

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 18 December 2013  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Samuel Bath, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718211 or email [samuel.bath@wiltshire.gov.uk](mailto:samuel.bath@wiltshire.gov.uk)

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

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### Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	(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)

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### Substitutes:

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

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# AGENDA

## Part I

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

1 **Apologies for Absence**

To Note any apologies for absence.

2 **Minutes of the Previous Meeting** (*Pages 1 - 14*)

To approve the minutes of the last meeting held: **Wednesday 27 November 2013** (copy attached.)

3 **Chairman's Announcements**

To note any announcements through the Chairman.

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 11 November 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 **13/04760/FUL: 188 Woodrow Road, Melksham, Wiltshire, SN12 7RF** (*Pages 15 - 22*)

6b **13/04779/FUL: Staverton CofE School, School Lane, Staverton, Trowbridge, BA14 6NZ** (*Pages 23 - 28*)

6c **13/04478/FUL: Land East Of 73 Ruskin Drive, Warminster** (*Pages 29 - 36*)

6d **13/04560/FUL: 164 Bath Road, Atworth, Melksham, SN12 8JR** (*Pages 37 - 44*)

## 7 **Urgent Items**

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

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## **WESTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 NOVEMBER 2013 IN THE COUNCIL CHAMBER - 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 Graham Payne (Substitute), Cllr Horace Prickett, Cllr Pip Ridout and Cllr Roy While (Vice Chairman)

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#### **108 Apologies for Absence**

Apologies for absence were received from Cllr Jonathon Seed, who was substituted by Cllr Graham Payne.

#### **109 Minutes of the Previous Meeting**

The minutes of the meeting held on Wednesday 6 November 2013, were presented.

#### **Resolved:**

**To approve and sign the minutes of the meeting held on Wednesday 6 November 2013 as a true and accurate record.**

#### **110 Chairman's Announcements**

There were no Chairman's Announcements.

Details of the exits to be used in the event of an emergency were explained to the public.

#### **111 Declarations of Interest**

There were no declarations of interest to note.

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

A question had been submitted from Cllr Trevor Carbin in relation to policy surrounding contributions made to the Wiltshire Fire and Rescue Service.

A response to the question from the Area Development Manager was noted at the meeting. Details of the full response are attached to the minutes online.

The Chairman welcomed all present, and explained the rules of public participation, in particular noting the procedure to be followed at the meeting.

### 113 **Planning Applications**

The Committee considered the following applications:

#### 114 **13/02371/FUL - 57 Damask Way, Warminster, Wiltshire, BA12 9PP**

Public Participation:

Mr Peter Gist spoke in objection to the application.

Cllr Sue Fraser spoke in objection to the application on behalf of Warminster Town Council.

Cllr Ridout spoke on behalf of Cllr Humphries, and in objection to the application.

The Area Development Manager outlined the report which recommended the application be granted planning permission. The main areas for consideration were summarised as being West Wiltshire District Plan 1<sup>st</sup> alteration- policy C31a (design) and C38 Nuisance. These were summarised as being the impact of the Design on the neighbouring area and any potential nuisance caused as a result of the development. The Area Development Manager confirmed that members had attended a site visit for the application as instructed at the previous Western Area Planning Committee (6 November 2013).

Members of the Committee were then given the opportunity to ask technical questions of the Area Development Manager, to which there were none.

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

Members of the Committee then entered into a debate, which included a discussion regarding the size and position of the extension. Members then debated the addition of a condition to obscure the east facing windows. Members debated the impact of the development on neighbouring properties.

It was;

**Resolved;**

**To GRANT planning permission to the application subject to the following conditions;**

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

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

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

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

3. The first floor windows in the southern elevation serving a bathroom and the bottom and 1<sup>st</sup> floor windows situated on the east elevation in the extension shall be obscured glazed, and fixed shut, prior to the first occupation of the extension hereby permitted and shall be so maintained in perpetuity.

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 E, PL02 E, PL03 E, PL04 E, PL05 E received on 27.08.2013

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

**INFORMATIVE:**

1. The applicant is advised of the following information from Wessex Water:

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system. Sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and applicants should survey and plot these sewers on plans submitted for Planning or Building Regulations purposes. It will be important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

Public Participation:

Angus MacDonald, applicant, spoke in support of the application.

Cllr Francis Morland, Heywood Parish Council, spoke in objection to the application.

The Area Team Leader outlined the report which recommended the application be granted planning permission. Key considerations for the Committee were noted as being; the archaeological and ecological impact, the impact on Heywood House and the White Horse as a heritage asset, the impact on rural surroundings and any potential flood risk posed by the application.

Members of the Committee were then given the opportunity to ask technical questions of the officer. This included a question from Cllr Carbin regarding safeguarding the bypass route in the application, following the planning inspectorate previous refusal of the plans. It was confirmed that this adopted policy had been carried over to the emerging core strategy.

The Committee questioned the diversion for the rights of way through the sites and if they would be kept open. It was confirmed that the plans included mitigating strategies to keep both rights of way access' through the site, open. A question was then asked regarding noise from the transformers that would be installed on the site and questioned what impact this would have on footpath users. It was confirmed that the noise of the transformers would not be audible from the path, and that this had been tested and confirmed at the Marsh Farm site. A question was then asked regarding the load factor of the panels to be used at the site. The Area Team Leader was unable to respond to the question. The Applicant confirmed in his submission to the Committee (below) that the panels had a load factor of around 15%. Cllr Newbury questioned the officer recommended condition 11, and it was confirmed that it was the same condition included on the Marsh Farm application. Members questioned the ability for the site to be used in a dual capacity and questioned the allocated size for the bypass on the site. The Area Development Manager confirmed that the allocated space for the bypass was sufficient and that the plans for the site to used for grazing sheep was legitimately feasible.

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

Members then entered into debate where a discussion was held regarding the discussions between Westbury Town and Heywood Parish Council, and the developer.

It was;

**Resolved:**

**To GRANT planning permission for the applications subject to the following conditions;**



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

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

2. The solar installation hereby granted shall be removed from the site, together with all supporting/associated infrastructure including the inverter stations, CCTV thermal imaging equipment, poles and DNO switch gear, and the land shall be restored to a condition suitable for agricultural use within 6 months of the PV modules ceasing to be used for the generation of renewable energy, or the expiry of 25 years after the date of this planning permission, whichever is the sooner.

**REASON:** In the interests of amenity and the timely restoration of the land.

3. An aftercare scheme detailing the steps that are necessary to restore the land following cessation of the solar installation use shall be submitted by the applicant/developer to the Local Planning Authority at least 6 months prior to the removal of the PV modules and associated infrastructure.

**REASON:** To ensure the satisfactory restoration of the site for agriculture.

4. No development hereby granted shall commence until:

- a) A written programme of archaeological mitigation and investigation, which should include on-site work and off-site work including analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and,

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

**REASON:** To enable the preservation and recording of any matters of archaeological interest.

5. No development hereby granted shall commence until a detailed surface water run-off limitation scheme together with supporting calculations, in accordance with the strategy set out in the Flood Risk Assessment (H20K, Ref: J-4119.5-FM, dated 12 October 2012), has been submitted to and approved in writing by the Local

**Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.**

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

- 6. No development hereby granted shall commence until a glint and glare assessment has been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. The assessment shall calculate the visual impact and potential glare from the development on train drivers on the east/west line to the south of the development site. The assessment shall cover the stretch of this rail line 274 metres either side of the signal that lies at the rail line junction to the west of the A350. No development shall take place other than in accordance with the details contained in the approved glint and glare assessment.**

**REASON: To ensure that the development does not cause any demonstrable glint/glare nuisance to the adjacent railway users.**

- 7. No development hereby granted shall commence until the developer has submitted details of improvements of the existing site access on the A350 Westbury Road for the written approval by the local planning authority, and widen the access in accordance with the approved details. Such details shall include vehicle swept path analysis to demonstrate that two 15.4 metre long articulated delivery lorries, can pass in the access bell mouth area, and nearby access track.**

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

- 8. No development hereby granted shall commence until the applicant/developer has submitted for the written approval by the local planning authority a construction traffic management plan (CTMP), and shall undertake the construction of the site in accordance with the approved details. The CTMP shall include, amongst other things, details of numbers, types and timing of delivery lorries to the site, the procedures in place to ensure that lorry wheels are free of mud before returning to the highway, local signing to aid movement of lorries arriving at the site entrance, details of the site management co-ordinator who will ensure compliance with the CTMP, how users of public rights of way on and near the site and site access shall be protected during the**

works, and details of how construction workers traffic and lorry traffic shall be accommodated on the site.

**REASON:** To ensure that construction traffic associated with the site does not give rise to unacceptable conditions on the local highway network.

9. No development hereby granted shall commence until a landscape management plan has been submitted for the written approval of the Council which shall cover tree, hedge and root protection measures, the on-site management of the existing hedgerows (which shall be allowed to develop to a minimum 2.5 m winter height), as well as producing exact tree and hedgerow planting details (including location, species and spacing) and a timetabled programme for the infill and all proposed new planting and its on-going management and monitoring which shall cover the lifetime of the development.

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

10. The landscaping proposals hereby approved and as indicated on plan drawing no. 2421\_100 Rev F shall be carried out in the first planting and seeding season following the completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within the period of twenty 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 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.

11. The defined public rights of way shall both be kept free from obstruction during and after the construction period.

**REASON:** In order to protect and safeguard the public's right to use the public right of ways

12. No permission is hereby given for any external lighting/illumination at or on the site.

**REASON:** To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

**13.No development hereby granted shall commence until:**

- a) An ecological management plan detailing the construction methods, site management and monitoring has been submitted for the written approval of the Council;**
- b) Confirmation of the seeding mixes that shall be used and the area over which each mix shall be sown;**
- c) Confirmation of access points to allow badgers and other mammals to enter areas enclosed by fencing;**
- d) Confirmation of the annual management of the land, including the grassland, hedgerows and trees; and**
- e) The plan should directly accord with the ecological recommendations contained within the submitted survey statements. Therefore the development shall be implemented in accordance with approved details.**

**REASON:** In the interests of safeguarding ecological and biodiversity interests.

**14.A survey of habitat condition measured against the Ecology Management Plan and Site Layout Drawing shall be undertaken by a professional ecologist during the period of June to August and submitted for the Local Planning Authority's written approval in the first, third and fifth years after the site first becomes operational. Where monitoring identifies any non-compliance, remedial measures shall be identified, implemented and reported on through a subsequent agreed monitoring survey.**

**REASON:** In the interests of safeguarding ecological and biodiversity interests.

**15.Any removal of hedgerow and/or ground preparation shall be undertaken during the period of 1st September to 28th February. If done outside this period, any such works shall be preceded by a survey produced by a professional ecologist and be only**

undertaken in accordance with the ecologist's advice and following the written approval by the local planning authority.

**REASON:** In the interests of safeguarding ecological and biodiversity interests.

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

Site Location Plan - received 19.09.2013

Site Block Plan - received 19.09.2013

Development Master Plan - Drawing No 2421\_100\_Rev F - received 19.09.2013

Planning Layout and Water Pipe Easement Plan - Drawing No 1021-0201-26 received 21.10.2013

Construction Traffic Route Plan - Drawing no 1021-0201-05 Rev 02 - received 19.09.2013

Typical Panel Elevation Plan - Drawing No 2421-400 - received 19.09.2013

Panel Brochure Detail - received 19.09.2013

Standard Inverter Station Detail Plan - Drawing No 1000-0000-00 Issue 01- received 19.09.2013

Security Fencing Detail Plan - Drawing No 1000-0000-00 Issue 01 - received 19.09.2013

Fence and Hedge Setting Out Detail - Figure 16 - received 19.09.2013

CCTV Dimensions Plan - Drawing no 1000-0000-00 Issue 01 - received 13.11.2012

GRP Sub-Station Enclosure Plan - Drawing LCS-EGC-002 - received 13.11.2012

Site Section Plan - Drawing 2421\_300 Rev B - received 13.11.2013

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

**Informative(s):**

1. The developer/applicant is advised that Network Rail must be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

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

developer should contact Richard Selwood at Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

In addition, the developer should duly note that the following lists identify Permitted Trees and those which are not permitted to be planting/grown adjacent to railway boundaries:

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

**Not Permitted:** Alder (Alnus Glutinosa), Aspen - Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

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

2. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site; and provisions must be made to ensure that all existing drainage systems continue to operate effectively.
3. The applicant/developer is further advised to enter into more discussions with Wessex Water to agree, should it be so required, mitigation measures to accommodate any construction easement across part of the site to allow for infrastructure improvements undertaken by the statutory undertaker.
4. In the interest of positive local relations, the applicant/developer is advised to continue discussions with Westbury Town Council and Heywood Parish Council regarding potential monetary contributions.

116 13/03919/FUL - Made to Measure Ltd, Carsons Yard, Warminster, Wilts, BA12 9NA

Public Participation

Mr John Braddell, applicant, spoke in support of the application.

Cllr Sue Fraser spoke in support of the application on behalf of Warminster Town Council.

The Area Development Manager outlined the report which recommended the application be granted planning permission. Key considerations of the committee were noted as being; West Wiltshire District Plan 1<sup>st</sup> Alteration (2004) C31a – Design, C38 – Nuisance, E5 – Loss of employment floor space, H1 – Further Housing Development within towns, and T10 Car parking.

Members were then given the opportunity to ask technical questions of the application, to which there were none.

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

Members of the Committee then entered into a debate which centred around the loss of employment space in the workshop area. Members also discussed access to the neighbouring properties which was located adjacent to the building and would prove restrictive for large delivery vehicles and vans if windows were allowed to open widely. Members also raised concern over the workshop space, and the impact on the residential part of the building should the two contain separate users. Members debated a condition to fix the workshop to the residential occupier.

It was;

**Resolved:**

**To GRANT planning permission for the application subject to the following conditions:**

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

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

- 2. No development shall commence on site until details and samples of the materials to be used for 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.**

3. The roof-lights to the east facing elevation shall be obscure glazed for the lifetime of the development

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

4. 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 interest of highway safety

5. The development hereby permitted shall not be first occupied until the first five metres of the site access, measured from the edge of the access track (Public Footpath 92), 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.

6. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/parking/ turning area), 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.

7. The development hereby permitted shall be carried out in accordance with the details shown on the submitted plans:

790/1 received on 2 September 2013;

790/2 received on 2 September 2013;

790/3 received on 2 September 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.

8. The attached workshop to be occupied by residential occupants only.



**REASON: To safeguard the residential occupants' amenity.**

**Informative:**

**All public rights must be safeguarded in respect of Public Footpath 92 which is directly affected by the vehicular access leading to the site.**

117 **13/03824/FUL - Land to the Rear of: 12 and 12a Westbury Road, Warminster, Wiltshire**

**Public Participation**

Mr Gary Bourne spoke in objection to the application.

Mr Ray Taylor spoke in objection to the application.

Ms J. Chaundy spoke in objection to the application.

Mr Richard Robins spoke in support of the application.

Cllr Sue Fraser spoke in objection to the application on behalf of Warminster Town Council.

The Area Development Manager outlined the report which recommended the application be granted planning permission subject to the satisfactory completion of a variation to a s106 agreement.

The key areas of consideration were said to be West Wiltshire District Plan (WWDP) H1 - Town Policy, H24 – New Housing Design, C31a - Design and C38 – Nuisance. The impact on neighbour amenity was stated as a key consideration for the Committee; however this issue had been previously addressed by the planning inspectorate, following an appeal of a previous application.

Members were given an opportunity to ask technical questions of the application, to which there were none.

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

Members then entered into debate where a discussion was held regarding the impact on neighbour amenity. The size and scale of the property was said to be in conflict with WWDP, policy C38.

It was;

**Resolved:**

**To REFUSE the application for the following reasons.**

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

**118 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.40 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail [samuel.bath@wiltshire.gov.uk](mailto:samuel.bath@wiltshire.gov.uk)

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

## **REPORT TO THE AREA HUB PLANNING COMMITTEE**

<b>Date of Meeting</b>	18 <sup>th</sup> December 2013
<b>Application Number</b>	13/04760/FUL
<b>Site Address</b>	188 Woodrow Road Melksham Wilts SN12 7RF
<b>Proposal</b>	Demolition of existing unsound detached house and replace with 2 no. detached houses (Resubmission of W/12/02026/FUL)
<b>Applicant</b>	Mr John Stainer
<b>Town/Parish Council</b>	MELKSHAM WITHOUT
<b>Grid Ref</b>	391679 165404
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jemma Boustead

### **Reason for the application being considered by Committee**

Councillor Chivers has requested that this application be called to committee if recommended for refusal for the following reasons:

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

### **1. Purpose of Report**

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

### **2. Report Summary**

The main issues to consider are:

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

### **3. Site Description**

The site is located outside of the settlement boundary of Melksham. It is also located with Flood Zone 2. It is located within a linear form of residential development that spreads away from the existing town. There is an existing two storey dwelling built with stone under a slate roof on the site which is to be demolished. The existing dwelling has been vacant since March 2012.

## **2. Planning History**

W/12/02026/FUL – Demolition of existing dwelling and erection of 2 dwellings – Withdrawn

W/13/00467/FUL –Demolition of existing dwelling and erection of 2 dwellings - Withdrawn

### Other related Planning History

W/03/01487/FUL – Erection of a dwelling – Refused by Officers but overturned and approved by Planning Committee.

W/02/01816/FUL Detached Bungalow – Refused 26/02/03

## **5. The Proposal**

The proposal is to demolish the existing dwelling and replace it with two detached four bedroom dwellings with associated access and parking.

## **6. Planning Policy**

West Wiltshire Local Plan

C1 – Countryside Protection

C31a – Design

C38 – Nuisance

H1 – Further Housing Development Within Towns

H19 – Development in the open countryside

National Planning Policy Framework

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

Circular 06/05

## **7. Consultations**

Melksham Without Parish Council: No Objections

Wiltshire Council Ecologist: No Objections

Wiltshire Council Highways: Refuse due to the site being located in an unsustainable location

Environment Agency: No Objections subject to conditions

Wessex Water: New water and waste water connections will be required

Wiltshire Fire and Rescue: A commuted sum of £76.13 would be required

## 8. Publicity

A site notice was erected at the site on 18<sup>th</sup> October 2013 and neighbour notification letters were sent out. The consultation period expired on 08/11/2013

No letters of objection from the general public have been received

## 9. Planning Considerations

### 9.1 PRINCIPLE

The site is located outside of the development limit of Melksham. Policy C1 states that *development will not be permitted other than those which encourage diversification of the rural economy and rural recreation unless there is an agricultural, forestry or other overriding justification such as essential transport improvements, schemes of national importance or overriding benefit to the local economy.*

The site is located within a linear strip of residential development and if approved would set a precedent for further applications for additional dwellings along this road to be approved contrary to the Policies contained in the Local Development Plan and the National Planning Policy Framework.

The application has been submitted with a structural survey which shows that the existing building is unsound due to signs of structural cracking, dampness and rot. However it is important to note that these issues would not be a suitable justification to allow two dwellings on the existing plot.

The design and access statement highlights that in 2003 a dwelling was approved on garden land to the rear of 200 Woodrow Road. This does not set a precedent to allow this particular development as national policy has changed significantly since 2003 and the NPPF key principles include sustainability and protection of the rural countryside. It is also important to note that the application behind number 200 Woodrow Road also received an Officer recommendation of refusal.

The design and access statement also relies heavily on paragraph 55 of the NPPF which states that *housing should be located where it will enhance or maintain the vitality of rural communities* and that *local planning authorities should avoid isolated homes in the countryside*. The agent is of the opinion that the proposal would not result in an isolated new home in the open countryside due to the existing residential development surrounding the site and that no visual harm would be raised by the development.

The statement provided also states that there is an overriding justification of allowing the proposal as the site is currently run down and is a brownfield site. The Local Planning Authority would raise no objections in principle to a replacement dwelling subject to issues such as design, access and neighbouring amenity but the NPPF clearly states that gardens are not classified as brownfield land and therefore this is not a reason to grant planning permission for two dwellings.

## 9.2 DESIGN ISSUES & IMPACT UPON THE IMMEDIATE AREA

The dwellings in Woodrow road have no particular building line and the proposed dwellings are located forward of 189 and behind the frontage of 187 Woodrow Road. The location of the proposed dwellings within the plot is therefore considered to be appropriate.

The design of the existing dwellings in Woodrow Road are very mixed. Number 187 is a detached bungalow and number 189 is a terraced dormered bungalow. The proposed dwellings are two storey (dormer bungalow) built with either reconstructed or natural stone under a clay double roman tiled roof. The windows and doors are to be painted or stained timber. It would be preferable to have natural stone walls due to its setting and subject to this the design and materials are considered to be appropriate.

The overall height of the proposed dwellings will be taller than both neighbouring dwellings but this impact is slightly reduced to a lowered roof height above the garage. It is important to note however that the existing two storey building is already taller than both neighbouring dwellings and as such the proposal is considered to be appropriate.

The site is located within Flood Zone 2 and as such a Flood Risk Assessment has been submitted alongside the planning application. The Environment Agency have made no objections to the proposal subject to the FRA being complied with and an informative requiring flood proofing methods to be included within the internal design. Both are considered to be appropriate to add to any approval.

The proposal is therefore considered to comply with Policy C31a. It would be important that any landscaping complies with the character and appearance of the area and therefore it would be appropriate to condition a landscaping plan if recommended for approval.

## 9.3 IMPACT UPON NEIGHBOURING AMENITY

The proposed dwellings are located 1 metre from the boundary to number 189 and due to the proposals being located west of the existing dwelling and its location within the existing plot it is not considered that they would result in overshadowing to number 189.

The proposed dwellings are located 4 metres from number 187 but due to the siting of the proposed dwellings which is east of number 187 it is considered that they would not result in overshadowing to number 187.

There is only one window proposed at first floor level on the side elevations of the proposed dwellings which serve a bathroom. It is therefore considered appropriate that upon a recommendation of approval these windows should be conditioned to be obscure glazed and fixed shut. It is therefore considered that there would be no overlooking to neighbouring properties and gardens. It is acknowledged that there are 1<sup>st</sup> floor rear windows that would overlook the neighbouring gardens but this is not considered to be different to what currently exists.

It is therefore considered that the proposed dwellings would not have an adverse impact upon neighbouring amenity in terms of overlooking or overshadowing and as such complies with Policy C38

## 9.4 ECOLOGY

A bat survey has been submitted with the application which states that there are no bats located within the building to be demolished. The proposed development is therefore considered not to have an adverse impact upon ecology and complies with the guidance contained in Circular 06/05.

## 9.5 ACCESS

The highways officer has recommended refusal of the application as it is located outside the settlement boundary of Melksham and as such the proposal would be contrary to the sustainability policies contained within the NPPF, the Adopted Wiltshire and Structure Plan 2016, the emerging Core Strategy all of which aim to reduce the need to travel especially by private car.

With regards to the detailed plans, the proposal provides an access for each proposed dwelling with 2 parking spaces and a turning area all of which are considered to be appropriate and comply with the relevant policies and guidance.

Woodrow Road has a bus stop within 100metres of the site and is within cycling distance of the town, however this does not overcome the principle issue that the site is located outside of the settlement boundary where the approval of an additional dwelling would result in further trips by the future occupants in association with shopping, recreation, employment, education etc and therefore constitutes unsustainable development.

## 9.6 OTHER

Wiltshire Fire and Rescue requested a sum of money however there is no policy in the local plan to request such monies and therefore it would be inappropriate of the Local Planning Authority to do so.

## **10. Conclusion**

The proposal fails to comply with the relevant policies of the development plan and as such is recommended for refusal.

## **RECOMMENDATION**

The proposed development would be unacceptable in principle because it is located outside the settlement boundary established in the local plan. It would also cause harm by creating a pattern of development that fails to protect the countryside and is therefore in conflict with the Framework as well as Policy C1 and H19 of the development plan.

## **Appendices:**

### **Background Documents Used in the Preparation of this Report:**

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1) 188 Woodrow Road Melksham Wilts SN12 7RF



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**REPORT TO THE WEST AREA HUB PLANNING COMMITTEE**

<b>Date of Meeting</b>	18 <sup>th</sup> December 2013
<b>Application Number</b>	13/04779/FUL
<b>Site Address</b>	Staverton CofE School, School Lane, Staverton, Trowbridge, BA14 6NZ
<b>Proposal</b>	Proposed relocation of PE storage shed
<b>Applicant</b>	Wiltshire Council
<b>Town/Parish Council</b>	STAVERTON
<b>Grid Ref</b>	385551 160335
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Alison Wilkinson

**Reason for the application being considered by Committee**

This application has been called in to be considered by the committee by Councillor Trevor Carbin. Also as this application was submitted by Wiltshire Council and an objection has been received raising a material planning consideration it has to be considered by committee.

**1. Purpose of Report**

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

Advertising Responses – No objections received.

Staverton Parish Council – Object with regards to the proximity of the shed to the school boundary and the impact on the loss of light of 12a School Lane and would seek for the shed to be relocated.

**2. Report Summary**

The key issues to consider in this application are the principle of the development and the impact on neighbouring residential amenity.

**3. Site Description**

Staverton C of E School is located to the west of School Lane within the settlement of Staverton. The school has an external hard standing play area to the south of the school, with the school using the adjacent park for grass play area. The rear gardens of School Lane face north onto the playground area of the school.

## **4. Planning History**

W/12/01890/REG3 – Extension to existing school - Approved

## **5. The Proposal**

Staverton C of E School was extended earlier this year to increase the size of the school and therefore school intake of pupils from 210 to 310 to meet the local need and overflow demand from Trowbridge. The extension was sited to the south western corner of the school building to ensure that the minimum play space was lost for the pupils whilst providing the necessary classroom space. As a result the PE storage shed was relocated from the site of the new extension to the south western corner of the site adjacent to the wildlife area. The school were not aware at the time of relocation that planning permission would be required due to the proximity to the school boundary and therefore this application is retrospective.

The shed measures 3.2m in width by 3.6m in length with a pitched roof that measures 2.1m to the eaves and 2.8m to the ridge. The shed is located 0.4m from the southern boundary and 0.5m from the western boundary of the wildlife area. The shed is finished in a dark green, with the doors opening out towards the play area.

The garage is located inline with the western gable of No.12a, however due to the design of the property the garden is limited to being inline with the existing single storey rear extension which results in a set back distance of approximately 3.8m from the gable of the shed to the garden line. The garden is defined by an open mesh 1.6m high fence to the north and 1.8m high close boarded fence to the east and west.

Directly to the south of the shed location is the 1.8m high closed boarded boundary fence of No.14 School Lane with a detached garage located further to the south.

The school advises that the relocation site of the shed was selected as the location did not impinge on the school yard and would result in the least impact on neighbouring residential amenity. The school advises that comments were invited from No.14 to which the shed is directly located behind their garage and no objections were raised. The school advise that they did not consult No.12a due to the separation distance of 3.8m from the shed to their garden boundary.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration 2004

C1 Countryside Protection

C31a Design

C38 Nuisance

CF1 General Community Facilities

Emerging Wiltshire Core Strategy

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

## **7. Consultations**

Staverton Parish Council has objected to the proposals on the grounds of the impact on the residential amenity of No.12a in relation to loss of light to the property as a result of overshadowing caused by the proximity of the shed to the property.

## **8. Publicity**

The application was advertised by site notice and neighbour notification. Overall expiry date: 7 November 2013.

No letters of representation have been received as a result of the public consultation.

## **9. Planning Considerations**

The key issues to consider in this application are the principle of the development and the impact on residential amenity.

The shed was relocated as its previous position is now the site of the recent extension to the school. The shed provides essential dry safe storage of the PE equipment required by the school. Saved Policy CF1 of the West Wiltshire Local Plan seeks to meet and enhance the educational, social and other needs of existing and new communities. The design of the shed is simple and functional and finished in a dark green paint to blend with the wildlife area to the west. It is considered that the principle of the development is acceptable and in accordance with Saved Policies CF1 and C38a of the West Wiltshire Local Plan.

Staverton Parish Council has objected to the proposals on the grounds of the adverse impact on the amenity of No.12a located to the south east of the shed. As stated in the site description the shed is located inline with the western gable of No.12a. However due to the design and layout of the property the garden of No.12a is limited to being in line with the rear single storey extension of the property, with the garden of No.14 extending onto the rear elevation of No.12a. The north facing garden of No.12a is bounded by 1.8m high close boarded fencing to the east and west (No.14 and No.12), with the northern boundary which faces onto the school playing field being defined by open mesh 1.6m high fencing. The garden is north facing and as such due to the positioning of the property and the 1.8m high close boarded fencing to the west that defines No.14's garden and their detached garage there is limited sunlight that enters the garden. However the shed is located 3.8m to the north west of the garden of No.12a and it is considered that due to the separation distance, the north facing garden of No.12a and the scale of the development it would not result in any further loss of light to the property or garden than already experience by existing adjacent development. The proposal is therefore considered to be in accordance with Saved Policy C31 of the West Wiltshire Local Plan.

## **10. Conclusion**

The principle of the development is considered to be in accordance with Saved Policies CF1 and C38a of the West Wiltshire Local Plan. The development is considered to not result in an adverse impact on the residential amenity of No.12a due to the scale, location and separation distance of the development from the north facing garden of No.12a. The development is therefore considered to be in accordance with Saved Policy C31 of the West Wiltshire Local Plan.

**RECOMMENDATION: APPROVE**

Subject to the following conditions(s):

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P(0)20 and P(0)18.

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

2) 13/04779/FUL – Staverton C of E School, School Lane, Staverton



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**REPORT TO THE AREA HUB PLANNING COMMITTEE**

<b>Date of Meeting</b>	18 <sup>th</sup> December 2013
<b>Application Number</b>	13/04478/FUL
<b>Site Address</b>	Land East Of 73 Ruskin Drive Warminster Wiltshire
<b>Proposal</b>	Proposed 3 bedroom dwelling on land adjoining 73 Ruskin Drive Warminster
<b>Applicant</b>	Mr M Webb
<b>Town/Parish Council</b>	WARMINSTER
<b>Grid Ref</b>	385765 144761
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Steve Vellance

**Reason for the application being considered by Committee :**

Cllr. Pip Ridout has requested that this application be submitted to Committee for consideration of the relationship to neighbouring properties and for general discussion by the Committee Members, as she has received a lot of attention regarding this application.

**1. Purpose of Report**

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

Public responses – four letters of objection from 3 individual residents for the reasons cited within section 8 below.

Warminster Town Council – object for the reasons cited in section 7 below.

**2. Report Summary**

The main issues to consider are:

- principle of development,
- highways
- design issues and impact upon the neighbouring amenity; and
- overcoming the previous reasons for refusal within 11/02302/FUL.

**3. Site Description**

The application site is located within an established residential area of Warminster. The proposal would be sited within the established residential curtilage of 73 Ruskin Drive,

Warminster. The dwelling is one of a pair of semi detached properties and has a substantial garden area.

The proposed new dwelling would be attached to the applicant's property and the scheme would alter the buildings to a rank of three terraced dwellings.

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

11/02302/FUL Proposed 3 bedroom dwelling on land adjoining 73 Ruskin Drive Warminster. Refused. 24.01.2012. Appeal (Ref: APP/Y3940/A/12/2175175) Dismissed on 12.09.2012.

#### **5. The Proposal**

The proposal is for the creation of a new attached dwelling, which would be sited within the grounds of 73 Ruskin Drive and attached to the applicant's dwelling. The proposal is designed to appear as an extension to the existing pair of semi's, to form a terrace of three dwellings of near identical proportions.

To achieve a sense of visual symmetry the newbuild's footprint would match that of number 73's, as would its eaves and ridge height. Dormer windows are a characteristic feature of houses within the vicinity, with number 73 having such dormers to the front and rear, the proposal would utilise this feature to match those as existing. In terms of materials, the new dwelling would be constructed from matching materials, consisting of brick, with rendered ground floor elevations and matching concrete tiled roof.

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

West Wiltshire District Plan 1st Alteration (2004)

H1 Housing  
C31a Design  
C38 Nuisance

National Planning Policy Framework (NPPF)

#### **7. Consultations**

Warminster Town Council:

Objects to the proposal on the grounds that:-

- The proposal would create a terrace causing a loss of amenity for the neighbouring semi detached property; and
- The scheme would comprise over development.

Highways Officer:

Consultations with the Highways section of the Council initially raised no objections subject to the imposition of four planning conditions and one informative. One of the conditions related to the use of the existing garage as a car parking space for the proposal, which had to comply with stipulated Highway dimensions, however, the applicant's garage fell short of the length requirement by 0.5 metre and therefore, the Highways Officer recommended refusal of the scheme for inadequate parking provision. In order to achieve the provision of two parking spaces the Highways Officer

recommended the demolition of the garage.

Wessex Water:

No objections and comment on water supply and waste connections.

Wiltshire Fire & Rescue:

No objection but request a financial contribution.

## **8. Publicity**

The application was advertised by way of site notice and letters to neighbours.

Four letters/emails of objection were received and raise the following points:

- The proposal would be detrimental to the character of the existing building.
- Proposed terrace of three would not be in keeping.
- Scheme would not maintain building line.
- Proposal would result in the loss of number 73's garage.
- The scheme would create parking problems.
- Proposed dormer windows would not extend to their full width, possible issues relating to their cladding.
- Proposed boundary treatment not in keeping.
- Loss of the visual gap, by the reduction of the 'set back'.
- Resultant small sized garden areas.
- Loss of light to number 71 Ruskin Drive.
- Foul sewage issues/problems to the area.
- Land ownership issues relating to the corner land area at number 73.
- Possible inaccuracies within the planning application form.

## **9. Planning Considerations**

The proposal seeks full planning permission for the construction of a new dwelling on land to the side of number 73 Ruskin Drive. The site lies within the Warminster Town policy limits, whereby the principle for new development is accepted, if the submitted scheme complies with Policy H1 criteria. The proposed building would follow the distinct building line, as set out by numbers 73 and 75, with the finished build having the appearance of a terrace of three properties. The scheme would create its own access and would also provide a comfortable area of recreational amenity land for both the proposed dwelling and number 73.

A material consideration with this current application is that of whether or not the applicant has overcome the two previous reasons for refusal within 11/02303 and addressed any comments made by the Planning Inspector in relation to this appeal, which was subsequently dismissed.

The reasons for refusal were:

1. The proposed dwelling, by reason of its size, siting, proportion and form would constitute an overdevelopment of the site, detrimental to the appearance and character of the area, contrary to the provisions of Policy H1 and C31a of the West Wiltshire District Plan, as adopted 2004.

2. The proposed development, by reason of its size and siting, would be detrimental to the residential amenities of the existing dwelling and to current and future occupiers thereof, contrary to the provisions of Policy C38 of the West Wiltshire District Plan, as adopted 2004.

In considering these reasons, the Appeal Inspector made the following observations:

- The proposed detached dwelling would harm the character and appearance of the area.
- The proposed dwelling would have a poor level of external amenity space.
- The proposal does not satisfy policy criteria.

The current application is considered to have overcome the previous two reasons for refusal and addressed the Inspectors observations. This has been achieved by the reduction in size and scale of the submission and its adherence to a building line, thereby making the scheme wholly acceptable. The siting, layout and design are satisfactory and in keeping with the character of the area, as the proposal would mirror that as existing with number 73. With regard to the provision of garden amenity land, the current proposal provides more amenity land for the new-build. The size of the proposed redefined garden land for number 73 is also considered to be acceptable, which would be of the same dimensions as proposed within the previous submission, in relation to this, the Planning Inspector for the previous application noted that "The amenities of the occupiers of 73 would not be harmed" by this proposed garden size and is therefore considered to be acceptable.

With regard to the issue relating to the loss of an open area or visual gap, which is important for visual amenity purposes, it is considered that the current scheme has effectively overcome the previous concerns by moving and reducing the width of the proposed build and thereby increasing the amount of remaining corner land. Whilst this corner area of land would be reduced, it is considered that the remaining area would be sufficient to preserve and maintain the openness of the visual gap. The remaining corner area of land would approximately be the same as that located opposite at number 82 Ruskin Drive.

The neighbour consultation process raised the concern that, some of the corner area of land, which would be utilised for this development, may not belong to the applicant. In response to this, the application is not for a change of use of land, but for the provision of a further dwelling. Furthermore, the Local Planning Authority has to accept information largely at face value whereby it is evident from the maturity of the Leylandii boundary treatment that the land has been used as a garden for many years. Importantly, both the red line and certificate A (within the application form) indicates the applicant as the owner of this land.

Consultations with the Highways section of the Council initially raised no objections subject to the imposition of four planning conditions and one informative. One of the conditions related to the use of the existing garage as a car parking space for the proposal, which had to comply with stipulated Highway dimensions. The applicant's garage fell short of the length requirement by 0.5 metres, with the Highways Officer recommending refusal of the scheme for inadequate parking provision. The Officer recommended demolition of the garage in order for the provision of two car parking spaces to be achieved.

The Highways Officer commented that in order for an existing garage to be considered as a parking space it must have measurements of 6m by 3m or a floor area of 18 square

metres. As previously stated, the garage is 500mm short of the 6 metres length, however when compared to other garages within the vicinity, the applicant's garage visually matches and is fully functional, as currently utilised by the applicant. It is considered that to impose a condition requiring the applicant's half of the garage to be extended by 500mm or demolished is unreasonable and would be development that may ultimately harm the street scene. Instead a planning condition linking the existing garage to the new dwelling in perpetuity has been applied, which is considered to be reasonable.

The occupants of number 71 Ruskin Drive have commented that the proposed development would overlook their property. The Council takes the view that because the two dwellings would be separated by a distance of 13 metres and because there is a small staircase window on the north elevation of number 71 which is a non habitable room, there would be no significant harm created. Importantly, within the previous application, the Planning Inspector did not raise this issue as a concern.

Neighbour comments relating to inadequacies of the sewage system have also been received, with Wessex Water being the relevant authority to deal with such matters; they have not raised any objections and advised that the applicant contact them for mains water and foul sewage connection.

## **10. Conclusion**

The submitted scheme is considered to have overcome the previous reasons for refusal, planning permission is recommended, with conditions and informatives as attached.

**RECOMMENDATION:** Approve with conditions as attached:

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

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

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

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

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

REASON: In the interests of highway safety.

- 4 The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level.

That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 5 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access to the junction to the North and 43 metres to the South from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 6 The development hereby approved shall not be occupied until sufficient provision for the parking of two vehicles has been provided for, in accordance with details as shown on plan reference 820/2 received on the 01 October 2013. The garage shall remain as a permanent parking facility for the new dwelling and shall not be separately let or sold but retained in perpetuity for the provision of car parking.

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

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

Drawing number 820/1 received on the 01 October 2013

Drawing number 820/2 received on the 01 October 2013

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

- 8 **INFORMATIVE:** The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

- 9 **INFORMATIVE:** The applicant is advised to contact Wessex Water direct on 01225 526 000 with regard to the connection of water and waste supplies for this proposed development.

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

3) 13/04478/FUL – Land East of 73 Ruskin Drive, Warminster



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**REPORT TO THE AREA HUB PLANNING COMMITTEE**

<b>Date of Meeting</b>	18 <sup>th</sup> December 2013
<b>Application Number</b>	13/04560/FUL
<b>Site Address</b>	164 Bath Road Atworth Melksham SN12 8JR
<b>Proposal</b>	Rear sunlounge extension and side garage, utility and office extension
<b>Applicant</b>	Mr & Mrs J Witt
<b>Town/Parish Council</b>	ATWORTH
<b>Grid Ref</b>	386900 165933
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Kate Sullivan

**Reason for the application being considered by Committee**

The application is brought to committee at the request of the Division Member, Councillor Terry Chivers, on the grounds of the relationship of the proposal with the adjoining properties.

**1. Purpose of Report**

To consider the recommendation that the application for planning permission be granted.

Neighbour responses – one letter of objection received as cited within section 8 below

Atworth Parish Council response – object sharing concerns of neighbour for reasons cited within section 7 below.

**2. Report Summary**

The key issues for consideration are:

- Whether, if the application had been submitted as prior approval under the current General Permitted Development Order, the proposals would have met the criteria for development;
- Whether the design of the proposed development is acceptable;
- Whether the proposed development would harm the neighbouring amenity; and
- Addressing the points raised in the letter of objection.

**3. Site Description**

The application site is a detached chalet style bungalow located within the village of Atworth. The property which is set back from the road is bordered by open countryside to

the north (rear) and the A365 runs to the south (front) of the site. On either side are detached dwellings.

Currently a stone wall, of varying heights runs along between the boundary of the host dwelling and number 164 Bath Road (located to the west of the host site). Along this boundary the host property currently has a row of timber, pitched roofed sheds which run with a small gap to approximately 10.5 metres in length (as shown on the site plan).

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

06/01164/FUL Extension to dwelling, detached garage and changes to vehicle access, Permission, 13.07.2006

#### **5. The Proposal**

The application seeks to erect a single storey, flat roofed extension to the side of the dwelling which would house a garage, which is set back in line with the rear of the existing dwelling, utility room and study. This flat roofed structure would have three roof lights inserted. The extension would extend by 8.55 metres in total with a width of 4.3 metres and be approximately 2.6 metres high to the eaves. This would be constructed within 0.125 metres of the boundary with the neighbouring property.

In addition the application also seeks to construct a single storey rear extension which would infill the area between the kitchen and the proposed garage. This would extend out by approximately 4.5 metres and would have a large lantern light inserted within the flat roof.

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

Town and Country Planning (General Permitted development) (Amendment) (England) Order, 2013. Part 1, Schedule 2, Class A.

West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 – relevant policies are: C31a Design and C38 Nuisance and the National Planning Policy Framework, 2012.

#### **7. Consultations**

##### Atworth Parish Council

Commented that the next door neighbour raised concerns, which were shared by the members, regarding the dry stone wall between the two properties which is in the neighbours' ownership. The wall is 6.5 foot in places and would be very hard to maintain with the proposed extension to be constructed within 9 inches of the wall.

The skylights are also not in keeping with the neighbouring properties.

#### **8. Publicity**

The application has been publicised by way of a site notice which was displayed on the 18 October 2013 and neighbour notification letters. One letter of representation has been received objecting to the application and raises the following points:

- The dry stone wall has been legally established to be in the ownership of the 163a Bath Road;
- There is no provision for maintenance given the proximity of the wall to the

- proposed building;
- It has not been established the affect of the foundations of the extension on the existing wall;
- The flat roof will spoil the outlook from the upper floor windows of the neighbouring property;
- No provision has been made to clean the sky lights;
- Drainage of water has not been addressed;
- Neighbour would prefer a pitched roof;
- The sky lights would sit above the height of the wall and the neighbouring owner appreciates her privacy; and
- Not aware of any other skylights in the village.

## **9. Planning Considerations**

### 9.1 Permitted Development

The rear extension and the length of the side extension are significant; however, on the site at the time of the site visit were a row of sheds which extend along the boundary with the adjacent property to a distance of approximately 10.5 metres as shown on the site location plan. Therefore an extension which replaces these sheds with a permanent structure which extends to approximately 8.5 metres would not cause any further harm to the neighbouring amenity than already exists on the site.

Furthermore, the recent, temporary changes to the permitted development rights for detached properties would allow, subject to a prior notification procedure, an 8 metre long extension on the side/rear elevation of the property as long as the eaves height does not exceed 3 metres where it is adjacent to the boundary and that it does not exceed 50% of the total area of the curtilage (excluding the original dwelling house). Where applications are submitted under the prior notification procedure and where a neighbour objection is raised the only factor that can be considered is the affect on the amenity of any neighbouring property. In this instance there would be no amenity harm caused by the proposed development on any of the neighbouring properties in the form of overlooking. Therefore, if the garage extension was reduced by approximately half a metre it would be considered permitted development under the current General Permitted Development Order.

The single storey rear in-fill would again be permitted development under the new regulations given the dimensions of the proposed development. It would not cause any issue with overlooking any neighbouring property.

### 9.2 Impact on the host dwelling

The design of the proposed extensions, albeit large, would not be incongruous on a property of this style. The extensions would appear to be subservient to the host dwelling and be built of appropriate materials. Given that the proposed side/ rear extension would replace a series of poor quality sheds along this elevation the proposal would enhance the host dwelling.

### 9.3 Impact on the neighbouring amenity

The proposed extensions would be visible from the street scene, however as they are set back in line with the rear elevation of the host property they are not considered to harm the street scene. The length of the extension and rear extension would not be visible from the street.

As the proposed alterations are single storey and the only fenestration in the side extension are to the rear of the development and the roof lights; these are not considered to harm the neighbouring amenity by way of harming the privacy of this property.

The off-road car parking provision and existing access arrangements would not be affected by the proposals.

#### 9.4 Addressing the points raised in the letter of representation

The construction of the extension so close to the dry stone wall may require the owner to be aware of the Party Wall Act. This would be a matter that is outside of the scope of issuing planning permission.

Building regulations would address issues of the foundations and the stability of the wall which is dealt with under separate legislation.

It is considered that the drainage of water could be satisfactorily undertaken on the site, even given the close proximity of the wall to the building. The drainage of water is not usually dealt with as part of the planning application and the lack of details would not be enough to refuse the application. Furthermore there are measures that could be used to mitigate the water runoff and debris building up between the wall and the proposed extension.

The inclusions of the skylights to the extension are not unusual in flat roofed extensions and the maintenance of the flat roof and the lights would not be of concern in granting planning permission. As the proposed lights would be inserted in the roof of the building they would not be considered to cause any overlooking of the neighbouring properties. Furthermore the outlook from the neighbouring property on the flat roof is not a material planning consideration.

It is unknown as to the use of skylights within the village of Atworth, however, the use of them in this property would not be sufficient reason to refuse the application and their use in dwellings of this style and design would not be unusual.

### **10. Conclusion**

Given the currently permitted development rights, and the existing arrangement of outbuildings on the application site, it is not considered that the proposed extension would harm the neighbouring amenity or to be refused on design grounds.

### **RECOMMENDATION**

Permission should be granted with conditions.

1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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.</p>
2	<p>The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.</p> <p>REASON: In the interests of visual amenity and the character and appearance of the area.</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Drwg. 1339-1 received 26.09.2013</p> <p>Drwg. 1339-2 received 26.09.2013</p> <p>Site location plan received 26.09.2013</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>

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