

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 9 April 2014
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 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	

AGENDA

1 **Apologies for Absence**

To note any apologies for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 10*)

To approve the minutes of the last meeting held on **19 March 2014** (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 2 April 2014**. 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 **14/00096/FUL - 145 Chantry Gardens, Southwick, Trowbridge, BA14 9QP** *(Pages 11 - 20)*

6b **14/01695/FUL - Former Depot, Frome Road, Bradford on Avon, BA15 1LE** *(Pages 21 - 32)*

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

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 19 MARCH 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Russell Hawker, Cllr Gordon King (Substitute), Cllr John Knight, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout and Cllr Jonathon Seed

16 Apologies for Absence

Apologies for absence were received from Cllr Magnus McDonald who was substituted by Cllr Gordon King.

17 Minutes of the Previous Meeting

The minutes of the meeting held on 5 February 2014 were presented to the Committee and it was;

Resolved:

To approve and sign the minutes of the meeting held on 5 February 2014 as a true and accurate record of events.

18 Chairman's Announcements

There were no Chairman's Announcements.

The Democratic Services Officer gave details of the exits to be used in the event of an emergency.

19 Declarations of Interest

There were no Declarations of Interest made at the meeting.

20 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.

21 **Planning Applications**

The Committee considered the following applications:

22 **13/06123/FUL - Lansdowne, Littleton, Semington**

Public Participation

Mr Tony Phillips (Agent) spoke in support of the application.

Mr Brian Smith spoke in objection to the application on behalf of Semington Parish Council.

The Area Development Manager outlined the report which recommended the application for approval subject to conditions. The site description and an overview of the proposed development were also given. The site would essentially consist of 9 static sites on 3 plots. The application had been heard at the previous Western Area Planning Committee but was deferred by the Committee subject to a further report from Highways following concerns raised by members at the last meeting.

The Area Development Manager outlined the relevant planning policy which included: West Wiltshire District Plan 1st Alteration (2004)

- C1: Countryside Protection;
- C31a: Design;
- C38: Nuisance;
- CF12: Gypsy Caravan Sites;
- U1a: Foul Water Disposal;
- U2: Surface Water Disposal.

Some weight was also afforded to the Emerging Wiltshire Core Strategy, however as it was yet to be formally adopted by the Council, only partial weight could be given to the policy. Members attention was also drawn to the Planning Policy for Travellers Sites (PPTS).

The Area Development manager outlined the comments and objections received through consultation, which included comments of 'no objection' from: Wiltshire Council's Drainage Engineer, Environment Agency, Environmental Health, Highways and Wessex Water.

The Area Development manager drew attention to the relevant planning considerations which were summarised as being the principle of the development, the status of the applicant, the existing provision and need for suitable traveller sites, the availability of alternative accommodation, impact on the local community , Highway safety, infrastructure and proximity of local services.

The Area Development Manager outlined amendments to plans which included passing bays for traffic in the lane and landscaping conditions to address

concerns of members regarding the impact of the site. In addition the Area Development Manager stated that insufficient land supply for the traveller community had been identified by the planning inspectorate for the next 5 years. It was also noted that following a further inspection of the site, there were no Highway objections to the site proposals.

Members were invited to ask technical questions of the site. These included questions regarding the current 'illegal access' to the site and its future use as an access point. It was stated that the access had been conditioned for reinstatement in the recommendation to the committee.

Members of the public were invited to speak on the application as listed above.

Cllr Seed as local member, spoke in objection to the application stating; overdevelopment of the site, unacceptable visual impact upon the surrounding area, detrimental impact to adjoining properties; unacceptable design given bulk, height, general appearance; unsustainable location, contravention of Wiltshire Council's Gypsy and Traveller Policy, and an unacceptable impact on highway safety. Cllr Seed stated that any move to approve the application should include conditions to reinstate the verge and hedge.

Members then entered debate and questioned the condition of the access road to the site, and raised concern over the number of vehicles using the track. Members were also concerned about the intention to install passing bays, and questioned if this would resolve the problem if the work was to even be completed. Members questioned ownership of the land and whether this would prevent any works being completed and it was clarified that this would not be an issue as there was one sole land owner. Members also questioned the forecasting requirements for transient communities and questioned the accuracy and reliability of any such modelling.

The Area Development Manager spoke to clarify the comments raised in debate and public speaking, and provided the Committee with previous planning decisions for guidance in the decision.

Cllr Seed raised an objection to the submission from the Area Development Manager. The Chairman stated that the Area Development Manager was entitled to address the concerns raised by members of the public and those concerns raised in the debate.

Cllr Seed stated that the Officers response amounted to a rebuttal of concerns raised by members in the debate and sought clarification on procedure. The Area Development Managers comments were allowed by the Chairman.

At the end of the debate, the Committee;

Resolved:

To REFUSE planning permission for the application for the following reasons:

- 1) The proposal represents an overdevelopment of the existing site, with the number of pitches increasing by the addition of 4 new pitches on the land adjacent to the existing authorised site.
- 2) The proposal would encroach into the open countryside and would have an unacceptable impact on the appearance of the area, and its character, increasing the number of pitches in the immediate area from 5 to 9. This would conflict with policies C1 and CF 12 B of the West Wiltshire District Plan and with policy CP47 of the emerging Wiltshire Core Strategy.
- 3) The site is located in an unsustainable location, with no footpaths for access to the nearest bus stops and with its location such that two very busy main roads must be crossed to reach facilities in Semington Village, including the local primary school. In addition, the narrow lane on which the site is located leaves no room for pedestrian refuge onto verges in the face of vehicular traffic and the number of vehicle movements generated by the traveller pitches is considered to be incompatible with this single track lane that lacks opportunities for vehicles to pass. The proposal therefore conflicts with policy CF12 D of the West Wiltshire District Plan (1st alteration) and policy CP47 of the emerging Wiltshire Core Strategy.

23 **14/00096/FUL - 145 Chantry Gardens, Southwick, Trowbridge, BA14 9QP**

Public Participation

Mr Roger Boor spoke in support of the application.

Mr Francis Morland spoke in objection to the application on behalf of Southwick Parish Council

The Area Development Manger outlined the report which recommended the application for approval subject to conditions. The site description for the application was outlined, noting that the application was for a demolition of the existing garage & erection of three bed detached dwelling in existing garden.

The Area Development Manager summarised the relevant planning history as outlined in the report, and noted that the proposals to the interior of the dwelling were revised from application W/12/01232/FUL that was previously refused.

The relevant planning policy was identified as being that of West Wiltshire District Plan 1st Alteration (2004): namely;
- C31a Design;

- C38 Nuisance;
- H17 Village Policy Limits

Some weight was also afforded to the Emerging Wiltshire Core Strategy although as this document was yet to be formally approved by Council, only partial credence could be given.

The Area Development manger summarised the relevant consultations that had been undertaken, noting objections received from Southwick Parish Council. No objections had been received from Wiltshire Fire and Rescue, Wiltshire Council's Ecologist, Wessex Water or Highways.

The Area Development Manager summarised the relevant planning considerations noting in particular the previous decision from the Planning Inspectorate, and the revisions made to the proposals as a result.

Members were invited to ask technical questions of the application, of which there were none.

Members of the public were invited to speak on the application as listed (above).

Local member Cllr Horace Prickett spoke in objection to the application stating: the scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design (bulk, height, general appearance), and highway impact and car parking as reasons for his objection.

Members then entered into debate on the application and comments were made regarding conflicting comments made by Highways Officers. It was:

Resolved:

To DEFER the application to the next Western Area Planning Committee subject to a site visit from members to allow the Committee to further inspect the site access in person.

24 **13/04111/FUL - Land south of East View, Green Road, Codford, BA12 0NW**

Public Participation

Mrs Bueno De Mesquita spoke in objection to the application.

Mr Chris Brayne spoke in objection to the application on behalf of Codford Parish Council.

The Area Development Manager outlined the report which recommended the application for approval. The Area Development Manager outlined the site description and access to the site. This amounted to the erection of a wooden stable and store located approximately within the centre of the site, to the north

of the existing gated access and the nearby mature tree. The site was said to be occupied with a dismantled building that appeared to have formerly stood on the site. The proposed stable would measure 8.8 metres (length) by 6.1 metres (width) with a pitched roof height of 4.2 metres and would contain two stables and one store and with 7 solar panels on the roof.

The various consultative parties' comments were then highlighted which included objections from Codford Parish Council. No objections were received from Highways, Environmental Protection, or the AONB Landscape Advisor.

The Area Development manager drew attention to the relevant planning policy which included the West Wiltshire District Plan 1st Alteration (2004): namely;

- C1 Countryside;
- C31a Design;
- C38 Nuisance;
- E10 Equestrian;

The Area Development Manager then cited the relevant planning considerations which were summarised as being: change of use for equestrian facilities, the location, scale and design of the proposals, and the combined effect of these factors on the local area and neighbour amenity.

Members were then invited to ask technical questions of the application. These consisted of clarification on the animal welfare suitability of the design. Members debated the dimensions of the stable and the size of the land in comparison to the suggested guidelines. Members questioned the AONB findings and the impact on neighbour amenity, and questioned the sites suitability and desirability for use as a stable.

Members of the public were invited to speak on the application as detailed (above).

Cllr Newbury then spoke as the local member against the application citing the scale of the development, visual impact on the surrounding area, the relationship to neighbouring properties, as principle reasons for his objection.

The Committee then entered into debate on the application and discussed the acceptable dimensions of the stable. Members debated conditioning the use of the site and questioned conditioning any permitted development rights that may arise as a result of the applications approval. At the end of the debate it was;

Resolved:

To APPROVE 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 roof 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. No horse manure or any other materials shall be burnt on site.

REASON: In order to minimise nuisance and safeguard the amenities of the area.

4. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and/or to protect the living conditions of nearby residents.

5. No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

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

Drawing reference P-01 B received on 03 February 2013

Drawing reference P-02 received on 11 September 2013

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Schedule 2 of that Order that relates to the extension or alteration of this building shall take place without the prior grant of planning permission by the local planning authority.

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 any extensions or alterations to this stable building.

25 Future Meeting Arrangements

The Area Development Manager outlined suggested options for future meeting arrangements including the pro's and con's with amending the start time of future meetings. The Area Development Manager stated that all Parish Councils in the 'Western Area' had been contacted to request comments on any potential change to the existing arrangements and noted that only a limited number of responses had been received from 40 Parish Councils.

The Area Development Manager also drew on statistics from previous meetings detailing the number of applications considered and the representation from Parish Councils at each meeting, and the impact that any change could have on future attendance. The Committee's attention was also drawn to the impact on the public, and invited members to consider how the change could affect elected members.

The Committee heard from Mr Francis Morland who spoke as a resident, stating that any change could make it more difficult for members of the public to attend meetings.

The Area Development manager then discussed the previous arrangements of West Wiltshire District Council which previously held meetings in the afternoons, and the impact this had on attendance and the committee calendar.

Members debated the comments made by the Area Development Manager, and cited concern at the impact on the public and potential conflict with members

official and private business. Members also debated the benefits that earlier meetings could have including; cost savings on facilities management and staff TOIL claims. In addition members stated that it would make public access to the chamber easier and access to other Council Services also.

At the end of the debate, the Committee:

Resolved:

To AMEND the start time of all future meetings from 6pm to 3pm, to take effect from the start of the new municipal year, with the first 'afternoon meeting' scheduled for Wednesday 21 May 2014.

NB: The following Committee Members asked for their vote to be recorded.

Cllr Russell Hawker voted against the resolution.

Cllr Ernie Clark voted against the resolution.

26 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.20 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

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

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REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	19 March 2014
Application Number	14/00096/FUL
Site Address	145 Chantry Gardens Southwick Trowbridge BA14 9QP
Proposal	Demolition of existing garage & erection of three bed detached dwelling in existing garden.
Applicant	Mr Roger Boor
Town/Parish Council	SOUTHWICK
Ward	SOUTHWICK
Grid Ref	383904 155457
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Cllr Horace Prickett has requested that this application is considered by Committee in the event that permission is recommended, for the following reasons:

- the scale of development,
- visual impact upon the surrounding area,
- relationship to adjoining properties,
- design (bulk, height, general appearance),
- highway impact and car parking.

The application was heard previously at the Western Area Planning Committee held 19 March 2014, and was deferred by the Committee subject to a site visit on the 9 April 2014.

1. Purpose of Report

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

Advertising Responses - one neighbour objection was received.

Southwick Parish Council – objects on grounds of overdevelopment of the site and highway concerns.

2. Report Summary

This is essentially a revision to similar proposals refused under application reference W/12/01232/FUL. The key issue is therefore whether or not the reasons for refusal of W/12/01232/FUL have been overcome. A further consideration is whether or not there have been any other changes to circumstances that warrant a re-visiting of that decision.

3. Site Description

The application site is part of the garden area of No. 145 Chantry Gardens, a double storey semi-detached property located on a corner plot at the intersection with Frome Road, Southwick. The garden space includes a garage, attached to the dwelling, which would be demolished as part of the proposed development.

The site is laid to lawn mixed with concrete paving and is enclosed by typical residential boundary features of hedging and fencing between brick pillars. The site is relatively flat.

To the south east there is a residential property. To the rear/south west is a dwelling and its associated rear garden area. Frome Road lies to the North West, and Chantry Gardens to the north east.

The application site lies within the village policy limits of Southwick.

4. Planning History

The parent property was the subject of a planning application Ref: 08/00222/FUL for the conversion and extension to the existing dwelling to form 4 one bedroom flats. Although initially refused, Permission was granted on Appeal on 11 November 2008, but was not implemented.

A subsequent application (W/12/01232/FUL) for the demolition of existing garage and the erection of detached dwelling was refused for the following reasons:-

1 The proposed development, because of its location, layout and relationship with the existing dwelling and site boundaries, would give rise to an unacceptable reduction of private amenity space to the existing family house resulting in a cramped form of development harmful to the general amenity for occupants of the existing property contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

2 The proposed development, because of its location and relationship with the existing dwelling and site boundaries, would give rise to an unacceptable loss of light and an overbearing presence to side facing windows, in particular that to "Bedroom 2" in the existing family dwelling harmful to the amenity of occupants of the existing property contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

3 The proposed development, because of its relationship with the existing dwelling, in particular the side facing window to "Bedroom 3" in the existing dwelling, would give rise to an unacceptable lack of privacy harmful to the general amenity for future occupants of the proposed property contrary to policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

A further application for the demolition of the garage and the conversions of the existing dwelling into two 1 bed flats and extension to provide an additional 3 bed dwelling (W/12/02327/FUL) was withdrawn.

5. The Proposal

This is a full application for the erection of a detached 3-bedroom two-storey dwelling to replace an existing garage which is to be demolished. Alterations, largely to the interior, are also proposed to the existing dwelling on the site. The proposals revise those refused under application W/12/01232/FUL.

Two parking spaces for each of the existing and proposed dwellings are proposed on-site.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004)

C31a Design; C38 Nuisance; H17 Village Policy Limits

National guidance

National Planning Policy Framework 2012

Technical Guidance to the National Planning Policy Framework

Emerging Core Strategy.

7. Consultations

Southwick Parish Council

Objects: "It is overdevelopment of the site. It is detrimental to the street scene. Access is dangerous and compromises highway safety. The proposed development is in close proximity to the junction with Frome Road. The proposed development is at the corner of the only entrance/exit in a cul-de-sac that comprises some 300 properties. Since 2008 a number of areas nearby have been subject to development e.g. Swan Court and The Mowlems and this has resulted in significantly increased traffic and increasing difficulty in entering Chantry Gardens. Street parking in the immediate vicinity of the proposed development is also a problem. Parking at the proposed development will mean vehicles having to reverse into a busy road thereby exacerbating the problem at this junction.

Wiltshire Fire and Rescue

Recommends a contribution in relation to fire and rescue services.

Wiltshire Council Ecologist

Demolition of garage would have a low risk for bats. No objection raised or conditions recommended.

Wessex Water

No comment, but did not object to previous application.

Wiltshire Council Highways Officer

Initial objection, but the officer discussed the matter with a second officer who had dealt with the previous application, and had raised no objections. The previous recommendation was based on Chantry Gardens not being a classified Road and that the junction, having a wide enough splay to allow good visibility for vehicles entering Chantry Gardens, would allow traffic to see any vehicles manoeuvring into or out of the proposed parking areas. Following these discussions the objection was withdrawn.

8. Publicity

One neighbour response was received. Objections are on the grounds of parking, traffic congestion, highway safety, visibility and drainage.

9. Planning Considerations

The proposal is being considered in the same Policy context as W/12/01232/FUL (i.e. The West Wiltshire District Plan, 1st Alteration 2004 and the National Planning Policy Framework). The emerging Core Strategy has progressed significantly, but has not been adopted. The Core Strategy nevertheless carried through the concept of settlement boundaries, with Southwick categorised as a “Large Village”. The principle of further development of the site has been established by virtue of the Appeal decision under planning reference 08/00222/FUL, which allowed for a total of four one bedroom flats under extended building on the site. The permission under the 08/00222/FUL application has lapsed but the history remains a planning consideration.

The revisions to the application from the previously refused proposals under reference W/12/01232/FUL are:

- The Blocking up of a window serving a 1st floor bedroom (“Bedroom 1”) in the existing dwelling, which previously faced directly onto the side elevation of the new dwelling at a separation distance of approximately 1m;
- The removal of an internal wall to make a single large bedroom out of two existing bedrooms, to enable an existing side facing window to serve the enlarged “Bedroom 1”;
- A change to the footprint of the proposed new dwelling, providing for a ground floor dining room with bedroom above to the southern elevation;
- Following discussions, a new design to the Chantry Gardens-facing frontage providing for fenestration that relates more closely to the existing dwelling on the site was provided; and
- An enlargement of the curtilage to the existing dwelling from that proposed in the previous scheme by approximately 14m² to provide for a total outdoor space of approximately 34m²

The revised proposals resolve the issue of the loss of amenity to the first floor bedroom in the existing dwelling by creating a single extended bedroom with a window not immediately obstructed by the new dwelling. The change would effectively also reduce the existing accommodation to two bedrooms plus a study at first floor level which, combined with the additional outdoor space, would result in an amenity space of acceptable size. A rear extension to the proposed dwelling would in turn provide an effective screen to the garden space on the new property, allowing for privacy to the future occupants. It is considered that the amendments to the scheme overcome the previous reasons for refusal.

The Parish comments are noted, especially in respect of changed circumstances since 2008. It is acknowledged that the "Mowlems" development in particular will have increased overall traffic within the area. However, given the Appeal History and taking account of the advice from highways officers, it is considered that a highway safety/parking reason for refusal would not be sustainable. The four parking spaces would be on site, in positions no closer to the junction than the existing site access. There is an issue of vehicles reversing onto or off of the site, but highway officers are of the view that adequate visibility exists. Further, the refusal of W/12/01232/FUL did not include any highway/parking reason, and it would not therefore now be reasonable to introduce one where no changes to access or parking arrangements are proposed relative to that scheme.

Further, the Inspector's observations on the traffic/parking issues in the decision for 08/00222/FUL Appeal were as follows:

"Chantry Gardens is an unclassified residential road and therefore on-site turning heads are unnecessary for new vehicle accesses onto the highway. Moreover, vehicles manoeuvring in or out of parking spaces would be no closer to the junction than they are now. At the time of my visit, two cars were parked in close proximity to the appeal site, but a widened access would discourage casual parking near the junction because vehicles would no longer be likely to park in front of the spaces on the approach to the junction.

The scheme would probably give rise to only modest additional vehicle movements near the junction and the impact on safety would not be significant; it would not compromise the safe movement and free flow of traffic. In these circumstances, it cannot be a credible argument that the likely increase in traffic arising from the scheme would add significantly to congestion, inconvenience to existing households through increased on-road parking or displace parking further into Chantry Gardens, sufficient to materially harm residential amenity. I therefore intend to allow the appeal."

With regard to issues of design and the appearance in the street scene, the new building would be located along the same "building line" that is established on this side of Chantry Gardens. It would be set back relative to the "building line" of the existing dwellings to the south west facing onto Frome Road, on a footprint not significantly dissimilar to that of the flats extension permitted under the 08/00222/FUL appeal. The ridge height would match the existing dwelling and fenestration and finishes would accord with those in the vicinity. No new rear-facing windows to habitable rooms (only a bathroom window is proposed, which would be obscure glazed) would impact on the neighbouring properties to the south west, and therefore no new issues of privacy loss or unacceptable overshadowing would arise.

With regard to the contribution request from Wiltshire Fire and Rescue there is at this point no adopted policy that enables Council to require this.

In summary, the principle of additional residential development on the site has been established by virtue of previous permission granted on appeal, and prevailing policy also supports that principle. The design of the revised scheme has addressed the previous reasons for refusal, and the changes would not introduce any new issues affecting the street scene or neighbouring properties. Highway officers have considered the parking and highway concerns raised by the Parish and the neighbouring objector, but have not objected.

10. Conclusion

In view of the above considerations Permission is recommended.

RECOMMENDATION

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

 REASON: In the interests of highway safety.

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

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

- 5 Details of the cycle storage facilities shall be submitted to and approved by the Local Planning Authority before installation on the site. The development shall

subsequently be carried out before occupation of the new dwelling in accordance with the approved details

REASON: In the interests of amenity

- 6 The first floor window serving the bathroom in the south west elevation to the new dwelling shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy

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

DWG 01 received on 06/01/2014; DWG 02 received on 06/01/2014;

DWG 10A received on 26/02/2014; DWG 11B received on 26/02/2014;

And DWG 12A received on 26/02/2014

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

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Item 1 - 14/00096/FUL: 145 Chantry Gardens, Southwick, Trowbridge



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REPORT TO THE AREA PLANNING COMMITTEE

Report No 2

Date of Meeting	09 April 2014
Application Number	14/01695/FUL
Site Address	Former Depot Frome Road Bradford On Avon Wiltshire BA15 1LE
Proposal	Erection of 4 residential apartments and associated works (part revision to approved planning application W/08/00754/FUL)
Applicant	Ashford Homes (SW) Ltd
Town/Parish Council	BRADFORD ON AVON
Ward	BRADFORD-ON-AVON SOUTH
Grid Ref	382554 160379
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

This application has been called to committee by the local ward member for the following reasons:

- The proposals for this site that were approved under reference W/08/00754/FUL were the result of extensive negotiations and were agreed on the basis of complying with Direct Plan Policy E5 and the emerging Wiltshire Core Strategy.
- The current proposal is contrary to the sustainability requirements of the NPPF and the removal of the commercial element on the site is detrimental to the need to provide for employment in Bradford on Avon to rebalance losses in the earlier years. The supporting evidence includes reference to the availability of employment land across Western Wiltshire and fails to relate this to the Policy for Bradford on Avon in the Core Strategy. Proposals for Kingston Farm will take time; and at this stage should be discounted.
- Vehicular access to the site is inadequate and therefore unsafe, to provide for the number of residential units now proposed. There is also insufficient on-site parking in an area where on-street parking is restricted.

1.Purpose of Report

The purpose of this report is to recommend that Members grant planning permission subject to conditions and planning obligations that need to be secured through a legal agreement.

2. Summary

The proposal seeks permission for the creation of 4 flats in lieu of the approved development of offices granted under application 08/00754/FUL – an application which also comprised four residential units which was approved on 28.09.2009. This proposal raises issues of highway safety, impact on the heritage assets, residential amenity, the loss of employment floor space and the impact on local infrastructure such as education and public open space.

After careful consideration of the proposals, policy and consultations and negotiations, the final submissions presented are considered to be acceptable by officers on the grounds that no significant harm would occur to planning interests, given the current economic conditions at this time. The proposals comply with current and emerging policy and indeed the thrust of national policy which states a presumption in favour of sustainable development.

The proposals would impact on local infrastructure, and as such, planning obligations have been negotiated and would need to be secured through a s.106 legal agreement.

As such, this application is recommended for planning permission subject to conditions and the completion of a legal agreement to secure the necessary obligations.

3. Site Description

The application site is a derelict brownfield employment site which has been largely cleared of all its former buildings. The site is relatively flat and is enclosed by high stone boundary walls. To the northwest is Victory Field, to the south is the wider site which has approval for the erection of 4 houses granted under application 08/00754/FUL, beyond which is the canal and to the south east a public house with its associated extraction equipment and flues and beer garden. Immediately to the south east there is a row of Almshouses and to the east opposite Frome Road, there are period buildings which include the frontage of an Indian restaurant.

The site is located within a designated conservation area, with buildings to the east being Grade II listed. The site is within the town policy limits. The existing access to the site is via a junction off Frome Road (B-classified) and adjoins a public right of way.

4. Planning History

05/01664/FUL – Planning Application for the Demolition of existing office and warehouse, construction of 2/3 storey offices, studios, workshops and 4 three storey houses - Refused (at Committee contrary to officer recommendation) – 08.10.2007.

05/02470/CON - Conservation Area Consent for the Demolition of existing office and warehouse – Refused (at Committee contrary to officer recommendation) – 08.10.2007.

08/00754/FUL - Planning application for the demolition of an existing office and warehouse and erection of 2/3 storey office, studio, workshop accommodation and four 3 storey dwelling houses – Permission on 28.09.2009

08/00776/CON - Demolition of existing office and warehouse – Consent on 28.09.2009

5. The Proposal

The proposal seeks permission to erect 4 x 2-bedroom flats with associated access, parking and hard landscaping.

The proposal would be in-lieu of extant approved B1 workshop and office accommodation granted in 2009 as part of a wider redevelopment of this brownfield site under application

08/00754/FUL. The proposed residential block would be virtually identical to the B1 building save for a revised internal arrangement and ground floor alterations to create 4 open parking spaces – one per flat. Compared to the extant approved scheme, alterations are proposed to the south and west elevations at ground floor level only, which face into the site and will continue to be enclosed by the existing high stone boundary walls. The access arrangements would be as existing and as approved for the extant mixed-use development. Additionally the hard standing courtyard space has been identified to accommodate a visitor parking bay whilst retaining sufficient turning space without compromising the extant approved 4 dwellings located in the southern portion of this site. This latter element has been negotiated by officers in light of the consultation responses.

The proposal also includes agreed planning obligations totalling £84,671.

6. Planning Policy

West Wiltshire District Plan - 1st Alteration 2004 (Local Plan)

C17 Conservation Areas; C18 - New Development in Conservation Areas; C30 - Skylines
C31a Design; C32 – Landscaping; C36 – Noise; C37 - Contaminated Land; C38 –
Nuisance; C40 - Tree Planting; H1 - Further Housing Development Within Towns; H24 - New
House Design; E4 - Premises Outside Employment Policy Areas; E5 - Loss of Employment
Floor Space; T10 - Car Parking; S1 – Education; U1a - Foul Water Disposal; U2 - Surface
Water Disposal; I2 - The Arts

Wiltshire Local Transport Plan 2011-2026

The Emerging Wiltshire Core Strategy (eWCS)

National Planning Policy Framework (NPPF)

Planning Policy Guidance (PPG)

7. Consultations

Bradford on Avon Town Council: Objection (as enshrined within the Member call-in reasons)

English Heritage: Recommends that the application be determined in accordance with local and national policy and in-house specialist advice.

Environment Agency: No comments.

Wessex Water: No objection.

Wiltshire and Swindon Biological Records Centre: Noted K&A canal County Wildlife Site and various notable species recorded nearby.

Wiltshire Council's Ecologist: Wish to make no comment.

Wiltshire Council's Archaeologist: No comments.

Wiltshire Council's Arts Officer: No objection and no obligation sought.

Wiltshire Council's Conservation Officer: No objection.

Wiltshire Council's Education Team: Seek planning obligations for both primary and secondary education within the town. Based on 4 dwellings they seek £35,852 and based on 8 dwellings they seek £71,704

Wiltshire Council's Environmental Health: No objection subject to condition.

Wiltshire Council's Highway Officer: No objection subject to condition.

Wiltshire Council's Open Space and Leisure Team: No objection and no obligation sought on 4 dwellings. However, based on 8 dwellings being constructed on the entire site an obligation of £12,967 should be sought.

Wiltshire Fire and Rescue Service: Seeking planning obligation of £304.56; and advise upon issues of fire safety and building regulations.

8. Publicity

A site notice, a Wiltshire Times press advert and individual neighbour notification letters were issued. In response 2 letters have been received.

One representation was received from a planning consultant acting on behalf of Wadsworth Brewery who raise the following objection and issues that stem from the original grant of planning permission:

Suitability and compatibility of residential use on the site is still unresolved given neighbouring land uses.

Inadequate assessment of public house adjacent to the site and impact that this could have on future occupiers.

Permission should not be granted until this is resolved.

Another letter was received from Bradford on Avon's swift group raising the following matters:

An opportunity exists to provide nest boxes and enhance wildlife opportunities for declining species which contribute to the ambience of the town for residents and visitors.

9. Planning Considerations

9.1 Principle of Development

The principle of development on the site has been established through the extant permission granted in 2009 under reference 08/00754/FUL. The use of the building though was different as it would have been a workshop/office use with approximately 540 square metres of accommodation. Notwithstanding this approval, the principle of residential use within a town location is also acceptable under current and emerging policy. Indeed residential development on the wider site has already been accepted and remains extant. Officers view this site as a sustainable location.

9.2 Loss of Employment Use and Planning History

Under approved application 08/00754/FUL, permission was granted for a mixed use development – which acknowledged the site's previous employment focus. Such a use is no longer in operation, although officers respect that under extant approved application 08/00754/FUL, part of the site is set aside for the employment development comprising offices above workshop/garaging at ground floor level. This proposal would see the loss of such commercial accommodation – to be replaced by 4 residential flats. This means that the original employment use on this site would be completely lost, as would the negotiated

mixed use development agreed in 2009. The concerns raised by the Town Council are nevertheless understood, although officers submit that the following material considerations must be taken into account.

Whilst it is accepted that the Emerging Core Strategy identifies a need for further employment land within the Town to the period 2026, economic conditions and the lack of market interest shown in the site since 2009 must be appreciated. Since 2009, the economic climate continues to be somewhat fragile; and whilst there are reported signs of improvement, it should be acknowledged that the market for office accommodation is changing and working habits are changing with a greater level of home working occurring – dampening demand for office space and small workshop type units.

To support the application, it is recorded that in July 2013, the applicants approached Carter Jonas (an independent property consultancy) to undertake a 6 month marketing exercise to open the site (which benefits from extant planning permission) to the market to establish the level of interest. The marketing exercise comprised the following initiatives:

Internet advertising; Mail Circulars, Press Advertisements including notices published in Business Supplements and Agency Boards.

However, it must be recorded that the marketing exercise produced no commercial based substantive interest or offers. Whilst officers fully respect that the level of market interest is likely to be lower on an undeveloped site, the fact remains that despite extensive marketing, no commercial party or developer expressed an interest in taking on board the office/workshop element must be fully acknowledged.

Further to this, it is also noted that there are other vacant premises available in the locality should commercial interest improve (amounting to over 2,000 sq.m of commercial floor space within the Town including some c1500 sq.m available at the former Kingston Mills site and approaching 19,000 sq.m in the wider West Wiltshire area). Such figures do not even include planned developments such as the Kingston Farm redevelopment site – which is planned to include work hubs and a new factory for Anthony Best Dynamics. On the basis of the above, officers find it difficult to contradict Carter Jonas' reached conclusions that the Kingston Mills redevelopment amply caters for office demand for "*some years to come*". It is also worth stressing that the "*limited letting activity that has occurred in Bradford on Avon in recent years has remained within the traditional part of the town centre and transactions are often to existing businesses moving within the town, or to modest sized businesses to the town for proximity to the business owner's own home*".

Officers appreciate that the site is located outside of the commercial area, albeit in an area that has good walking links to the commercial area and other commercial uses in proximity. Whilst regrettable, the "loss" of the un-built commercial accommodation would not cause significant harm in planning terms. Any residual concern is outweighed by the enhancement that an economically viable development would bring to this derelict brownfield site located within the conservation area and sited adjacent to a Grade II listed building.

On balance, the proposals are considered to be acceptable.

9.3 Highway Safety

The proposed development would now provide 4 open parking spaces – one to each of the 2-bedroom flats. This is below the minimum residential requirements but due cognisance has been given to site's urban location in very close proximity to good public transport links, recreation, leisure and the town centre – which in combination, results in officers being satisfied.. There is provision for a visitor space too whilst still allowing sufficient room for cars

connected to this scheme to turn and also allow cars connected to the 2009 extant residential element to enter, park, turn and exit. The proposals also detail cycle parking and a condition can secure its provision.

Access to the site is as existing and has been in the past use – when the site was used, for a significant period of time. As reported above, following a process of negotiation the highways authority do not object to the proposals and the access arrangements – which are identical to those approved back in 2009.

Whilst the Town Council comments are noted in this regard, it is not considered that any harm would occur over and above the extant permission and due weight is given to the highway authority advice.

9.4 Neighbouring Amenity

The massing and form of the development is virtually identical to the extant approved scheme. The alternative use now detailed would not cause any substantive harm over and above what has extant permission.

The neighbouring uses include a restaurant and a public house within close proximity. The extant approved development for the entire site is subject to a planning condition which seeks to address noise impacts; and it is duly noted that continues to be an area of contention as far as the public house is concerned.

As recorded above, Wadsworths Brewery has written an objection to this scheme stating that there is insufficient information to allow the application to be determined. Officers do not share such a view. As was the case in processing the 2008 application, Council's Environmental Health officers have been involved with this latest submission, and fully understand the planning history on this site. As far as noise impacts are concerned or conflicts between residential and the existing commercial pub activities and functions, officers advise that the impacts would be greatest on the extant approved 4 houses rather than these 4 flats. The public house is considered to be a sufficient distance away from the 4 flats proposed under this application and moreover, the flats would be separated by the Almshouses. In terms of best practice, Council environmental health officers recommend the imposition of conditions again in relation to noise.

Given the planning history; that this application relates to flats with no outside amenity space and recognising that the flats would be sited further away than the extant approved dwellings and separated by the Almshouses, Wadsworths Brewery's objection is not considered sufficient grounds to refuse this application. Expert environmental health advice has been obtained and a noise condition and planning informative is recommended to provide greater clarity on what is required. Officer submit that this goes some way to addressing the objection and allows the Council to retain reasonable control akin to that it may exert on the extant mixed use scheme.

In part this conclusion is reached given the mixed nature of the area, typical of a fringe of town centre location, where there is a mix of residential and commercial uses existing side by side – where activity and associated noise is likely to be greater than in a purely residential neighbourhood.

9.5 Heritage Assets

The proposals are so similar to the previous scheme in terms of visual appearance that officers submit that no harm would be caused to the character and appearance of the

conservation area or the setting of the adjacent Grade II listed building. Officers do however submit that the redevelopment of the site would improve the existing context.

No archaeological conditions required are considered necessary and it should be noted that none were imposed on the extant approval.

9.6 Planning Obligations

This is a planning application for 4 dwellings and on a scheme of this size generally planning obligations will not usually be sought. However the need for education contributions in Bradford on Avon is so acute that wherever a development generates a need for 1 or more places, officers are instructed to seek contributions. Under this application, 4 units generate a need for 1 primary and 1 secondary school space (which equates to a combined contribution of £35,852).

However it is noted that the site as a whole is still undeveloped and there is an extant approval for 4 dwellings already which was subject to a £15k (after being indexed) financial obligation covering pedestrian facility improvements in the vicinity. Given the fact that the wider development has not commenced and the pre-commencement condition covering noise impacts remains outstanding, officers assert that there is no imminent prospect of the extant approved development going ahead in isolation.

Taken cumulatively, the 2 planning approvals generate 8 units; which doubles the education requirements as well as an open space requirement - totalling of £84,671 in addition to the already secured and paid sum for pedestrian improvements (circa £15k).

Members are advised that the applicant's agent has provisionally agreed to enter into a legal agreement for the further £84,671 to cover education and open space obligations; and the payment of the Council's reasonable legal fees.

9.7 Other Material Considerations

The site has a history of contaminated land and this was covered by a planning condition on the extant approved scheme. The pre-commencement element of the condition dealing with land contamination was discharged on 20 March 2014, although should a material start be made on site, there would be a requirement (as enshrined within the condition), for the developer/applicant to report back to the Council any discovery of contamination as well as submitting remediation validation proposals.

It is noted that the site currently has virtually no wildlife habitat potential but the comments from the Bradford on Avon Swift group have been noted. An informative is considered reasonable to address their points.

It is noted that beyond the objection received from Wadsworth Brewery, there have been no public objections.

10. Conclusion

Whilst officers would prefer to see a mixed use element on this site, the economic and business realities cannot be ignored, and thus on the basis of the above, the principle of redeveloping this derelict brownfield site for a residential use has officers support. The site is outside of the commercial area and town centre and demand has been demonstrated to be nil.

The regeneration of the site through development would bring about an enhancement of the character and appearance of the conservation area and the setting of the nearby listed buildings.

Obligations should be secured by way of a s.106 legal agreement to ensure that infrastructure is adequately provided for.

The consultation and third party responses have all been carefully considered, however on balance, planning permission is supported by officers on the grounds that no demonstrable harm would be created over and above the extant approval.

RECOMMENDATION - Resolve to grant planning permission subject to conditions and the completion of a legal agreement to secure planning obligations as follows:

To delegate authority to the Area Development Manager to grant planning permission subject to a legal agreement to secure the following against planning references 14/01695/FUL and 08/00754/FUL:

i) a financial contribution towards the provision of secondary school places totalling £38,168 which would be index linked;

ii) a financial contribution towards the provision of primary school places totalling £33,536 which would be index linked; and

iii) a financial contribution towards public open space facilities in the vicinity totalling £12,967 which would be indexed linked.

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. A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

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

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

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

4. The flatted development hereby permitted shall not begin until an acoustic survey has been submitted to the local planning authority for its written approval to establish noise impacts emanating from neighbouring land uses and traffic noise. Any scheme of appropriate mitigation shall require the written approval of the Council. Following agreeing

any such scheme, the identified measures shall be completed before the any of premises are first occupied and thereafter, be maintained in effective condition at all times.

REASON: In order to safeguard the future residential amenities.

5. The development hereby permitted shall not begin until a scheme to deal with asbestos has been submitted to and approved by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of asbestos, and the measures to be taken to avoid risk to the public or the environment when the site is developed which shall be implemented before the development begins. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of public health and safety.

6. The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

7. The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

8. During the course of construction, should any sources of land contamination be identified, the applicant shall submit a remediation plan for the written approval of the Council. Such a plan should detail the following:

- i) provide an updated risk assessment for chemical contamination
- ii) detail the necessary works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;
- iii) remediation validation works

Any site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: In order to prevent contamination conflicts and in the interests of consistency with planning permission 08/00754/FUL.

9. No part of the development hereby permitted shall be 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.

10. No part of the development hereby permitted shall be occupied until the details of secure cycle provision has been submitted to and approved in writing by the local planning authority and subsequently have been completed in accordance with the details approved. The provision shall be maintained and made available to residents for those purposes at all times thereafter.

REASON: In the interests of sustainability.

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

Location plan received on 14 February 2014;

Topographical survey received on 14 February 2014;

Floor Plans - P02 Rev B - received on 21 March 2014;

Elevations - P03 Rev B - received on 21 March 2014; and

External works layout - L07 Rev C - received on 21 March 2014.

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

INFORMATIVE: Pursuant to cited planning condition no.4 the developer is advised that Wiltshire Council's Environmental Health officers have requested an acoustic impact assessment pursuant to same condition appended to extant planning application 08/00754/FUL, which remains outstanding. The Council recommends that the impact of ventilation, people and music noise from The Canal Road Tavern and highway traffic on the proposed development should be subject to acoustic assessment and where appropriate mitigation measures.

The developer is also encouraged to consider the opportunity to provide nesting boxes suitable for swifts, sparrows and starlings on the site as recommended by the Climate Friendly Bradford on Avon Swift Group.

Item 2 - Former Depot Frome Road Bradford On Avon



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