development hereby permitted shall take place until a construction transport management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall identify the routing and timing of construction traffic, temporary provision to be made to protect the interests of pedestrians and cyclists on local highway routes, and identify the need for any temporary traffic and/or footpath diversion orders that may be necessary. The development shall be undertaken in accordance with these approved details.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1 & SP3
National Planning Policy Framework

- 10 Notwithstanding the details shown on the submitted drawings, prior to the commencement of the development details showing the location of cycle parking facilities to serve all the buildings on the site shall be submitted to and approved by the local planning authority; cycle parking spaces shall be available for use before any part of the site is first brought into use.

REASON: In the interests of highway safety

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a, T10, LE1 & SP3
National Planning Policy Framework

- 11 No part of the development hereby permitted shall take place until a waste management plan for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with these approved details.

REASON: In the interests of public health and safety

POLICY: National Planning Policy Framework

- 12 The gross external area of the food store hereby permitted shall not exceed 7321 square metres and the net sales and display area (defined as the sales area within a building [for example all internal area accessible to the customer] but excluding checkouts, lobbies, restaurants, customer

toilets, and walkways behind the checkouts) shall not exceed 3754 square metres, of which not more than 25% of the net sales and display area shall be used for the sale of comparison goods.

REASON: In order to protect the vitality and viability of the town centre

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3
National Planning Policy Framework

- 13 The proposed A3 and A4 uses in the retained buildings together with the new A3 unit at the site entrance shall be subsequently retained for such uses only and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: In order to protect the vitality and viability of the town centre

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3
National Planning Policy Framework

- 14 The food store hereby permitted shall not, at any time, be subdivided into a larger number of retail units.

REASON: In order to protect the vitality and viability of the town centre

POLICY: West Wiltshire District Plan First Alteration 2004 – SP1 & SP3.
National Planning Policy Framework

- 15 The gross external floor area of the retail units 1 and 2 shall not exceed 4012 sq ms, shall only be subdivided to provide a total of 3 units in accordance with the details on the submitted plan 12386-PA-113 and shall not be used for the sale of convenience goods.

REASON: In order to protect the vitality and viability of the town centre

POLICY: West Wiltshire District Plan 1st Alteration 2004 – SP1 & SP3
National Planning Policy Framework

- 16 The proposed leisure box (Unit 3) shall be used solely for purposes within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification) with the specific exclusion of any cinema use.

REASON: In order to ensure the delivery of complementary leisure uses to protect the vitality and viability of the town centre and existing, committed and planned public and private investment in the town.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – LE1
National Planning Policy Framework
Wiltshire Core Strategy Pre-Submission Document – CP38

- 17 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

(i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

(ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

(iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

(iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

(v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

(vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the

development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C37
National Planning Policy Framework

- 18 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Fairhurst/GGA dated September 2011) together with the following mitigation measures detailed within that document:

(i) Demonstration that the protection and maintenance of existing flood defences will be provided (if the site layout remains as currently proposed the existing sheet piling must not be damaged during the construction works).

(ii) Finished floor levels are set no lower than 34.70m above Ordnance Datum (AOD).

REASON: To ensure the structural integrity of existing flood defences and to reduce the risk of flooding to the proposed development and future occupants.

POLICY: National Planning Policy Framework

- 19 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.

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: National Planning Policy Framework

- 20 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

POLICY: National Planning Policy Framework

- 21 No development shall commence on site until details of a foul and surface water drainage strategy is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be fully completed in accordance with the approved details and to an agreed timetable.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - U1a
National Planning Policy Framework

- 22 There shall be no new buildings, structures (including gates, walls, fences or other means of enclosure) or raised ground levels within 4.0m of the top of any bank of the watercourse(s) fronting or crossing the site, and 4.0m of any flood defence structure on or adjoining the site.

REASON: To maintain an appropriate access to the watercourse/flood defence for maintenance and/or improvements.

POLICY: National Planning Policy Framework

- 23 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

POLICY: National Planning Policy Framework

- 24 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

POLICY: National Planning policy Framework

- 25 Prior to the commencement of development, a River Biss Enhancement Scheme is to be submitted to the LPA for written approval. The Scheme will be prepared by a suitably qualified and experienced ecologist and provide details of enhancement measures that can be achieved in line with the approved development plans, which will be delivered to the River Biss bordering the northern boundary of the site. The recommendations of the approved River Biss Enhancement Scheme should be carried out in full within the timetable laid out within the approved document.

REASON: To ensure the development makes a reasonable contribution to delivering the ecological objectives of the River Biss Public Realm Design Guide SPD.

POLICY: National Planning Policy Framework

- 26 Prior to the commencement of development, an Ecology and Landscape Management Plan for the Riverside Park and the riparian habitat of the River Biss should be submitted to the LPA for written approval. This shall provide details of the landscaping/planting schedule and maintenance regime and treatment of the river corridor habitats.

REASON: To ensure the development makes a reasonable contribution to delivering the ecological objectives of the River Biss Public Realm Design Guide SPD.

POLICY: National Planning Policy Framework

- 27 Notwithstanding the above, no development shall commence until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas and areas of public open space including the Riverside Park (which areas shall be retained for public access in perpetuity) has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved in accordance with the approved details.

REASON: In the interests of visual amenity and delivering the public realm and access objectives of the River Biss Public Realm Design Guide SPD

POLICY: National Planning Policy Framework

- 28 Details of existing and proposed land levels across the site, illustrated by means of spot heights, contours and sections across the site, and demonstrating the relationship between the proposed development and the surrounding land shall be submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details. There shall be no land raising unless approved under the terms of this condition.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C17, C18 & C31a
National Planning Policy Framework

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

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) the proposed treatment of that part of the site to be developed for retail and leisure use (units 1-3 and 5 Bowyers Buildings) in the interim between demolition of the existing buildings and construction of the replacement buildings;
- (e) finished levels and contours;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials, including samples;
- (i) minor artefacts and structures (e.g. furniture, seating, bollards, play equipment, refuse and other storage units, signs, lighting etc).

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a and C32
National Planning Policy Framework

- 30 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development

whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a and C32
National Planning Policy Framework

- 31 No development shall take place on any phase of the development until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority, for each phase of the development. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C17 and C31a
National Planning Policy Framework

- 32 No works shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the heritage buildings proposed for conversion/demolition. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

REASON: To secure the proper recording of the heritage assets

POLICY: National Planning Policy Framework

33 No development shall commence within the development site until:

(a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved 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

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

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C17, C18, C28 & C31a
National Planning Policy Framework

35 No external work shall commence on the retained buildings and structures within the site (Innox Mill, Innox House, Bowyers Buildings, 5-9 Stallard Street and the wall fronting Stallard Street) until a sample wall panel(s) for the relevant building or structure, not less than 1 metre square, and showing the proposed mortar composition and colour and method of pointing has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel(s) shall then be left in position for comparison whilst the approved works to that building or structure are carried out. Development shall be carried out in accordance with the approved sample.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C17, C18, C28 & C31a
National Planning Policy Framework

36 No works shall commence on the existing wall fronting onto Stallard Street until a full schedule and specification of proposed works has been submitted to and approved in writing by the Local Planning Authority. This shall include provision for the re-use of the stone elsewhere within the

development as appropriate. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the conservation area and the wider visual amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C17 & C18
National Planning Policy Framework

- 37 No development shall commence on site until a schedule of proposed works for the temporary protection and weatherproofing of numbers 5-9 Stallard Street to arrest any further decay of the listed buildings and heritage assets has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any building.

REASON: In the interests of preserving the heritage assets

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

- 38 No development shall commence until an acoustic report for the entire site and detailing the potential impacts and any mitigation required to protect surrounding residential areas has been submitted to and approved in writing by the Local Planning Authority. The report shall address noise from A3/A4 and D2 uses, all fixed plant and machinery, air conditioning and extraction systems. The approved works shall be carried out prior to any part of the development being first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 39 Notwithstanding the above, the rating level of the noise emitted from any of the activities within the buildings and fixed machinery, equipment and plant located on the site shall not exceed the existing background level. The noise level shall be determined at the nearest noise sensitive premises in Stallard Street, Innox Road, Hill Street, Conigre Square and Hill Street Court and the measurement and assessment made in accordance with BS4142.1997.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 40 No development shall commence until an odour report detailing the types of systems and controls in place to control and minimise odour nuisance from the food and drink establishments within the site has been submitted to and approved in writing by the local planning authority. The approved works shall be carried out prior to the relevant part of the development being first brought into use and shall be maintained in accordance with the approved details at all times thereafter.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 41 Notwithstanding the above, no development shall commence on any of the proposed food and drink establishments until full details of suitable ventilation and filtration equipment to suppress and disperse any fumes and/or smell created from the cooking operations on the premises within the site have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall not be first brought into use until the approved equipment has been completed in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 42 Prior to the commencement of development, details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme, which shall comply with guidance issued by the Institution of Lighting Engineers, shall be carried out in accordance with the approved details and subsequently maintained.

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

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

- 43 Prior to the commencement of development, details of a servicing and deliveries strategy for the delivery and despatch of goods to and from the

site (including hours of delivery) shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently operate in accordance with the approved details.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

- 44 No development shall commence on site until details of the storage of refuse, including storage areas for wheeled refuse bins for each phase of the site, designed so as to minimise their impact on the appearance of the street scene, have been submitted to and approved in writing by the Local Planning Authority. The approved storage areas and facilities shall be provided prior to the buildings on the relevant phase of the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of public health and safety and the appearance of the street scene.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a and C38
National Planning Policy Framework

- 45 No development shall commence on site until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.

REASON: In the interests of the character, appearance and amenities of the area.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a & C38
National Planning Policy Framework

- 46 Prior to the commencement of the retail and commercial properties hereby permitted, details of all security measures, including CCTV, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details.

REASON: In the interest of public safety.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C38
National Planning Policy Framework

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

12386-PA-100 received on 17.12.2012
12386-PA-101 received on 17.12.2012
12386-PA-102 received on 17.12.2012
12386-PA-103 received on 17.12.2012
12386-PA-104 received on 17.12.2012
12386-PA-105 received on 17.12.2012
12386-PA-106 received on 17.12.2012
12386-PA-107 received on 17.12.2012
12386-PA-108 received on 17.12.2012
12386-PA-109 received on 17.12.2012
12386-PA-110 received on 17.12.2012
12386-PA-111 received on 17.12.2012
12386-PA-112 received on 17.12.2012
12386-PA-113 received on 17.12.2012
12386-PA-114 received on 17.12.2012
12386-PA-115 received on 17.12.2012
12386-PA-116 received on 17.12.2012
12386-PA-117 received on 17.12.2012
12386-PA-118 received on 17.12.2012
11198-PA-300 received on 17.12.2012
11198-PA-301 received on 17.12.2012
11198-PA-302 received on 17.12.2012
11198-PA-303 received on 17.12.2012
11198-PA-310 rev A received on 17.12.2012
11198-PA-311 received on 17.12.2012
11198-PA-312 rev A received on 17.12.2012
11198-PA-313 rev A received on 17.12.2012
11198-PA-400 received on 17.12.2012
11198-PA-401 received on 17.12.2012
11198-PA-402 received on 17.12.2012
11198-PA-403 received on 17.12.2012
11198-PA-410 rev A received on 17.12.2012
11198-PA-411 received on 17.12.2012
11198-PA-412 rev A received on 17.12.2012
11198-PA-413 rev A received on 17.12.2012
11198-PA-414 received on 17.12.2012
11198-PA-415 received on 17.12.2012
11198-PA-500 received on 17.12.2012
11198-PA-501 received on 17.12.2012
11198-PA-510 rev A received on 17.12.2012
11198-PA-511 rev A received on 17.12.2012
11198-PA-512 received on 17.12.2012
11198-PA-513 received on 17.12.2012
11198-PA-802 rev A received on 17.12.2012
1319/12-01 received 17.12.2012
1319/12-02 received 17.12.2012

1319/12-03 received 17.12.2012
1319/12-04 received 17.12.2012
1319/12-05 received 17.12.2012
88774_CIV_00100P6 received 17.12.2012
88774_CIV_00101P6 received 17.12.2012
88774_CIV_00102P6 received 17.12.2012
88774_CIV_00103P6 received 17.12.2012
88774_CIV_00104P6 received 17.12.2012
LS20664 received 17.12.2012

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

Informative(s):

- 1 The applicant is advised that public right of way, Footpath No. TROWBIDGE 73, is shown to be diverted by the submitted scheme and will therefore require a formal order for the diversion under Section 259 of the Town and Country Planning Act. The processing of the order is undertaken by Wiltshire Council on behalf of the developer, at the developer's expense. The right of way must be protected until such time as the order is sealed and any temporary arrangements for its protection must be fully agreed and approved by the Highway Authority.
- 2 The proposed site access junction on Stallard Street will be subject to a section 278 agreement with the highway authority. The highway authority has indicated that the arrangement shown on the submitted drawings does not reflect the aspirations of the River Biss Public Realm Design Guide SPD, November 2008; an approved design will be required to have regard to the SPD and reflect the need to provide an access junction that satisfies requirements of local scale, impact, accessibility and connectivity with the town centre. This is likely to be achieved by way of a design that provides less road-space for vehicular traffic, but more for local pedestrian and cycle movement, in line with the concept of promoting a 'shared space' design in the vicinity.
- 3 The applicant is advised to contact Wessex Water with regard to the proposed diversion of the public sewers which will be required prior to commencement subject to a formal diversion agreement (S185 Water Industry Act); arrangements for the diversion works either by Wessex Water at the developer's cost or by the applicant; arrangements for adoption/management of the diverted foul sewers; to note that no tree planting will be allowed within the easement zone.
- 4 The applicant is advised to contact Network Rail with regard to the safe operation of the railway and requirements for the protection of the adjoining land. These include compliance with all covenants on land the subject of demarcation agreements; a 1.8m high trespass resistant fence;

demolition of buildings in accordance with agreed method statement; no additional surface drainage onto NR land, culverts or drains; consultation on alteration to ground levels; new buildings sited at least 2m from the boundary fence to allow access for maintenance; design of buildings to take account of noise, vibration and airborne dust; lighting not to interfere with signalling apparatus; any new trees to be located not less than their mature height from site boundary; any scaffolding to be erected so that it could not fall on the railway.

5 The applicant is advised to

(a) contact the Environment Agency with regard to the need to obtain Flood Defence Consent for works within 8m of the top of the bank of the R Biss and implementing safeguards for the prevention of pollution. These include the use of machinery, the storage of chemicals, the routing of heavy vehicles, the location of work and storage areas and the control and removal of spoil and waste.

(b) Ensure the operation of safeguards during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover the use of plant and machinery; oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds; the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

(c) Further to the requirements of condition x, when discharging the above surface water drainage condition, the following should be submitted:

- A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes.
- A manhole schedule
- Model runs to demonstrate that the critical storm duration is being used.
- Confirmation of the agreed discharge rate, with any flow control devices indicated on the plan with the rate of discharge stated.
- Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event. If overland flooding occurs, a plan should also be submitted detailing the location of overland flow paths and the likely depths of flooding. A 30% allowance for climate change should be incorporated into the scheme in accordance with PPS25.
- Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

- 6 The Archaeologist advises that there is the potential to disturb or destroy a significant heritage asset related to the history of the site. In the absence of a pre-determination evaluation, the applicant must be aware that in the event of a subsequent evaluation indicating that further work may be required and that aspects of the development may be affected, this may have implications for the proposal as approved. The applicant is advised to contact the Council's Archaeologist on this matter.
- 7 The Environmental Health Officer advises that due to the location of the site close to residential properties, construction works are limited to between 07.30 and 19.00 (Mon to Fri) and 08.00 and 13.00 (Sat); all plant and equipment is chosen, sited, operated and serviced to minimise noise, vibration, fumes and dust; in periods of dry weather, dust control measures should be employed including wheel washing and damping down; stockpiles of materials are sheeted and located to minimise nuisance; radio noise should not be audible at the boundary of the nearest residential property; neighbouring properties should be advised of unavoidable late night or early morning working (which works should be notified to the EHO in advance); any temporary oil storage tanks shall be securely sited to prevent pollution in the event of leakage.
- 8 Due to the persistent problem of pigeons in the vicinity, the developer is advised that vulnerable areas of the site are adequately proofed against roosting and perching birds and may wish to consider providing a dedicated feeding area.
- 9 Reptiles and breeding birds are protected under the Wildlife & Countryside Act (1981, as amended). Prior to the commencement of construction work, the site must be cleared following the recommendations for reptiles and breeding birds in the Ecological Appraisal report (FPCR Environment and Design Ltd, September 2011). It should be noted that if there is a significant time lapse between the date of the ecology surveys (September 2011) and the commencement of development on site, updated protected species surveys (namely, for bats) may be necessary and advice should be sought from the Council Ecologist. Planning permission for development does not provide a defence against prosecution under the Wildlife & Countryside Act and the Conservation of Habitats and Species Regulations 2010.
- 10 Further to the requirements of condition 42, while complying with the principles of Secured by Design, the design of the proposed lighting scheme shall not result in any likely significant impact on the habitat of the river corridor for bats and on the Bath and Bradford on Avon Bats Special Area of Conservation as required by the Habitats Regulations 2010.

18 **W/12/00687/OUT - Land East Of Damask Way, Smallbrook Lane, Warminster, Wiltshire**

Public Participation

- Mr Reed, local resident, spoke in objection to the application
- Mr Pomeroy, local resident, spoke in objection to the application
- Mr Smyth, local resident , spoke in objection of the application
- Mr Carpendale, Planning Consultant, spoke in support of the application
- Mr Carver, Highways Consultant, spoke in support of the application

The Area Team Leader introduced the report which recommended approval, subject to conditions. He explained that the planning application was for the demolition of 66 Damask Way and the erection of 23 dwellings (outline application with details of the means of access to be approved at this stage). Members noted that since the preparation of the report an additional 5 letters of objection had been received.

Members of the Committee were informed that the application had received a great deal of local objection. The site was within the current and projected town boundary limits, there were no supported highway concerns in terms of safety and capacity issues, there was no detrimental impact on the immediate landscape, the setting of the town or the nearby and important biodiversity habitats and the proposal would delivery an improved landscape setting at the edge of town.

Members then raised a number of technical issues in relation to the emergency access and the width of the access road and West Wiltshire District Plan policy C4 – landscape setting.

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

The local members, Councillors Keith Humphries and Andrew Davis, then spoke to the application. In particular they raised issues relating to the width of roads in the immediate area to take extra traffic movements, Kingdown School children walk past Damask Way on their way to and from school, severe concerns about the access to Damask Way, and the suitability of the emergency access to serve the site.

The Committee then considered the application and debated a number of issues. A concern was raised that there was insufficient detail supplied by the applicant to support an outline application of the scale proposed, that archaeological survey results were needed in advance:- that there could be an unacceptable impact on the River Avon and that insufficient highway analysis had been carried out. Officers confirmed that there were no longer any objections from Natural England or the county archaeologist and that the information required to determine the application had been supplied by the applicants.

Resolved:

That the Area Development Manager be authorised to grant planning permission for this development in the event of a S106 Agreement being completed to secure the following:

An index linked education contribution towards 7 primary places (£12,713) per place and 5 secondary places (£19,155 per place)

An off-site leisure facilities contribution of £16,024 towards the upgrade of the tennis pavilion in Warminster Park

An offsite open space/play contribution of £15,297 towards the upgrade of the skate park in Warminster Park

A contribution of £6900 towards a creative arts programme

For the following reason(s):

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area and deliver a sustainable scheme which is in accordance with the Development Plan.

Subject to the following conditions

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and

Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 Notwithstanding that this is an outline application with the scale and layout of the development for subsequent approval, the dwellings hereby permitted shall be of single/two storey construction only and shall not exceed the parameters referred to in the submitted Design and Access Statement, the layout shall be generally in accordance with the illustrative plan indicated on drawing 07179-2D and the development shall include the strategic landscape buffer as generally indicated on drawing 271/P5 included within the Landscape and Visual Appraisal.

REASON: In the interests of amenity having regard to the characteristics of the site and surrounding development.

POLICY: West Wiltshire District Plan 1st alteration 2004 – H1, C4 & C32
The National Planning Policy Framework

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

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

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

- 6 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - H1 & C31a

- 7 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

POLICY: West Wiltshire District Plan 1st Alteration – H1 & C31a

- 8 No development shall commence on site until details of the permanent closure of the emergency access to all vehicular traffic other than for emergency use only have been submitted to and approved in writing by the Local Planning Authority. The closure shall take place in accordance with the approved details prior to the occupation of the development and shall be retained in perpetuity and the access shall not be used other than for emergency purposes at any time.

REASON: In the interests of highway safety.

- 9 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, and generally in accordance with the Foul and Surface Water Drainage Assessment (submitted August 2012) has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details before the development is completed or first occupied.

REASON: To prevent the 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 – U2
National Planning Policy Framework

- 10 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall 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 and does not increase the risk of flooding or pose a risk to public health or the environment.

- 11 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed (which shall not exceed existing site levels), and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be [occupied/first brought into use] until such time as the earthworks have been carried out in accordance with the details approved under this condition.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C4 & 32

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

- the precise boundaries of the proposed strategic landscape area to the east of the development site
- 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);
- retained historic landscape features and proposed restoration, where relevant.

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

POLICY: West Wiltshire District Plan 1st alteration 2004 – C4 & C32

- 13 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C4 & C32

- 14 Notwithstanding the above requirements, the development hereby permitted shall be carried out as specified in the submitted and approved Arboricultural Method Statement, Tree Constraints and Protection Plan (Tree Research) and shall be supervised by an arboricultural consultant.

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

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

- 15 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the local authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently, and until the completion of all site works, site visits shall be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the local planning authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

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

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

- 16 Notwithstanding the requirements of condition 12, no development shall commence on site until a detailed landscape strategy for the strategic landscaped area is submitted to and approved in writing by the local planning authority. This strategy shall include full detailed landscape plans, all details of proposed planting, proposed land uses, measures to reduce and/or manage recreational pressure on existing biodiversity habitats, long-term design objectives for the area, management responsibilities and maintenance schedules. The strategy shall be carried out as approved in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity and biodiversity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C32
National Planning Policy Framework

- 17 No development shall commence on site until details of any screen and boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the dwellings hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C31a & C38

- 18 No demolition works at 66 Damask Way shall be commenced or carried out contrary to the recommendation detailed in the approved Daytime Bat and Nesting Bird Survey Report (Sedgehill Ecology Services July 2012) for an update inspection of the building in the event of a 12 month time lapse prior to demolition. Any update survey shall be submitted to and approved in writing by the local planning authority and the development carried out in accordance with the measures and/or timetable detailed in that survey.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

National Planning Policy Framework

- 19 Prior to the commencement of any development, a Construction Method Statement shall be submitted to the local planning authority for written approval. The method statement shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species (namely reptiles, breeding birds and badgers).

Development shall be carried out in full accordance with the method statement.

REASON: To mitigate the loss against existing biodiversity and nature habitats

National Planning Policy Framework

- 20 There shall be no lighting installed along the emergency access road.

REASONS: In the interests of visual amenity and biodiversity

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

- 21 No development shall commence within the area indicated 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.

National Planning Policy Framework

- 22 The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg 07179-3 received 13.04.2012

wg 7179-2D received 13.04.2012

Dwg LDS/11200-TP1 received 13.04.2012

Dwg LDS/11200-TP2 received 13.04.2012

Dwg LDS/11200-TP3 received 13.04.2012

Dwg IMA-10-088 Plan 5 received 13.04.2012 (IMA Transport)

Dwg IMA-10-088 Plan 6 received 13.04.2012 (IMA Transport)

Dwg IMA-10-088 Plan 004 received 04.07.2012 (IMA Transport)

Dwg IMA-10-088 Plan 005 received 04.07.2012 (IMA Transport)

Dwg 271/P5 received 13.04.2012 (Enderby Associates)

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

Informative(s):

- 1 Further to the requirements of condition 6, and for the avoidance of doubt, the applicant is advised that:

This permission includes the construction of the access as indicated on the submitted plans (IMA-10-088 Plan 5, 004 and 005) with the internal layout of the road network for approval at the reserved matters stage. Required details at that stage shall include, but not be limited to, long and cross sections for the internal road network.

Parking levels are required to comply with the Wiltshire Parking Strategy; for garages to be considered as part of the parking provision, the internal dimensions must be a minimum of 3m wide and 6m deep with a minimum opening/door width of 2.1m.

As a shared surface access road is proposed, an entry treatment should be included at the transition.

Access details for nos 63, 64 and 65 Damask Way will need to be provided.

- 2 Further to the requirements of condition 9 and other drainage matters, the applicant is advised to consult with the Environment Agency with regard to:

Any outflow which 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

The surface water drainage system which must incorporate enough attenuation to deal with run-off up to a 1 in a 100 year flood event including an allowance for climate change; drainage calculations must be included.

Overland flood flow routes and collection areas which must be shown on a drawing using CIRIA good practice guide (C635)

The adoption and maintenance of the drainage system

The use of a sustainable drainage approach to surface water management (SUDS)

Flood Defence Consent which is required for any proposed works in, under, over or within 8 metres of the top of the bank of the Swan River (01278 484603)

Safeguards during construction to minimise the risk of pollution to the water interests in and around the site including the use of machinery, storage of oils and chemicals, the routing of heavy vehicles, the location of work and storage area and the control of spoil and wastes
www.environment-agency.gov.uk/business/topics/pollution/39083.aspx

- 3 Further to the requirements of conditions 9 and 10, the applicant is advised to consult with Wessex Water in respect of:

Connections to the water supply which will require an off site mains extension at the developer's cost.

The discharge of storm water to the water course to the northeast which will require the land drainage authority's permission.

Connections to the public sewer, the impact of foul flows on the downstream pumping station, works and/or contributions to provide additional storage at the pumping station and any other required improvements; these will require a S104 Adoption Agreement.

Asset protection in respect of the existing water main in Damask Way which may need to be lowered at the new entrance; any new storm sewer to the water course to the northeast which may clash with an existing foul pumping main and foul sewer; sealing off water and sewer connections to no 66 Damask Way

'Sewers for Adoption' 7th Edition incorporating a new mandatory National Build Standard (NBS) for all new foul sewers and lateral drains and a signed S104 Adoption Agreement with the water company.

- 4 Further to the requirements of condition 17, it is expected that proposed boundary treatments along the rear/side garden areas of Nos 65 and 67 Damask Way and adjacent to the proposed access road are of appropriate height and design and of solid construction to minimise noise nuisance and overlooking.
- 5 Further to the requirements of condition 21, the work shall be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.

19 **W/12/02050/FUL - Littleton Stables, Littleton, Semington, Trowbridge, Wiltshire**

Public Participation

- Mr Cole, Agent, spoke in support of the application
- Mr Smyth, representing Semington Parish Council, spoke in objection to the application.

The Area Development Manager introduced the report which recommended approval, subject to conditions. He explained that the planning application was for a permanent traveller/gypsy site comprising one mobile home, one dayroom and one touring caravan.

Members of the Committee were informed that that the proposal was considered to be acceptable as it met the criteria in the Development Plan and emerging Core Strategy. The Planning Inspector's decision of December 2010 found that the site was acceptable for this use and temporary planning permission was granted for three years. Government guidance had made it clear that even if the need for accommodation was met, further traveller sites could and should be permitted subject to meeting detailed local criteria. Officers explained that in these circumstances the proposals would not cause any harm to acknowledged planning interests and would meet the local criteria of the West Wiltshire District Plan at Policy CF12 and the emerging criteria at Policy CP47 of the draft Core Strategy.

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

The Local Member, Cllr Jonathon Seed, then spoke to the application. In particular he suggested that the permission from the Inspector was only a temporary permission for three years, as no other sites were then available. This was no longer the case, as other sites had since received planning permission and there was no longer an outstanding need for new sites. The Inspector had also stated that further development might conflict with Policy C31a of the West Wiltshire District Plan and this proposal included additional development in the form of a day room. He therefore suggested a refusal of planning permission.

Resolved:

That Planning Permission be refused for the following reason(s):

- 1. The original temporary planning permission was granted at a time when there was an outstanding need for gypsy and traveller sites in this part of Wiltshire. That need has now been met and the Council considers that there is no justification for a further site to be permitted in this location.**
- 2. The Inspector who granted the earlier temporary planning permission had concerns about the harm further development of this site would have on the appearance of the area and the consequent conflict with policy C31a of the West Wiltshire District Local Plan 1st alteration. He refused permission for a dayroom on this basis. This proposal re-introduces a dayroom, which would add to the complex of buildings on the site and would have an adverse impact on the appearance of the landscape in this part of the open countryside, contrary to policy C31a.**

20 **W/12/02102/FUL - 18 Little Parks, Holt, Wiltshire, BA14 6QR**

Public Participation

Mr Ken Mizen, local resident, spoke in objection to the application

Mr Richard Chruszcz, applicant, spoke in support of the application

The Planning Officer introduced the report which recommended approval, subject to conditions. He explained that the planning application was for material amendments to previous planning decision W/12/00016/FUL comprising of modifications to the gable roof; rear elevation exterior finish; alterations to patio windows and moving an exterior bedroom window, and internal layout changes.

Members of the Committee were informed that some of the alterations were permitted development and others would not cause any harmful impact on either the appearance of the street scene or the amenity of neighbouring properties and it is designed in accordance with Council policies. The Officer also commented that condition 3 contained in the report was not required as this was permitted development if the applicant decided to install obscure glazing to the bathroom window.

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

The Local Member, Cllr Trevor Carbin, then spoke to the application. In particular he raised issues relating to the materials used at the rear of the property.

The Committee then considered the application and debated a number of issues. It was suggested that details of the render colour should be submitted and agreed with the Local Planning Authority prior to the commencement of the development.

Resolved:

That Planning Permission be granted 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 not be carried out except in complete accordance with the details shown on the submitted plans:

Site Location Plan; Drawing No's 1112-01; 1112-02; 1112-03; 1112-04; 1112-05; 1112-06; 1112-07; 1112-08; 1112-10; 1112-11, received 14th November 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.

- 3 Prior to the single storey rear extension permitted under 12/00016/FUL being first occupied the external ground floor rear walls shall be rendered and painted in a colour to be first agreed in writing by the local planning authority.

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

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

21 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 10.15 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services, direct line 01225 718376, e-mail stuart.figini@wiltshire.gov.uk

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

Wiltshire Council

Western Area Planning Committee

17 April 2013

Appeal Performance 2012

1. Purpose of Report

To review the outcomes of decisions made by the Planning Inspectorate on appeals in the area covered by the Western Area Planning Committee in 2012.

2. Appeal Decisions

The Western Area Planning Committee met 14 times and considered 50 applications in 2012. Eight of these were refused, of which 4 were refused against the recommendation of officers, whilst three were refused in accordance with the reason for refusal recommended by officers and one had an additional reason added in by members.

Out of these 8 decisions, six have currently been taken to appeal. Only two decisions have so far been received, both of which have been allowed. There were no cost applications or awards on either of these. A list of the applications refused by the committee and the subsequent appeal decisions are set out in Table A.

Table A - Applications Refused by Western Area Planning Committee 2012

Reference	Parish	Location	Description	Appeal Decision
W/11/03225/FUL	Holt	The Midlands	Single dwelling	Allowed
W/12/00537/FUL	Southwick	Poplar Tree Lane	Traveller's site - 1 pitch	Allowed
W/11/03178/FUL	Bradford	Wooley Green	7 houses	Awaited
W/12/00511/FUL	Melksham	Semington Road	1 house	Awaited
W/12/01649/FUL	Warminster	R/O Westbury Road	2 dwellings (new design)	Awaited
W/12/02689/FUL	Trowbridge	Bowyers	Supermarket/cinema	In abeyance
W/12/01544/FUL	Trowbridge	14, Newtown	First Floor storage facility	Not appealed
W/12/01720/FUL	Warminster	2, The Uplands	1 house	Not appealed

During 2012, the Council received decisions on a further 20 appeals against refusals made under delegated powers in the area covered by the Western Area Planning Committee. Eight out of nine refusals of applications for new residential development were dismissed as were appeals against a football pitch and pavilion; an agricultural building and a stable building. One illuminated advertisement appeal was allowed, as were 5 householder appeals, all except one on decisions made in 2011. There were no cost awards against the Council in any delegated decision. The list of appeal decisions made on delegated decisions is set out in Table B.

Table B**Appeal Decisions Received in 2012 on Applications Refused under Delegated Powers**

Reference	Parish	Location	Description	Decision
W/10/01920/FUL	Hilperton	202A Devizes Road	Revised Design for House	Dismissed
W/11/03042/OUT	Staverton	Land east of Elm Close	12 bungalows	Dismissed
W/11/02637/OUT	Heywood	Church Road	4 houses	Dismissed
W/11/02511/FUL	Shaw	Sheeshnag Shaw Hill	1 house	Dismissed
W/11/02441/FUL	Warminster	Land at 110, Boreham Field	1 house	Dismissed
W/11/02302/FUL	Warminster	73, Ruskin Drive	1 house	Dismissed
W/11/01988/FUL	Sutton Veny	Veny Farm, Duck Street	Stables	Dismissed
W/11/01469/FUL	Dilton Marsh	Churchfield Farm	Mobile home	Dismissed
W/11/01159/FUL	Heywood	Church Road	Football pitch and pavilion	Dismissed
W/11/00220/CLP	Chapmanslade	Hunterhull Road	Agricultural Building	Dismissed
W/11/0040/FUL	Chapmanslade	Hunterhull Road	Agricultural Building	Dismissed
W/11/01665/FUL	Melksham	10, St Andrews Road	2 houses	Dismissed
W/11/01302/FUL	North Bradley	Manor Farm	Retrospective change of use to B1/B8	Allowed
W/11/02484/FUL	Heywood	Park Lane	1 house	Allowed
W/11/02802/ADV	Trowbridge	33/34 Fore Street	Illuminated signs	Allowed
W/11/03274/FUL	Melksham	11, Woodstock Gardens	House extension	Allowed
W/11/02933/FUL	Bradford	21, Trowbridge Road	House extension	Allowed
W/11/02632/FUL	Warminster	17, Morley Field	House extension	Allowed
W/11/02429/FUL	Melksham	10, Southbrook Road	House extension	Allowed
W/11/01632/FUL	Westwood	50, Farleigh Lane	House extension	Allowed

Report Author – Mike Wilmott, Area Development Manager

WESTERN AREA PLANNING COMMITTEE

INDEX OF APPLICATIONS ON 17/04/2013

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
7a	W/13/00074/FUL	Land Rear of Fire Station, Meadow Lane, Westbury	Proposed development of three detached houses on sites at Saxon Close, Westbury	Approval
7b	W/12/02235/FUL	19 St Mary's Lane, Dilton Marsh, BA13 4BL	Proposed one and a half storey dwelling on land to the rear of 19 St.Marys Lane, Dilton Marsh.	Approval
7c	W/12/02344/FUL	Land Rear of 4 Sandridge Road, Melksham	Erection of bungalow	Approval
7d	W/13/00223/FUL	68 Marina Drive, Staverton, Trowbridge, BA14 8UR	Rear single story extension with balcony on flat roof and roof lantern	Approval

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	17.04.2013		
Application Number	W/13/00074/FUL		
Site Address	Land Rear Of Fire Station Meadow Lane Westbury Wiltshire		
Proposal	Proposed development of three detached houses on sites at Saxon Close, Westbury		
Applicant	Raglan Housing		
Town/Parish Council	Westbury		
Electoral Division	Westbury North	Unitary Member:	David Jenkins
Grid Ref	387067 151525		
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

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

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Environmental/highway impact
- * Other: Inadequate provision of fencing around boundaries and potential for blocked access for neighbours.

1. Purpose of Report

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

Neighbour Responses - 8 objections were received.

Westbury Town Council Response - Objection.

2. Report Summary

The main issues to consider are:

- * Principle of development;
- * Siting, layout and design;
- * Accessibility including highway safety and parking; and
- * Any other material considerations such as neighbouring amenity.

3. Site Description

The application site is made up of 3 separate land parcels in Saxon Close, Westbury. Two lie at either end of the terrace that comprises. 29 to 33 Saxon Close, whilst the third lies to the south west of the semi-detached pair Nos. 13 to 14.

The sites to the south-western end of the existing properties are vacant land, whilst that to the north east of 29 to 33 is utilised as an informal parking area.

The surrounding area is characterised by modest residential development with a mixture of double storey terraced and semi-detached dwellings fronting onto Saxon Close. The application plots do not appear to play any significant role as amenity spaces, having a relatively unkempt appearance at the time of the site visit.

The Conservation Area lies to the south west but there are no buildings or spatial characteristics of Conservation interest adjacent to the plots.

Access to the site is via a single point into the Saxon Close cul de sac from White Horse Way to the north east.

4. Relevant Planning History

None relevant to these three plots.

5. Proposal

This is an application for the erection of three detached three bedroom dwellings and associated parking, plus the layout of 12 other parking spaces. The dwellings would occupy the vacant land and informal parking area, with plot sizes reasonably approximating those of surrounding dwellings. The frontages to the dwellings would be aligned with the existing "building line" to the street. There would be a limited extension of the footprints to the new dwellings beyond the rear of the adjacent units.

Eight parking spaces would be formally provided on the land to the north of No. 33 , the area that is currently in informal use for ad-hoc parking.

The proposal includes private gardens with small sheds to serve the 3 proposed dwellings. Each dwelling has two off-streeparking spaces, whilst the proposal also includes two off-street each parking spaces for the properties at 29 and 13 Saxon Close and a further 8 spaces for general use in the area currently used for informal parking.

The proposed dwellings are 2-storey in height, each with three bedrooms and a bathrooms at first floor, and on the ground floor kitchen/dining room and WC. The external materials proposed would be brick (with minimal render detailing) with tiles to the roofs. The brick and roof tiles are proposed to match those in the rest of the Close.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) - C31a Design; C32 Landscaping; C38 Nuisance; H1 Further Development Within Towns.

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

7. Consultations

Westbury Town Council

Objection on the following grounds:

- * Unacceptable housing density;
- * Potential parking problems including street parking;
- * Inadequate provision of fencing around the boundaries and potential blocked access for residents.

Highways

No objection subject to conditions requiring the parking spaces to be provided and properly surfaced and drained before occupation of the dwellings.

Environmental Health

No objections -potential loss of amenity considered unlikely.

Wessex Water

No objections. Note that new connections would be required.

Wiltshire Fire and Rescue

Seek a developer contribution, advises in regard to building regulations and recommendations relating to improving safety.

8. Publicity

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

Eight responses were received. Summary of points raised:

- * Inconvenience and access problems arising from building works;
- * Inadequate fencing shown;
- * Misleading advertising;
- * Potential fly tipping;
- * Interruption of access to 84 West End;
- * Inadequate parking;
- * Traffic congestion;
- * Highway safety;
- * Overcrowding;
- * Loss of parking;
- * No surveillance over cars: theft and vandalism;
- * Property devaluation;
- * Westbury is full up, outside developers should build on their own doorstep;
- * Unacceptable roof line;
- * Loss of privacy.

9. Planning Considerations

9.1 Principle of development.

The application site is located within the town policy limits of Westbury 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 meeting detailed criteria on siting, layout, design etc.

Wiltshire Fire and Rescue request a financial contribution. However, there are no relevant policies in place which addresses this issue.

9.2 Siting, layout and design, relationship to neighbouring properties

The proposal is to erect three dwellings on vacant land within the existing Saxon Close development. The plot sizes accord well with those in the proximity, and are of a similar two storey height. there is no significant increase in density as a result of the development. The development would accord with the local spatial character, albeit that these would be detached dwellings, and would make good use of otherwise underused and vacant land to help meet local housing need.

A slight variation in design from the established form would arise due to a deeper footprint to the dwellings than those of the older units. This is to accord with current standards of accessibility and "lifelong" design criteria. A consequence would be a slight increase in height (Approx 200mm) - less than 8 inches) over the existing ridgeline to the neighbouring dwellings. (Initial plans had a higher roofline due to a variation in the proposed roof pitch as well. Following negotiation the pitches were

altered to match the existing, with a consequence reduction in height). Variations to the design of fenestration are also proposed, but these are considered to add interest (together with the limited render detail) to the street scene and do not give rise to any harm.

It is considered that the location of the two units at either end of the terrace would be acceptable in terms of minor variations in overall appearance, constituting "book-ends" within the street scene to the existing. The third unit would be at the end of one leg of the cul-de-sac and no harm would arise in the appearance of the street scene, in particular where materials would match and roof pitches and eaves levels would be the same. No first-floor level side facing windows onto neighbouring properties are proposed.

Garden spaces are wholly adequate in the neighbourhood context, being similar in size to the existing neighbouring properties. No unacceptable overshadowing or overlooking would arise where the dwellings would be orientated facing down the length of their own curtilages parallel to neighbouring properties. The very limited increase in roof heights and limited extension beyond the rear of existing units would not give rise to overbearing or undue loss of light. Separation distances between the new properties and existing dwellings are acceptable and not below normal standards.

9.3 Accessibility including highway safety and parking

Neighbour comments of parking and general highway concerns are noted. The proposals however do include parking levels (2 spaces per house) acceptable to the Highway Officer, who also raises no issues with regard to access and highway safety. It is further considered that the formalisation of the parking on the area currently used on an ad-hoc basis and the provision of spaces to neighbouring units Nos. 29 and 13 to the proposed houses, has the potential to improve the highway safety situation in the area, whilst at the same time providing for an upgraded appearance in the street scene. It is considered that the layout of the parking area is conducive to passive oversight, providing for additional security that would encourage use of the spaces, as opposed to the informal situation that currently prevails.

With regard to the issues of access and boundary treatments to neighbouring properties as raised by the Town Council, the layout provides for pathways providing links to existing rear garden pathways in the case of Nos. 29 to 33, and side pathways to the rear of Nos. 13 and 29. These accesses would be under the control of the residents via gates for wheelie-bin etc. storage in rear garden spaces. The agents have confirmed that boundaries will be close boarded fence 1.8m high and that the vegetation alongside plot 3 would remain with a new fence provided.

10. Summary and conclusion.

In summary, the proposal relates to suitable development of a brownfield land in a sustainable location that, it is considered, meets relevant criteria of the development plan. 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.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

- 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 - POLICY: C31a.

- 3 No development shall commence on site until details of the means of enclosure of boundaries have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the boundary enclosure for it has been provided 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 and C32

- 4 No dwelling shall be first occupied until the off-street parking spaces shown on the approved plans for the dwelling have been provided. In addition, the dwelling on plot 1 shall not be first occupied until the 8 off-street parking spaces in front of the property have been provided in accordance with the approved plans. The parking spaces for the development shall be consolidated and surfaced (not loose stone or gravel) and shall be retained as parking spaces thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1; C38

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

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

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

- 6 The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans:

3217-PL-001 received on 16 January 2013;
3217-PL-002 REV A received on 14 March 2013.

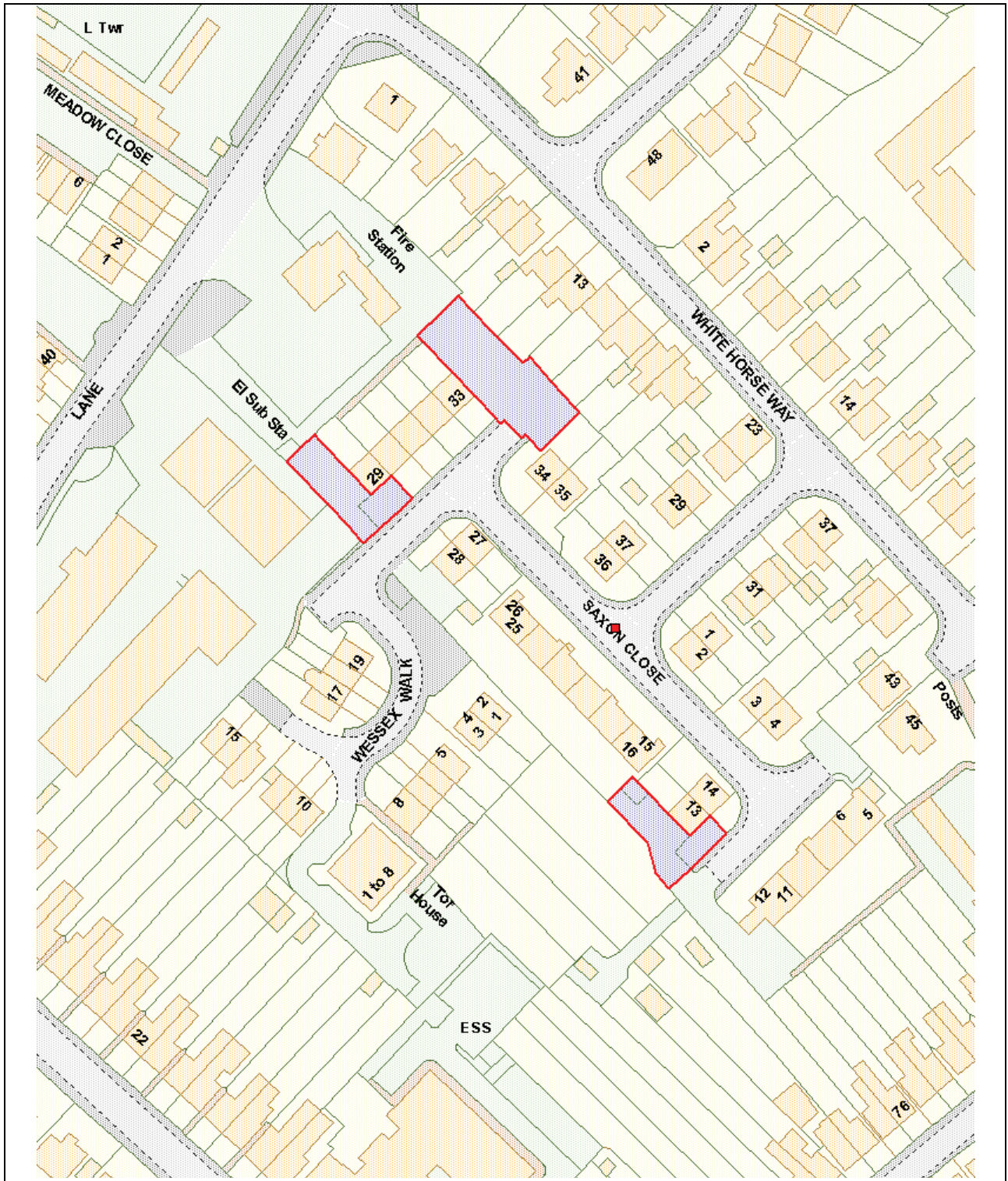
REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority

Informative(s):

- 1 The applicant is advised to contact Wessex Water with regard to matters of connections to 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	17.04.2013		
Application Number	W/12/02235/FUL		
Site Address	19 St Marys Lane Dilton Marsh Wiltshire BA13 4BL		
Proposal	Proposed one and a half storey dwelling on land to the rear of 19 St.Marys Lane, Dilton Marsh.		
Applicant	Mr A Veritey		
Town/Parish Council	Dilton Marsh		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	384934 150035		
Type of application	Full Plan		
Case Officer	Mr Steve Vellance	01225 770344 Ext 01225 770255 steven.vellance@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Environmental/highway impact.
- * Risk of flooding to application site and neighbouring properties.

1. Purpose of Report

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

Neighbourhood Responses

Six letters/emails of objection received. Detailed comments set out in the report, but mainly focused on surface water drainage issues and whether the proposal represents overdevelopment of the area.:

Dilton Marsh Parish Council Response: - Object to the planning application. Grounds of objection set out in report, but focused on water drainage and flooding issues.

2. Report Summary

The main issues to consider are:

- Principle of development within the area.
- Impact on the character/appearance of the area.
- Flood prevention measures.

3. Site Description

The application site is an area of land that currently forms part of the rear garden of number 19 St. Mary's Lane, Dilton Marsh, but that also fronts onto the modern estate road at The Dutts, an estate that consists of a cul de sac of two storey and single storey dwellings which parallels St. Mary's Lane. The site is generally level and grassed with mature hedging around the boundaries.

4. Relevant Planning History

None.

5. Proposal

The proposal is for the construction of a one and a half storey detached three bedroom dwelling. This would front onto The Dutts and take access from it. Off street parking is provided for within the curtilage of the new dwelling. Adequate provision has been made for the parking of three vehicles.

6. Planning Policy

West Wiltshire District Plan 1st alteration - relevant policies are H17; H24; C31; C38; U1a; U2.

National Guidance is found in the National Planning Policy Framework (NPPF). This promotes sustainable development.

7. Consultations

Dilton Marsh Parish Council

Objects to the proposal for the following reasons:

- The area and development site prone to flooding.
- Presence of new build will exacerbate problems as has 2A The Dutts.
- Overlap of 2A and application site is overdevelopment of the area.
- Water drainage scheme and flood prevention scheme of 2A is either ineffective or not been implemented.
- In the event of planning permission being granted, developer to demonstrate effective flood prevention measures have been undertaken.

Wiltshire Fire and Rescue

Requests a financial contribution.

Highways

No objections and state that the proposal would not have any adverse effect on the highway.

Environment Agency

No objections.

Wessex Water

Comments that the developer will need to agree a point of connection to the Wessex infrastructure for the disposal of foul flows and water supply and that a separate system for drainage will be required. The developer to check with Wessex to ascertain whether there may be uncharted sewers or water mains within the site.

Council's Land Drainage Engineer

Makes the following comments:

- Clay layer below the ground surface, therefore if a soakaway system were to be utilised, it should comply with and be in accordance with BRE digest 365 (Soakaway Design) to ensure that it is sized in accordance with the ground's ability to receive the extra water. (BRE 365 appended).

- Rainwater harvesting good green idea but should not be solely relied on for surface water attenuation.
- Rainwater harvesting system be properly designed and have its volume calculation based on the predicted actual usage of water to avoid excess water becoming stagnant in the system.
- Rainwater harvesting system should incorporate an overflow to an existing surface water drainage system for when the tank becomes full.
- The tank may become inundated as it would be at a low point of The Dutts where water could collect and which may cause flooding.
- Application site is within 20m of a watercourse, existing drainage system may not have sufficient capacity, therefore drainage needs to be attenuated to minimise the impact of any extra water into it.
- Existing ground levels should not be raised which would serve to trap flood water within the rear gardens of properties in St Mary's Lane.

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 08 January 2013. Representations received from six parties.

Summary of points raised:

- Issues relating to a recent localised flooding incident.
- Inadequate drainage
- Numbers 15 and 17 experienced flooding to their gardens
- Overdevelopment of the area
- Proposal should conform to designs of existing buildings within the estate.
- Planning conditions relating to 2A The Dutts and their water drainage measures have not been discharged.

9. Planning Considerations

9.1 The principle of development.

The principle of a development of one single dwelling on this site is acceptable. This is because the site is located within the village boundary limit for Dilton Marsh where new housing will be permitted subject to it being in keeping with the character and appearance of the area. As it has its own access and fronts onto The Dutts it does not comprise backland development. The design of the dwelling minimises its impact on its surroundings, but provides adequate amenity land for the occupants and off-street parking. It does not result in the loss of an important open space or visual gap, nor does it give rise to highway problems. The location of the site within the limits of development, close to services, means that it is a sustainable development, as sought by the NPPF.

9.2 Design Considerations.

The proposed development is for a three bedroom one and a half storey dwelling with a single garage, occupying approximately half the width of the site. The design has deliberately been kept modest whilst offering a reasonable area of land for amenity for the residents of the property.

When determining the application, the planning considerations are whether the development would be contrary to policy or give rise to some form of acknowledged harm. Within this context, the following points are of relevance:

- The footprint of the proposed development occupies approximately half of the available plot, which is not an unreasonable pattern of development.
- The ridge height of the proposed development is 7.2 metres, which is an acceptable height, not overbearing on its neighbours or surroundings..
- The south facing rear elevation of the proposal does not have any overlooking fenestration and instead has four roof lights incorporated within the sloping roof plane. This safeguards amenity by not allowing any direct overlooking of the garden space of numbers 19 and 17 St. Mar's Lane.

-The properties at this location are both single and two storey, therefore in terms of massing within the street scene, the proposal would have limited and acceptable visual impact.

-Against this background, it is considered that there is no design reason for refusing the application.

9.3 Highway and Access Considerations.

The Highways Officer has no objection to the proposal. Access is from an adopted estate road and adequate off-street parking is provided.

9.4 Drainage and other considerations.

The main concern from several residents, and the parish council, has been in relation to surface water drainage issues and a recent localised flooding incident, with claims that the drainage system within the area is inadequate. Wessex Water have no objection to the proposal on sewer capacity grounds.

The north west corner of the application site, adjacent to The Dutts, would be garden land, and is shown as falling within shallow surface water flooding, in a 1 in 200 year event. The Environment Agency was consulted with regard to this application and has raised no objection, although requiring any surface water drainage not to connect to the foul system.

The Council's Drainage Officer has been involved in examining this issue in relation to the recent flooding incident. His comments are set out above. In essence, he has no objection to the proposal, provided that provision is made for properly designed surface water drainage provision. The applicant understands and acknowledges the importance of such issues, which will need to be controlled by planning conditions that require the approval of a drainage scheme prior to work commencing and its implementation prior to occupation.

The Parish Council have noted that whilst comparing site location plans for this proposal and that of the new neighbouring property at 2A, there appears to be an overlap of the land, between the two application sites. In response to this, the applicant has confirmed that he purchased an additional small section of land, which is contained within the red lined area of this planning application. The Land Registry's plan clearly shows this area as falling into the applicant's ownership.

It is noted that Fire and Rescue have requested a financial contribution for this development. The Council does not have an adopted policy with regard to such matters and therefore cannot be considered.

Conclusion.

Concerns raised with regard to land drainage issues are noted and are proposed to be covered by planning conditions. The submitted scheme conforms to policy and is recommended for approval, subject to the attached conditions.

Recommendation: Permission

For the following reason(s):

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C31A, C38, H1A, H17, H24, U2 and U1A.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively with the applicant to secure this development to ensure that there would be no harm to the character and appearance of the area and no harm to neighbouring amenity.

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 - POLICY: C31a.

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

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

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

- 4 The development hereby permitted shall not be occupied until the access and parking area have been implemented in a consolidated porous surface (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The areas shall be maintained as such thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted above ground floor level in the rear (south) elevation of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

- 6 No development shall commence on site until plans showing the proposed finished floor levels of the building and any associated decking in relation to the existing land levels have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

REASON: To minimise any flood risk and protect the amenity of neighbouring properties.

- 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, 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 plant species, planting sizes and planting densities;
- means of enclosure;

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

- 8 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.

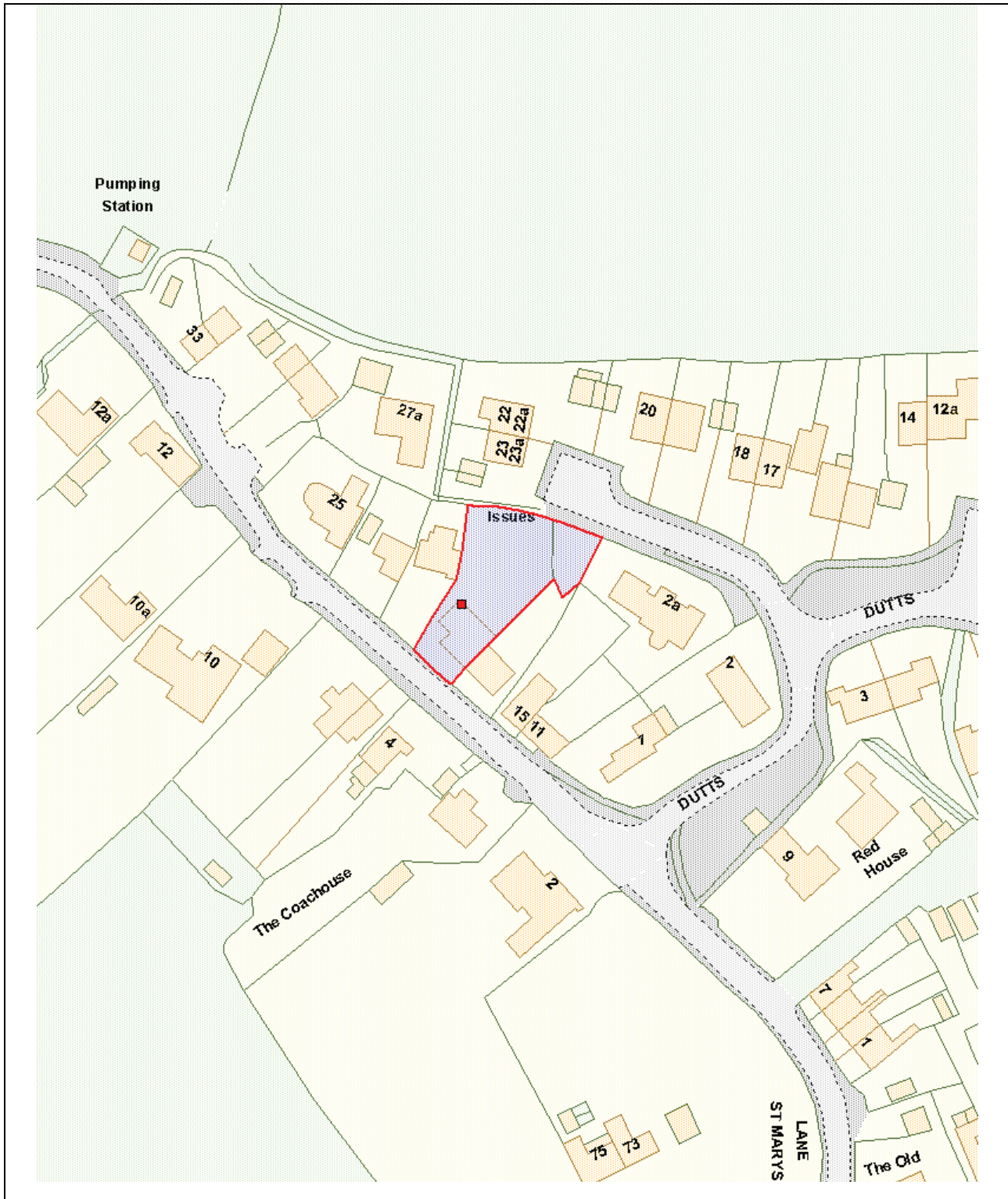
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

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

Site Location Plan received on 05 December 2012
 Drawing number 776/1 received on 05 December 2012
 Drawing number 776/2 received on 05 December 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.

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



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	17.04.2013		
Application Number	W/12/02344/FUL		
Site Address	Land Rear Of 4 Sandridge Road Melksham Wiltshire		
Proposal	Erection of bungalow		
Applicant	Mr Barry Clark		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham Central	Unitary Member:	Stephen Petty
Grid Ref	390861 164182		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

Scale of development

Design - bulk, height, general appearance

Environmental/highway impact

The reasons as raised by Melksham Town Council - Lack of amenity, Over Development, Local Wildlife concerns, setting a precedent.

1. Purpose of Report

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

Neighbourhood Responses - 6 third party representations were received with the concerns cited within section 8 below.

Parish/Town Council Response - Objects for the reasons cited within section 7 below.

2. Report Summary

The main issues to consider are:

Principle of Development

Character and Appearance

Living Conditions and Impact on Neighbours

Highways Safety Interests

3. Site Description

The irregular shaped application site comprises the rear part of the existing residential garden of 4 Sandridge Road - which is a detached single storey bungalow located on the south side of Sandridge Road. The site is within the defined Town Policy Limits and is within a predominantly residential area. At its longest, the plot would extend some 29 metres and at its widest, be some 18.5 metres.

The surrounding area is characterised by a mixture of detached bungalows, semi-detached dwellings and a terrace of six 2-storey properties located along Hampshire Place. The essential form of the neighbouring properties along Sandridge Road and immediately adjoining the site is however predominantly set by single storey detached properties.

There has been recent single storey residential infill development approved to the front of No. 2 Sandridge Road (approved under references 08/01612/FUL, 08/02513/FUL - permissions which were extended by reference W/11/00589/FUL). The approved development has been fully implemented. Further along Sandridge Road, but still within relative close proximity to the site, 4 x 2-storey houses were granted between No's 40-42 Sandridge Road under reference W/09/01745/FUL.

4. Relevant Planning History

There is no relevant planning history applicable for this site.

5. Proposal

Under this revised and negotiated application, permission is sought to erect a single storey hipped roofed bungalow set within the existing rear garden of No. 4 Sandridge Road. The new building would be constructed at an oblique angle to the existing houses along Sandridge Road to avoid window-window conflicts. The house would primarily be suited to people looking for a starter home or a retirement property as it would be modest in terms of its available accommodation of 2 bedrooms and a maximum roof height of some 5 metres and an eaves height of about 2.4 metres. The property would have a proposed footprint of about 76.5 square metres, which equates to about a third of the identified plot. Unlike the host property which has direct vehicular access taken off the existing slip access located to the south-west of Sandridge Road, the rear garden requires a 15 metre access link to be created over a grassed area of land to connect the site with Hampshire Place over land owned and controlled by Selwood Housing.

For the avoidance of any doubt, Selwood Housing have been formally notified as the landowner of part of the application site (i.e. the land which would be needed to form the link access) and they have raised no objection or concerns. It is also understood that the applicant has entered into negotiations with Selwood about agreeing access rights.

Following the initial consultation process which led to a series of local concerns being raised and an objection from the Town Council, the applicant was encouraged to revise the plans to increase the plot size by about 20% to make the plot-house ratio more 3:1. By doing so, the existing beech hedge which dissects the existing garden of No. 4, would be removed and replaced by a 1.8 metre high close boarded fence. Having discussed the revisions with the applicant, the opportunity exists to re-plant another hedgerow.

The proposed development would have UPVC fenestration and would be constructed from reconstituted stonework under a concrete tiled roof to reflect and complement the type of materials found on the host building and the immediate surroundings.

6. Planning Policy

West Wiltshire District Plan - 1st Alteration - C31a (Design); C32 (Landscaping); C38 (Nuisance); C40 (Tree Planting); H1 (Further Housing Development in Towns); H24 (New Housing Design); T10 (Car Parking); U1a (Foul Water Disposal) and 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 Objectives - Delivering a thriving economy; Addressing climate change; Providing everyone with access to decent, affordable housing; Helping to build resilient communities; Protecting and enhancing the natural, historic and built environment; and Ensuring that adequate infrastructure is in place to support our communities.

Core Policies - Core Policy 41 - Sustainable construction and low-carbon energy; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 60 - Sustainable Transport; Core Policy 61 - Transport and Development

7. Consultations

Town Council - Objects on the grounds that the development would lack sufficient external amenity space and would be over development of the site. Highways concerns are also raised about additional traffic being generated/travelling along Hampshire Place - which is narrow and used by residents and visitors of properties at Hampshire Place. Concern was also raised about a precedent being established for other properties along Sandridge Road taking access onto/ off Hampshire Place. The development may impact on ecology interests and asks that Natural England are consulted.

Highways - No objections raised. The access link off Hampshire Place should be surfaced in a consolidated material (not loose stone or gravel) and a scheme to avoid discharging surface water from the site should be conditioned.

Wessex Water - No objection raised, subject to informatives being attached to any permission.

Natural England - If there are any ecological interests affected by this development, relevant surveys should be sought and be duly considered.

Wiltshire Wildlife Trust - Report that reptiles were previously recorded in the surrounding area.

Wiltshire Fire and Rescue Service - Request a financial contribution amounting to £76:13 to finance hydrants and water supplies for fire fighting and additional / enhanced fire and rescue service infrastructure.

8. Publicity

The application was advertised by site notice and neighbour notifications. Expiry date: 14 March 2013

Third Party Representations - 6 third party representations were submitted raising the following concerns:

- The proposed drive/access to the site would result in loss of privacy and overlooking;
- It would also result in the loss of parking provision at the existing terminus of Hampshire Place;
- If granted, construction vehicles and building works would cause significant disruption, noise and reduced air quality;
- Further increased car traffic along Hampshire Place will only make matters worse;
- Existing / future parked cars along Hampshire Place may cause obstruction/ hazards (which would be especially concerning in the event of an emergency).
- Concerns are also raised about a precedent being created for other properties along Sandridge Road developing their gardens in a similar manner.
- The piece of ground at the end of the row of houses is currently a relatively safe area for local children to play on while being close enough to be properly supervised. Previously, attempts have been made by the householders whose property adjoins this land to purchase it to extend their garden, but they were told that it had to stay as public amenity land. Since this no longer seems to be the case as Selwood Housing are prepared to grant access across it to the proposed new property, maybe another small slice could be used, as part of this project if planning consent is to be granted, to provide a number of parking spaces. This would ease parking and alleviate any possible access problems for refuse collection and emergency services vehicles along this narrow road.
- One local resident has provided documented evidence of a land transaction application submitted by previous owners of No's 4 and 6 Sandridge Road dating back to 1996 which sought to form a larger development site for residential development indicates that the West Wiltshire District Council Housing Committee turned down the land transaction request to create a vehicular

access onto Hampshire Place - on the basis that the access would cross over open space which forms part of the Hampshire Place estate and that local residents of Hampshire Place use the approach road for parking. Any increase in traffic generated by the further housing could present problems.

- There is an alleyway which links Sandridge Road and Hampshire Place which is well used on a daily basis. The alleyway allegedly links with Hampshire Place dangerously, according to one local resident - who raises a surprise that there has never been a serious accident. Any additional traffic generation is cited as a potential risk.

9. Planning Considerations

9.1 Principle of Development

The NPPF places an importance on the planning system to deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account a divergent need and demand and seeking to improve choice.

Paragraph 49 of the NPPF makes it explicitly clear that "housing applications should be considered in the context of the presumption in favour of sustainable development". In this particular case, the site is located within the established Town Policy Limits and can access all the Town's amenities and services in a sustainable manner, including making use of the public transport links. Making efficient and sustainable use of land is still an over-arching planning requirement; and, it is recognised that the form and density of a site's surroundings are material considerations.

Under Policy H1 of the West Wiltshire District Plan - 1st Alteration, proposals for new housing development in this area may be permitted provided, inter alia, that the siting, layout and design considerations are satisfactory, and that they are in keeping with the character of the surrounding area and that providing such development does not give rise to highway problems or create inappropriate backland or tandem development.

Policy H24 leads on to state that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement local vernacular.

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

9.2 Character and Appearance

The neighbouring properties along Sandridge Road are characterised by a mixture of detached bungalows, semi-detached dwellings and terraced 2-storey properties - along Hampshire Place. The essential form of properties adjoining the application site is set by single storey detached properties, and it is duly noted that the applicant intends to retain this principle built form.

It is fully recognised that Paragraph 56 of the NPPF stresses that "great importance" should be attached to requiring good design to make positive changes to existing built environments. Paragraph 60 stresses the importance of promoting and reinforcing "local distinctiveness". Paragraph 64 clearly states that "permission should be refused for development of poor design..." In this case, the site forms part of the defined curtilage of an existing residential property which benefits from a relatively large rear garden which is physically split into two distinct parts, created by the dense beech hedge. The site could potentially be accessed via Hampshire Place. Access arrangements are rather unusual in this particular case as the applicant/owner of the site does not have direct access onto the public highway network, and has instead initiated discussions with Selwood Housing as the owners of the strip of land which separates the application site and Hampshire Place, to arrange access rights to the plot. It is understood that an in principle agreement has been reached with Selwood. Procedurally, Selwood Housing had to be formally notified by the applicant through the completion of

Certificate B of the planning application form. For the avoidance of any doubt, Selwood Housing have raised no objection to the proposal.

Notwithstanding the limited plot size, the Council accepts that starter homes for people trying to get onto the housing ladder or downsize may not want or be able to afford a property with a large garden. National and Local Plan Policy is clear in stressing the importance of providing a mix of house types and sizes to satisfy an ever increasing diverse range of housing needs and aspirations. It was this guiding principle which in part led the Council to approve planning permission for a single storey bungalow on a similarly sized parcel of land which previously formed part of the residential curtilage of No. 2 Sandridge Road.

The proposed single storey bungalow may be modest in terms of its architectural design and appeal, but the site requires any infill to have a low profile in order for it to merge into the surroundings and not have any overbearing impact on its neighbours.. The proposed low profile and choice of materials would respect and reflect the style and character of surrounding properties and it would not appear as an obtrusive development within the immediate environs. The hipped roof would keep the roof bulk to a minimum and this feature is not out of keeping with this part of Melksham. The eaves and ridge height are acceptable in terms of keeping the new property low-key. There are no objections raised in relation to the proposed fenestration treatment.

The proposed development would result in the loss of some garden ground associated to No. 4 Sandridge Road, but it would still have sufficient amenity ground remaining, if the proposed bungalow is approved and built. Crucially, and in respect to both the NPPF and adopted local plan policies, this one house development would on balance, integrate sufficiently well into the built urban form without causing any material detriment. It is recognised that there is some concern locally about a precedent being created, however, as Members will be fully aware, each application must be tested on its own merits and should future infill development proposals come forward in the months/years ahead, they will have to be assessed on their own merits against the relevant policy criterion that may then apply.

9.3 Living Conditions and Impact on Neighbours

Officers recognise that not everyone seeks to have a large garden, and in recognition of the diverse housing needs within Wiltshire, this particular modestly scaled residential infill opportunity would appear to be most suited for people wishing to get onto the housing ownership ladder or as a retirement home. With a plot-house ratio of approximately 3:1, the proposed development would afford future occupiers with sufficient external amenity space. Both the NPPF and the Adopted District Plan are silent when it comes to garden sizes. The West Wiltshire District Council adopted Supplementary Design Guidance is rather out-dated and does not reflect the evolving Policy Guidance. In the past where the Council refused applications and seemingly placed significance upon the SPG guidance, planning inspectors dealing with appeals were minded to place more emphasis upon what harm would be caused.

On the basis of the above, the proposed 2-bed bungalow would have adequate internal and external space which would be a welcome addition to the housing stock available to buy.

In this area of Melksham, there are public parks located relatively close by and even though the proposed bungalow would have a limited amount of external amenity ground, it would have some and, in reality would not appear that different in terms of garden provision to the bungalow which was granted permission in 2008 and 2011 at the front of No. 2 Sandridge Road.

By virtue of its single-storey form and its low level eaves height, sited obliquely from existing dwellings and with no habitable window directly facing a neighbouring habitable window, the proposed development would not demonstrably or detrimentally affect neighbouring amenity; and there would be no substantive level of overlooking or loss of privacy as a consequence of this development.

9.4 Highways Safety Interests

No objections have been raised by the highway authority on road safety grounds. Provision of the access across the strip of privately owned land from Hampshire Place is a matter for negotiation between the applicant and the landowner and is not a planning consideration. From discussions held

with the applicant, it would appear that access rights have been agreed in principle and that it would be enshrined within a private legal agreement following any grant of planning permission.

Officers submit that the estate would not be demonstrably affected by the consolidated 15 metre strip of land - which could in effect be constructed using something like grasscrete which would merge well with the surrounding land. As noted above, a planning condition is recommended to cover the exact means by which the access link shall be formed.

Any damage caused to Hampshire Place by construction vehicles would need to be remedied by those parties involved. However, this particular matter is not a planning issue and it cannot influence the determination of the application. The Hampshire Place roadway is admittedly not in the best of condition, however, it serves six properties and officers cannot raise an objection to it serving one more.

9.5 Environmental Considerations

All relevant environmental considerations have been reviewed through the consultation process and the case officer's appraisal. The removal of the beech hedgerow within the site has the potential to disturb birds, however providing any hedgerow removal is undertaken outside of the bird nesting season and that all works proceed with caution, ecology interests should not be detrimentally affected. Appropriate conditions and informatives are necessary to cover boundary treatment and hedgerow removal.

9.6 Developer Contributions

The request received from Wiltshire Fire and Rescue Service for a financial contribution totalling £76:13 has been fully considered, however it does not meet the reasonable tests enshrined with saved District Plan Policy I1 which requires all requests for financial contributions to be both necessary and reasonable. Any planning obligation must also meet strict tests, none of which are satisfied in this particular case. In the absence of any adopted CIL, the costs associated with setting up and delivering a s106 agreement would far exceed the £76 being sought here, which adds to the unreasonableness of the request.

10. Conclusion

The proposed windfall development is located within the defined urban area of Melksham and is considered a sustainable location. The proposal would make a modest contribution to meeting local housing need and would accord with the stated national and local plan policies. It would not cause any significant harm to the character of the area nor would it demonstrably affect residential and road safety interests. Subject to conditions, this proposal is recommended for permission.

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. In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development which shall make a modest windfall residential contribution towards meeting a growing and diverse housing need within the Town and wider Wiltshire. In reaching its decision to grant permission, the Council took into account the relevant impacts upon neighbours, highway safety and other material considerations.

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 - POLICY: C31a.

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

REASON: In the interests of visual amenity.

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

- 4 No development shall commence until a plan indicating the on-site provision of 2 car parking spaces and a turning area has been submitted to and approved by the local planning authority. The parking and turning space shall be provided before the dwelling is first occupied and shall thereafter be retained and remain available for such uses for the lifetime of the development.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10 and in accordance with Wiltshire Council's Car Parking Strategy.

- 5 The development hereby permitted shall not be occupied until the access to the site formed off Hampshire Place 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 and to prevent the displacement of loose material along Hampshire Place.

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

REASON: To ensure that the development can be adequately drained and to prevent surface water spillage onto the adjacent land and road.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the western gable of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

- 8 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-E and G shall take place on the dwelling/house hereby permitted or within its curtilage (other than the erection of a shed with a size of 10 cubic metres or smaller).

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

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

- 9 No development shall commence on site until details of the height, design, external appearance and decorative finish of the means of enclosing the new property boundary have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

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

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

LOCATION PLAN - received on 18.02.2013

BLOCK PLAN – received on 18.02.2013

SITE PLAN – received on 18.02.2013

ELEVATION AND FLOOR PLAN - Drawing No. 2 of 2 received on 21.12.2012

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

Informative(s):

- 1 The applicant should contact Wessex Water's Developer Service to agree points of connection to the public water and sewer networks. Wessex Water's new connections team can be contacted on the following telephone numbers: 01225 526222 for water supply and 01225 526333 for waste water disposal.
- 2 In view of the site's potential reptile and amphibian habitat, care should be taken when clearing the ground prior to development commencing, and if evidence of specially protected species is found, work should stop immediately and contact should be made with the Council's Ecology team led by Jon Taylor on 01225 718 276 or Natural England.

Grass snakes, smooth newts and various other species of reptile and amphibian are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and are also deemed European Protected Species. If evidence of great crested newts is found during works, work should stop immediately and Natural England must be contacted on 0300 060 2065 for advice on the best way to proceed. Where they are present a license might be necessary to carry out the works.

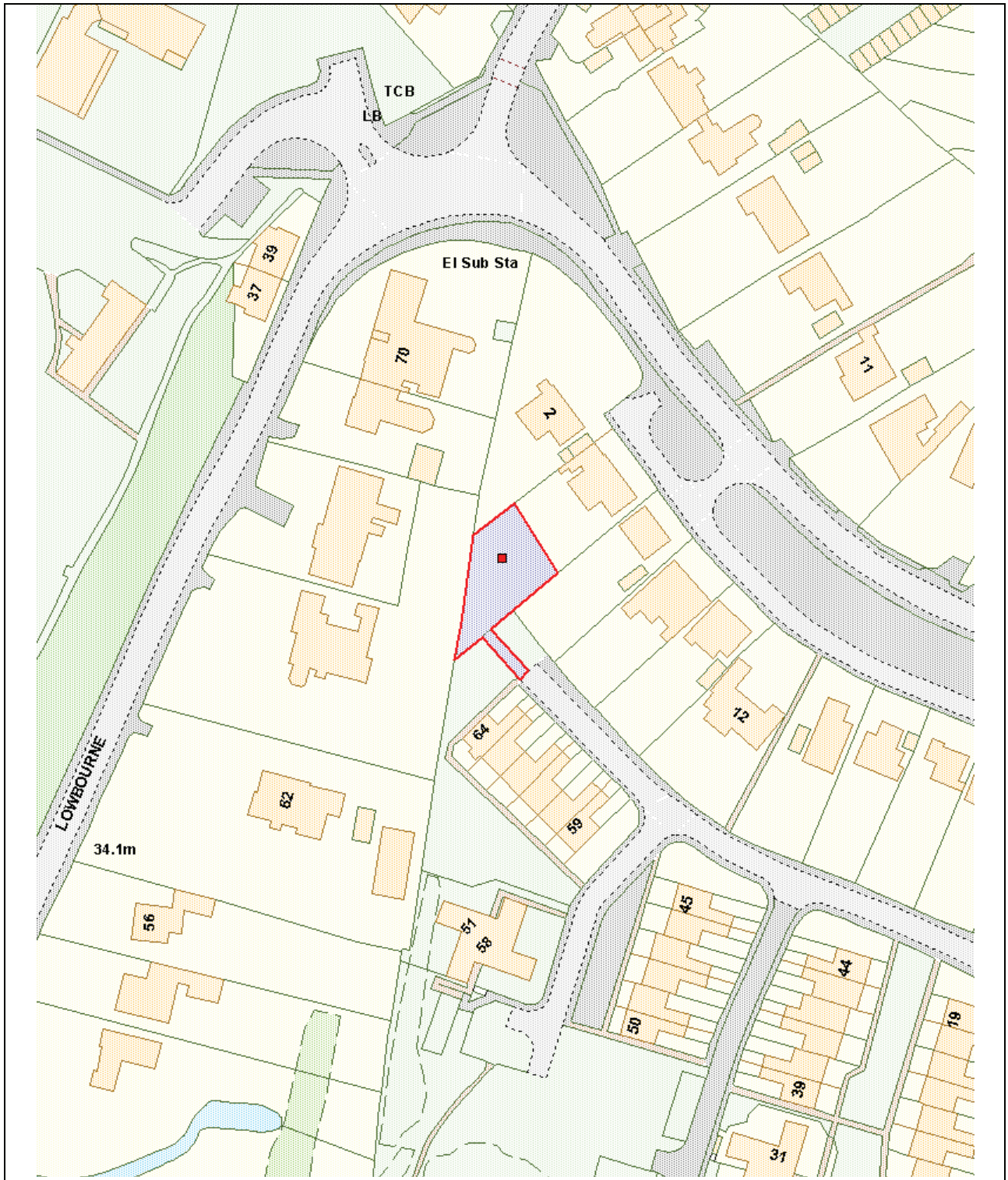
It should be ensured that work (including site clearance work) does not disturb nesting birds. Birds can nest in many places including buildings, hedgerows, trees, and open grassland. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so any work to the site should take place outside these dates if at all possible.

- 3 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory

protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact Wiltshire Council's Ecology team on 01225 713303 or via email louisa.kilgallen@wiltshire.gov.uk

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

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MSA: 100022961

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	17.04.2013		
Application Number	W/13/00223/FUL		
Site Address	68 Marina Drive Staverton Trowbridge Wiltshire BA14 8UR		
Proposal	Rear single story extension with balcony on flat roof and roof lantern		
Applicant	Mr And Mrs S Maddern		
Town/Parish Council	Staverton		
Electoral Division	Holt And Staverton	Unitary Member:	Trevor Carbin
Grid Ref	385925 160031		
Type of application	Full Plan		
Case Officer	Mr Philip Baker	01225 770344 Ext 01225 770286 philip.baker@wiltshire.gov.uk	

Reason for the application being considered by Committee

With officers minded to accept this application, Councillor Carbin has requested that this item be determined by Committee due to:

Relationship to adjoining properties

Other – Possible overlooking of rear garden of no.66 from proposed balcony. This would conflict with policy C38 of the West Wiltshire District Plan 1st alteration 2004.

1. Purpose of Report

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

2. Neighbourhood Responses

1 letter of representation was received objecting to the proposal on the grounds of overlooking from the balcony.

Parish Council Response - No objection.

3. Report Summary

The main issues to consider are:

Visual impact

Impact on neighbours and immediate surroundings

4. Site Description

The application site is 68, Marina Drive, Staverton, which is located to the north of Trowbridge in a contemporary 1990s development at Staverton Marina. The property is a detached brick built dwelling house with concrete double roman tiles and a tarmac driveway. On the rear (west) elevation facing out over the marina, there is an existing wooden balcony supported by timber posts which is accessed from the first floor and was erected in 1996. It runs across the length of the rear elevation.

To the north of the site lies the adjoining neighbour no.66, Marina Drive, with a detached double garage adjacent to the north elevation of no.68 Marina Drive. This double garage is set back into the site and separates the house at 68 from the house at 66.

To the east of the site is the front garden and hammerhead of Marina Drive and beyond that the Kennet and Avon canal.

To the south of the site lies the neighbouring detached dwelling house no.70, which has a balcony serving a first floor room to the rear of the dwelling house.

To the west of the site lies the rear garden and Staverton Marina.

5. Relevant Planning History

06/02759/FUL – 23/10/2006 – Permission – Two storey side extension.

6. Proposal

The proposed development involves demolishing the existing wooden balcony at the rear which projects approx. 1.9 metres from the rear building line of the dwelling house. A ground floor extension to the living and dining room is proposed with a flat roof and projecting out approx. 3.5 metres. This will be constructed from matching brickwork and cedar cladding. On top of the extension a balcony will be constructed with a guard rail at a height of 0.8m which includes an aluminium handrail and opaque glass below on the side panels. The balcony extends 2.5 metres in depth from the rear wall of the house across 5 metres of the rear wall.

7. Planning Policy

West Wiltshire District Plan - 1st Alteration 2004

C31a - Design; C38 - Nuisance

The Emerging Wiltshire Core Strategy

CP57 – Ensuring high quality design and place shaping

8. Consultations

Parish Council

Staverton Parish Council - No objections – Comments received 12/3/2013

Publicity

The application was advertised by site notices / neighbour notification. Expiry date: 12th March 2013

Summary of points raised: 1 letter of representation was received raising the following points:

- The proposed balcony due to its close proximity to our property would be intrusive by enabling people standing up on the balcony to look directly into our private rear garden area.
- The existing wooden balcony is smaller than the proposed balcony. It does not have planning permission and cannot be regarded as an authority or planning precedent to allow the proposed new balcony. Had a planning application been submitted for the one currently in place, then we would have been consulted and we would have objected.
- The long linear length of the proposed ground floor extension means that the end of this building would be in close proximity to our rear garden. Sliding opening doors are proposed, which would open up virtually the entire rear section of the building. This being the case, we are concerned that we would hear all the noise emanating from this house when we are out in our back garden. This noise would impact on our amenities and right to enjoy our garden in peace and quiet.

Additional comments received 3/4/2013 regarding the revised plans

- The proposed opaque glazing within the balcony surrounds, from ground floor to waist height would serve no purpose for people standing at full height, as they will still be able to see into my garden area. Whilst it is noted that the agent has denoted the balcony area as a sitting area, this is something which cannot be controlled and people standing up, will impact on my right to enjoy my garden in privacy.
- Mr Robins states that he has reduced the balcony area by 500mm making it only 700mm longer than the existing wooden balcony area. This is of no comfort because this existing balcony area already overlooks my garden. As this was put up without planning permission I was not consulted. If I had been, I would have objected because of the overlooking aspect. There appears to be a mistaken belief that because this balcony is in place, it gives some sort of authority for the proposed balcony, which it does not.
- Mr Robins suggests that people living on this estate have accepted a certain loss of privacy and views into their gardens, which I do not accept. The layout of garden areas and orientation of neighbouring buildings shows that care has been taken by the original developer to protect privacy.
- The proposed balcony would impact on my amenity because it would be open, close to my rear garden, where any person standing by the railings would be able to look into my garden and impact on my privacy. Whilst, it may not be the current owners intention to do this, any future owners of this property may not be so considerate.

9. Planning Considerations

9.1 Visual Impact

The existing balcony on the west (rear) elevation was built approx 1996. Although there is no record of planning permission, it has been in position for 16/17 years and is immune from any enforcement action.

Balconies are not an uncommon feature of the area, looking out over the marina, with a balcony located at no. 70 and to the south west of the site on the other side of the marina. The proposal will increase the balcony approx. 700 mm westwards beyond the existing balcony. The walls of the proposed extension will be in matching brickwork. By virtue of the height, mass, materials used and location this would not introduce a discordant feature into the character or appearance of the area.

The proposal respects the architecture of the surrounding buildings and is in accordance with policy C31a (design).

9.2 Impact on neighbours and immediate surroundings

Whilst the neighbour notes that the original balcony has not had planning permission, the existing balcony is immune from enforcement action due to the length of time it has been there, well in excess of the 4 years required.

Concern has been raised by the neighbour at No. 66 regarding the new balcony and the potential for overlooking into the garden of no.66 Marina Drive. Whilst the neighbour has concerns regarding the proximity of this proposal, it is no closer than the existing balcony and the existence of the large double garage between the two properties significantly mitigates any potential harm. Given this, and the fact that a balcony has been an accepted feature of the scene for many years, it is not considered that there are sufficient grounds to justify refusal of the application on these grounds.

10. Conclusion

The proposal complies with policy and planning permission should be granted.

Recommendation: Permission

For the following reason(s):

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the West Wiltshire District Plan 1st Alteration (2004), namely C31a and C38.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic conditions of the area.

Conditions

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

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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

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

- 3 The balcony shall not be brought into use until the opaque side panels on the north side have been erected and these shall thereafter be retained.

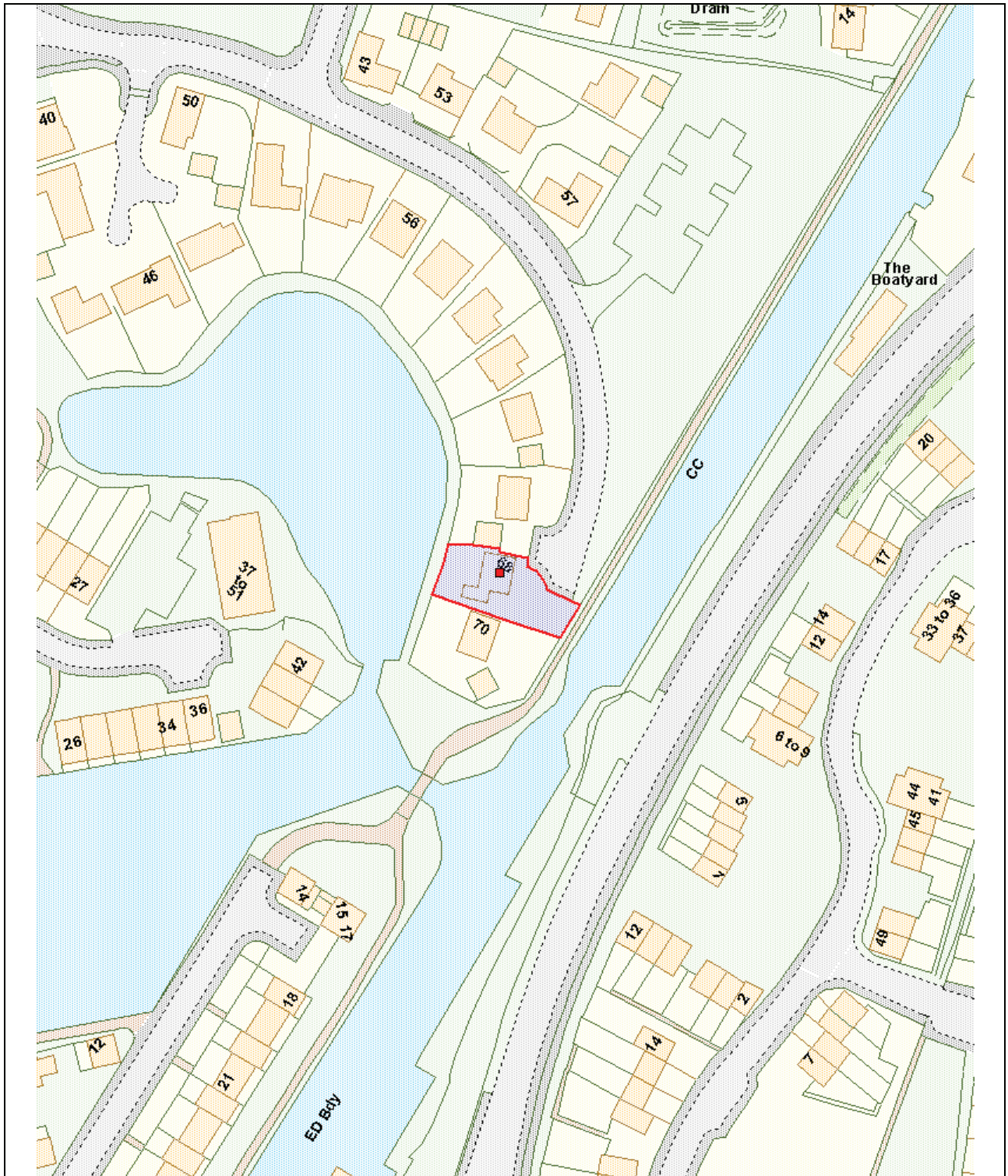
REASON:
To protect the privacy of the adjacent property.

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

Location plan received on 11/2/2013
Plan 865-SO1 received on 11/2/2013
Plan 865-PO2 received on 13/3/2013

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

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