

AGENDA

Meeting: Western Area Planning Committee
Place: Ridgeway space - County Hall, Trowbridge BA14 8JN
Date: Wednesday 4 September 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.

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

Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	(Chairman)
Cllr Andrew Davis	Cllr Horace Prickett
Cllr Russell Hawker	Cllr Pip Ridout
Cllr John Knight	Cllr Jonathon Seed
Cllr Magnus Macdonald	Cllr Roy While (Vice Chairman)

Substitutes:

Cllr Nick Blakemore	Cllr David Jenkins
Cllr Rosemary Brown	Cllr Gordon King
Cllr Terry Chivers	Cllr Helen Osborn
Cllr Linda Conley	Cllr Jeff Osborn
Cllr Dennis Drewett	Cllr Graham Payne
Cllr Keith Humphries	Cllr Fleur de Rhé-Philippe

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 - 10*)

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

August 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 Applications**

To consider and determine the following planning applications:

- 6a **W/13/00882/FUL: Land East of 2 Manor Farm Cottages, The Marsh, Longbridge Deverill, Wiltshire (Pages 11 - 20)**
- 6b **13/01781/FUL: Ellbridge Farm, Chalfield Road, Lower South Wraxall, Wiltshire (Pages 21 - 30)**
- 6c **W/13/00451/FUL: Garage Blocks, South of 8 to 10, Epping Close, Warminster, Wiltshire (Pages 31 - 38)**
- 6d **W/13/00711/FUL: Land South East of 3 to 7 Savernake Close, Warminster, Wiltshire (Pages 39 - 48)**
- 6e **13/01472/FUL: 32 Horse Road, Hilperton Marsh, Trowbridge, Wiltshire, BA14 7PF (Pages 49 - 56)**

7 **Urgent Items**

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

Part II

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

None.

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 14 AUGUST 2013 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Russell Hawker, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Rosemary Brown

55 Apologies for Absence

There were no apologies for absence.

56 Membership Changes

There were no membership changes.

57 Minutes of the Previous Meeting

The minutes of the meeting held on 12 June 2013 were presented. Officers clarified that the requested site visit to Land West of Codford Station agreed at the meeting on 12 June 2013 would be held on the date of the Committee when the application was to be considered.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 12 June 2013.

58 Chairman's Announcements

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

The Chairman reported that in relation to planning applications 7c, 7d and 7e – Kingston Mills, Kingston Road, Bradford on Avon, Wiltshire, officers were now recommending deferral and therefore the applications would be brought forward on the agenda.

59 **Declarations of Interest**

Councillor Magnus Macdonald declared a non-pecuniary interest in application W/13/00781/FUL – Land at Beaglers Green, Kingsfield Grange Road, Bradford On Avon, Wiltshire – as he was a member of Bradford on Avon Town Council, where the application had come before its Development Control Committee. He declared that he would consider the application on its merits and debate and vote with an open mind.

60 **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.

61 **Planning Applications**

The Committee considered the following applications:

62 **W/13/00644/FUL: Saracens House, Corton, Warminster, Wiltshire**

Public Participation:

- Will Dobson, local resident, spoke in objection to the application

The Area Planning Manager introduced the report which recommended planning permission be granted with conditions. He explained that the planning application was to carry out demolition of an existing outbuilding and erection of a car port and stores with office accommodation over.

The key issues were stated to include the replacement building, the impact on neighbourhood amenity and the impact on the Area of Outstanding Natural Beauty and conservation area.

Members then raised a number of technical issues in relation to the relevant planning history and clarification of the location of the main dwellinghouse on the site and in relation to the proposed outbuilding.

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

The local member, Councillor Christopher Newbury, then spoke to the application.

The Committee then considered the application and debated a number of issues. A number of members felt that it was important for the existing outbuilding to be demolished prior to the proposed development being constructed.

Resolved:

To approve the application 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 C2, C17, C31A and C38.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to ensure that there would be no significant harm to the character and appearance of the dwelling 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 The materials to be utilised within this development shall accord with the schedule of materials as described within the planning application form, dated 11 April 2013.**

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

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

REASON: In the interests of highway safety.

- 4 The garage shall remain as permanent ancillary accommodation to the principal dwelling of Saracens House, Corton and shall be occupied by the same household, it shall not be subdivided, let or sold as separate accommodation.**

REASON: Because this permission is granted having regard to the particular circumstances advanced in support of the development, by the applicant.

- 5 No development shall commence until the existing outbuildings and garage block shown as being demolished/removed on plan THOM20-01A Rev A dated 23/05/2013 and received on 29/05/2013 have been demolished and the materials removed from the site.**

REASON: To protect the character and appearance of the area and the amenity of the adjacent property.

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

Drawing number THOM20-01A received on 29 May 2013

Drawing number THOM20-02 received on 11 April 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.

63 W/13/00781/FUL: Land At Beaglers Green, Kingsfield Grange Road, Bradford On Avon, Wiltshire

Public Participation:

- Sabrina Goddard, local resident, spoke in objection to the application
- Michael Bailey, local resident, spoke in objection to the application
- Barry Webster, local resident, spoke in objection to the application
- Colin Humphrey, applicant on behalf of himself and his wife, spoke in support of the application

The Area Planning Manager introduced the report which recommended planning permission be granted subject to conditions. He explained that the planning application was for the erection of a 2 bedroom bungalow.

The key issues were stated to include the principle of the development, the impact on the character of the surrounding area, the setting of the Grade II listed Conigre House, neighbour amenity, whether it was inappropriate backland development, whether there was a loss of an important visual gap, connection to services, nature conservation interests and access, highway safety and parking.

Members then raised a number of technical issues in relation to the planting of a hedge to separate the proposed dwelling from 3B.

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

The local member, Councillor Rosemary Brown, then spoke to the application.

The Committee then considered the application and debated a number of Issues including the location of the chimney in relation to neighbouring properties and landscaping.

Resolved:

To approve the application 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 Policies C31a, C32, C38, H1, U1a and U2.

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.

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 a final scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

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

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

- 3 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-**

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the sighting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits;
- Details of all other activities, which have implications for trees on or adjacent to the site.
- Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992 Light for buildings Part 2 -code of practice for daylighting;
- In order that trees to be retained are not damaged during the construction works and to ensure that as far as possible the work is carried out satisfactorily no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.; and
- Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as

possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); and
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

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

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

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

6 The window(s) in the south elevation serving the living room shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and permanently fixed shut prior to the first occupation of the

development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

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

- 7 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

- 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 shall take place on the dwellinghouse hereby permitted or within its curtilage.

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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1, C31a and C38.

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

Drawing: 1030 – SLP Revision B;
Drawing: 1030 – BP Revision B;
Drawing: 1030 – SK1 Revision A;
Drawing: 1030 – SK2;
Drawing: 1030 – SK3; and
Drawing: 1030 – SK4.

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

Informative(s):

- 1 The developer is advised to contact Wessex Water at an early stage regarding the potential presence of Wessex Water infrastructure (public sewer) under the site and the potential need for diversion

**works and/or easement in order to facilitate the development.
Wessex Water can be contacted on 01225 526000.**

64 W/12/02347/FUL: Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire

The Area Development Manager reported that the application was now recommended for deferral as there was a need for clarification of inconsistencies in information supplied by the agent.

**Resolved:
To defer the application for clarification of inconsistencies in information supplied by the agent.**

Note – The Chairman asked that the unanimous vote to defer the application be recorded.

65 W/12/02348/LBC: Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire

The Area Development Manager reported that the application was now recommended for deferral as there was a need for clarification of inconsistencies in information supplied by the agent.

**Resolved:
To defer the application for clarification of inconsistencies in information supplied by the agent.**

Note – The Chairman asked that the unanimous vote to defer the application be recorded.

66 W/12/02346/FUL: Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire

The Area Development Manager reported that the application was now recommended for deferral as there was a need for clarification of inconsistencies in information supplied by the agent.

**Resolved:
To defer the application for clarification of inconsistencies in information supplied by the agent.**

Note – The Chairman asked that the unanimous vote to defer the application be recorded.

67 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.00 pm)

The Officer who has produced these minutes is Stuart Figini, of Democratic Services,
direct line 01225 718504, e-mail Stuart.figini@wiltshire.gov.uk

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

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.09.2013		
Application Number	W/13/00882/FUL		
Site Address	Land East Of 2 Manor Farm Cottages The Marsh Longbridge Deverill Wiltshire		
Proposal	Erection of an agricultural workers' dwelling with garaging and ancillary accommodation outbuilding		
Applicant	Mr & Mrs J Robins		
Town/Parish Council	Longbridge Deverill		
Electoral Division	Warminster Without	Unitary Member:	Fleur de Rhé-Philippe
Grid Ref	387386 140750		
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 Fleur de Rhé-Philippe has requested that this item be determined by Committee after having considered :

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Environmental/highway impact

and concluding whether this single dwelling would not be a detriment to the community or environment.

1. Purpose of Report

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

Advertising Responses - 13 responses were received, 3 of which were objections and 10 in support including from non-Longbridge Deverill residents.

Longbridge Deverill Parish Council Response - Approves of proposal

2. Report Summary

The main issues to consider are:

- * Principle of development;
- * Planning History;
- * Impact on countryside and AONB;
- * Accessibility including highway safety and parking; and
- * Any other material considerations such as neighbouring amenity.

3. Site Description

The application site is agricultural land within the Area of Outstanding Natural Beauty. It is situated at the eastern extremity of "The Marsh" and faces on to open countryside to the east and south. A Public Right of Way lies to the north east. To the west is a pair of fairly modest dwellings (originally permitted as agricultural worker housing)

The site falls outside of any Village Policy Limits, the nearest of which lies some 270m to the northwest.

Access to the site is via "The Marsh", a fairly constricted unclassified road.

4. Relevant Planning History

Outline Planning Permission was granted in 1967 for agricultural workers dwellings serving Manor Farm, arranged in two semi-detached pairs (Application Ref: A/5034) for 'Site for 4 semi-detached dwellings in 2 pair.' The permission was subject to an agricultural tie.

Reserved matters for only two of the dwellings were subsequently approved in 1968 (Ref A/5254/BR). The approved pair was built but no subsequent application has ever been made for the other two.

The proposed site of the un-built second pair of dwellings coincides with *only a portion* of the application site now under consideration.

In 2006 under planning reference 06/03378/EUD a Certificate of Lawfulness was granted in respect of one of the existing cottages effectively removing the tie since the dwelling had been occupied contrary to the agricultural tie condition. The Officer report on that application stated that evidence had been presented to the effect that *"Since 1992 the cottage has been let to tenants through residential tenancy agreements, none of whom has been employed in agriculture. Although it is stated that the application site has been occupied in breach of the planning condition since 1992, evidence has been provided to show this from 4 April 1996.*

This history is a material consideration, and is discussed further below.

5. Proposal

The application is for a new self-contained dwelling outside of any town or village policy limits. The double storey building would occupy a footprint of approx. 210m², with a ridge height of 7.6m above eaves at 4.8m. Accommodation would include 4/5 bedrooms (taking account of a "dressing room" of 4.5m x 3.8m which is shown on plan as containing a bed), 4 of which would be en-suite. At ground floor level rooms would include a dining room, drawing room, sitting room, orangery, study, kitchen and various utility rooms, plus two cloakrooms. The footprint to the dwelling would be +-197m².

170m² of accommodation is proposed at the upper floor level, giving a total floor area of 367m².

Apart from the main dwelling, a double storey outbuilding with a footprint of 60m² and a height of 6.6m is proposed. It would include accommodation that would effectively be a self-contained dwelling (1 en-suite bedroom at upper floor level, served by an open plan kitchen and living room at ground floor level. This building would also contain a single garage. The layout (Lounge kitchen and dining room at ground floor with large en-suite bedroom above)

confirms that the unit would be severable to be fully viable and functional as a dwelling independent of its relationship to the larger dwelling.

The proposal would effectively result in the construction of two separate dwellings on the site.

The residential curtilage would include a garden area that would extend into the agricultural land/AONB some 30m south of Marsh Road along a frontage of some 65m. The proposed southern boundary would curve into the adjacent field, giving an overall plot area in excess of 1,500m².

7. Consultations

Longbridge Deverill Parish Council

Approved of the proposal.

Highways

The Highway Officer notes the history, including the 1967 Outline permission and whether or not that carries weight in respect of the outcome. Notwithstanding that planning consideration and depending on the view taken, there is a highway objection because the proposal, located outside of village policy limits, is contrary to the National Planning Policy Framework (Section 4 paragraphs 29, 30 & 37), and the emerging Core Strategy for Wiltshire (Policy 60), which seek to reduce the need to travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

AONB

The AONB Officer notes that the submitted application is for a substantial house that has as a separate building, a garage, which also incorporates a two bedroom ancillary accommodation unit. "The proposal appears, by any assessment, to be a substantial dwelling and the inclusion of features such as an 'orangerie', together with the garage and associated living accommodation seems rather more than might be anticipated by the term 'agricultural worker's dwelling'. The Officer points to a recent decision by North Dorset within the AONB where members refused a proposal where similar circumstances in relation to the size of a dwelling applied." The proposal seems to be way beyond the normally accepted scale of 'agricultural worker's dwelling' and the AONB would be very concerned at the precedent that would be set if the current proposal were to be approved. Furthermore, in the interests of consistency the AONB would also recommend that the size restriction being applied by North Dorset District Council be followed by the other planning authorities of the AONB. In that context the AONB notes that the New Forest National Park Authority has a size limit of 120m² habitable space."

Agricultural Advisor

Council's Agricultural advisor notes that the applicant plans to retire from farming over the next 12 months and that the proposal is to sell the beef herd, with a small number of heifers retained for the future.

Further, in the longer term the applicant does not plan to keep his own livestock enterprise and it is likely that the majority of the farmland will be retained and let or farmed by third parties.

With regard to available accommodation the advisor notes that the applicant owns and occupies the farmhouse, which lies immediately west of the farm buildings. "The farmhouse

is a substantial dwelling, constructed in stone. In addition to the farmhouse the applicant owns No's 1 & 2 Manor Farm Cottages, which are a pair of semi-detached dwellings, constructed in the 1960s. The applicant advises that planning permission for both cottages was granted subject to agricultural occupancy conditions; latterly one of the occupancy conditions has been removed." The cottages are currently let to third parties not engaged in agriculture.

Labour requirements at present on the farm are for 1 full time worker, which will reduce to one part-time post. The advisor analyses the labour requirement and accommodation provision on the farm and concludes that the essential need for a presence on the holding arises immediately before, during and after calving the suckler herd. Whereas the applicant has three dwellings in his ownership, the essential need is met through that resource. The current essential need presents no requirement for an additional dwelling. Furthermore, in future the scale of the essential need is set to reduce.

The advisor acknowledges that there is planning history additional to the agricultural considerations, but does not express a view on that aspect.

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 and neighbour notification. Expiry date: 17 June 2013.

Twelve responses were received. Summary of points raised:

3 Objectors:

- No agricultural appraisal for a workers dwelling has been submitted, with retirement being the only justification provided;
- there are two existing cottages which remain in the applicant's ownership and can be made available if there is a real agricultural need;
- Government guidance (PPS7) requires that agricultural dwellings should be commensurate in size with the needs of the enterprise not personal circumstances;
- no essential need has been demonstrated;
- the proposals would result in harm to the AONB;
- Overlooking on 3 Lords Hill Close;
- there are many instances where "old farm houses" are sold off once permissions like this are granted. The proposal needs to be justified in terms of requirements of enterprise;
- If need indeed exists the adjacent dwellings being let for people not employed in agriculture and owned by the applicant could be used.

9 items of correspondence supporting the application related to:

- the existing permission and the fact that the replacement building would be of improved appearance;
- one dwelling would replace two, reducing potential traffic;
- the building is well-designed and would be eco friendly.

9. Planning Considerations

The justification for the proposal being presented by the applicant is that the Applicant "...has an existing essential requirement to remain on the farm and has a need to move to a new farmhouse within the holding which would be smaller, more energy efficient and meeting the personal needs of the Applicant and his family."

The applicant considers the site history and "fallback" position of the 1960's Outline permission to be an additional justifying factor. This is however a new planning application in its own right, to be considered on its merits. A decision must be made on the basis of the current development plan unless other material circumstances indicate otherwise. Policy issues are therefore discussed below, with the site history addressed in terms of its weight in relation to Policy considerations.

Policy

Agricultural Need

Paragraph 55 to the National Planning Policy Framework states that:-

- *"Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*
- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling."*

Further, in terms of the NPPF the current Development Plan remains in effect so long as it is not in conflict with that document, and the principal consideration in terms of the West Wiltshire District Plan, 1st Alteration 2004 is Policy H19, which states that new dwellings outside of any settlement limits will not be permitted unless justified in connection with the essential needs of agriculture or forestry. The site does not fall within defined village policy limits (Policy H17) or Town Policy Limits (H1) of the WWDP, so any proposals for new housing would be contrary to policy.

With regard to the emerging Core strategy, the current status is that examination is complete. At this stage, limited weight can be attached to Core Strategy Policies. Nevertheless Core Policy 48 states that new dwellings in areas outside of towns and villages are only supported where there is an agricultural or forestry justification. This Policy is further indicated in the Core Strategy Annexure as replacing H19 of WWDP, 2004. Thus, the principle of confining new residential development to sustainable localities within towns or villages is carried through into the emerging Policy environment..

The highway officer objects to the proposal on sustainability grounds where the site falls outside of any settlement limits as defined in the Local Plan, if there is no agricultural justification.

In assessing an agricultural/rural worker justification for a new dwelling, the guidance previously applicable under Annex A to PPS7 is no longer specified under the NPPF. However that guidance is considered to remain a reasonable and effective basis on which to

assess new agricultural dwellings in terms of existing and emerging Policies aimed at ensuring that applications for dwellings outside of defined town or village policy limits are supported by evidence that establishes (inter alia) that there is a clear functional need and the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation.

The PPS 7 guidance also noted that "Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding..". Again, whilst it is acknowledged that the NPPF has superseded the old PPS7, this is considered a wholly reasonable approach to assessing the appropriate size of an agricultural dwelling to meet the actual purpose of constructing such dwellings, i.e. to meet an essential agricultural or forestry need

Council's Agricultural Advisor has considered the proposals and supporting documentation and has concluded that: "The applicant has three dwellings in his ownership and the essential need is met through that resource. The current essential need presents no requirement for an additional dwelling." A further consideration is that in future the scale of the essential need is set to actually reduce.

With regard to the claimed "fall-back" position where a 46-year-old outline permission for two modest semi-detached dwellings (which could theoretically be knocked through and be converted to a single dwelling) is being presented as a partial justification, there are two factors that are considered relevant:-

- no reserved matters application was ever submitted for the second semi-detached pair, it being noted at the time that the first reserved matters was submitted for the adjacent pair that the applicants had decided at that point (1968) not to proceed with the second building;
- under planning reference 06/03378/EUD a Certificate of Lawfulness was granted in respect of one of the existing 2 cottages, effectively removing the tie applicable to that unit, since the dwelling had been occupied contrary to the agricultural tie condition. This confirms that at least one of the units (under the ownership of the applicant) no longer fulfils any agricultural need as was originally envisaged.

There is therefore absolutely no indication that the "fall-back" permission is ever likely to be implemented to meet an agricultural need. It is clear that from the outset in 1968 that the "fall-back" units were not required, no subsequent reserved matters application has been submitted to indicate any agricultural need, and it is apparent from the Lawful Development Certificate for the extant pair that such need has not existed for a number of years.

On the fundamental question of whether or not permission still stands for the second semi-detached pair, it is acknowledged that the then Warminster Rural District Council did not impose a time limit on the implementation of the permission and that one of the semi-detached pairs was erected (as noted above). However, research of the historical drawings confirms that the reserved matters application red-line area did not include the area to be occupied by the second building.

Under current legislation full details of all of the reserved matters must be submitted before the expiry of three years from the grant of outline permission. This is to prevent a situation such as applies in this instance where submission of separate reserved matters application could extend an outline over many years. In this regard Circular 08/2005, states that "Once

the time limit for applications for approval of reserved matters has expired, no application for such an approval may be made". It is thus not clear cut that a submission of a second reserved matters application at this point would result in approval. The way to establish this would be via a "Lawful Development Certificate" in order to test the ongoing validity of the outline permission.

Impact on AONB

Policy C2 to the WWDP, 2004 states that the national landscape importance of the Cranborne Chase And West Wiltshire Downs Area Of Outstanding Natural Beauty will be conserved and enhanced. "Priority will be given to the landscape over other considerations and development proposals likely to be detrimental to the special landscape character will not be permitted."

The site is situated in the AONB on open countryside land, with a Public Right of Way (accessed via the narrow roadway fronting the site) to the north east.

Treating this application on its own merits, the proposal would result in an encroachment of a residential use into the open countryside and AONB. Again, where there is no indication that the agricultural worker's dwellings with the agricultural tie would ever be likely to be constructed, the proposals cannot be seen as a replacement since the Agricultural Advisor has confirmed that there is no justification in terms of the submitted documentation for an additional agricultural dwelling. The proposal would extend development of effectively two dwellings, one of which is of significant visual proportions, into a curtilage far larger than the site area shown in the 1960's permission. The proposal is therefore considered an unwarranted urbanisation of the countryside and AONB, contrary to Local Plan policy, as well as the NPPF which states (Par 115) that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The NPPF accords AONBs with the highest status of protection in relation to landscape and scenic beauty.

Other Considerations

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

Where no agricultural justification has been provided it is considered that the Highway Officer reason for refusal on sustainability grounds also applies.

10. Summary and conclusion.

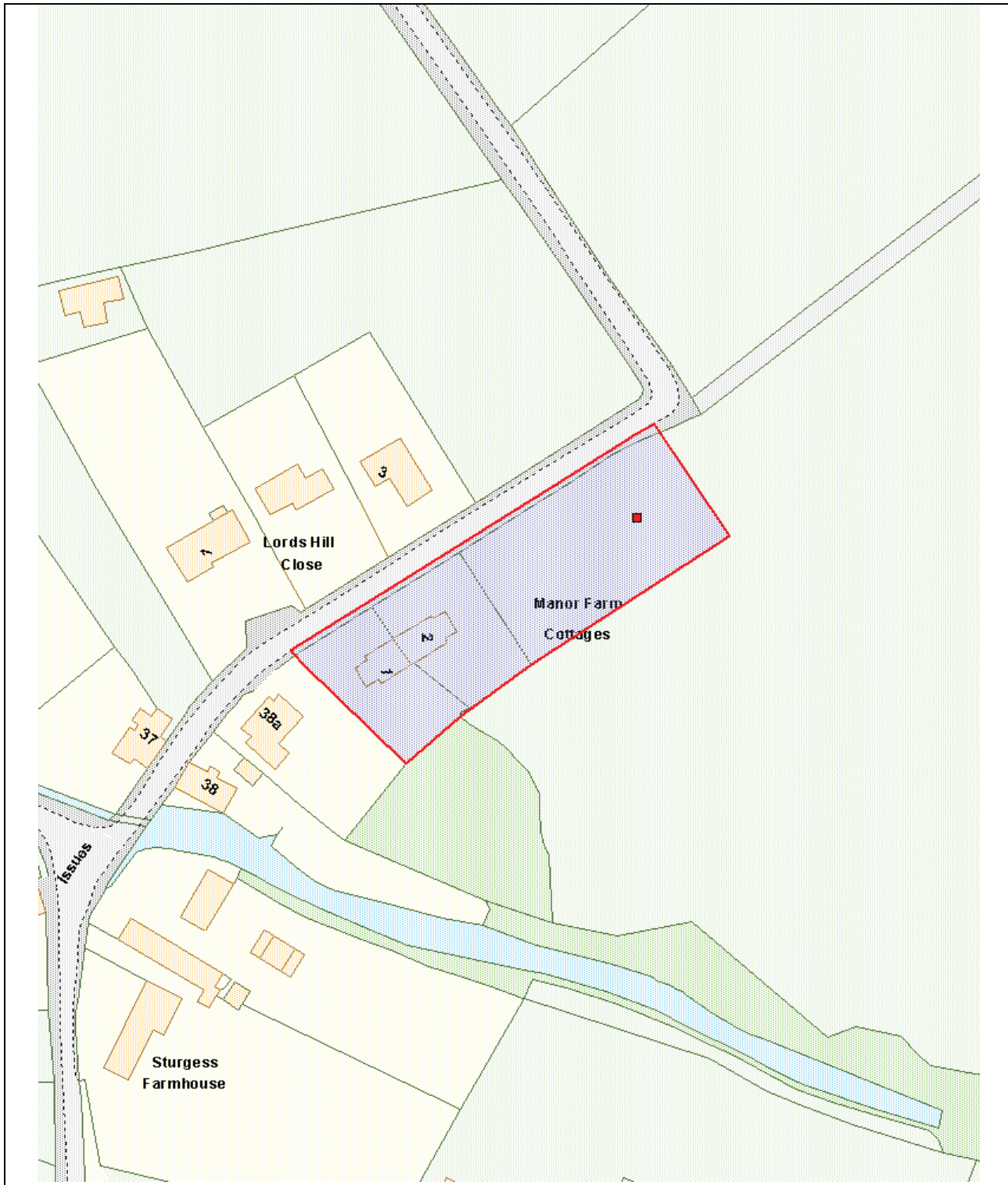
Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. There is no agricultural justification for what would effectively be two dwellings in the AONB and Open Countryside outside of any town or village policy limits. Whilst the "fall-back" argument is noted, it is considered that this carries very little weight where it is apparent that the erection of the more modest semi-detached pair to accommodate agricultural workers (an agricultural tie would apply) is highly unlikely to occur. Refusal is recommended.

Recommendation: Refusal

For the following reason(s):

- 1 The proposed residential development is located outside of the defined Village Policy Limits for Longbridge Deverill as identified in the West Wiltshire District Plan 1st alteration in an area of open countryside carrying an Area of Outstanding Natural Beauty designation. The status of the site, including the Village Policy Limit, is not proposed for any change in the draft Wiltshire Core Strategy that has been submitted to the Secretary of State and has been subject to examination in May/June 2013. The proposed development, located on open land within the Area of Outstanding Natural Beauty, would have an adverse impact on the character and appearance of the area, constituting an unwarranted urbanisation of, and intrusion into, the AONB and countryside, to the detriment of the visual openness and quality of the area and to the enjoyment that users of the nearby public footpath currently enjoy. No rural occupation or other exceptional circumstances have been presented which would outweigh the harm associated with the development. The proposals are therefore contrary to policies C1, C2, H17 and H19 of the West Wiltshire District Plan 1st Alteration (2004) , the emerging Core Strategy and the National Planning Policy Framework 2012.
- 2 The proposal, located outside of village policy limits, is contrary to the National Planning Policy Framework (Section 4 paragraphs 29, 30 & 37), and the emerging Core Strategy for Wiltshire (Policy 60), which seek to reduce the need to travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

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



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.09.2013		
Application Number	13/01781/FUL		
Site Address	Ellbridge Farm, Chalfield Road, Lower South Wraxall, Wiltshire		
Proposal	Temporary retention of agricultural workers timber chalet accommodation (resubmission of planning application reference W/12/00396/FUL)		
Applicant	Mr Adam Tucker		
Town/Parish Council	South Wraxall CP		
Electoral Division	Holt and Staverton	Unitary Member:	Trevor Carbin
Grid Ref	386626 150182		
Type of application	Full Planning		
Case Officer	Victoria Hodgson		

Reason for the application being considered by Committee

Councillor Trevor Carbin has requested that this item be determined by Committee should the application be recommended for refusal due to the local economy and length of time taken to consider the previous application.

1. Purpose of Report

To consider the recommendation that the proposed temporary retention of the agricultural workers dwelling be refused planning permission.

2. Report Summary

The main issues to consider are:

- *Justification for an agricultural workers mobile home
- *Impact on the countryside
- *Servicing and road safety interests

3. Site Description

The application site is located in a field served by country lanes. It has two accesses onto the lane to the north. One is positioned centrally the other in the north-west corner and which has limited visibility.

The site includes a modern agricultural building granted planning permission in 2012, W/12/00393/FUL which replaced a redundant agricultural building previously on the site. There are a range of concrete block and timber buildings as well as a number of former

railway carriages. Immediately to the east of the buildings is a temporary agricultural workers dwelling and is the subject of this application.

The proposed dwelling is a one bedroom chalet forming a T shape located in the North East corner of the site. The building is constructed from timber. From an internal inspection, the dwelling includes a living room, kitchen, bathroom and one bedroom. Two of the sheds/former railway carriages are used for ancillary domestic storage the dwelling.

Farming Practice

The land is used by the applicant for their pork and lamb enterprise. The pigs are the main part of the business and are reared and kept on a low intensity outdoor system on the site whilst the lambs are transferred in as orphans and bottle reared until they are taken for sale. According to the submitted Agricultural Appraisal Report the applicant proposes an intensification of the existing pork enterprise.

4. Planning History

According to the information submitted the applicant started breeding and rearing pigs on the site in March 2010 and the following autumn constructed an unauthorised agricultural workers dwelling. In August 2011 Planning Enforcement Officers investigated the unauthorised use of the land (W/11/00138/ENF_L). It is important to note that at the time of this investigation the dwelling was present on the site and small number of pigs on the land. At this time it was not evident that the applicant was involved in an independent agricultural enterprise other than that of the applicant's parent's long established agricultural business at a nearby farm. Although the applicant was keeping a small number of pigs on the land they were not involved with any agricultural operation as the animals were being kept as pets. The applicant submitted a retrospective planning application for 'Temporary retention of agricultural worker's timber chalet accommodation' on 5th March 2012, W/12/00396/FUL following the enforcement investigation. This application was delayed for eleven months during which time there were discussions over the agricultural justification for the residential accommodation as well as road safety issues. Whilst the road safety issues were largely resolved the agricultural justification was not and therefore the applicant withdrew the application on 28th February 2013.

West Wiltshire District Council provided pre-application advice in 2005 for a proposed dwelling on the land, W/05/01868/PDENQ and pre-dating this an application was refused for the erection of a dwelling (89/01619/OUT).

In 1985 an application was refused for the change of use from existing pig rearing unit to fish bait breeding (85/01021/FUL).

5. The Proposal

Under this application, the applicant seeks planning permission for the retention of the agricultural workers dwelling for a temporary period. The temporary agricultural workers dwelling is already positioned on site thereby resulting in this retrospective application.

The agricultural workers dwelling is T shaped with a footprint of approximately 63 square metres. It measures approximately 9.12 metres in length of which it has a width of approximately 4.94 metres for the first 6.13 metres, extending to a width of 10.89

metres for 2.99 metres (where it forms the T) and has a ridge height of approximately 2.31 metres. It is constructed of cedar timber weatherboarding under a plastic coated steel sheeting roof with stained timber doors and windows. It is serviced by a septic tank.

The proposal also includes blocking up the access in the north-west corner of the land with native hedge planting.

The sheds/former railway carriages used for domestic storage do not form part of the application site outlined in red).

The application is supported with a design and access statement and an agricultural appraisal which has been assessed by an agricultural consultant.

6. Planning Policy

National Planning Policy Framework (NPPF)

Section 1 - Building a strong and competitive economy

Section 3 - Supporting a prosperous rural economy

Section 4 - Promoting Sustainable Transport

Section 6 - Delivering a wide choice of high quality homes

Section 11 - Conserving and Enhancing the Natural Environment

West Wiltshire District Plan First Alteration 2004

C1 - Open Countryside

C31A - Design

C32 - Landscaping

C38 - Nuisance

H19 - Development in the Open Countryside

H24 - New housing design

T10 - Parking

U2 - Surface Water Disposal

7. Consultations

South Wrexall Parish Council: Objects because the Parish Council cannot see the justification for a dwelling on this site when the bulk of the business is on a site several miles away.

Wiltshire Council Highway Authority: No objection to the principal of an agricultural dwelling at this location if an economic/business viability can be satisfied, if that is not the case then an objection on the grounds of sustainability would be raised.

Initial comments received from the Highways Authority (prior to the agricultural consultant's assessment) stated that this site has been subject to previous planning applications and has had highway comments raised in relation to the proposal. At that time discussions took place with regards to improvements in the access to achieve a decent level of visibility. The records have been examined and the applicant previously supplied a speed survey which suggests that average speeds are around (top speed) 30 mph (though there are no details at that time that this was agreed by the highways officer). The current case officer is happy to agree that in relation to the speeds as suggested a visibility of 2.4m x 33m shown on the submitted plan) is acceptable.

In summary, I would be happy to accept the proposal subject to the visibility being conditioned, along with a properly designed and conditioned access, I shall also expect the North West second access to be fully stopped up from use.

Following receipt of the agricultural consultants assessment of the 'essential need' for the dwelling the Highways Authority now raise an objection to the proposal as the report shows that there is no economic viability, then there will be a highway objection on the grounds of sustainability.

Agricultural Consultant: The requirement for an essential presence will increase with the implementation of the proposed business. Based on the information supplied it remains my conclusion that I cannot give a clear indication that the proposed business has been planned on a sound financial basis.

8. Publicity

The application was advertised by site notice and neighbour notification.
Expiry date: 9 August 2013

No responses received at time of recommendation.

9. Planning Considerations

Justification for an agricultural workers mobile home

The current application for the agricultural workers dwelling is associated with the introduction of the new farm business operating on the land.

The temporary dwelling is already positioned on site thereby resulting in this retrospective application. The dwelling forms a T shape and is located in the North East corner of the site. It is constructed from timber.

The National Planning Policy Framework (NPPF) was introduced in 2012 and replaces all previous Planning Policy Statements (PPS), including PPS7 which provided clear advice on how applications for agricultural dwellings should be treated. It recognised that there are cases in which the demands of farming make it necessary and essential for one or more persons to live at or very close to the site of their work. Whether this is essential in any particular case depended on the needs of the farm enterprise concerned.

Paragraph 5 of the NPPF states that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (*inter alia*) the essential need for a rural worker to live permanently at or near their place of work in the countryside". Although no guidance is given in the NPPF the "essential need for a rural worker to live permanently at or near their place of work in the countryside" can only be judged on an objective basis and necessarily involves a test of functional need. It is considered, therefore that although Annex A to PPS7 no longer forms parts of the policy as such, it nevertheless provides an appropriate way in which this issue should be approached.

With regard to the provision of temporary agricultural dwellings PPS7 specified that a

temporary structure should be either a caravan or a wooden structure which could be easily removed. These dwellings were permitted only where they satisfied the following criterion:-

- (i) providing clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) proving a functional need;
- iii) providing clear evidence that the proposed enterprise has been planned on a sound financial basis;
- iv) satisfying the Council that the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and,
- v) other normal planning requirements, e.g. on siting and access, are satisfied.

Paragraph 12 (4) of Annex A of PPS7 stated that any proposed temporary agricultural dwelling proposal must meet a financial and functional test, which cannot "be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned..." PPS7 also required any applicant wishing to erect new housing in the open countryside to satisfy the Council that there is a clear functional need "to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times..."

PPS7 also stated within paragraph 13 of Annex A that the Council, as the local planning authority "should not normally give temporary permissions in locations where they would not permit a permanent dwelling".

If the proposal fails to satisfy the NPPF's requirement to prove 'essential need', the proposal would also fail to satisfy West Wiltshire District Plan Policy H19 (and paragraph 3.2.99) , which states that "new residential development in the open countryside is to be resisted and restricted to that required for the essential needs of agriculture..."

The *functional test* is necessary in order to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This has been assessed by the agricultural consultant in their Agricultural Assessment of the Planning Application report. Their opinion is that the "essential need asserted by the applicant will only arise through the implementation of the business as proposed" but they advise "if the proposed business has not been planned on a sound financial basis then the business will fail and the authority would be left with a dwelling but no 'essential need' for its presence". Based on this assessment it is evident that the application fails to meet the *functional test* of criteria (ii).

The applicant's agent explains that in their opinion there is no requirement to demonstrate viability associated with a proposed business. However, evidence of this would be beneficial in order to justify the applicant's case. Whilst the agricultural consultant is of the opinion that "a proposed business must be demonstrably planned on a sound financial basis. That must mean that the projected returns exceed the projected costs. In this case, as with any other proposed business, the plan must be financially sound and it is wholly appropriate that it should be assessed on that basis.

As part of their assessment the agricultural consultant has assessed the financial basis

of the enterprise. Their findings demonstrate that the projected profit is very marginally in excess of the current full time minimum agricultural wage. In the previous application the agricultural appraisal advised that an overall labour requirement of some 2,700 hours, which is just under 1.5 full time units of labour, however the applicant now advises that through a revised arrangement over windfall produce the labour requirement has been reduced to some 2,221 hours which is in excess of one full time labour unit. The agricultural consultant is of the opinion that “given that the profit for the unit is projected as only fractionally ahead of the opportunity cost of one full time unit and the labour requirement remains in excess of one unit then the financial soundness of the proposed business remains questionable”. For these reasons it is considered by officers that Criteria (iii) is not met.

The proposal also fails to indicate whether there are any dwellings in close vicinity to the site which would serve the purpose of being close to the site and thereby does not meet criteria (iv).

The issues contained within criteria (V) relating to siting, etc. are discussed at a later point in this report.

Policy H19 of the West Wiltshire District Plan 2004 accepts the principle of providing essential agricultural workers a house on site. However the application has not provided a justification of the need of a dwelling on site. The Agricultural Holding is currently small scale which according to the submitted information and the newly constructed agricultural building indicates that the applicant wishes to enlarge the enterprise. Although this shows an indication of the holding being used it is not justification for a temporary agricultural workers dwelling as it fails to meet the functional or financial tests set out in Annex A of PPS7.

In their report the agricultural consultant concludes that “the requirement for an essential presence will increase with the implementation of the proposed business. Based on the information supplied it remains my conclusion that I cannot give a clear indication that the proposed business has been planned on a sound financial basis”.

Due to the above it is considered that the temporary dwelling is unacceptable as it fails to comply with the National Planning Policy Framework, Annex A of PPS7 and policy H19 of the West Wiltshire District Plan 2004 as the case has not been justified as to the need for a temporary dwelling in this location in terms of functionality, financial and explaining why other dwelling in the vicinity are not acceptable and therefore the proposal is considered to be unacceptable.

Impact on the countryside

As the need for a temporary agricultural workers dwelling has not been established it is necessary to assess the proposal and its impact on the open countryside.

The proposed dwelling due to its prominent position located on a hill has harmed the character of the area due to being located in an unsustainable location meaning that the proposal would be reliant on the car, and not in close proximity to facilities like shops and bus routes. This means that the proposal would impact on the character of the open countryside as additional traffic would impact on the setting of the area. In addition due to the position and design of the dwelling the proposal would be alien and fail to respect the character of the area and the spatial form the surrounding sporadic development. This is contrary to the Nation Planning Policy Framework and therefore

the proposal is considered to be unacceptable.

Servicing and road safety interests

The temporary dwelling is served by a substandard access and narrow lanes and located well outside of village policy limits. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport and would be reliant on the use of private vehicle, is contrary to both Local and National Policies which aim to promote sustainable development and which seeks to promote sustainable transport with fewer journeys. As such it is officer’s opinion that the proposal is unacceptable.

10. Conclusion

The proposed development fails to meet policy and in particular fails to meet prove an ‘essential need’ for and agricultural workers dwelling at the site. As a result officers recommend that the application be refused.

Recommendation: Refusal

1	The proposed temporary agricultural workers dwelling by reason of its position, size and lack of justification is considered to harm the character of the open contrary side. The justification provided does not provide a sound financial basis or a functional need for a dwelling to be on site. This lack of substantive evidence and the position of the dwelling, outside of village policy limits is considered to be contrary to the guidance of the National Planning Policy Framework (NPPF) and Policy H19 of the West Wiltshire District Plan First Alteration 2007.
2	The proposed dwelling by reason of its prominent position, design and size would be alien to its surroundings and would fail to respect the character of the area and the spatial form the surrounding sporadic development contrary to the guidance contained within the National Planning Policy Framework (NPPF) and Policy H19 of the West Wiltshire District Plan First Alteration 2007.
3	The dwelling is located outside the defined Housing Policy boundary in a location remote from services, employment opportunities and being unlikely to be well served by public transport. It would therefore be reliant on the use of private vehicle an increase the amount of traffic in the area. As such it is contrary to the requirements of the National Planning Policy Framework (NPPF) which seeks to reduce the need for travel, influence the rate of traffic growth and reduce the environmental impact of traffic overall in support of sustainable development.

Appendices:	
Background Documents Used in	

the Preparation of this Report:	
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2006-03-24 Attributes

Poor House

Cottage

Elbridge Farm

GP

Def

ED Bay



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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.09.2013		
Application Number	W/13/00451/FUL		
Site Address	Garage Blocks South Of 8 To 10 Epping Close Warminster Wiltshire		
Proposal	Demolition of existing garages and erection of 2 no. semi detached houses and associated works		
Applicant	Selwood Housing		
Town/Parish Council	Warminster		
Electoral Division	Warminster West	Unitary Member:	Pip Ridout
Grid Ref	387254 145683		
Type of application	Full Plan		
Case Officer	Jemma Boustead	01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk	

REASON FOR THE APPLICATION BEING CONSIDERED BY THE PLANNING COMMITTEE

Councillor Pip Ridout has requested that the application be called to the Planning Committee for the following reasons:

- Relationship to adjoining properties
- Environmental/Highway impact

1. Purpose of Report

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

2. Report Summary

The main issues to consider are:

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

3. Site Description

Epping Close is a residential area .

4. Relevant Planning History

No planning history

5. Proposal

The proposal is to demolish two redundant garage blocks and to build one pair of semi detached properties each with three bedrooms.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

C31a Design

C32 Landscaping

C38 Nuisance

H1 Further Housing Development within Towns

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

National Planning Policy Framework (NPPF)

7. Consultations

WARMINSTER TOWN COUNCIL

The members refused the application on the grounds of sewage and flood water problems in the area and the narrow access and that the garages should be demolished but houses should not be built in their place.

BUILDING CONTROL

No Objections to the proposal

WILTSHIRE COUNCIL HIGHWAYS

The garages to be demolished are currently disused, therefore the development will not result in a displacement of vehicles. The site is served adequately with car parking and turning, therefore there will be no adverse effect on the highway. On the basis of the above, no highway objection is raised.

WILTSHIRE COUNCIL DRAINAGE TEAM

I raise no objections to the proposal in principle as the proposed drainage intends to use the existing sewer network provided by Wessex Water subject to obtaining the relevant permission which may be subject to approval of provision of attenuated flows. If Wessex Water do not approve then Wiltshire Council will require a drainage scheme designed to BRE 365 guidelines

WESSEX WATER

No Objections to the proposed scheme

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 15th May 2013

1 letter of objection from the public was received with the following concerns:

- Parking is already a problem here in Epping Close - where will cars park and will the turning head remain
- How will the builders gain access to the site and where will their supplies be stored
- Will there be night/weekend security on site to prevent unwanted visitors and children playing on the construction
- When will the workmen be allowed to start using heavy machinery and when will they finish
- How long will out utilities be cut off and how much warning will be given
- How long will it take to build
- If damage is caused to private properties who will be responsible
- Will the value of my home lower
- There are existing problems with sewage - will the pipes be upgraded and will existing residents have to contribute to the cost
- Will the existing footpaths be blocked during construction
- There will be construction works all around me

9. Planning Considerations

9.1 PRINCIPLE

The site is located within the settlement boundary of Warminster where the principle of development is considered to be appropriate and therefore is considered to comply with Policy H1. Further issues such as design, access and impact upon both neighbouring properties and the wider area considered further in the report.

9.2 DESIGN ISSUES & IMPACT UPON THE WIDER AREA

The area is characterised by two storey dwellings, two storey blocks of flats and bungalows. The location of the dwellings is considered to be appropriate as it would mirror the two storey blocks of flats adjacent to the site

The demolition of the existing redundant garage blocks would enhance the character and appearance of the area as they appear tired and in need of renovation.

The proposed dwellings see plain buff brickwork at ground floor and red brickwork at first floor under a brown concrete tile roof which would mirror buildings in the immediate vicinity and is therefore considered to be appropriate.

The proposal is therefore considered to comply with Policy C31a.

9.3 IMPACT UPON AMENITY

It is considered that the proposal would not cause unacceptable overshadowing to properties within the immediate area.

It is considered that the proposal would not have an impact on neighbouring amenity in terms of overlooking as there are no windows proposed on the side elevations, the existing dwellings are also 11 metres from the front elevation which is considered to be appropriate and there are no immediate neighbours directly to the rear.

The proposal is therefore considered to comply with Policy C38.

A condition detailing working hours (08:00hrs - 18:00hrs) can be attached to any approval to ensure that neighbouring dwelling are not affected during anti social hours.

9.4 ACCESS AND HIGHWAYS

The Design and Access Statement states that the site is approximately ½ mile from the Town Centre and the nearest bus stop is approximately a 4 minute walk, local shops are also located approximately 6 minute walk from the site. Existing footpaths around the site would not be affected by this proposal.

Two parking spaces are proposed for each property and therefore is considered to comply with the requirements in the Wiltshire Parking Strategy.

It is acknowledged that there are existing problems in the area regarding parking, but the garages that are to be removed are not currently in use and sufficient parking is being provided for the existing dwellings. This application is not able to solve existing problems. It is important to note that the existing turning area adjacent to the existing garages will remain.

9.5 SEWAGE ISSUES

The engineers at Wessex Water have looked at the proposed foul drainage system and have confirmed no objections to the scheme.

9.6 OTHER

Many of the concerns raised by the objector do not relate to planning and therefore cannot be taken into consideration when determining this application. These issues include security, access and storage issues, utility issues, length of time it will take to build, damage to private property, value of existing dwellings and views from existing properties.

9.7 CONCLUSION

The proposal complies with the relevant policies of the Local Plan and is therefore recommended for Approval.

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 H1, C18, C31a and C38 and the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

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.

Subject to the following condition(s):

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

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

- 2 The development hereby permitted shall be carried out in accordance with drawing numbers:

120901: 101, 110737 L(0): 01, 04 received on 13th March 2013

110737 L(0): 03A, 05, 06 received on 3rd April 2013

110737 L(0) 02A received on 25th April 2013

120901: 201 received on 16th August 2013

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

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

REASON: In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

- 4 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with drawing number 110737 L(0)01 received by the Local Planning Authority on 13th March 2013. The areas shall be maintained for those purposes at all times thereafter.

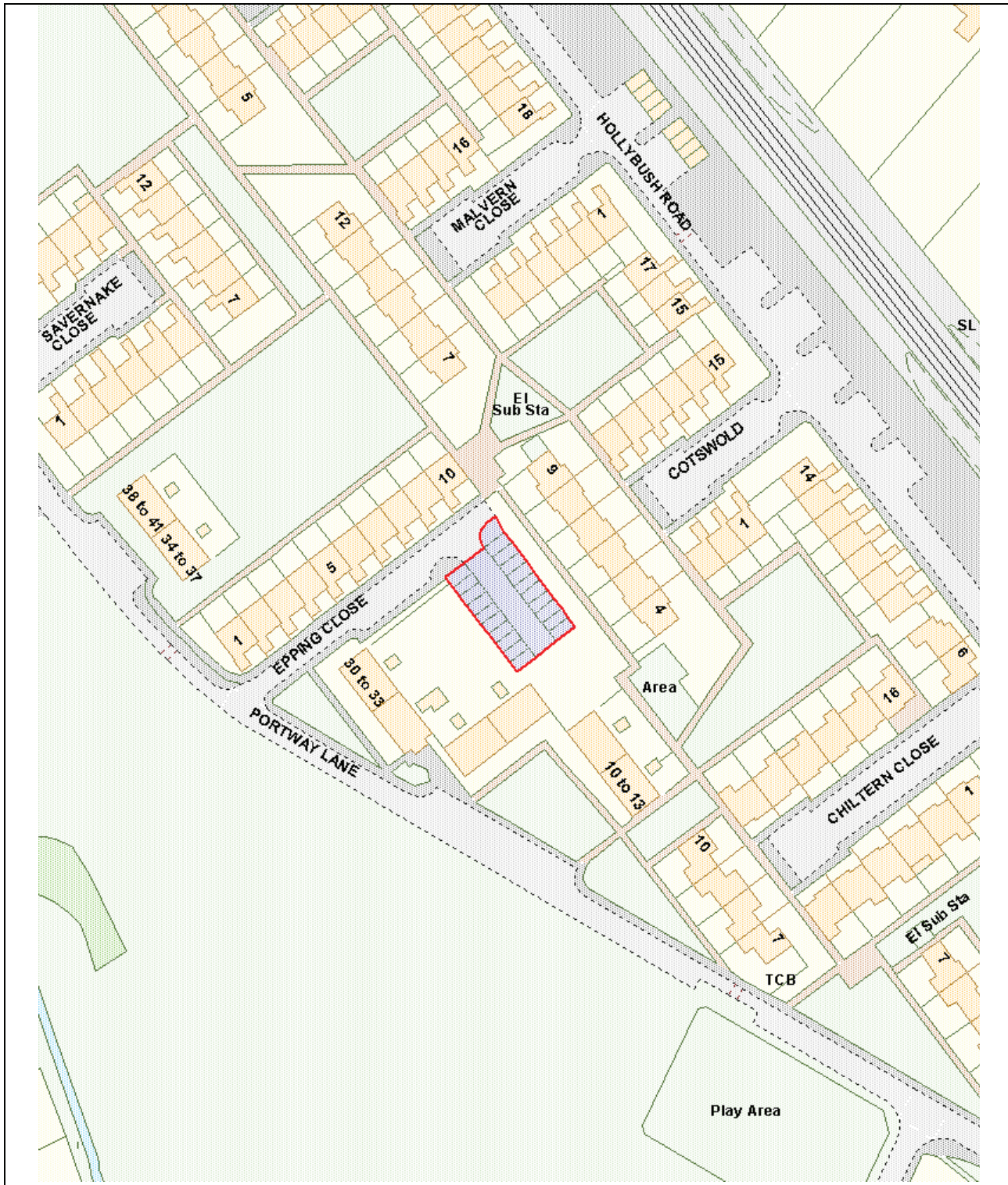
REASON: In the interests of highway safety having regard to advice in the National Planning Policy Framework and the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

- 5 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: In the interest of neighbouring amenity have regard to Saved Policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.09.2013		
Application Number	W/13/00711/FUL		
Site Address	Land South East Of 3 To 7 Savernake Close Warminster Wiltshire		
Proposal	Development comprising of the construction of 3 new terrace dwelling houses and 3 new bungalows with associated works		
Applicant	Selwood Housing		
Town/Parish Council	Warminster		
Electoral Division	Warminster West	Unitary Member:	Pip Ridout
Grid Ref	387195 145722		
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 Pip Ridout has requested that this item be determined by Committee due to:

- Relationship to adjoining properties
- Environmental/highway impact
- Other: Drainage and highways - should be considered together with application W/13/00451/FUL

1. Purpose of Report

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

Neighbour Responses - No objections received.

Warminster Town Council Response - Objection for reasons outlined in "Consultations" section below.

2. Report Summary

The main issues to consider are:

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

3. Site Description

The application site of some 1750m² in extent is open amenity space lying to the north east of the block of flats comprising Nos. 34 to 47 Portway Lane. The site is surrounded on all sides by mixed residential development, with pedestrian walkways serving these properties adjacent to the northern, eastern and southern boundaries of the site. The land fall within Warminster Town policy limits.

Access to Portway would be via a "panhandle" that would pass to the south east of 34 to 47 Portway Lane and to the rear of Nos. 1 to 9 Epping Close.

The site is relatively level and is currently laid to grass.

4. Relevant Planning History

No previous applications on this site.

5. Proposal

This is an application for the erection of a terrace of 3 double storey dwellings facing south-east onto the access road, and another terrace of 3 single storey units in the north eastern portion of the site. The double storey terrace would be set at 90 deg. to the flats to the south west, whilst the single storey terrace would be parallel to the existing similar building to the north east, at a separation distance of some 17m (including, the public pathway to be retained). 2 Parking spaces per unit are proposed.

One of the three single storey dwellings would be "a dedicated mobility dwelling", incorporating features to assist mobility-impaired occupants.

The proposal includes private gardens with small sheds to serve the 6 proposed dwellings.

The external materials proposed would be brick (with contrasting colours to the double storey units at ground and upper floor levels) with tiles to the roofs. A limited amount of timber detailing is also proposed.

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

Warminster Town Council

Objection on the following grounds:

- a) there are concerns about the situation of the overflowing sewage;
- b) the area floods;
- c) the narrow access point for the new road which could cause obstruction and present a danger for children;
- d) the loss of a designated recreation area which was understood to be in perpetuity when the houses were built.

Highways

Following negotiations on the access to the site, no objection subject to conditions requiring details of road, pathway layout and the provision of turning/parking areas.

Wessex Water

No objections. Note that new connections would be required. It is also noted that a water main may be affected and that this would have to be addressed.

Further, in the light of Town Council comments the agents entered into discussions on drainage and foul water services. A new storm and foul water drainage design plan was prepared and Wessex Water has confirmed that a plan that has been submitted for drainage to the site has been accepted.

Wiltshire Fire and Rescue

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

Environmental Services

The proposal would result in the loss of an open space - by way of mitigation and in accordance with Policy, a contribution of £ 9725 would be required.

Building Control

No comments other than location of bin store to plot 5.

Archaeology

The site is of archaeological interest as the development site is less than 200m of the Saxon/medieval settlement remains at Church fields around St Deny's church. There is therefore the possibility that remains associated with this settlement are present within the development site. A survey was recommended prior to a decision being made. This was carried out and the Archaeologist is satisfied that no conditions are required.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification. Expiry date: 19.06.2013.

No comments were received.

9. Planning Considerations

Principle of development.

The application site is located within the town policy limits of Warminster 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, and design.

Siting, layout and design, relationship to neighbouring properties and loss of open space

The proposal is to erect six dwellings on vacant open space within the existing Portway development. The plot sizes accord reasonably with those in the proximity, and are of a standard design that would be in keeping with the wider local estate spatial character, albeit that there would be a loss of this portion of open space. By way of mitigation, the agents have confirmed a willingness to make an off-site contribution to open space facilities in accordance with Officer requests. It should also be noted that there is a significantly large area of dedicated open space between Portway and the brook to the south and west that serves Portway and environs. This space is within 50m south of the site.

The proposal would provide a mix of two- and three bedroomed units, and has the support of housing officers, who were involved in the discussions to include the specialised "Dedicated wheelchair unit" providing for three bedrooms.

It is considered that arrangement of the two terraces on site provides for wholly adequate separation distances (the double storey unit rear elevations have habitable rooms to the upper storey, separated by just over 21m from the front elevations to the neighbouring existing units to the north west). The frontages to the double storey dwellings provide for surveillance over the parking area that serves them. The single storey terrace is separated from the existing dwellings to the north east by their own garden spaces, a proposed grass verge, the public pathway, and the front garden areas to the existing properties. The existing front garden areas tend to have low fencing, limiting privacy to the walkway, but the new dwellings would have 1.8m boundary fencing providing screening and avoiding intervisibility between facing windows.

The proposed garden spaces are wholly adequate in the neighbourhood context, and in terms of serving the relatively modest dwellings. No unacceptable overshadowing or overlooking would arise.

Loss of Open Space

The proposal would result in the loss of an area of open space. However this should be seen in the context of the proximity of the large open public area some 50m south of the site on the opposite side of Portway which is readily accessible and is classified as high value recreational space in the Leisure and Recreation DPD.. There would be an impact on views from the surrounding dwellings, but view is not a planning consideration and, as noted above, proposed separation distances between the proposed and existing dwellings is acceptable. Further, the applicants have agreed to the contribution requested by County Environmental Services by way of mitigation for the loss of the open space. This can be secured by way of a S106 Agreement.

Drainage

Drainage was raised as a potential issue by the Town Council. The applicants entered into discussions with Wessex Water and a storm and drainage plan was prepared, which Wessex Water has confirmed has been accepted.

Accessibility including highway safety and parking

The highway officer made recommendations at pre-application stage, and these were addressed in the final submission. The officer is satisfied with parking arrangements, as well as the proposed access. The new road would pass to the east of the existing block of flats, and to the west of the rear gardens to the terrace in "Epping Close". Boundary treatments to these gardens vary, but tend to be a minimum of 1.8m in height, providing privacy from the

existing pathway, which would be retained. Traffic generated by the proposed six units would be limited and slow speed, with no unacceptable nuisance being anticipated.

Other considerations

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

Two storage enclosures are proposed to the front elevation to Plot 5, one of which would accommodate a grey household waste bin. As noted by the Building Inspector, there are windows in close proximity which could lead to odour issues. These enclosures however add interest to the front elevation of the bungalow terrace and would be useful to future occupants. It is considered that a condition specific to the location of the household waste bin away from windows would solve the potential problem, whilst retaining the features themselves.

10. Summary and conclusion.

In summary, the proposal relates to suitable development in a sustainable location that, it is considered, meets relevant criteria of the development plan and the NPPF goals of delivering a wide choice of high quality homes and boosting the supply of affordable housing. Planning permission is recommended, subject to a S106 agreement for funding to mitigate the loss of the open space.

Recommendation: That planning permission be granted at a future date in the event of the Area Development Manager being satisfied upon the completion of a legal agreement to secure an Open Space contribution to the sum of £9,725.24.

For the following reason(s):

The proposed development is in conformity with the adopted 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 positively engaged and worked proactively with the applicant, the agents and the Parish Council to secure negotiated revisions which are acceptable in planning terms. The proposed development has been assessed against adopted policies as well having due cognisance to the Emerging Wiltshire Core Strategy and the NPPF along with those key, material planning considerations which are highlighted within this report.

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 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, unless an alternative timetable is agreed in the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1; T10

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

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1; T10

- 5 All soft landscaping comprised in the approved details of landscaping on Plan 110736 L(0)01 shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

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

- 6 Details of a storage area for the household waste bin to plot 5, located so as to minimise the impact on occupant amenity shall be submitted to and approved in writing by the

Local Planning Authority. The approved storage area shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the amenity of future occupants to Plot 5.

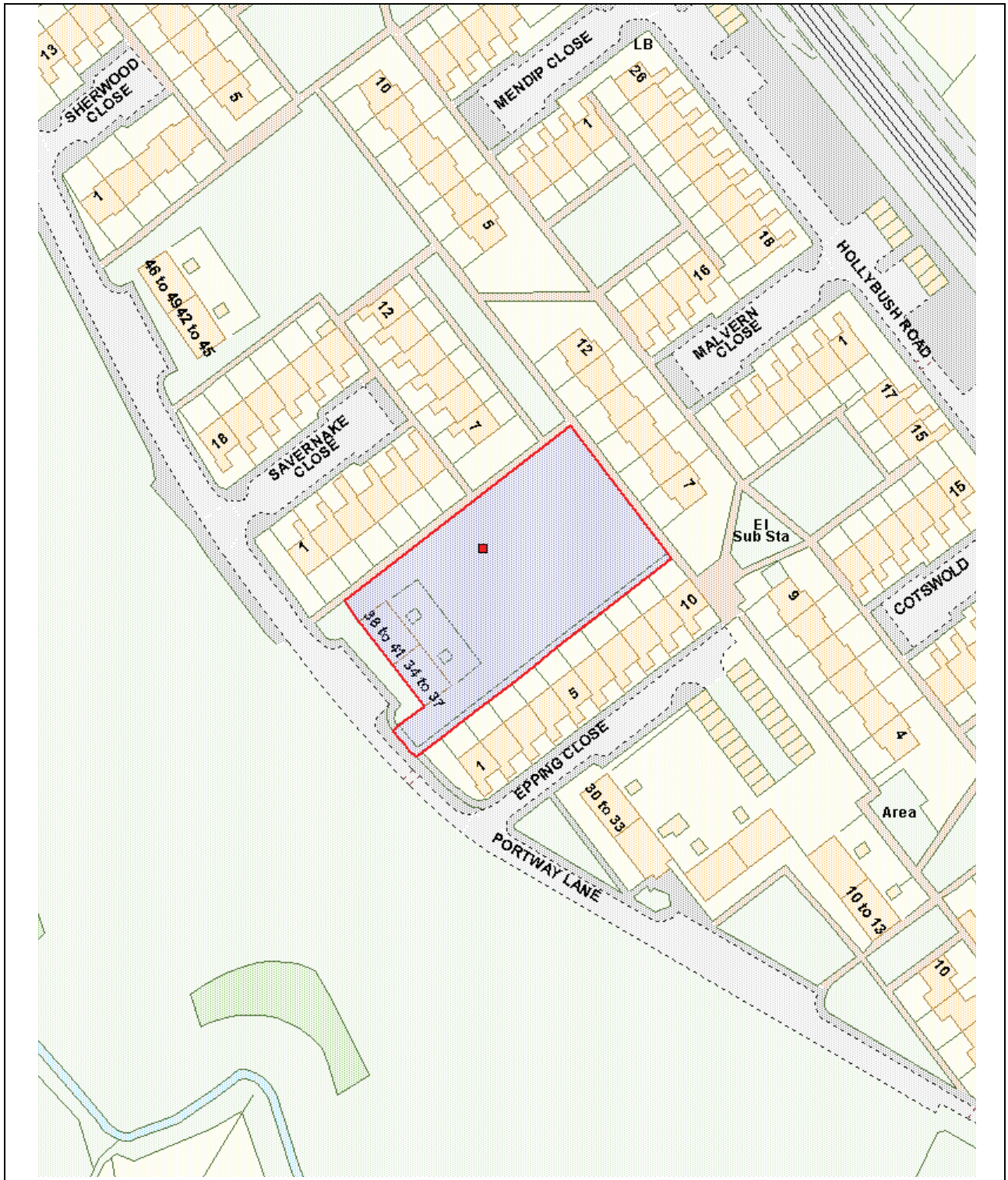
7 The development shall be completed in accordance with the hereby approved plans:

110736 L(0)01 received on 18 April 2013;
110736 L(0)02 received on 18 April 2013;
110736 L(0)03 received on 18 April 2013;
110736 L(0)04 received on 18 April 2013;
110736 L(0)05 received on 18 April 2013;
110736 L(0)06 received on 18 April 2013;
2531.02B received on 18 April 2013; and
120901 101c Drainage (1) (2) on 8 August 2013.

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

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	04.09.2013		
Application Number	13/01472/FUL		
Site Address	32 Horse Road, Hilperton Marsh, Trowbridge, Wiltshire, BA14 7PF		
Proposal	Demolition of existing kitchen extension, replace with new 2 storey extension and alterations to dwelling		
Applicant	Mrs S King		
Town/Parish Council	Hilperton		
Electoral Division	Hilperton	Unitary Member	Ernie Clark
Grid Ref	386744 159776		
Type of application	Full Planning		
Case Officer	Victoria Hodgson		

Reason for the application being considered by Committee

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

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

1. Purpose of Report

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

2. Report Summary

The main issues to consider are:

- The design of the extension
- The effect of the proposal on the character and appearance of the surrounding area
- Impact on neighbouring amenity with reference to outlook, privacy and light
- Impact on trees
- Drainage issues

3. Site Description

The application property, No. 32 Horse Road is one of a terraced group located in a cul-de-sac extension to the south of Horse Road. The main terrace runs in a linear form to the north, No. 32 is attached to No. 31 which forms the end terrace in the linear row. There is a further row of terrace properties on the other side of the access drive to the east of the site, a detached bungalow to the north-east and open fields to the south. The north elevation forms the majority of the northern boundary between No's 31 and 32 and therefore the majority of the garden area associated with No. 32 is located to the south and extending to the east.

No. 32 is constructed of brick and pebble dash render under a clay tiled roof. It has been extended in the past to include a single storey extension to the south elevation. The property doesn't have an obvious frontage as such due to the unusual arrangement of the terrace.

4. Planning History

A planning application was submitted in 2012 for the demolition of the existing kitchen extension and replacement with a new two storey extension and alterations to existing dwelling, W/12/02143/FUL. The applicant withdrew this application on 1st February 2013 following officer advice in which concerns were raised with regard to design and scale as well as the impact on trees and need for an arboricultural assessment.

5. The Proposal

Under this application, the applicant seeks planning permission for the construction of a two storey extension to the south elevation following the demolition of the existing single storey addition which will provide a replacement kitchen with new master bedroom (with en suite) above.

The extension will project approximately 7.75 metres from the south elevation, extending to a maximum of 6.75 metres wide nearest to the original house. At this point the west elevation of the extension will wrap around the south-west corner of the original house to provide a staircase and a log store at ground floor. The remainder of the extension projecting to the south would reduce in width by approximately 1.25 metres to a width of approximately 5.5 metres.

The extension would be positioned a distance of 0.5 metres from the western boundary at the nearest point, extending to 1.7 metres.

Its ridge height would be set approximately 0.75 metres lower and eaves height approximately 0.8 metres lower than that of the original house. The eastern roof slope would include a chimney and two dormer windows are proposed in the east elevation and a Juliette balcony in the south elevation. These elevations would also include ground floor windows and doors. Whilst the west elevation would include two roof lights in the roof slope as well as a ground floor kitchen window. The existing fenestration to the west elevation of the original house would be replaced by the extensions.

The proposed extension would be constructed of render under a clay tiled roof. The walls of the original house would also be altered so that it would have exposed brickwork with render above. The proposal also includes adding render, timber overclad and clay tiles to the existing detached garage.

The application is supported with an Arboriculture report.

6. Planning Policy

National Planning Policy Framework
Section 7 – Good design

West Wiltshire District Plan First Alteration 2004
C31A - Design
C38 - Nuisance

7. Consultations

Hilperton Parish Council: Objects for the following reasons:

- There is no access or design statement and it is felt that construction vehicles will cause a nuisance to residents of neighbouring properties.
- This sewage system in this area has, historically, caused many problems. We are very concerned that Wessex Water has not been asked by the planning authority to be a consultee in this case.
- The proposed development will have an adverse impact on trees in the neighbouring property.

Arboricultural & Landscape Officer: No objection. I see no arboricultural reason to refuse this application. If consent is to be granted a condition should be applied (see condition 4).

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 31 July 2013

A total of four separate representations have been received as a result of the public consultation process.

Three of the representations received object to the proposed development. The following concerns have been raised:

- The size of the extension is very dominant and intrusive particularly to No. 30.
- Excess bulk and scale
- It will damage the open aspect to the rear of the properties.
- Poor relationship with neighbouring properties which are small terrace cottages or bungalows.
- It will visually damage the setting to the back of all the cottages.
- It will cause considerable shading and restriction of light. This is particularly relevant to No. 30.
- The loss of trees will impact on the amenity of No. 30.
- The extension will cause damage to the trees.
- Issues of overlooking with particular regard to the rear gardens to the west.
- Once the existing hedge is removed the proposed ground floor window will overlook the private amenity of No. 30. Either this is removed or that the existing fence is replaced at a respectable height to counteract the problem.
- Vehicle access to this property is down a windy dirt track with no turning area therefore will cause noise & disturbance to neighbours.
- The communal sewers have historically had problems & will not be helped by extra discharge from this property.
- Claims that the drawings contain inaccuracies.
- Reference to a 2006 planning application at No. 28 which was refused due to the detrimental impact it would have on adjoining neighbours.
- The owner of No. 30 has expressed concerns that no negotiations have been made between the applicant and themselves.

The case officer visited No. 30 on the 23rd July 2013 at the request of the owner.

One of the representations received does not object to the extension but raises several issues with regard to construction and in particular access to their parking space as well as the suggestion of adding a condition restricting the building work between certain hours in order to protect users of the lane, especially school children. They comment that this was a condition included to the planning permission for a neighbouring replacement bungalow.

9. Planning Considerations

Design

The proposed two storey extension would replace an existing single storey extension on the southern elevation on a similar footprint but projecting approximately 0.75m further into the garden. The proposal is an improvement to the previous proposal and the applicant has acted on the officer advice provided at that time. Officers consider on balance that the addition of this size, scale and design of this property is acceptable.

Impact on the character of the area

The existing dwelling sits within a generous sized plot on a cul-de-sac to the south of the terrace to which it is attached to and to the west of the neighbouring terrace and there are open fields to the south. The terrace properties to the east of the site are well screened by a developed hedge and 1.8 metre high fence. This together with the position of the property and resulting lack of any particular street scene immediately surrounding the site would minimise any impact of the development may have. As such it is officer's opinion that the character of the area would not be compromised by the development.

Taking into consideration the above officers consider that the proposal meets the requirements of policy C31A of the West Wiltshire District Plan First Alteration 2004.

Neighbour amenity issues

Policy C38 states that 'new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected'.

The two storey extension projecting into the garden will not have any adverse impact on the appearance of the area still retaining plenty of the garden and the spacious feel. Officers consider that any amenity impact is minimal as the extension projects away from the nearest neighbour. All but one window remains on the western elevation which has been reduced in size located on the ground floor. Two roof lights have been inserted to allow light in to the first floor.

It is considered by Officers that the extension would have not have an adverse impact on upon the neighbours of No.30 with overshadowing. However, officers accept there may be potential overshadowing to the bottom half of their garden but this would be minimal and not sufficient enough to warrant a refusal.

The concerns raised by neighbours relating to construction and pedestrian safety are accepted and as a result it is advised that a condition be attached to any permission granted restricting large vehicles delivery to between 08.30 and 09.15 and again between 14.45 and 15.30.

Taking into consideration the above officers consider that the proposal meets the requirements of policy C38 of the West Wiltshire District Plan First Alteration 2004.

Tree issues

As part of the proposal an arboricultural report has been submitted which advises that both trees located within the rear garden area of No. 30 are removed because it is essential to allow for the construction work.

Although the loss of any tree is regrettable neither of the trees is of such importance to warrant a Tree Preservation Order (TPO) being placed upon them nor are they located within a conservation area. As such the owner of the trees could decide to remove them without notifying the local planning authority of their intention. It is therefore considered that the removal of the trees is acceptable and that their loss is not significant enough to substantiate a robust reason for refusal.

The concerns raised relating to the removal of trees and potential damage to them are acknowledged, however these issues are civil matters to be dealt with between the applicant and owner of No.30 and are not material planning considerations.

Drainage issues

The extension would have a similar footprint to the existing single storey extension and therefore any potential drainage issues would not be significantly different to what they are currently.

10. Conclusion

Officer consider on balance that the alterations and extensions would not cause any harmful impact on either the appearance of the host dwelling, character of the surrounding area or the amenity of neighbouring properties and therefore is in accordance with the policy and approval is recommended.

Recommendation: Permission

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:

Drawing No's P-001; P-002; P-003; P-004; P-005; P-006; P-007; P-008; and Arboricultural Report, received 24 June 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.

- 3 During the construction work construction vehicles shall not enter or leave the site from Monday until Friday between the hours of 08:30 and 09:15 and between 14:45 and 15:30.

REASON: In the interests of highway safety

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

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

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



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