

PLANNING COMMITTEE

27 OCTOBER 2005

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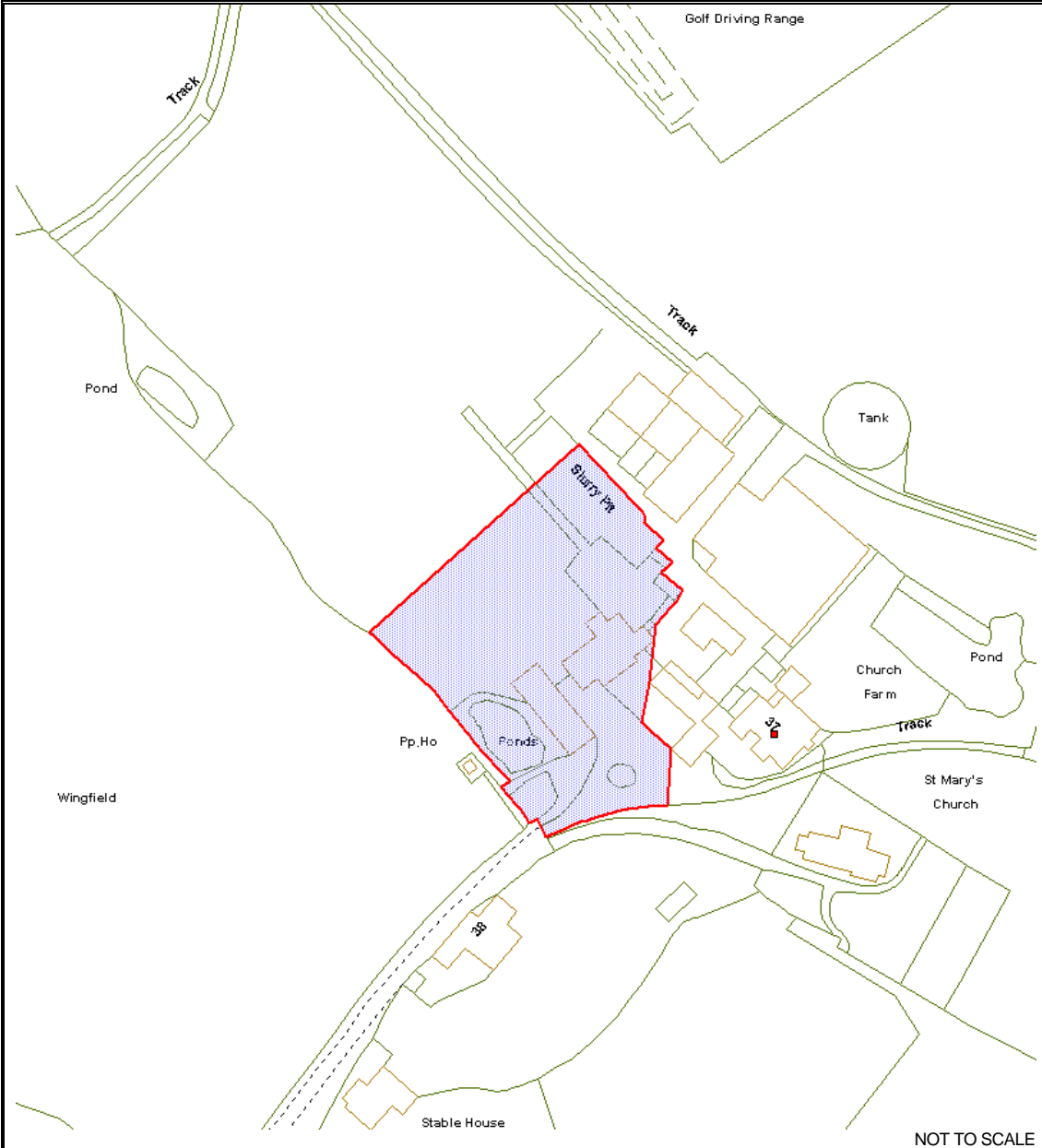
PLANNING COMMITTEE

27 October 2005

ITEM NO: 01

APPLICATION NO: 04/02051/FUL

LOCATION: Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW



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www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 04/02051/FUL

Site Address: Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW

Parish: Wingfield Ward: Southwick & Wingfield
Grid Reference 382603 156806
Application Type: Full Plan
Development: Conversion of two barns to dwellings
Applicant Details: Mr K Fuller
Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW
Agent Details: Quartley Hodges Hood
6 Fore Street Trowbridge Wilts BA14 8HD
Case Officer: Mrs Rosie MacGregor
Date Received: 26.10.2004 Expiry Date: 21.12.2004

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

2 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

3 Before any repointing of the external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

4 Details of the elevations of all external windows, glazed screens, rooflights and doors including details of glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1:2, together with details of the timber to be used, which shall not be tropical hardwood, and finishes, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 5 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 6 Details of all external flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.

- 7 Details the bin and oil tank enclosures and access thereto shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.

- 8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

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

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

- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

- 10 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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

- 11 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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.

- 12 The erection and dismantling of scaffolding on the pond side of the barns shall be carried out under the guidance of a licenced ecologist to avoid impact on newts, and all surface water drains within the development shall be designed in consultation with the ecologist so as to prevent the death of newts.
- REASON: In the interest of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.
- 13 A further survey for Greater Horseshoe Bats shall be carried out in the summer prior to the commencement of the development. This shall establish the nature of their use of Barn B, the appropriate timing of the development works, and other mitigation measures which shall include a replacement bat loft and means of access for Greater Horseshoe Bats in the location of the existing roost. The survey and details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and works shall be timed to avoid or minimise any potential disturbance to bats.
- REASON: In the interest of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.
- 14 The conversion works shall take place outside the breeding season for swallows which is April to August inclusive and details of the provision for swallows within the developemnt, which shall include artificial swallows nests to be positioned under the eaves, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works.
- REASON: In the interest of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.
- 15 If any sign of Great Crested Newts, Bats, Barn Owls or Swallows is discovered during the development, work shall cease immediately and English Nature shall be consulted.
- REASON: In the interest of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.
- 16 The barns shall not be occupied until the parking, storage and turning areas which are the subject of planning permission reference 05/01685 together with the means of access thereto have been completed and made available for use and maintained as such thereafter to the satisfaction of the Local Planning Authority.
- REASON: To ensure that an adequate area for parking and turning is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.
- 17 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Classes A, B, C, D and E of the Order shall be carried out to the residential units hereby permitted, without the express planning permission of the Local Planning Authority.
- REASON: The implementation of permitted development rights on this site would be unacceptable.
- 18 Details of the proposed boundary treatments which shall include a native hedgerow and stockproof fence as shown on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be retained and maintained in perpetuity.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by Committee on 6 January 2005 for further negotiations to secure an improved scheme. It was originally brought to Committee at the request of Councillor Phillips in the interests of issues of wider debate.

The applicants have since submitted revised proposals, carried out a marketing exercise in greater detail, and submitted a new survey. Two further applications have since been submitted to convert an adjoining cow byre to garaging and storage in connection with the barn conversions. The proposed domestic curtilage has also been reduced.

This application is for the conversion of two Grade II Listed barns into two residential units at Church Farm, Church Lane, Wingfield.

Church Farm is a Grade II Listed Building situated within the Western Wiltshire Green Belt on the northeastern edge of the village.

The two barns which are the subject of the current application form part of the curtilage to Church Farm House, and part of the wider traditional farmyard complex of Church Farm, which in turn adjoins the Grade II starred Listed Parish Church of St Mary. Although one of the barns (described in the application as Barn A) is Listed by virtue of being a curtilage structure, the importance of the second barn (described as Barn B) is clearly acknowledged by the fact that it is Listed in its own right and described within the List Description as a 17th century cowshed.

The two barns are constructed from natural rubble stone and Ashlar under concrete tiled roofs with some brickwork and clay tiling. Masonry repair works have been carried out in the past to the front gable of Barn B and include some reconstructed stone.

It is proposed that Barn A would be converted into a four bedroomed detached dwelling. This would involve the subdivision of the interior of the building with the introduction of a first floor over a major portion of the floor area and further subdivision with partitions at first floor level. Externally, a rooflight would be added on the south elevation. Three new windows would be added on the north elevation together with a glazed door. The remains of the original cart doors would be removed from the west elevation and a glazed screen introduced in their place, together with three windows, and a door. The cart doors on the east elevation would be retained as shutters and repaired and a glazed screen would be installed in the cart door opening. The existing concrete tiled roof would be removed and replaced with secondhand natural clay double Roman tiles.

Barn B would similarly be subdivided to form a three bedroomed dwelling with a first floor created over part of the barn. There would be further subdivision throughout the building by partitions. Externally, two roof windows within a valley would be added on the west elevation and a boarded door on the east elevation. Glazed screens would be added on the north elevation, together with an alteration to the roof to incorporate a window and two rooflights. Two glazed doors and five new windows would be added on the south elevation. The existing concrete tiled roof would be replaced with secondhand natural clay double Roman tiles.

Each barn, once converted, would have its own separate curtilage. Parking and storage in connection with the proposals forms part of a separate application for conversion of an adjoining cow byre.

Three existing ponds within the site are shown as being retained and a modern bullpen would be removed.

A structural survey has been submitted with the application. This concludes that the stone walls of both barns are generally sound and the principal roof timbers generally show no serious signs of decay, and that the barns would be appropriate for conversion subject to satisfying building regulations.

Details of a marketing exercise carried out by a chartered surveyor and commercial property consultant has also been submitted with the application. This includes details of sales particulars and advertising, together with details of the responses.

A protected species survey report carried out in 2002 was submitted with the original application which identifies Greater Horseshoe Bats at the site, and a subsequent survey for Great Crested Newts has identified their presence in one of the two ponds.

WINGFIELD PARISH COUNCIL

The Parish Council on commenting on the original proposals had no objection to the proposed development providing that there is no violation of the Wingfield Green Belt Policy or Listed Building Policies as stated in the West Wiltshire District Plan as a consequence of this development.

On commenting further the Parish Council stated that these revised plans are dated 16 June 2005 and contain a number of significant changes when compared with the original plans, especially in relation to the roof materials, internal layouts, windows and doors. The Parish Council has the following observations to make:

1 It is assumed that these changes have been discussed and agreed between the applicant and West Wiltshire District Council Development Control and are fully in accordance with the current Green Belt and Listed Building Policies.

The following two observations directly relate to the complementary application for Listed Building Consent 05/02050 where full details are shown but are repeated here for sake of clarity.

2 On Drawing No 1330-15, dated 26 April 2005 and entitled "Site Plan Landscaping" the boundary area allocated to the two barns STILL includes part of the footway to the Church. This is NOT acceptable to the Council. This error/inconsistency was commented on in my previous letter to you.

3 The boundary area appears to isolate Church Farm from Church Lane. It is assumed that there is a legal agreement for access to the farm from the lane.

Subject to a satisfactory resolution of the issues raised at 2 above, the Council has no objections to the proposed development shown in these revised plans providing that there is no violation of the Wingfield Green Belt policies and Listed Building polices as stated in the West Wiltshire District Plan as a consequent of this development.

If this application is once again referred to the Planning Committee for determination it is requested that the members fully recognise the status of Wingfield as defined in the District Plan.

HIGHWAY AUTHORITY

The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the aims of Planning Policy Guidance Note 13 which seeks to reduce the growth in the length and number of motorised journeys.

However, the Highway Authority is aware of the District Council's policy in favour of this sort of development in certain circumstances, and should the Planning Department be mindful to grant consent, the following conditions are recommended to be attached to any consent:

- Sufficient space for one garage and one parking space (or two parking spaces) per dwelling together with a vehicular access thereto shall be provided for each dwelling, before it is occupied, in a position approved by the Local Planning Authority. The said space shall not be used other than for the parking of vehicles or for the purpose of access.

Reason: In the interests of amenity and road safety.

ENGLISH HERITAGE

No objection

ENGLISH NATURE

Great Crested Newts

Great Crested Newts are a material consideration in this development and it is likely that the population in the pond close to the barn could be impacted upon by the development. Great Crested Newts have full protection under the Conservation (Natural Habitats &c) Regulations 1994 and under the Wiltshire & Countryside Act 1981 (as amended). There it is essential that mitigation for the impact of the development on this population must be put in place.

The proposals set out in Section 7 of the Great Crested Newt Survey and Assessment must be adhered to in order to avoid this impact. We advise that a qualified ecologist oversees the Great Crested Newt mitigation as suggested in the report.

Bats

We feel that the mitigations outlined for the population of Greater Horseshoe Bats in Barn B in the Protected Species Survey and Assessment are appropriate for this development. A DEFRA licence should be sought to avoid possible offences under the Wildlife & Countryside Act 1981 (as amended).

If at any time during the works bats are found, all works must cease and English Nature must be consulted.

Birds

As stated in the report, works should be timed to avoid the nesting season (April to August inclusive) to avoid possible offences under the Wildlife & Countryside Act 1981 (as amended).

WILTSHIRE WILDLIFE TRUST

Its views are fully covered by the English Nature response.

WESSEX WATER

No objection in principle.

PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified, to which there has been no response.

RELEVANT PLANNING HISTORY

03/02143/FUL - Conversion of 2 barns to dwellings - Refused 30.01.04

03/02142/LBC - Conversion of 2 barns to dwellings - Refused 30.01.04

04/02050/LBC - Conversion of 2 barns to dwellings - Decision pending

05/01685/FUL - Conversion of cow byre to parking and storage units - Decision pending

05/01688/LBC - Conversion of cow byre to parking and storage units - Decision pending

PLANNING POLICY

Wiltshire Structure Plan 2011

DP15 Development in the countryside

DP12 Green Belt

HE7 Preservation of historic environment

West Wiltshire District Plan - 1st Alteration 2004

GB2 Green Belt

H19 New dwellings in the countryside

H21 Conversion of rural buildings acceptable subject to detailed criteria

C1 Countryside

C7 Protected species

C27 Listed buildings

C28 Alterations to listed buildings

C31A Design

PPG1 General Policy & Principles

PPG2 Green Belts

PPG3 Housing

PPS7 The Countryside & The Rural Economy

PPG15 Planning & The Historic Environment

Supplementary Planning Guidance - Design

PLANNING OFFICER'S COMMENTS

The application site is situated in the countryside on the edge of the small village of Wingfield entirely within the Western Wiltshire Green Belt.

This is an important historic site within the village because of its proximity to the Grade I Listed Parish Church and Grade II Listed Church Farmhouse which are of considerable architectural and historic merit. One of the barns is Listed Grade II in its own right, and the second is Listed by virtue of being a curtilage structure to the aforementioned Listed barn and to the Grade II Listed farmhouse.

The main issues for consideration as part of this application are:

- 1 Listed Building policy which seeks to preserve the character and setting of all listed buildings, and design.
- 2 Green Belt policy.
- 3 The conversion of rural buildings in the countryside.
- 4 Sustainability.
- 5 Other Matters.
- 6 Planning History.

1 Listed Buildings and Design

Although only one of these buildings is specifically listed in its own right, the second barn is also a most interesting historic building which forms part of the wider farmyard complex associated with Church Farm. The Council has a duty to preserve the historic environment and this must be the primary consideration when determining this application.

The overall external form of both barns would be retained without significant alterations.

It is proposed that the existing concrete tiled roof coverings would be replaced with natural clay tiles. The existing concrete tiles are described within the List Description but in view of the age of the building it is more than likely that the original roof covering would have been natural Cotswold stone slates, although there are some clay tiles on parts of the barns and on other buildings nearby.

The use of natural clay tiles on these barns would be entirely appropriate in this location. The Parish Church which is adjacent to Church Farm has some slate on its roof but the predominant roofing material in this area, particularly on agricultural buildings, is either stone slates or clay tiles.

The proposals would for the most part utilise the existing openings as part of the conversion and the existing relationship of window to wall would be maintained without harm to the character and integrity of these listed buildings.

The applicants have proposed a simple single pane window design and glazed screens that are consistent with conversions of this type.

The external alterations would preserve the agricultural character of the buildings.

The proposals would involve considerable alterations to the interior layout of the barns but these are sympathetic to the original character and the full height of the barns would be properly expressed between the cart door openings in both barns.

It is considered that the proposals would preserve and enhance the character and integrity of the barns and the setting of surrounding Listed Buildings including the principal Listed Buildings at the site and Church Farm.

The proposals are therefore acceptable within national and local policies to protect the character and appearance of Listed Buildings and their settings. Furthermore, the proposals are acceptable under Policy C31A which promotes high quality design and seeks to ensure that new development respects or enhances the quality of architecture of surrounding buildings.

The existing buildings are in a poor state of repair and the current proposals are of sufficient merit to warrant granting planning permission for a conversion that would respect the traditional features of the buildings and protect the historic environment. The important buildings would be provided with a viable use.

2 Green Belt Policy

Green Belt policy states that the reuse of buildings in the Green Belt should be permitted provided that the new use does not have a materially greater impact on the openness of the Green Belt. The buildings must be capable of conversion without major reconstruction, and the bulk, form and general design of the buildings are in keeping with their surroundings and they are of permanent and substantial construction. Any associated use of the land surrounding such buildings must not conflict with the openness of the Green Belt or the purposes of including land within it.

The purpose of the Green Belt is to check the unrestricted sprawl of urban development and to safeguard the countryside against further encroachment.

The current and historic agricultural use of the site has resulted in there being a number of relatively large agricultural buildings. Of these the two large barns currently proposed for conversion make a significant visual impact on the farmyard complex as a whole. The current proposal reflects the former agricultural use and would not result in substantial changes to the external appearance of the buildings by creating an overall impression of domesticity.

The proposals would not result in any disproportionate extensions to the buildings which could be converted without major changes to their exterior appearance, and no increase in the overall volume or mass other than the reinstatement of a hayloft door on one barn and alterations to the roof to accommodate this addition.

The area of domestic curtilage would be limited to small areas of garden to the rear of each barn and the frontage courtyard would remain virtually unchanged in appearance.

It is therefore considered that the proposals would be acceptable within Green Belt policy.

3 Conversion of Rural Buildings in the Countryside

Although Council policy does allow for the conversion of rural buildings in villages or in open countryside for residential use, this is subject to detailed criteria.

This includes a requirement that the application should be supported by a statement of the efforts made to secure business, tourism, or sport or recreational reuse. The buildings should be in a sound condition and be capable of conversion without extensive alterations, rebuilding and/or extension or otherwise significantly altering their character. They should be capable of being satisfactorily serviced and should not create highway problems. Any proposed conversion must safeguard and enhance the essential form, structure, character and important features of buildings and the countryside.

It is Council policy to preserve the character of the countryside and the rural amenity by resisting new developments in the countryside. The guiding principle in the countryside is that the development should first benefit economic activity, and maintain or enhance the environment.

The applicants have submitted details of an extensive marketing exercise which it is considered represents a reasonable, but unsuccessful attempt to secure alternative uses.

The proposals are therefore acceptable within Criterion A of Policy H21 of the West Wiltshire District Plan.

The external walls of the barns appear to be in relatively sound condition and the proposals to convert the buildings would result in few alterations to their appearance without major rebuilding. It must therefore be concluded that the proposals comply with Criteria B or C of Policy H21 because the proposed conversion would safeguard the essential form, structure, character and important traditional features of the building and countryside.

Criterion D of Policy H21 states that developments should be able to be satisfactorily serviced and not cause highway problems. The Highway Authority has recommended refusal on grounds of sustainability but has not put forward any other reasons for refusal of the application. It must therefore be assumed that the proposals would otherwise be acceptable to the Highway Authority.

Proposals for parking and storage now form part of an application for conversion of an adjoining cowbyre.

4 Sustainability

The Highway Authority has put forward the argument that the proposal should be refused on grounds of sustainability. Council policy and Government guidance encourages the conversion of rural buildings, particularly where these can benefit economic activity in the rural economy. The conversion of existing buildings can reduce demand for new building in the countryside and meet the needs of rural areas for commercial and industrial development.

Wingfield has a village school and public house and is on one of the main routes leading into Bradford on Avon and Trowbridge and is believed, at the present time, to have good public transport links.

Although the current proposal is for residential development, the views of the Highway Authority on sustainability are not supported.

5 Ecological Impact

Greater Horseshoe Bats are a material consideration but the mitigation measures proposed are acceptable to English Nature.

6 Planning History

A previous application was refused in 2003 and the current scheme was deferred by Councillors for further negotiations and information in the hope that an acceptable scheme could be brought forward.

It is considered that the current proposals overcome the previous recommendation for refusal and permission is now recommended by your officers.

The Parish Council has drawn attention to a discrepancy on the site location plan which included the Church path within the site boundary. This has now been corrected.

CONCLUSION

The conversion of these important historic buildings in the manner currently proposed overcomes the previously recommended reasons for refusal. The conversion to residential use would be likely to provide them with a viable future.

The current scheme represents a high quality of design that would preserve their traditional character.

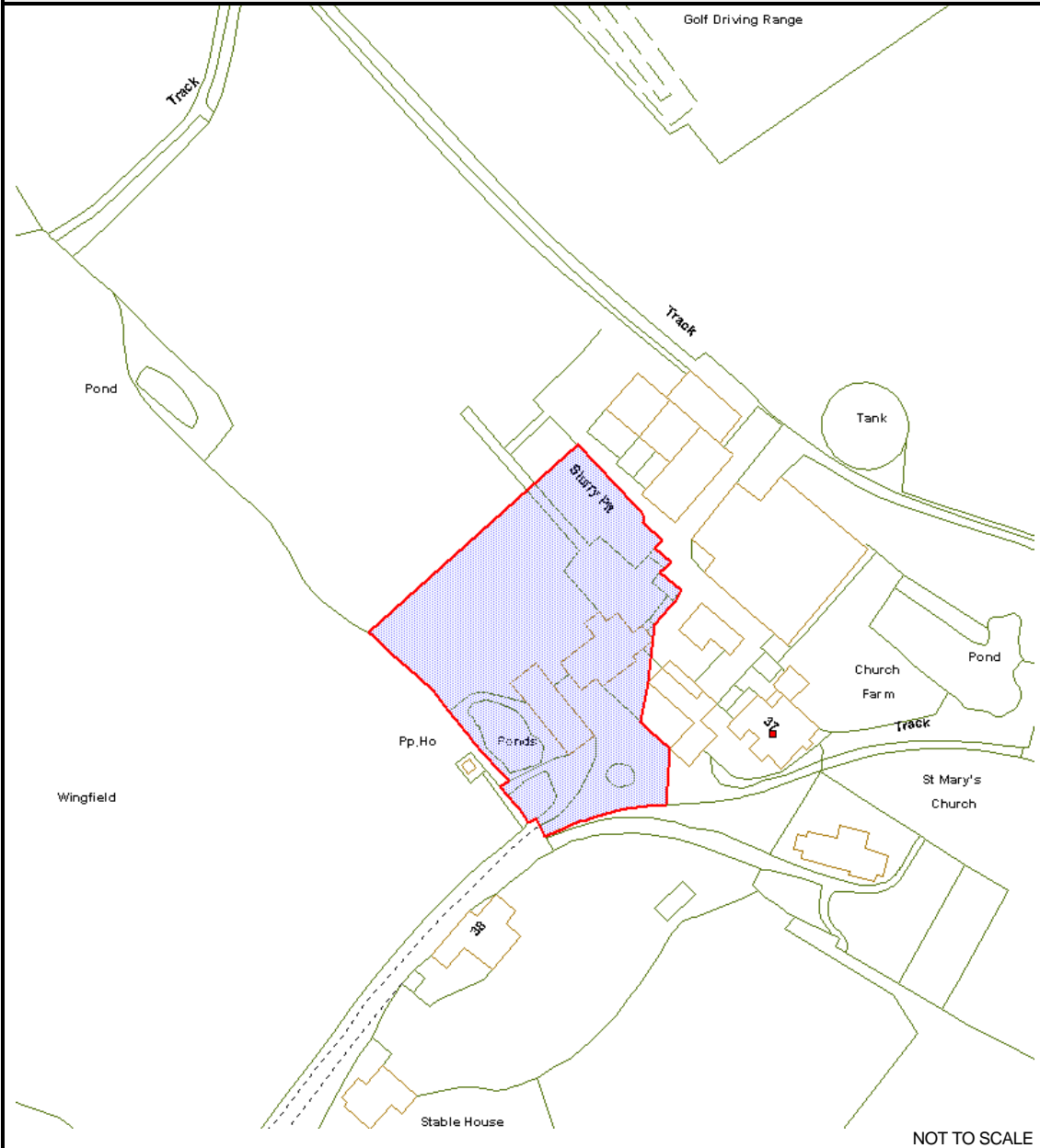
The proposal now meets the guidance contained within national and local plan policy for the preservation of the historic environment and the conversion of rural buildings in the Green Belt.

The character of these listed buildings and setting of neighbouring listed buildings would be preserved and enhanced.

PLANNING COMMITTEE

27 October 2005

ITEM NO: 02
APPLICATION NO: 04/02050/LBC
LOCATION: Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 04/02050/LBC

Site Address: Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW

Parish: Wingfield Ward: Southwick & Wingfield
Grid Reference 382603 156806
Application Type: Listed building
Development: Conversion of two barns to dwellings
Applicant Details: Mr K Fuller
Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW
Agent Details: Quartley Hodges Hood
6 Fore Street Trowbridge Wilts BA14 8HD
Case Officer: Mrs Rosie MacGregor
Date Received: 26.10.2004 Expiry Date: 21.12.2004

REASON(S) FOR CONSENT:

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

RECOMMENDATION: Consent

Condition(s):

- 1 The consent hereby granted shall be begun before the expiration of five years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

- 3 Before any repointing of the external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 4 A full schedule of repairs to the existing masonry shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the barns, and subsequently the works shall be carried out strictly in accordance with the approved details.

REASON: To ensure that the character and appearance of the listed buildings is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 5 Details of the elevations of all external windows, glazed screens, rooflights and doors including details of glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, together with details of the timber to be used, which shall not be tropical hardwood, and finishes, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 6 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 7 A detailed survey of the existing roof structure of each barn, and proposals including a method statement for the repair and reconstruction to include the retention of existing members as agreed with the Local Planning Authority, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the roof of either barn. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

- 8 Details of all new or replacement internal doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 9 Details of any internal staircase, balusters, newel posts and handrails shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

- 10 The remains of the existing wattle and daub wall in Barn B shall be retained as part of the conversion and a method statement shall be submitted to and approved by the Local Planning Authority show how this can be conserved and protected.

REASON: To ensure that the character and appearance of the listed buildings is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 11 Details of all new or replacement internal walls and partitions in each of the barns, shall be submitted to and approved by the Local Planning Authority prior to their installation in the barns. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of the listed buildings is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

12 Details of all external flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.

13 Details the bin and oil tank enclosures and access thereto shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.

COMMITTEE REPORT

APPLICATION DETAILS

This application was deferred by Committee on 6 January 2005 for further negotiations to secure an improved scheme. It was originally brought to Committee at the request of Councillor Phillips in the interests of issues of wider debate.

The applicants have since submitted revised proposals and two further applications have since been submitted to convert an adjoining cow byre to garaging and storage in connection with the barn conversions.

This application is for the conversion of two Grade II Listed barns into two residential units at Church Farm, Church Lane, Wingfield.

Church Farm is a Grade II Listed Building situated on the northeastern edge of the village.

The two barns which are the subject of the current application form part of the curtilage to Church Farm House, and part of the wider traditional farmyard complex of Church Farm, which in turn adjoins the Grade II starred Listed Parish Church of St Mary. Although one of the barns (described in the application as Barn A) is Listed by virtue of being a curtilage structure, the importance of the second barn (described as Barn B) is clearly acknowledged by the fact that it is Listed in its own right and described within the List Description as a 17th century cowshed.

The two barns are constructed from natural rubble stone and Ashlar under concrete tiled roofs with some brickwork and clay tiling. Masonry repair works have been carried out in the past to the front gable of Barn B and include some reconstructed stone.

It is proposed that Barn A would be converted into a four bedroomed detached dwelling. This would involve the subdivision of the interior of the building with the introduction of a first floor over a major portion of the floor area and further subdivision with partitions at first floor level. Externally, a rooflight would be added on the south elevation. Three new windows would be added on the north elevation together with a glazed door. The remains of the original cart doors would be removed from the west elevation and a glazed screen introduced in their place, together with three windows, and a door. The cart doors on the east elevation would be retained as shutters and repaired and a glazed screen would be installed in the cart door opening. The existing concrete tiled roof would be removed and replaced with second hand natural clay double Roman tiles.

Barn B would similarly be subdivided to form a three bedroomed dwelling with a first floor created over a major area of the barn. There would be further subdivision throughout the building by partitions. Externally, two roof windows within a valley would be added on the west elevation and a boarded door on the east elevation. Glazed screens would be added on the north elevation, together with an alteration to the roof to incorporate a window and two rooflights. Two glazed doors and five new windows would be added on the south elevation. The existing concrete tiled roof would be replaced with second hand natural clay tiles.

Each barn, once converted, would have its own separate curtilage. Parking and storage forms part of a separate application for conversion of a cow shed.

Three existing ponds within the site are shown as being retained and a modern bullpen would be removed.

A structural survey has been submitted.

WINGFIELD PARISH COUNCIL

The Parish Council on commenting on the original proposals had no objection to the proposed development providing that there is no violation of the Wingfield Green Belt Policy or Listed Building Policies as stated in the West Wiltshire District Plan as a consequence of this development.

On commenting further the Parish Council stated that these revised plans are dated 16 June 2005 and contain a number of significant changes when compared with the original plans, especially in relation to the roof materials, internal layouts, windows and doors. The Parish Council has the following observations to make:

1 It is assumed that these changes have been discussed and agreed between the applicant and West Wiltshire District Council Development Control and are fully in accordance with the current Green Belt and Listed Building Policies.

The following two observations directly relate to the complementary application for Listed Building Consent 05/02050 where full details are shown but are repeated here for sake of clarity.

2 On Drawing No 1330-15, dated 26 April 2005 and entitled "Site Plan Landscaping" the boundary area allocated to the two barns STILL includes part of the footway to the Church. This is NOT acceptable to the Council. This error/inconsistency was commented on in my previous letter to you.

3 The boundary area appears to isolate Church Farm from Church Lane. It is assumed that there is a legal agreement for access to the farm from the lane.

Subject to a satisfactory resolution of the issues raised at 2 above, the Council has no objections to the proposed development shown in these revised plans providing that there is no violation of the Wingfield Green Belt policies and Listed Building polices as stated in the West Wiltshire District Plan as a consequent of this development.

If this application is once again referred to the Planning Committee for determination it is requested that the members fully recognise the status of Wingfield as defined in the District Plan.

ENGLISH HERITAGE

No objection

PUBLICITY

The application has been publicised by site notice and press advertisement to which there has been no response.

RELEVANT PLANNING HISTORY

03/02143/FUL - Conversion of 2 barns to dwellings - Refused 30.01.04

03/02142/LBC - Conversion of 2 barns to dwellings - Refused 30.01.04

04/02051/FUL - Conversion of 2 barns to dwellings - Pending

05/01685/FUL - Conversion of cow byre to parking and storage units - Decision pending

05/01688/LBC - Conversion of cow byre to parking and storage units - Decision pending

PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 Preservation of historic environment

West Wiltshire District Plan - 1st Alteration 2004
C27 Listed buildings
C28 Alterations to listed buildings

PPG1 General Policy & Principles
PPG15 Planning & The Historic Environment

PLANNING OFFICER'S COMMENTS

The application site is situated in the countryside on the edge of the small village of Wingfield. This is an important historic site within the village because of its proximity to the Parish Church and Church Farmhouse which are of considerable architectural and historic merit.

One of the barns is Listed Grade II in its own right, and the second is Listed by virtue of being a curtilage structure to the aforementioned Listed barn and to the Grade II Listed farmhouse.

The main issues for consideration as part of this application are the impact of the proposals on the historic environment and planning history.

Listed Building policy seeks to preserve the character and setting of all listed buildings.

Although only one of these buildings is specifically Listed in its own right, the second barn is also a most interesting historic building which forms part of the wider farmyard complex associated with Church Farm. The Council has a duty to preserve the historic environment and this must be the primary consideration when determining this application.

The overall external form of both barns would be retained without significant alterations.

It is proposed that the existing concrete tiled roof coverings would be replaced with natural clay tiles. The existing concrete tiles are described within the List Description but in view of the age of the buildings it is more than likely that the original roof coverings would have been natural Cotswold stone slates, although there are some clay tiles on parts of the barns and on other buildings nearby.

The use of natural clay tiles on these barns would be entirely appropriate in this location. The Parish Church which is adjacent to Church Farm has some slate on its roof but the predominant roofing material in this area, particularly on agricultural buildings, is either stone slates or clay tiles.

The proposals would for the most part utilise the existing openings as part of the conversion and the existing relationship of window to wall would be maintained without harm to the character and integrity of these listed buildings.

The applicants have proposed a simple single pane window design and glazed screens that are consistent with conversions of this type.

They would preserve the agricultural character of the building and important traditional features.

The proposals would involve considerable alterations to the interior layout of the barns but the full height of the barns would be properly expressed between the cart door openings in both barns.

It is considered that the proposals would preserve and enhance the character and integrity of the barns and the setting of surrounding Listed Buildings including the principal Listed Buildings at the site and Church Farm.

The proposals are therefore acceptable within national and local policies to protect the character and appearance of Listed Buildings and their settings. Furthermore, the proposals are acceptable under Policy C31A which promotes high quality design and seeks to ensure that new development respects or enhances the quality of architecture of surrounding buildings.

The existing buildings are in a poor state of repair and the current proposals are of sufficient merit to warrant granting planning permission for a conversion that would respect the traditional features of the buildings and protect the historic environment. The important buildings would be provided with a viable use.

The Council's Conservation Officer is supportive of the proposals.

CONCLUSION

The character of these important historic buildings and setting of surrounding Listed buildings would be preserved and enhanced.

The proposal is now acceptable within national guidance and local plan policy and the current proposals overcome the previous recommendation for refusal.

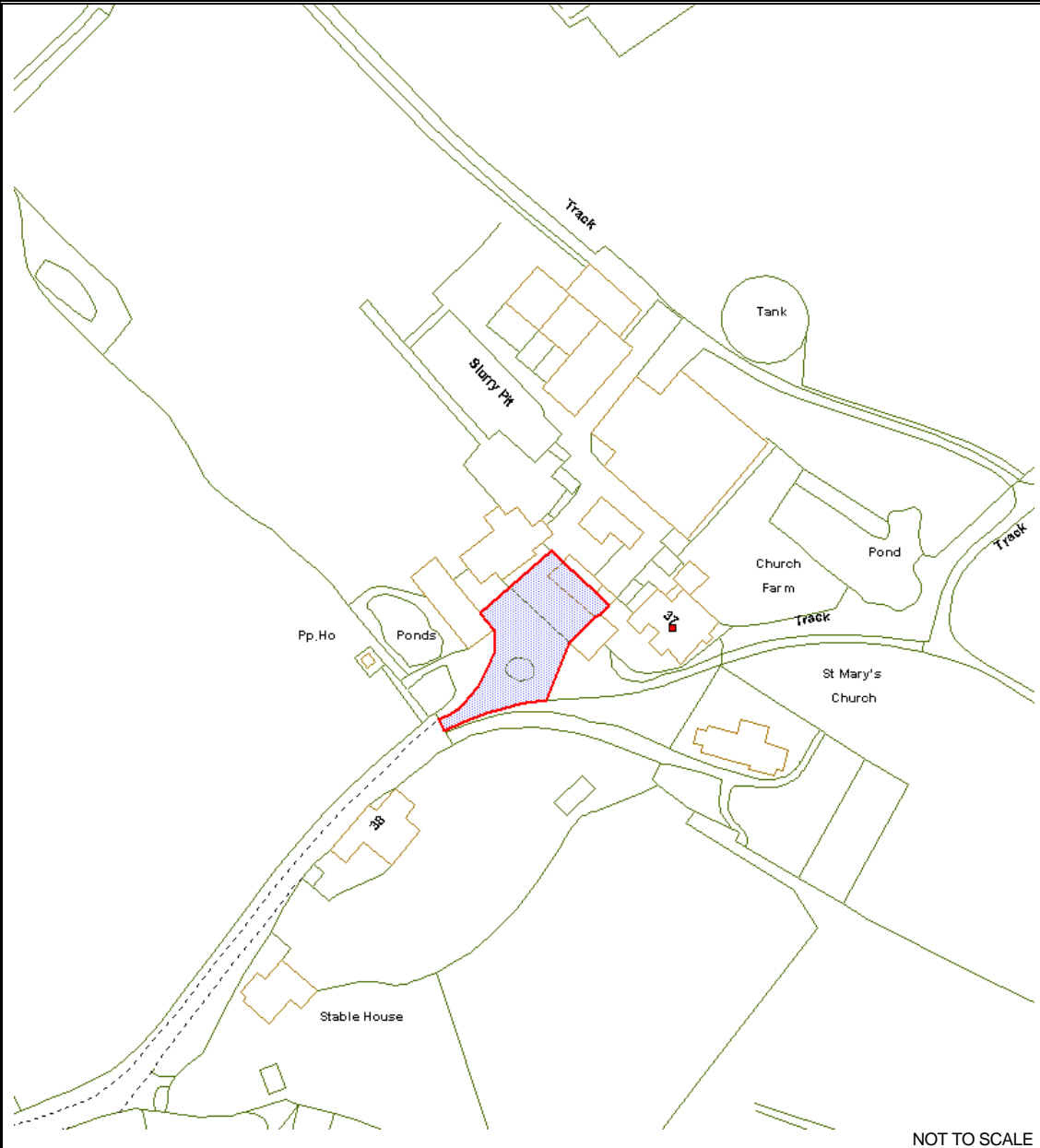
PLANNING COMMITTEE

27 October 2005

ITEM NO: 03

APPLICATION NO: 05/01685/FUL

LOCATION: Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 05/01685/FUL

Site Address: Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW

Parish: Wingfield Ward: Southwick & Wingfield
Grid Reference 382603 156806
Application Type: Full Plan
Development: Conversion of cow byre to parking and storage units
Applicant Details: Mr K Fuller
Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW
Agent Details: Quartley Hodges Hood
6 Fore Street Trowbridge Wilts BA14 8HD
Case Officer: Mrs Rosie MacGregor
Date Received: 29.07.2005 Expiry Date: 23.09.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

- 2 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

- 3 Before any repointing of the external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 4 All existing roof tiles shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the listed building.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 5 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 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.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.
- 7 Details of the elevations of the store doors, at a scale of not less than 1:20, and sections through all frames and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 8 Details of the boundary wall to the front of the parking and turning area, including details of its construction, height, pointing and mortar mix, shall be submitted to and approved by the Local Planning Authority prior to its construction. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 9 If any sign of Great Crested Newts, Bats, Barn Owls or Swallows is discovered during the development, work shall cease immediately and English Nature shall be consulted.
- REASON: In the interest of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.
- 10 The garages, storage, parking and turning areas shall only be used in association with the barns which are the subject of planning permission reference 04/02051 as ancillary to the residential accommodation thereby approved, and they shall be completed and made available for use prior to the first occupation of the aforementioned barns.
- REASON: To ensure that an adequate area for parking and turning is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because it relates to the two previous items on the agenda.

This application is for the conversion of a Grade II Listed cowbyre to provide ancillary car parking and storage for the adjoining residential barn conversions which are the subject of the previous agenda items at Church Farm, Church Lane, Wingfield.

Church Farm is a Grade II Listed building situated within the Western Wiltshire Green Belt on the northeastern edge of the village.

The cowbyre which is the subject of the current application forms part of the curtilage to Church Farm House, and part of the wider traditional farmyard complex of Church Farm, which in turn adjoins the Grade II starred Listed Parish Church of St Mary. It is Listed by virtue of being a curtilage structure.

The cowbyre is constructed from natural rubble stone and horizontal boarding under a clay tiled roof with some blockwork on the frontage as infill panels where the building would originally have been open fronted with the roof supported on timber posts on stone bases. Two of the original oak posts remain though the remainder would appear to have been removed in the past when the blockwork infill was constructed.

It is proposed that the cowbyre would be converted to provide four covered parking spaces and two enclosed storage rooms. The proposals would involve the removal of the existing roof structure which would then be raised at the eaves line on the frontage by approximately 250mm to provide sufficient head height to enable the parking of vehicles within the building. The concrete blockwork would be removed and timber posts on stone bases to match the original would be incorporated into the new structure. The new masonry to accommodate the change in eaves height and roof pitch would be carried out in materials to match the existing. A pair of timber doors would be installed on each of the two secure storage areas. The area in front of the cowbyre would be used for parking and manoeuvring of vehicles.

A bat and barn owl survey has been submitted with the application which found no signs of bats or barn owls and states that the building has low potential for roosting bats. The report concludes by stating that neither bats nor barn owls are therefore a material consideration.

A letter of support for the proposals has been submitted by the agent together with a structural appraisal explaining that new timbers to support the increased spans are envisaged but once these alterations have been carried out the original roof covering will be reinstated. The remainder of the joinery will be in oak for the storage units and oak support posts to between the parking bays supported on existing staddle stones. The stone wall on the gable end will be extended in stone to match the existing. A stone wall at a height of 1.2m with a cock and hen coping to match the churchyard walls would be constructed on the boundary.

WINGFIELD PARISH COUNCIL

No objection to the proposed development providing that there is no violation of the Wingfield Green Belt Policy and Listed Building Policies as stated in the West Wiltshire District Plan as a consequence of this development.

If this application is referred to the Planning Committee for determination it is requested that the members fully recognise the status of Wingfield as defined in the District Plan.

HIGHWAY AUTHORITY

It is understood that this application has been submitted in order to provide covered parking in association with the conversion of barns into residential dwellings. That application was recommended for refusal on grounds of sustainability by the Highway Authority.

However, as this application is purely for the conversion of farm buildings to garaging and parking it would be difficult to object to the development on highway grounds. If used by the current occupier the parking and garaging would be unlikely to cause an increase of the car use linked to the site. It is the housing development itself which would have an impact on the number of trips generated by the site. In view of this no highway objection is raised.

The standard minimum length for a parking space is 4.8m and the cowbyre/garage is shown on the plan as 4.6m deep. Although it may not accommodate the length of a vehicle there are no garage door details and the parking area adjacent to the building will accommodate the overhanging vehicles and another parked in front.

ENGLISH HERITAGE

Does not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

ENGLISH NATURE

No sign of bats or barn owls was noted. However, there is still the possibility that bats, particularly the greater horseshoe bats which use the buildings on the site, may use this building. If bats are found all work must cease and English Nature must be contacted for further guidance. If bats are found a licence will be required from DEFRA before work can commence. A delay is also likely if barn owls are found during the works as works will need to cease at least until the birds and their young have vacated the site. If possible the provision of access points for bats or nesting opportunities for barn owls in the conversion should be encouraged.

WILTSHIRE WILDLIFE TRUST

Their views are fully covered by the English Nature response.

PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified, to which there has been no response.

RELEVANT PLANNING HISTORY

03/02143/FUL - Conversion of 2 barns to dwellings - Refused 30.01.04

03/02142/LBC - Conversion of 2 barns to dwellings - Refused 30.01.04

04/02050/LBC - Conversion of 2 barns to dwellings - Decision pending

04/02051/FUL - Conversion of 2 barns to dwellings - Decision pending

05/01688/LBC - Conversion of cowbyre - Decision pending

PLANNING POLICY

Wiltshire Structure Plan 2011

DP15 Development in the countryside

DP12 Green Belt

HE7 Preservation of historic environment

West Wiltshire District Plan - 1st Alteration 2004

GB2 Green Belt

H19 New dwellings in the countryside

H21 Conversion of rural buildings acceptable subject to detailed criteria

C1 Countryside

C7 Protected species

C27 Listed buildings

C28 Alterations to listed buildings

C31A Design

PPS1 Delivering sustainable development

PPG2 Green Belts

PPG3 Housing

PPS7 The Countryside & The Rural Economy

PPG15 Planning & The Historic Environment

Supplementary Planning Guidance - Design

PLANNING OFFICER'S COMMENTS

The application site is situated in the countryside on the edge of the small village of Wingfield entirely within the Western Wiltshire Green Belt.

This is an important historic site within the village because of its proximity to the Parish Church and Church Farmhouse which are of considerable architectural and historic merit. The cowbyre is Listed by virtue of being a curtilage structure and although in poor repair and of less historic and architectural merit than many of the surrounding buildings it is nonetheless part of the historic farmstead.

The main issues for consideration as part of this application are:

- 1 Listed Building policy which seeks to preserve the character and setting of all listed buildings, and design.
- 2 Green Belt policy.
- 3 The conversion of rural buildings in the countryside.
- 4 Protected species
- 5 Highways

1 Listed Buildings and Design

Although not specifically listed in its own right, this long low cowbyre is of traditional appearance and forms part of the wider farmyard complex associated with Church Farm. The Council has a duty to preserve the historic environment and this must be the primary consideration when determining this application.

The existing roof structure is in poor repair and the building has been much altered over the years to accommodate changes in farming practices.

Although the roof at front eaves level would be raised this change in height would be relatively slight and overall the external form of the building would be preserved and enhanced.

Although this is a curtilage building, it is not a principal Listed structure and the proposed use would allow this otherwise redundant building to have a viable future use. Its conversion would enhance the other development proposals at the site by removing vehicles from the area immediately adjoining the residential barn conversions and allowing cars to be stored in a relatively discreet manner.

The physical alterations to the building to adapt it to car storage are relatively minor considering the existing structure has been much altered from its original form and many historic features have already been lost. The scheme would improve the visual appearance of the building by reintroducing a complete oak framed roof, oak posts and staddle stones together with a new boundary wall of traditional style to delineate the new courtyard in front of the building.

The Council's Conservation Officer is supportive of the proposals.

2 Green Belt Policy

Green Belt policy states that the reuse of buildings in the Green Belt should be permitted provided that the new use does not have a materially greater impact on the openness of the Green Belt. The buildings must be capable of conversion without major reconstruction, and the bulk, form and general design of the buildings are in keeping with their surroundings and they are of permanent and substantial construction. Any associated use of the land surrounding such buildings must not conflict with the openness of the Green Belt or the purposes of including land within it.

The purpose of the Green Belt is to check the unrestricted sprawl of urban development and to safeguard the countryside against further encroachment.

The current and historic agricultural use of the site has resulted in there being a number of relatively large agricultural buildings and smaller buildings including the cowbyre which is the subject of the current application within the historic farmstead.

It is considered that the new use would not have any greater impact on the Green Belt than the current use and the building is capable of conversion without any significant changes other than to its roof and general reinstatement of traditional features that have previously been removed.

The current proposals would retain the overall form of the building with only a small increase in volume necessary to raise the roof at the frontage, and resulting in a slightly shallower overall pitch, to enable cars to enter the building once converted. The alterations to the building would respect the former agricultural use and would be in keeping with its surroundings. The proposals would retain the overall character of the building and this small increase in volume at eaves level would not have a greater impact than the present use on the openness of the Green Belt.

Although this is a separate application from those to convert the barns it cannot be considered in isolation, and when considering the scale of the alterations proposed as a whole these relatively minor alterations represent only a small proportion of the conversion works. Furthermore, the proposals would enable cars to be stored more discreetly and reduce their impact on the residential barn conversions thereby maintaining the openness of the Green Belt.

It is therefore considered that the proposals would be acceptable within Green Belt policy.

4 Bats and barn owls

English Nature has no objections and a suitably worded condition will ensure that these species if found at the site during the conversion works can be properly protected.

5 Highways

The highway authority has no objection and its concerns with regard to the sustainability of the site as a whole for residential conversion have been addressed in the report on the conversion of the two barns.

CONCLUSION

The conversion of this former cowbyre to garaging and storage would preserve and enhance the Listed building and provide it with a viable future use.

The proposal meets the guidance contained within national and local plan policy for the preservation of the historic environment and the conversion of rural buildings in the Green Belt.

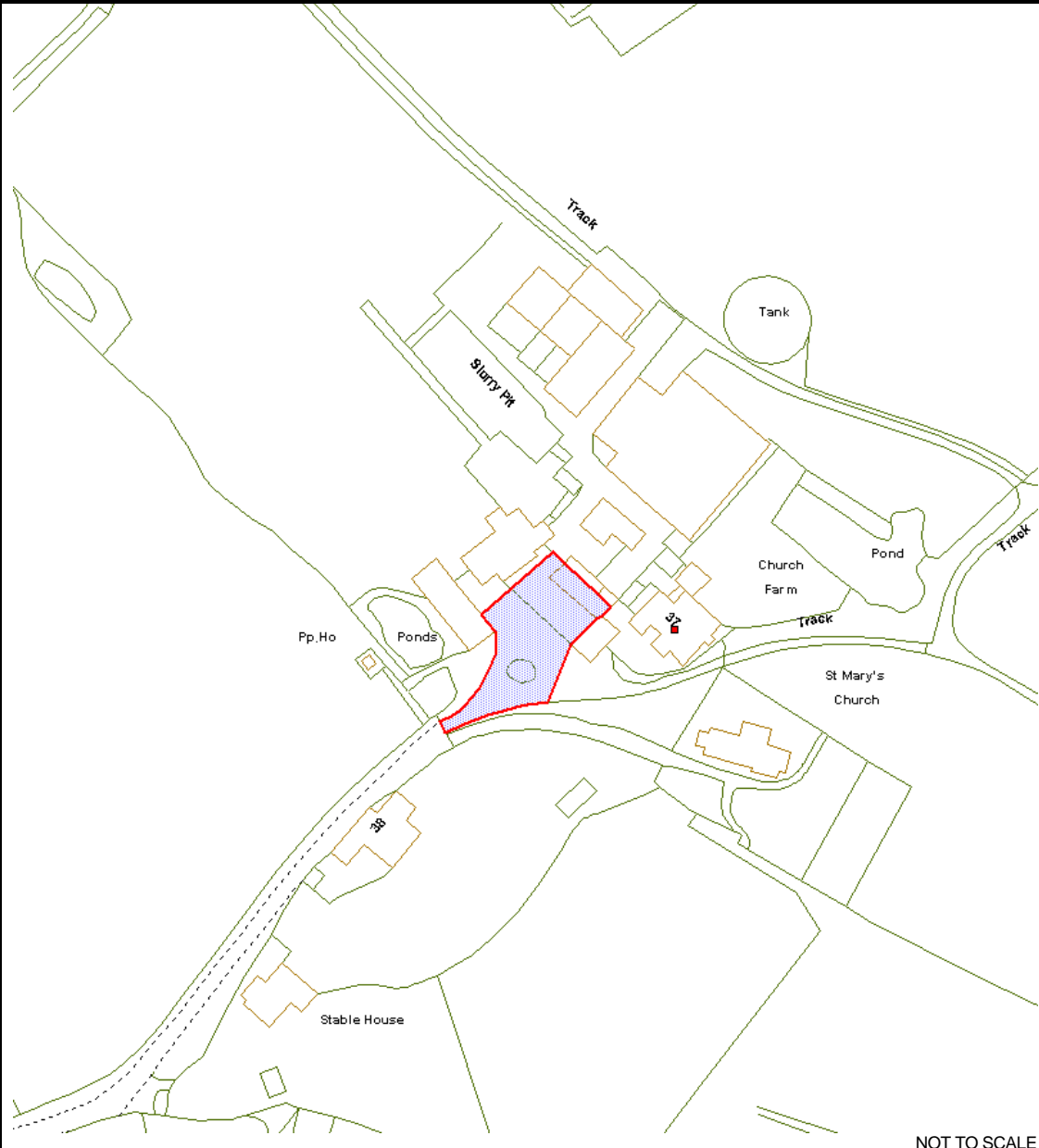
PLANNING COMMITTEE

27 October 2005

ITEM NO: 04

APPLICATION NO: 05/01688/LBC

LOCATION: Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW



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www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 05/01688/LBC

Site Address: Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW

Parish: Wingfield Ward: Southwick & Wingfield
Grid Reference 382603 156806
Application Type: Listed building
Development: Conversion of cow byre to garaging and stores with replacement roof structure
Applicant Details: Mr K Fuller
Church Farm 37 Church Lane Wingfield Wiltshire BA14 9LW
Agent Details: Quartley Hodges Hood
6 Fore Street Trowbridge Wilts BA14 8HD
Case Officer: Mrs Rosie MacGregor
Date Received: 29.07.2005 Expiry Date: 23.09.2005

REASON(S) FOR CONSENT:

The proposal meets the guidance contained within national and local plan policy for the preservation of the historic environment.

RECOMMENDATION: Consent

Condition(s):

- 1 The consent hereby granted shall be begun before the expiration of five years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

- 3 Before any repointing of the external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.

REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 4 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 5 All existing roof tiles shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the listed building.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

- 6 Details of the elevations of the store doors, at a scale of not less than 1:20, and sections through all frames and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To protect and preserve the character of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

- 7 Details of the boundary wall to the front of the parking and turning area including details of its construction, height, pointing and mortar mix shall be submitted to and approved by the Local Planning Authority prior to its construction. The works shall then only be carried out strictly in accordance with those approved details.

REASON: To ensure that the character and appearance of the listed building is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because it relates to the three previous items on the agenda.

This application is for the conversion of a Grade II Listed cow byre to provide ancillary car parking and storage for the adjoining residential barn conversions which are the subject of the previous agenda items at Church Farm, Church Lane, Wingfield.

Church Farm is a Grade II Listed building situated on the northeastern edge of the village.

The cow byre which is the subject of the current application forms part of the curtilage to Church Farm House, and part of the wider traditional farmyard complex of Church Farm, which in turn adjoins the Grade II starred Listed Parish Church of St Mary. It is Listed by virtue of being a curtilage structure.

The cow byre is constructed from natural rubble stone and horizontal boarding under a clay tiled roof with some blockwork on the frontage as infill panels where the building would originally have been open fronted with the roof supported on timber posts on stone bases. Two of the original oak posts remain though the remainder would appear to have been removed in the past when the blockwork infill was constructed.

It is proposed that the cow byre would be converted to provide four covered parking spaces and two enclosed storage rooms. The proposals would involve the removal of the existing roof structure which would then be raised at the eaves line on the frontage by approximately 250mm to provide sufficient head height to enable the parking of vehicles within the building. The concrete blockwork would be removed and timber posts on stone bases to match the original would be incorporated into the new structure. The new masonry to accommodate the change in eaves height and roof pitch would be carried out in materials to match the existing. A pair of timber doors would be installed on each of the two secure storage areas. The area in front of the cow byre would be used for parking and manoeuvring of vehicles.

A letter of support for the proposals has been submitted by the agent explaining that new timbers to support the increased spans are envisaged but once these alterations have been carried out the original roof covering will be reinstated. The remainder of the joinery will be in oak for the storage units and oak support posts to between the parking bays supported on existing staddle stones. The stone wall on the gable end will be extended in stone to match the existing. A stone wall at a height of 1.2m with a cock and hen coping to match the churchyard walls would be constructed on the boundary.

WINGFIELD PARISH COUNCIL

No objection to the proposed development providing that there is no violation of the Wingfield Green Belt Policy and Listed Building Policies as stated in the West Wiltshire District Plan as a consequence of this development.

If this application is referred to the Planning Committee for determination it is requested that the members fully recognise the status of Wingfield as defined in the District Plan.

ENGLISH HERITAGE

Does not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified, to which there has been no response.

RELEVANT PLANNING HISTORY

03/02143/FUL - Conversion of 2 barns to dwellings - Refused 30.01.04

03/02142/LBC - Conversion of 2 barns to dwellings - Refused 30.01.04

04/02050/LBC - Conversion of 2 barns to dwellings - Decision pending

04/02051/FUL - Conversion of 2 barns to dwellings - Decision pending

05/01685/FUL - Conversion of cow byre - Decision pending

PLANNING POLICY

Wiltshire Structure Plan 2011

HE7 Preservation of historic environment

West Wiltshire District Plan - 1st Alteration 2004

C27 Listed buildings

C28 Alterations to listed buildings

PPS1 Delivering sustainable development

PPG15 Planning & The Historic Environment

Supplementary Planning Guidance - Design

PLANNING OFFICER'S COMMENTS

The application site is situated in the countryside on the edge of the small village of Wingfield.

This is an important historic site within the village because of its proximity to the Parish Church and Church Farmhouse which are of considerable architectural and historic merit. The cowbyre is Listed by virtue of being a curtilage structure and although in poor repair and of less historic and architectural merit than many of the surrounding buildings it is nonetheless part of the historic farmstead.

The main issue for consideration as part of this application is Listed Building policy which seeks to preserve the character and setting of all listed buildings.

Although not specifically listed in its own right, this long low cow byre is of traditional appearance and forms part of the wider farmyard complex associated with Church Farm. The Council has a duty to preserve the historic environment and this must be the primary consideration when determining this application.

The existing roof structure is in poor repair and the building has been much altered over the years to accommodate changes in farming practices.

Although the roof at front eaves level would be raised this change in height would be relatively slight and overall the external form of the building would be preserved and enhanced.

Although this is a curtilage building, it is not a principal Listed structure and the proposed use would allow this otherwise redundant building to have a viable future use. It would enhance the other development proposals at the site by removing vehicles from the area immediately adjoining the residential barn conversions and allowing cars to be stored in a relatively discreet manner.

The physical alterations to the building to adapt it to car storage are relatively minor considering the existing structure has been much altered from its original form and many historic features have been lost. The scheme would improve the visual appearance of the building by reintroducing a complete oak framed roof, oak posts and staddle stones together with a new boundary wall of traditional style to delineate the new courtyard in front of the building.

The Council's Conservation Officer is supportive of the proposals.

CONCLUSION

The conversion of this former cow byre to garaging and storage would preserve and enhance the Listed building and provide it with a viable future use.

The proposal meets the guidance contained within national and local plan policy for the preservation of the historic environment.

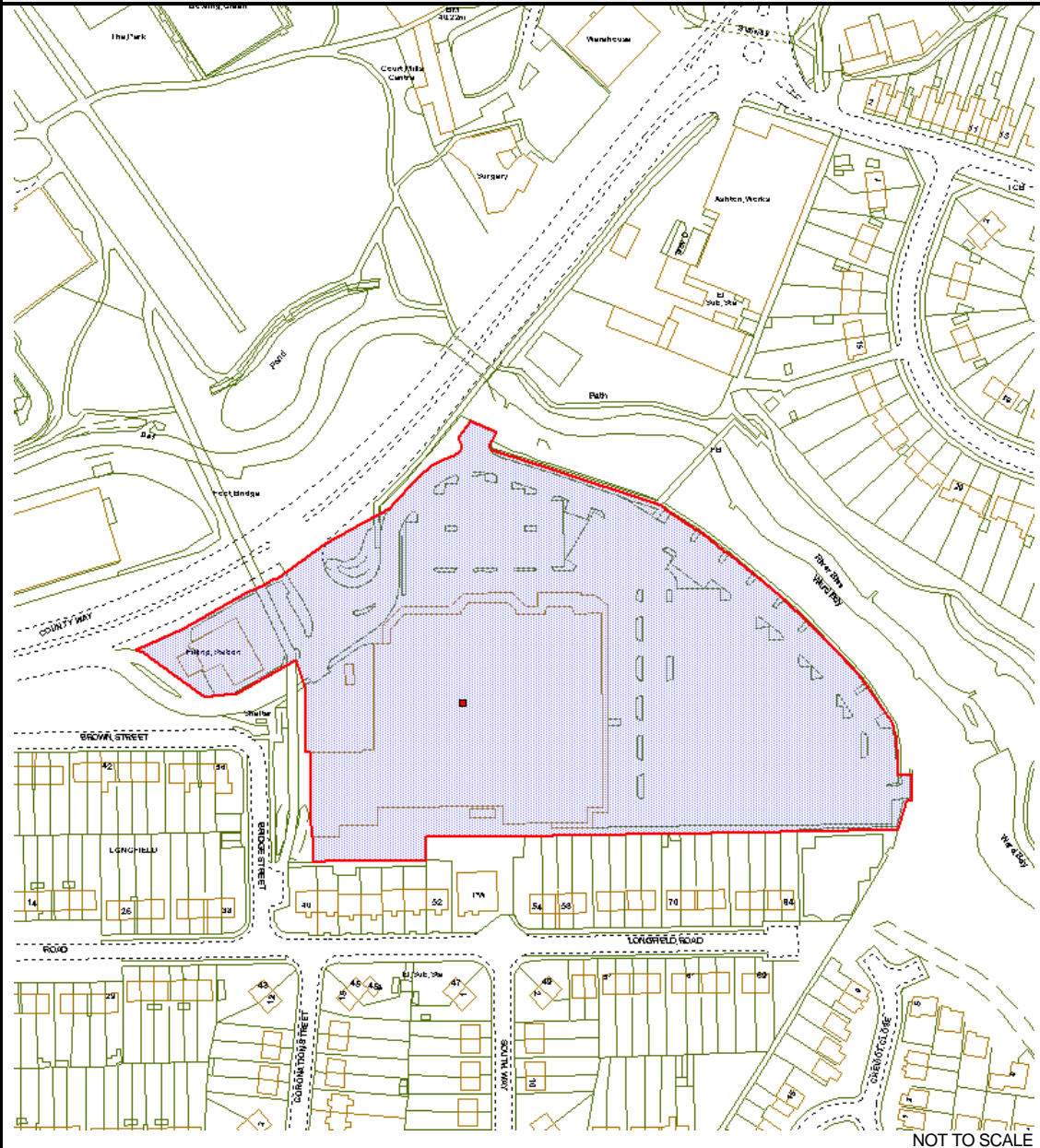
PLANNING COMMITTEE

27 October 2005

ITEM NO: 05

APPLICATION NO: 05/01841/FUL

LOCATION: Tesco Stores Ltd County Way Trowbridge Wiltshire BA14 7AQ



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www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 05/01841/FUL

Site Address: Tesco Stores Ltd County Way Trowbridge Wiltshire BA14 7AQ

Parish: Trowbridge Ward: Drynham
Grid Reference 385965 157528
Application Type: Full Plan
Development: Variation of condition 1 of permission ref 99/01822/FUL to allow 30% of the total retail sales area to be used for the sale of comparison goods
Applicant Details: Tesco Stores Ltd
C/o Development Planning Partnership 1 Fitzroy Square London W1T 5HE
Agent Details: Development Planning Partnership
1 Fitzroy Square London W1T 5HE
Case Officer: Mr Peter Westbury
Date Received: 15.08.2005 Expiry Date: 10.10.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

- 1 The area used for the sale and display of comparison goods (as defined in the Information Brief 1998/2 published by the Data Consultancy) within the building shall not exceed 30% of the total retail sales floor area. In addition to all areas used for the display and sale of goods, the total retail sales floor area is herewith defined as including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and ATMs.

REASON: In order to protect the vitality and viability of Trowbridge Town Centre.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor Payne in the interests of public debate and because Trowbridge Town Council object and your Officer's recommend permission.

This is an application for full planning permission to vary condition 1 attached to planning permission 99/01822 to allow 30% of the total retail sales area to be used for the sale of comparison goods.

Condition 1 attached to 99/01822 states:

"In order to protect the vitality and viability of Trowbridge town centre, the area used for the sale and display of comparison goods (as defined in the Information Brief 1998/2 published by the Data Consultancy) within the building shall not exceed 20% of the total retail sales floor area. In addition to all areas used for the display and sale of goods, the total retail sales floor area is herewith defined as including floor spaces used for checkouts, customer circulation and customer services but excluding entrance/exit lobbies, customer toilets, cafe and ATMs".

The application site currently has 4,835 square metres of retail floorspace. Therefore at present 966 square metres is available for the sale of comparison goods. The proposed increase to 30% needs to be seen in the context of improvements to the internal arrangement of the building, including the installation of a mezzanine floor.

The installation of additional floor space within a building does not fall within the definition of development in sub-section 55(2)(a) of the Town and Country Planning Act 1990 and therefore is not development and does not need planning permission.

The total retail floorspace resulting from these improvements will be 6,403 square metres. Therefore a 30% increase in floorspace for comparison goods would mean that 1,920 sq.m of retail floorspace would be available for the sale of comparison goods. This represents an increase in the amount of retail floorspace available for the sale of comparison goods of 954 square metres.

Comparison goods are defined in National Planning Policy Statement on Planning for Town Centres (PPS6) as those items "not obtained on a frequent basis". Included in which are clothing, footwear, household and recreational goods.

The application site comprises the single storey main foodstore, with surface level car parking for 652 customers and a petrol filling station on land to the south of County Way, Trowbridge. PPS6 defines the site as being "out of town".

In support of their application, the applicants have submitted Retail and Transport Statements.

TROWBRIDGE TOWN COUNCIL

Object on the grounds of:

'Subject to the detrimental impact of additional retail space on Town Traders being considered and that The Trowbridge Chamber of Commerce would have an input.'

STRATEGIC PLANNING AUTHORITY, WILTSHIRE COUNTY COUNCIL

No objection subject to control over the total amount of sales floorspace available. Conclude:

1. There is a need for further retail development in Trowbridge that cannot be satisfied in the short term.
2. The proposal will not put at risk the implementation of sequentially preferable sites at a later date.
3. Any retail impact arising from the proposal would be minimal.
4. The proposal does not raise strategic retail issues of scale and accessibility.
5. There is a necessity to limit the overall amount of sales floorspace at the store to the amount put forward in this proposal.

ENVIRONMENTAL HEALTH

No objection

COUNTY HIGHWAYS AUTHORITY

Object

In order to prevent any adverse highway impact, some reorganisation of the car parking layout should be addressed as part of this proposal.

TROWBRIDGE CHAMBER OF COMMERCE

Object

"From our understanding of the application increasing the non-food lines would effectively be creating an addition 8,000 sq.ft. of retail floor space (the size of four good sized shops within our town centre environments)) which will have a resulting knock on effect on traders in the town centre".

PUBLICITY

A site notice was posted and properties in Longfield Road and Brown Street were notified. As a result, no representations were received.

RELEVANT PLANNING HISTORY

W98/0345- Single storey extension, alterations to car park and County Way - Permission 11.02.99

99/01822/FUL - Variation of Condition 05 (W98/0345) to allow 20% of the total retail sales floor area to be used for the sale and display of comparison goods -Permission 20.01.00

PLAN POLICY

Wiltshire Structure Plan 2011

DP5 - Shopping

West Wiltshire District Plan First Alteration

SP3 - Out of Centre Shopping

National Planning Statement

PPS6 - Planning for Town Centres

Trowbridge Urban Design Framework (2003)

PLANNING OFFICER'S COMMENTS

The main consideration in the determination of this application is whether the proposed complies with development plan policy, in particular Policy SP3 in the West Wiltshire District Plan First Alteration and whether there are any material considerations to outweigh the policy.

Policy SP3 states that proposals to vary the range of goods sold from out of centre stores will only be permitted whether it can be demonstrated that the proposal would not harm the vitality and viability of the town centre's shopping role. In order to demonstrate this there should be a demonstrable need for the development which cannot be met by other more appropriate sites in the town centre.

Need

The evidence produced by the applicant has been assessed by the County Retail Expert, who has concluded that based on maintaining Trowbridge's existing market share, there is a quantitative need for new floorspace capable of turning over £19.6 million by 2007 rising to £34.1 million by 2009. It is noted that these figures were accepted by the Secretary of State in his decision letter on the former Ushers site proposals.

An analysis of existing sites around the town, specifically St.Stephen's Place, Castle Place, the Former Ushers site and Castle Street suggests that these sites are unlikely to meet the need in the short-term (by 2007). The application proposal will assist in meeting the need for extra retail development in the town.

The Sequential Approach

PPS6 requires applicants to apply a sequential approach to selecting appropriate sites for allocation within town centres where identified need is to be met. In this case, the applicants argue that the application proposal is not for additional floorspace but for an increase in the area of the store that can be dedicated to the sale of comparison goods and that Tesco's cannot make this provision in an alternative location in Trowbridge. The County Retail Expert does not accept this argument on the grounds that the additional provision is not essential to the operation of the applicant's business model. The provision of comparison goods could therefore theoretically be provided on sequentially preferable sites in Trowbridge.

The applicants have responded to the concerns of County stated that the floorspace involved will be provided as part of the mezzanine scheme that is not subject of this proposal and to split Tesco sales between different stores in the town would be inappropriate.

While it is accepted that the mezzanine floor does not form part of this application, it will have a significant impact on the amount of floorspace that can be used for the sale of comparison goods. Nevertheless, the expert advice received is that the increase of 954 sq.m will not prejudice the implementation of sequentially preferable sites in the town.

Therefore on the basis of identified need, particularly in the short-term and that the scale of the proposal would not prejudice the viability and vitality of sequentially preferable retail sites, it is concluded that the proposal complies with development plan policy SP3.

Other material considerations

The County Highways Authority object to the application on the grounds that the proposal to increase the percentage of the sales area for comparison goods "may result" in an increased stay of shoppers. This assumption is not justified and cannot be supported as a reason to override the compliance with development plan policy. The Highways Authority also note that the car park is operating close to capacity. The existing car parking layout causes difficulties for access due to the close proximity of the first three junctions onto the internal road, and queuing cars waiting to access car parking aisles and also whilst waiting for parking spaces. The recommendation is that some reorganisation of the car parking is required.

This has been raised with the Applicant who in response have indicated that they are in the process of reviewing the layout of the car park at the site. A number of possible solutions are being tested. These proposals do not form part of this application.

The applicants have undertaken a Transport Statement in support of their application. This concludes that the increase in non-food provision at the County Way store will not have an adverse effect on the operation of the store car park. In support of this conclusion, the applicants acknowledge that the increase in the sale of comparison goods is likely to result in an increase in the length of time people will stay at the store and that this will have an impact on parking. A survey has been undertaken that states that the current average length of a stay at the store on a Friday is 76 minutes and on a Saturday it is 82 minutes. The assumption is made that 20% of that 76 and 82 minutes is taken up by non-food shopping. If that 20% rises to 30%, the length of stay will increase from 76 minutes to 84 minutes on a Friday and from 82 to 90 minutes on a Saturday. This equates to a forecast demand for car parking of 640 spaces on Friday and 627 spaces on a Saturday. The existing car park has provision for 652 spaces. Therefore it is concluded that there is sufficient capacity to meet the change in demand.

The objection of Trowbridge Town Council and Trowbridge Chamber of Commerce is not supported by the analysis of available retail stores in the area. Any retail impact arising from the application proposal would be minimal.

CONCLUSION

There is an identified need for the sale of comparison goods in Trowbridge. The application proposal will not prejudice the ability of more sequentially preferable sites to meet future retail need in the long term. The application proposal will help to meet the requirement in the short term to 2007. The proposal therefore is consistent with development plan policy. There are no material considerations to outweigh this policy and accordingly the application is supported.

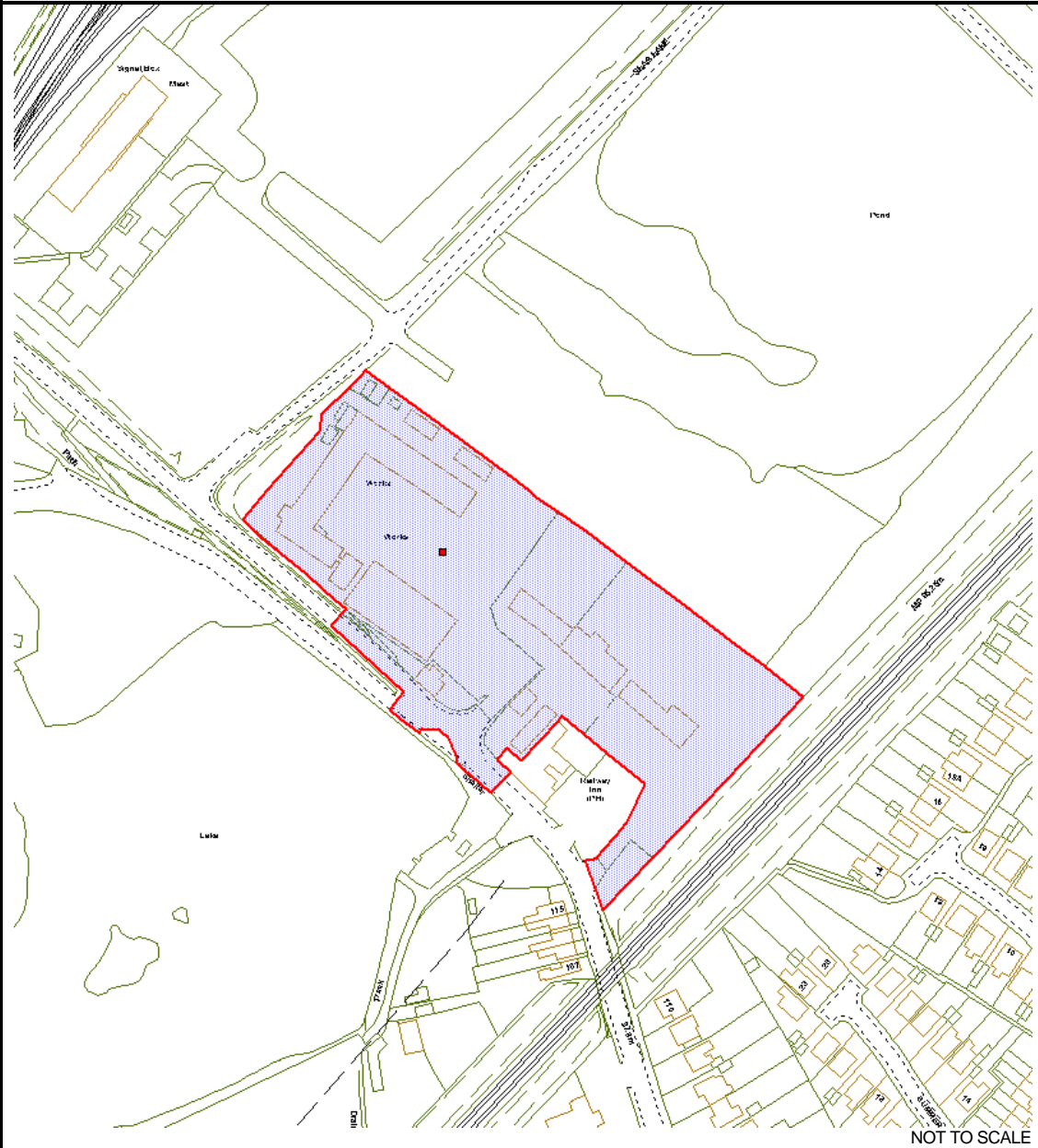
PLANNING COMMITTEE

27 October 2005

ITEM NO: 06

APPLICATION NO: 05/01015/OUT

LOCATION: 114 Station Road Westbury Wiltshire BA13 4HW



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www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 05/01015/OUT

Site Address: 114 Station Road Westbury Wiltshire BA13 4HW

Parish: Westbury Ward: Westbury Ham
Grid Reference 386480 151975
Application Type: Outline Plan
Development: Residential development and details of new mini-roundabout access following demolition of all existing buildings
Applicant Details: ALH 86 Limited
114 Station Road Westbury Wiltshire BA13 4HW
Agent Details: RPS Group Plc
Harbourside Hous 4-5 The Grove Bristol BS1 4QZ
Case Officer: Mrs Rosie MacGregor
Date Received: 31.05.2005 Expiry Date: 30.08.2005

JUSTIFICATION REASON:

Although the proposal would result in the loss of employment land, it would be in a sustainable location, in accordance with Government advice, and there are other material considerations to justify granting permission.

RECOMMENDATION:

The application be referred to the First Secretary of State as a Departure from the Development Plan and planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the application is remitted back to the Council for a decision and to the prior completion of a Legal Agreement, or Agreements to secure:

**A - The provision by the developer of 30% affordable housing.
B - An index linked and bonded contribution for education by the developer to the Local Education Authority.
C - The provision of public open space including an equipped children's play area and any financial contribution for maintenance in accordance with the Council's adopted standards.
D - A contribution to public art.
E - The design, funding and construction of a roundabout and associated works as shown on drawing No JNY4738-B-01 together with improvements to the transport infrastructure in the area as required by the development.**

Condition(s):

- 1 Approval of the details of siting, design and external appearance of buildings and landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing. Details of the employment part of the site to be submitted prior to the commencement of employment development and details of the residential part of the site to be submitted prior to the commencement of residential development.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

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

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

4 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

5 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

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

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

6 Notwithstanding the supporting documentation prior to the commencement of the development hereby permitted, a further ecological survey shall be carried out to investigate and record details of any bats or other protected species, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details and mitigation measures.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - Policy C7.

7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

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

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

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

- 10 Before any development is commenced on site, including site works of any description, each of the trees which overhangs the development area shall be fenced off by a post and rail or chestnut palling fence, erected in a circle around each at a radius from the bowl of three metres, or to coincide with the extremity of the canopy, whichever is the further. Details of the employment part of the site to be submitted prior to the commencement of employment development and details of the residential part of the site to be submitted prior to the commencement of residential development. Within the area so fenced off the existing ground levels shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity. For further details relating to Tree in relation to construction the applicant should refer to BS 5837: 1991.

The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete.

REASON: To ensure that existing trees of value are adequately protected.

POLICY: West Wiltshire District Plan - Policy C29 and West Wiltshire District Plan - 1st Alteration (including proposed modifications) - Policy C40.

- 11 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 12 Detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority before development commences. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking of car parking spaces, the landscaping of the parking and servicing areas where appropriate, and full details of the method of construction. All works referred to in this condition shall be completed, and the parking and servicing areas shall be available for use before the premises are occupied.

REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy T10.

- 13 Prior to the commencement of any development the site shall be subject to:

- 1 - Site investigation and risk assessment works for chemical contamination
- 2 - Works to remediate any chemical contamination identified, that is acceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment works
- 3 - Remediation validation works

The above to be carried out to the satisfaction of the Local Planning Authority.

Site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 - 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 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: In the interests of public health and safety.

POLICY: West Wiltshire District Plan - 1st Alteration (including Proposed Modifications) - Policy C37.

- 14 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 15 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 16 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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

- 17 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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.

- 18 Prior to the erection of any buildings on the site, a fence, or secure boundary treatment, or other means of enclosure shall be erected on the northeast boundary of the site in accordance with details to be submitted to and approved by the Local Planning Authority. The work shall then be carried out in accordance with those details and retained thereafter.

REASON: In order to protect the quality of the environment to the adjoining countryside.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C1.

- 19 The development hereby permitted shall not begin until a noise impact assessment and scheme for protecting the proposed dwellings and their curtilages from road traffic noise and from rail traffic noise has been submitted and approved by the Local Planning Authority. This shall include the layout of the site and construction methods (including insulation, glazing and ventilation). Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is first occupied, unless an alternative period is agreed in writing by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C36 & C38.

Note(s) to Applicant:

- 1 It is recommended that the developer investigates the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water and include:
 - a) Interception and reuse
 - b) Porous paving/surfaces
 - c) Infiltration techniques
 - d) Detention/attenuation
- 2 You are advised that pursuant to Condition 19, the noise sources about which the Local Planning Authority is concerned relate to the road, railway and public house, and the noise assessment and mitigation measures should address these matters.

COMMITTEE REPORT**APPLICATION DETAILS**

This application is brought to Committee as it is a Departure from the Development Plan which Officers are recommending for permission.

This is an outline planning application for a residential redevelopment of an employment site on the edge of Westbury. All matters are reserved except the means of access.

The site is situated on the northeast side of Station Road close to its junction with Station Approach.

The site is currently occupied by a number of industrial and office buildings which would be demolished. Except for these buildings, the site is for the most part, covered by concrete and hardstanding.

There is a railway embankment on the south eastern boundary. The land on the south western boundaries slopes steeply down from the surrounding highways into the site and this contains a mixture of trees, shrubs and undergrowth. The site frontage is onto Station Road and there is a lake used by the local sailing club on the opposite side of the road, and a fishing lake on land to the north east of the site.

The site has a total area of approximately 1.8 hectares. The existing industrial buildings have an overall floor area of approximately 4670 square metres

There are two existing vehicular access points into the employment site. However, neither of these would be utilised and a new access would be formed into the proposed residential development.

It is proposed that a new mini roundabout would be constructed at the junction of the Station Approach with Station Road in order to provide a realigned access into the proposed residential area of the site.

This is not development that would require an Environmental Impact Assessment but the agents have submitted a number of supporting documents which are as follows:

- A Planning Statement which describes the planning history of the site, planning policy, proximity to facilities and compatibility with existing uses
- Employment Land Assessment
- A revised and updated report on Employment Land Availability in Westbury
- Transport Statement
- Assessment of Environmental Noise and Vibration
- Flood Risk Assessment
- Habitat Survey
- Landscape Assessment
- Environment Survey
- Archaeological Assessment

A previous application made in 2003 has recently been granted planning permission as a mixed use residential and light industrial development.

WESTBURY TOWN COUNCIL

Approves of this proposed development subject to the provision of play equipment and a kick about area on the public open space.

HIGHWAY AUTHORITY

The principle of an all-residential development being served by the mini-roundabout is acceptable and would need to be the subject of a legal agreement with the County Council to secure the highway works.

Additional highway measures will be required as part of the highway works which will include:-

1. A section of shared-use footpath/cycleway on the north side of Station Road to link into a scheme currently being designed by the highway authority.
2. A crossing facility to Station Road just south of the roundabout in order to aid movements for users of the shared-use footpath/cycleway between the northern side of Station Road and the railway station, together with accommodating the needs of residents of the new estate.
3. There may also be a need to ensure safe walking and cycle passage into and along the Station Approach.
4. The location of the roundabout may require the relocation of the Realtime Bus Shelter (northbound).
5. The provision of a new bus shelter outside the Railway Inn (southbound).

EDUCATION AUTHORITY

The education authority is looking to secure contributions based upon the DfES cost multipliers per place, rather than the previously used per house basis. The 2005/6 figures are £8870 per primary and £13,929 per secondary place. The site if developed for 80 houses would suggest 24 primary and 17 secondary places, however, this would vary if a different number of houses is built, so the cost per place is the relevant figure. A detailed assessment once the actual number of dwellings to be constructed has been submitted. There would be a discount for one bedroom properties entirely, and an allowance of 30% on the amount of social housing in order to reflect the possibility of 're-cycled' pupils at secondary level. Payments to be index linked and bonded in the standard way.

COUNTY ARCHAEOLOGIST

Nothing of archaeological interest is likely to be affected by the proposal.

ENGLISH NATURE

The recommendations set out in the Protected Species Survey for bats and reptiles are endorsed.

There must be a pre-demolition survey of the buildings to ascertain the presence of bats. If bats are found to be roosting a mitigation strategy will need to be drawn up and it is possible a DEFRA licence will be needed before works commence.

Where slow worms are found, detailed mitigations must be proposed and in place before any work commences.

NETWORK RAIL

No objection.

MINISTRY OF DEFENCE

No safeguarding objections to the proposals.

ENVIRONMENT AGENCY

No objection in principle, subject to the inclusion of appropriate conditions to prevent pollution.

WESSEX WATER

The existing foul sewerage system has the capacity to accommodate the development proposed. The precise point and method of connection can be agreed at the detailed design stage.

Wessex Water requires connections to be made to its network at a point where capacity exists to meet the additional demand. Adequately sized foul sewers are in Station Road. There is a surface water sewer crossing the site but the depth is relatively shallow, so a diversion is likely. There may be private sewers and drains on the site and their extent may need to be established by private survey work.

Wessex Water requires a minimum easement width of 3 metres on either side of its apparatus for purposes of access to maintain and repair. No buildings are normally permitted within the easement works. Diversion of the surface water sewer, provided this is practical and technically feasible, should be carried out at the developer's expense.

ECONOMIC DEVELOPMENT

Is committed to support local businesses and so in principle does not support the loss of any employment land within the District.

However, as part of this commitment and business support it is accepted that the proposed sale of this site will enable the applicant to re-invest in a new headquarters in the West Wiltshire area and keep further opportunities for development here.

Nevertheless, before surrendering the principle of allowing employment land to be used as residential on this site, it would like a firm guarantee that the company will be re-locating within the District and that this should be a condition on any recommendation.

In any event the concerns over the change of use from employment to residential still remain and Economic Development would have liked to have seen more employment land retained within the application.

ENVIRONMENTAL HEALTH

Both the current and historical uses of the site and its locality pose some potential for ground, ground water and ground gas contamination.

The whole site has had a protracted history of being used as a contractors plant, maintenance and storage facility, and the south east area of the site currently continues in this use. The remainder of the site is used for mechanical engineering and the production of a variety of pipe and cable dealing systems, most notably the blending and packaging of polyurethane precursors for resin kits to be used in the gas and telecom industries, including the decanting of Di-isocyanate.

The locality has a history of mineral extraction and subsequent landfilling, resulting for some potential for ground gas concentrations to be elevated.

Recognising that the development proposal includes residential development with gardens, the most sensitive end use with respect to ground contamination, in the event of planning permission being granted, it is recommended that the following conditions are attached to any permissions granted in the interests of the protection of public health and the avoidance of pollution:

- 1 - Site investigation and risk assessment works for chemical contamination
- 2 - Works to remediate any chemical contamination identified, that is acceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment works
- 3 - Remediation validation works

The above to be carried out to the satisfaction of the Local Planning Authority.

Site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 - 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 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

There are concerns about potential nuisance from noise and conditions are recommended.

HOUSING OFFICER

There is a requirement for 30% affordable housing at nil subsidy as it falls within local plan triggers and there is a clear demonstrable need in Westbury.

PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified.

Objections have been received from four interested persons on the following grounds:

Outside town policy limits

Housing on this site would put allocations elsewhere within the district at risk

There should be a pro-rata contribution to the extension of the Western Distributor Road to overcome intolerable traffic conditions in Oldfield Road.

It is unclear if the proposed roundabout would interfere with the Station Road/Link Road junction.

No drainage should be allowed to pollute the fishing lake or the sailing lake and it is understood that there is a drainage link between the two lakes which should be protected.

Lack of play facilities and recreation grounds in the area.

Concerns have been expressed with regard to the manner in which the application was advertised

RELEVANT PLANNING HISTORY

03/02012/OUT - Mixed use redevelopment comprising 1.35 ha housing and 0.37 ha employment land - Approved in principle 19.02.2004 subject to completion of legal agreements and planning permission was formally granted on 12.10.2005.

PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Sustainable development
- DP3 Housing
- DP4 Towns and main settlements
- DP7 Housing in towns
- DP8 Affordable housing
- DP9 Reuse of land and buildings
- T5 Car parking

West Wiltshire District Plan First Alteration 2004

- H1 Development in towns
- H3 Brownfield housing sites
- H4 Mixed use brownfield sites
- H2 Affordable housing
- E5 Loss of employment floorspace
- C36 Noise
- C37 Contaminated land
- C38 Nuisance
- R4 Open space in new housing developments
- R13 Sailing lakes
- H14 Land at Station Road, Westbury
- T4(F) Leigh Park distributor road, Westbury
- U1 Utilities
- U2 Surface water
- U4 Water source protection
- I2 The Arts

- PPS1 Delivering sustainable development
- PPG3 Housing
- PPG23 Planning and pollution control
- PPG24 Planning and noise

PLANNING OFFICER'S COMMENTS

The site forms part of the built up area of Westbury, although it has been identified within the District Plan 1st Alteration 2004 as outside the Westbury Town Policy Limits. However, when the decision was taken in principle on the earlier scheme for a mixed use development town policy limits did not form part of the Adopted Plan and the Proposed Modifications were at that time under consultation as part of the plan process.

The site is currently used exclusively for employment. A previous application would have retained a reduced level of employment use on site with the majority of the land being developed for residential. The current application is for a residential development.

There are a number of issues relating to the proposed redevelopment of the site, which are primarily the principle of housing, the loss of employment floorspace, nature conservation, affordable housing, public open space, noise, pollution, infrastructure, and matters relating to potential contamination.

1 - The Principle of Housing

The proposed site is currently used solely for employment purposes. Planning Policy Guidance Note 3 suggests that redundant employment sites are appropriate for housing and should be brought forward as a sustainable source of housing land.

The proposed site falls outside the Westbury Town Policy limits established in the Local Plan adopted in June 2004 where there is a presumption against any residential development. The current proposals must therefore be considered as a departure from policy.

The Council has a duty to make decisions in accordance with the development plan unless there are material considerations that would indicate otherwise. The earlier decision on 03/02012 to grant permission in principle for residential development on the majority of the site area is a material consideration. In addition the site is located on previously developed land and is well related to Westbury's existing urban boundary.

The redevelopment of the whole site for residential use would be consistent with the recommendations of Planning Policy Guidance Note 3. It is within a sustainable location within easy walking distance of schools, community health surgeries, shops, recreation and employment, transport and other town centre facilities.

This site which is a brownfield site would not put other greenfield housing allocations within the District Plan at risk. Furthermore, there is an existing permission for a mixed use development at the site that includes residential properties.

2 - Loss of Employment Floorspace

The proposal involves the loss of existing employment floorspace. However, the current occupiers have stated that they will remain within the Westbury area.

In support of the application, the applicant's agents have stated that the southern portion of the site has a long standing use as the headquarters of a busy contractors yard. Recent company restructuring and consolidation has seen the contracting activities becoming more site based and efficiencies have reduced the level of accommodation required purely for office based staff. The southern part of the site is therefore under utilised at present. The northern part of the site is occupied by another user, and both occupiers plan to relocate to more appropriate premises within Westbury at the West Wilts Trading Estate.

The agents maintain that the application is a significant step in a long term reorganisation and rationalisation of their land holding in the UK. They have a long standing association with the area and wish to retain their head office in Westbury. It is their intention to build new premises on a site available to them at the West Wilts Trading Estate.

In the original Employment Land Assessment the applicant failed to justify that there was an adequate supply and mix of genuinely available employment land in the locality. However, the revised Employment Land Assessment clearly demonstrates that the site is surplus to current employment land supply requirements. It meets the requirements of local plan policy by demonstrating that there is an adequate supply and mix of genuinely available land within the locality. The development proposal is considered acceptable in policy terms.

An Employment Land Assessment submitted by the agent concludes that there is an adequate supply and mix of genuinely available employment land in the locality such that the loss of the site to residential would not undermine the policy aims or the employment position in the locality generally.

A revised and updated report on Employment Land Availability in Westbury and surrounding area prepared by a second independent consultant was submitted to justify the loss of employment land to residential use.

Despite the concerns of the Council's Economic Development unit, the applicant has demonstrated that the proposals meet the requirements of Policy E5. Therefore it would not be reasonable to withhold permission.

The imposition of a condition on any permission granted requiring the occupier to relocate within the area would not be reasonable or relevant to planning or the planning merits of the case.

3 - Highways

The Transport Statement submitted with the application concludes that the proposed development would not have a significant adverse impact on the transport network surrounding the site.

The Highway Authority has no objection to the proposals, subject to a legal agreement to secure the construction of the roundabout and other highway works.

It is considered that there are no greater implications to highway safety or likely nuisance from noise and fumes from increased traffic and congestion than if this site were to remain fully operational as an industrial site.

The proposed roundabout would slow traffic on Station Road. It would also be likely to improve highway safety by making access into Station Approach easier as well as providing an improved access to the site.

The proposals would not prejudice the future provision of a relief road which would serve another development elsewhere within the town.

4 - Affordable Housing

There is a requirement under Council policy for up to 30% affordable housing.

The agents have stated that the current proposals would provide much needed housing in a sustainable location including 30% affordable housing. They suggest that the contribution of such sites to housing provision is very important and has been re-emphasised by current government guidance.

The applicants have indicated that they are prepared to enter into a legal agreement to secure affordable housing and this would meet the policy requirement.

5 - Public Open Space and Landscaping

This is an outline application and details of public open space, provision of public art and landscaping would form part of the reserved matters application and can be controlled by condition and legal agreement.

The landscape report has identified several trees which overhang the site and a condition can be imposed to control the protection measures for these trees.

6 - Education

The contribution to education infrastructure would form part of a legal agreement.

7 - Nature Conservation

The Habitat Survey submitted by the applicant concludes that the site is a typical industrial site, small in size and predominantly covered by hard standing containing little few potential habitats and of low ecological value. The important features are the trees and scrub which occur along but outside the site boundary. These may contain some habitats or refuges of small extent and limited importance to local wildlife.

If protected species such as bats are subsequently discovered its ecological value will increase and mitigation would be required as part of the redevelopment of the site. The survey recommends that prior to site preparation and construction further investigation to clarify whether bats or amphibians/reptiles are present should be carried out, and that an environmental management plan and working method statement should be prepared.

The buildings on the site are modern industrial buildings and though there may be some potential for bats within the roof space, this matter can be controlled by condition. The greater part of the site is currently covered by concrete and hardstanding and it is unlikely that reptiles are currently on site. A survey and mitigation strategy relating to reptiles can also be controlled by condition.

A Landscape Assessment has been submitted with the application which includes a survey of all trees on the site and its boundaries. It concludes that the visual envelope of the site is very contained and that most trees surveyed were not actually within the site boundary although the canopies of some trees adjoining the site overhang the site. It concludes that the proposed buildings should respect the extent of the tree canopies and root systems and these trees should also be protected during the demolition and construction works.

8 - Contaminated Land and Environmental Protection

An Environment Survey has been submitted with the application which concludes that prior to redevelopment further investigation and mitigation for site contamination should be carried out.

There is a history of industrial development on this site and Environmental Health have previously recommended that any permission should be subject to conditions requiring ground site investigation and remedial measures being undertaken. This view is supported.

There is potential for noise nuisance from the existing roads, railway lines and industrial development, as well as from the adjoining public house.

An Assessment of Environmental Noise and Vibration was submitted with the application and this concludes that the noise levels produced by both rail and road traffic is of some significance particularly towards the southern end of the site. It continues that ambient noise levels would not preclude residential development under the guidance of PPG 24, even though noise levels close to the road and railway are currently a little in excess of World Health Organisation guidance. It supports additional measures such as boundary treatments and suitable façade construction to mitigate any impact on future occupiers.

Details of noise mitigation measures to overcome any nuisance are matters that can be controlled by condition.

9 - Other Matters & Material Considerations

A Flood Risk Assessment and Hydrology Report concludes that the site is not at risk of flooding and there is no requirement for a further flood risk assessment.

Matters relating to site drainage can be addressed by a suitably worded condition and Wessex Water and the Environment Agency have no objection in principle.

An Archaeological Assessment has been submitted which concludes that there is no evidence for the presence of important archaeological remains within the proposed development site.

The application was advertised in accordance with the requirements of legislation.

CONCLUSION

Although the site is located outside of the Westbury Town Policy limits, as identified in the West Wiltshire District Plan, it is located on previously development land within Westbury's existing urban framework. There is also an extant permission for a residential development covering the major portion of the site.

Furthermore, the site is in a sustainable location close to major transport routes including Westbury Railway Station which is within a short walking distance. It is also within walking distance of the town centre and other facilities including employment sites, schools, health care and shops.

These are material considerations that would justify the granting of outline planning permission contrary to the development plan subject to the application first being referred to the First Secretary of State as a Departure.

All outstanding matters can be overcome by condition and legal agreements and there is no reason why permission should not be granted in principle subject to the above requirements.

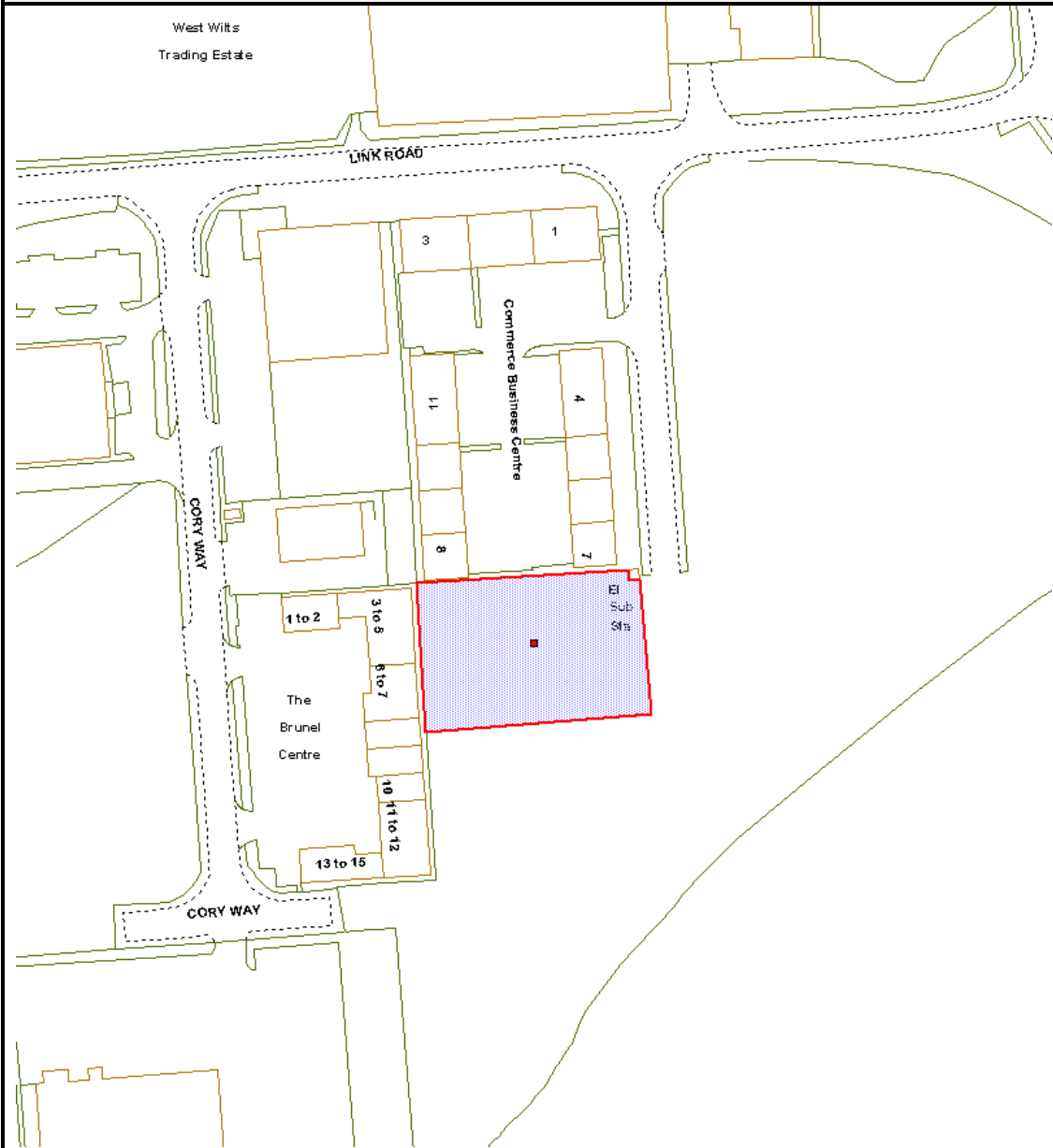
PLANNING COMMITTEE

27 October 2005

ITEM NO: 07

APPLICATION NO: 05/00677/FUL

LOCATION: Land West Of Commerce Close West Wilts Trading Estate
Westbury Wiltshire



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 05/00677/FUL

Site Address: Land West Of Commerce Close West Wilts Trading Estate Westbury Wiltshire

Parish: Heywood Ward: Ethandune
Grid Reference 386199 153058
Application Type: Full Plan
Development: Courtyard of single and two-storey business units (Use Classes B1, B2 and B8)
Applicant Details: Commerce Developments
C/o TES Transmissions Ltd Link Road West Wilts Trading Estate
Westbury Wiltshire
Agent Details: BBA Architects Ltd
Henrietta Mews Bath BA2 6LR
Case Officer: Miss Julia Evans
Date Received: 08.04.2005 Expiry Date: 08.07.2005

JUSTIFICATION REASON:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

RECOMMENDATION: Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior agreement of a Legal Agreement for highway contributions for the junction improvements of the Link Road with Hawkeridge Road.

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

2 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

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

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

- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

- 5 Before the development is occupied, the access road, parking and turning areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority, and maintained as such thereafter.

REASON: In the interests of highway safety.

- 6 The parking and servicing areas indicated on the approved plans, together with the means of access thereto, shall be formally laid out and marked on site, and shall be completed and made available for use before the premises are occupied, and shall be maintained as such thereafter.

REASON: To ensure that an adequate area for parking and servicing is available in the interests of highway safety.

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

- 7 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

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

- 8 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items.

REASON: In the interests of the appearance of the site, and highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy E2.

- 9 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 10 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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.

11 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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

12 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

13 The development hereby permitted shall not be commenced until a scheme for the protection of Wessex Water infrastructure on or near the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

REASON: In order to protect public infrastructure.

Note(s) to Applicant:

- 1 The proposed development is situated within 250 metres of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site.
- 2 Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDs). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting ground water recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SuDs approach.
- 3 You are advised to contact Wessex Water to agree points of connection onto their apparatus before the commencement of works on site.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought before the Planning Committee because the Parish Council objects to this proposal contrary to the officer's recommendation.

This is a full application for the erection of 6 single business units at land west of Commerce Way, on the West Wilts Trading Estate, Westbury. It is a resubmission of one for a similar scheme that was refused in February of this year for unsatisfactory parking and servicing layouts. The current application has sought to address these matters.

The site lies to the south of the existing units on Commerce Way, and is currently vacant, undeveloped land. There is already road access to this gently sloping site. To the west lies the Brunel Centre, which is another group of small business units.

The proposed units would lie in 2 rows of 3 either side of the access road to the site. The use for the units would be B1 (light industrial/office), B2 (general industrial) and B8 (distribution and warehouses). 26 car parking spaces are proposed, and the applicant has demonstrated that the area can be satisfactorily serviced. 2 areas for bin stores have been proposed adjacent to Commerce Way, amongst the landscaping along the site frontage. The units would be constructed of Goosewing grey profiled steel cladding to the roof and walls, above a plinth of straw-coloured bricks with red / orange string-courses. These materials would match those used in units to the north of the site. Both terraces of units measure approximately 8.5 metres by 50 metres by 7.5 metres.

The 0.23 hectare site lies within the E2 Employment Policy area.

HEYWOOD PARISH COUNCIL

Object.

State: - "The Parish Council objects to the application on highway grounds. The differences between this application and 04/02256 do not alter the Council's objection to that application that, although the building of units per se is acceptable, the business they may be expected to generate will result in a material increase in traffic movements which will aggravate the existing difficulties caused by the inappropriate use of Storridge Road and the Ham by traffic from West Wiltshire Trading Estate. The objection would be overcome by the completion of highway works needed to give priority to traffic from West Wilts Trading Estate at the Link Road / Hawkeridge Road junction."

POLICY AND CONSERVATION

No objection.

Consider that the proposal is acceptable because "The principle of employment uses on this site is established through the long-standing employment allocation..... the proposal is acceptable subject to introduction of a condition requiring the preparation of an employee travel plan."

ENVIRONMENTAL HEALTH

No comments received.

ECONOMIC DEVELOPMENT

No comments received.

HIGHWAY AUTHORITY

No objection subject to imposition of relevant conditions and a Section 106 Agreement to secure highways improvements.

State: - "The proposal is a resubmission of the earlier application under reference W04.2256, with minor amendments to the parking and turning facilities, which now satisfy my requirements.

Environment Agency

No objections subject to the imposition of conditions.

Wessex Water

No objection.

State: - "The proposal is not located within a Wessex Water sewered area... As there are no existing public foul or surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of foul and surface water from the site (eg septic tank and soakaways)...

"Turning to water supply, there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage."

PUBLICITY

The application has been advertised with Public Notice and Public Interest site notices, and neighbour notifications have also been undertaken. No responses have been received.

RELEVANT PLANNING HISTORY

89/01395/OUT - Industrial development (B2) - Permission 19.11.1991

94/01067/OUT - Industrial development (B2) (renewal) - Permission 20.10.1994

94/01431/OUT - Class B1, B2 and B8 development (outline) - Permission 24.01.1995

05/02256/FUL - Courtyard of single and 2-storey business units (Use Classes B1, B2 and B8) - Refused 14.02.2005

Land to the north of the site: -

02/00311/FUL - Courtyard of single and 2-storey business units. Use Class B1, B2 and B8 - Permission 30.05.2002.

PLANNING POLICY

Wiltshire Structure Plan 2011

DP1 Priorities for sustainable development
DP5 Town centres, district centres and employment areas
T5 Parking
C5 The water environment

West Wiltshire District Plan - 1st Alteration 2004

C31A Design
C32 Landscaping
C35 Light pollution
C36 Noise
C37 Contaminated land
C38 Nuisance
E2 Employment policy areas
T10 Car parking
U1A Foul water disposal
U2 Surface water disposal
U4 Groundwater Source Protection Areas

National Guidance

PPS1 Delivering Sustainable Development
PPG4 Industrial, Commercial and Small Firms
PPG13 Transport
PPS23 Planning and Pollution Control
Circular 11/95 - The Use of Planning Conditions in Planning Applications
Circular 05/05 - Planning Obligations

PLANNING OFFICER'S COMMENTS

This application is a resubmission of one for a similar scheme that was refused in February of this year for the following reasons: -

1. "The proposal, by virtue of its car parking arrangements, is unacceptable as it does not provide sufficient room to enable the number of cars shown to be manoeuvred safely and effectively. The proposal is, therefore, considered detrimental to highway safety.
2. The proposal, by virtue of its lack of lorry parking and turning facilities, is unacceptable, as it does not provide sufficient room to accommodate such vehicles on site. The proposal is, therefore, considered detrimental to highway safety."

These reasons for refusal have been overcome with this application. The application proposal makes satisfactory provision for parking. The proposed car and lorry parks include sufficient space to enable vehicles to be manoeuvred safely and effectively. Accordingly there is no highway objection.

The Highway Authority requires a £15,000 financial contribution towards the cost of a traffic-signal controlled junction for the Link Road / Hawkeridge Road junction. They state that "Any permission should be withheld pending the completion of a Legal Agreement to secure a financial contribution of £15,000 towards the cost of a traffic signal controlled junction arrangement which would be held in a pool until the balance could be recovered from future application sites." With the previous application on this site, the Highway Authority were asked whether this contribution was both necessary and directly relevant to the application, as neither the previous outline permissions nor the full permission to the north of the site (in 2002) required a contribution for this junction. The Highway Authority are of the opinion that this site, plus any other future proposals, raise concerns over the suitability of the access into the trading estate, and that the contribution is relevant as the junction is the most appropriate means of access to service the development. The request is also now being made due to the new Circular for Planning Objections, 05/05, which they feel now justifies such a contribution.

The applicant has agreed to make a financial contribution towards the highway works. Consequently, as the previous reasons for refusal have been overcome, and the financial contribution is acceptable to the applicant, permission is recommended, subject to the completion of a legal agreement and condition.

The proposed buildings are of a similar design to those built to the north of the site. The materials and layout are considered satisfactory, and their location in the E2 employment Policy Area means that subject to materials and landscaping conditions, no amenity objection is raised. With the previous application, conditions were suggested by the Environmental Health section. As they have not replied this time, conditions concerning no burning have been attached. A condition has also been attached preventing outside storage so as to protect visual amenity and provide unobstructed servicing and parking areas.

CONCLUSION

The proposal is not considered contrary to the District Plan, and subject to a legal agreement for the highways contribution and the suggested conditions being attached to any permission, no objection is raised.

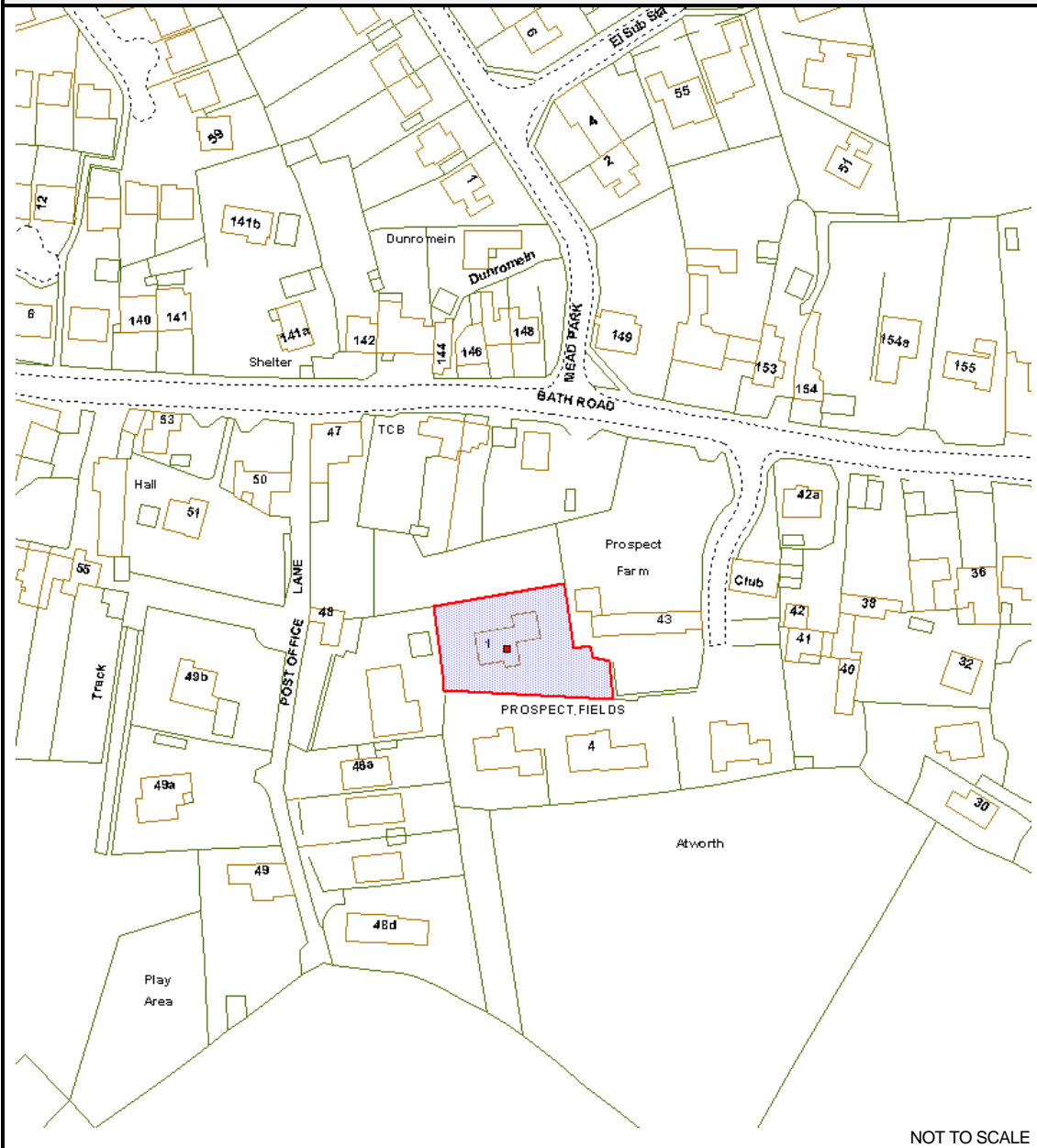
PLANNING COMMITTEE

27 October 2005

ITEM NO: 08

APPLICATION NO: 05/01968/FUL

LOCATION: 1 Prospect Fields Atworth Wiltshire SN12 8RS



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www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 05/01968/FUL

Site Address: 1 Prospect Fields Atworth Wiltshire SN12 8RS

Parish: Atworth Ward: Atworth & Whitley
Grid Reference 386611 165895
Application Type: Full Plan
Development: Extension to garage and new roof with dormers
Applicant Details: Mr A Ayliffe
1 Prospect Fields Atworth Wiltshire SN12 8RS
Agent Details: Mr S Filipowicz
36 The Common Broughton Gifford Melksham Wilts
Case Officer: Mr Mark Reynolds
Date Received: 01.09.2005 Expiry Date: 27.10.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

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

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

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

- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added above ground floor level to the eastern elevation of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the planning committee because Atworth Parish Council object to the application and Officers recommend permission.

This is a two storey large detached house constructed of stone with concrete roofing tiles. This is an application for a side extension to an existing double garage and office. The proposed extension would measure 2.8m in width and 6m in depth. This proposal would raise the ridge height above the existing double garage and office to 6.2m in height an increase of 1.3m in height above the existing ridge level. Three dormer windows would be incorporated above the existing garage, office and proposed study at the south elevation.

The application site is one property of a residential development of four houses within the settlement of Atworth. These are large residential units with open plan front gardens.

ATWORTH PARISH COUNCIL

The Council consider this addition to be too large and will dominate and over shadow the other houses in this development.

PUBLICITY

No comments received

RELEVANT PLANNING HISTORY

05/00275/FUL - Detached double garage with carport and attic room - Refused 04.08.2005

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
C38 - Effects of development on neighbouring properties
C31A - Design
C27 - Listed Buildings

PPS 1 - Delivering Sustainable Development
The Planning System: General Principles
PPG 15 - Planning and the Historic Environment

SPG - Supplementary Planning Design Guidance - Household Alterations and Extensions

PLANNING OFFICER'S COMMENTS

The main issues to consider in this application are the impact which the scheme would have upon neighbour amenity, the street scene and the setting of a neighbouring listed building, and whether the current proposals overcome the previous reasons for refusal.

The issue of neighbour amenity may first be considered. The proposed extension would retain a gap to the property to the east, Prospect Farm. The extension would not overshadow or have an overbearing impact on this neighbouring property. This proposal would incorporate only a ground floor doorway in the east elevation and no loss of privacy for this neighbouring property would result.

The neighbouring property to the east, Prospect Farm, is a Grade II Listed building and the issue of whether this proposal would impact upon the setting of the Listed building is a material consideration. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed extensions would be located adjacent to the Listed building. When viewed from the south however the proposed extension would be set back from the main front south elevation and the proposal would not obscure from view the existing dry stone wall boundary treatment or the listed building to the east. There also exists a vegetative boundary adjacent to the proposed extension which will help to provide a visual gap between the extension and the listed property.

In the previously refused application a proposed detached double garage was to be set forward of the host building which would have appeared as an overly dominant addition, detracting from the setting of this Grade II Listed building. It is acknowledged in this instance that the proposed extension would be located relatively close to this neighbouring building. However, it would read as an extension, which by virtue of its less prominent location, would not harm the setting of the Listed building.

The proposed extension would be set back approximately 18m from the access road into this small cul-de-sac of houses which is a private road. The proposed extension would be subservient to the main house in height and a set back is achieved from the building frontage. The proposed extension would not greatly alter the appearance of this building from the south elevation which is the only elevation which allows a clear view of the property and the proposed extension. Therefore in this case it is not felt that the street scene would be harmed by this proposal.

Whilst the comments of Atworth Parish Council are noted it is not felt that the proposed extension would dominate or overshadow the other houses in the development.

CONCLUSION

This proposal for an extension to the existing building, rather than a large detached structure as previously proposed, has overcome the previous reasons for refusal there is no reason why permission should not be granted.

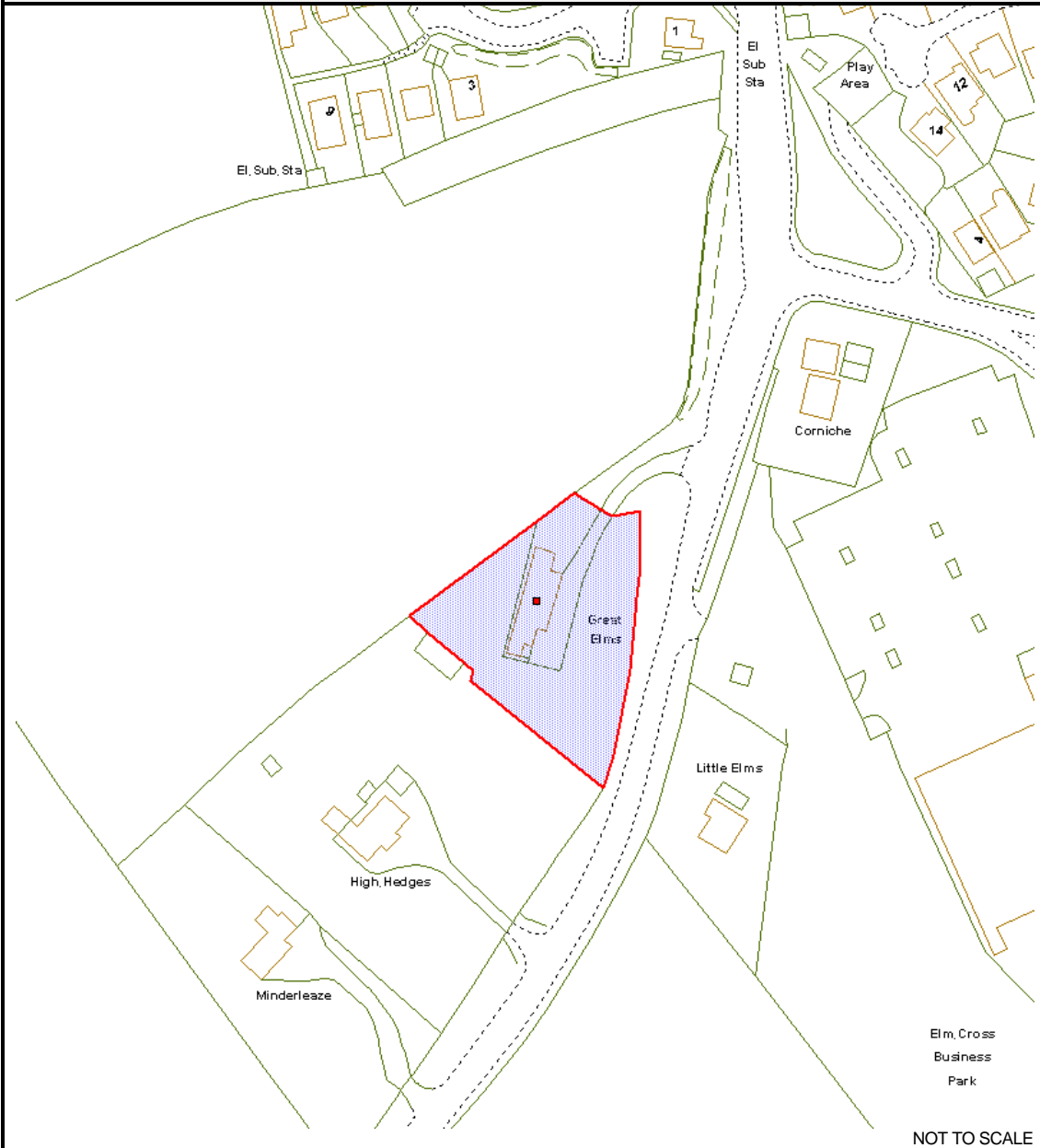
PLANNING COMMITTEE

27 October 2005

ITEM NO: 09

APPLICATION NO: 05/01789/FUL

LOCATION: Great Elms Elms Cross Bradford On Avon Wiltshire BA15 2AD



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SLA: 100022961

09 Application: 05/01789/FUL

Site Address: Great Elms Elms Cross Bradford On Avon Wiltshire BA15 2AD

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382405 159792
Application Type: Full Plan
Development: Single storey side extension to provide additional living accommodation together with alterations to the fenestration on the north, west and east elevations
Applicant Details: Mr And Mrs Alan Roland Price
114 Dartnell Park Road Nest Byfleet Surrey KT14 6QE
Agent Details: Jonathan Hertreed
Hertreed Ross Architects Bath Brewery Toll Bridge Road Bath BA1 7DE
Case Officer: Mrs Judith Dale
Date Received: 12.08.2005 Expiry Date: 07.10.2005

JUSTIFICATION REASON:

The proposal does not conform to the Development Plan but there are very special circumstances which are that the increase in volume would be insignificant and would justify the granting of permission.

RECOMMENDATION:

The application be referred to the First Secretary of State as a Departure from the Development Plan and planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the application is remitted back to the Council for a decision.

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because it constitutes a Departure from the Development Plan and Officer's recommend permission.

This detailed application proposes the 'demolition' of an existing double car port at the side of the property, and its replacement with a single storey, single width extension 2.5m wide, and attached single car port.

The proposed extension would be constructed of rubble stone and render under a flat roof and would include the conversion of the existing integral garage immediately adjoining, to provide ground floor annexe accommodation for the current occupier. The replacement car port would be of timber construction as existing.

Great Elms is a much extended chalet bungalow sited within extensive grounds just beyond the town limits for Bradford on Avon. It is located within the Green Belt.

BRADFORD ON AVON TOWN COUNCIL

No objection.

PUBLICITY

The application was advertised by site notice and in the local press as a Departure from the Development Plan. Neighbours were notified but no letters of comment or objection were received.

RELEVANT PLANNING HISTORY

76/0217 - Covered way and balcony - Permission

81/01107/FUL - Erection of fourth bedroom - Permission 27.10.81

83/01236/FUL - Conservatory/dining room extension - Permission 20.12.83

85/00577/FUL - Extension - Permission 25/06/85

87/01676/OUT - Erection of residential bungalow/chalet - Refused 02.02.88 and dismissed on appeal.

01/01279/FUL - Conservatory - Permission 19.09.01

PLANNING POLICY

Wiltshire Structure Plan 2011
DP12 Western Wiltshire Green Belt

West Wiltshire District Plan - 1st Alteration 2004
GB2 Green Belt
C1 Countryside
C31A Design
C38 Nuisance

PPG2 - Green Belt
Design Guide - Supplementary Planning Guidance

PLANNING OFFICER'S COMMENTS

The main issue with this application is the principle of additional development on this Green Belt site. Both Government and local policy towards development within the Green Belt is very restrictive, and there is a clear presumption against all development unless it falls within one of the identified exceptions. One of these is "the limited extension of existing dwellings provided it does not result in disproportionate additions over and above the size of the original building".

As identified in the section on planning history, this property has been very significantly extended since it was originally built in the 1960s. The floor area is estimated to have at least doubled in size, and it is clear that the original modest three bedroomed dwelling has now become a significantly larger four bedroomed property. In planning terms, the property has already been extended beyond what can realistically be regarded as "limited" and it is therefore to consider whether there are any very special circumstances which would justify the current proposal.

The proposed extension is required as part of a scheme of internal conversions within the building to provide ground floor bedroom accommodation for the current owner who is in failing health, and his wife, who has been his sole carer for the past 3 years. Two separate letters from the owner's consultant and doctor confirm his medical condition and the need for more suitable living accommodation at ground floor level. The couple's son and family are intending to move into the house to share the necessary care and this has also created the need for additional living space.

Aware of Green Belt limitations, the extension has been designed entirely within the footprint of the existing car port, and in that sense, would not result in any increase in floor area over that which already exists. There would, however, be a very small increase in volume, due to the roof of the extension being raised approximately 500mm above the height of the original car port, a total of 5.75 cubic metres. Such a small increase, amounting to a fraction of 1% and with no overall increase in approved floor area, could not reasonably be regarded as being detrimental to maintaining the openness of the Green Belt.

It is clear that the proposed extension would have a more visual impact than the existing car port, which is, by definition, a more open and lightweight structure. However, within the framework of permitted development, it would be possible for the sides of the car port to be enclosed with solid walls without the need for any further consent; by comparison with the fallback situation, the proposed extension would have no greater visual impact.

The various alterations to fenestration over the remainder of the house do not, in themselves, specifically require planning permission. However, they raise no issues for either residential or visual amenity.

CONCLUSION

It is generally accepted that personal circumstances are not, in themselves, sufficient justification for overriding policy. However, the particular circumstances of this case, combined with the quite insignificant increase in volume of the existing building, are considered to warrant special justification.

In view of the fact that the existing property has already been extended beyond a level which would normally be acceptable on a Green Belt site, this further extension, albeit insignificant in itself, constitutes a Departure from the Development Plan - it is therefore a procedural requirement for it to be referred to the First Secretary of State before issuing a decision.

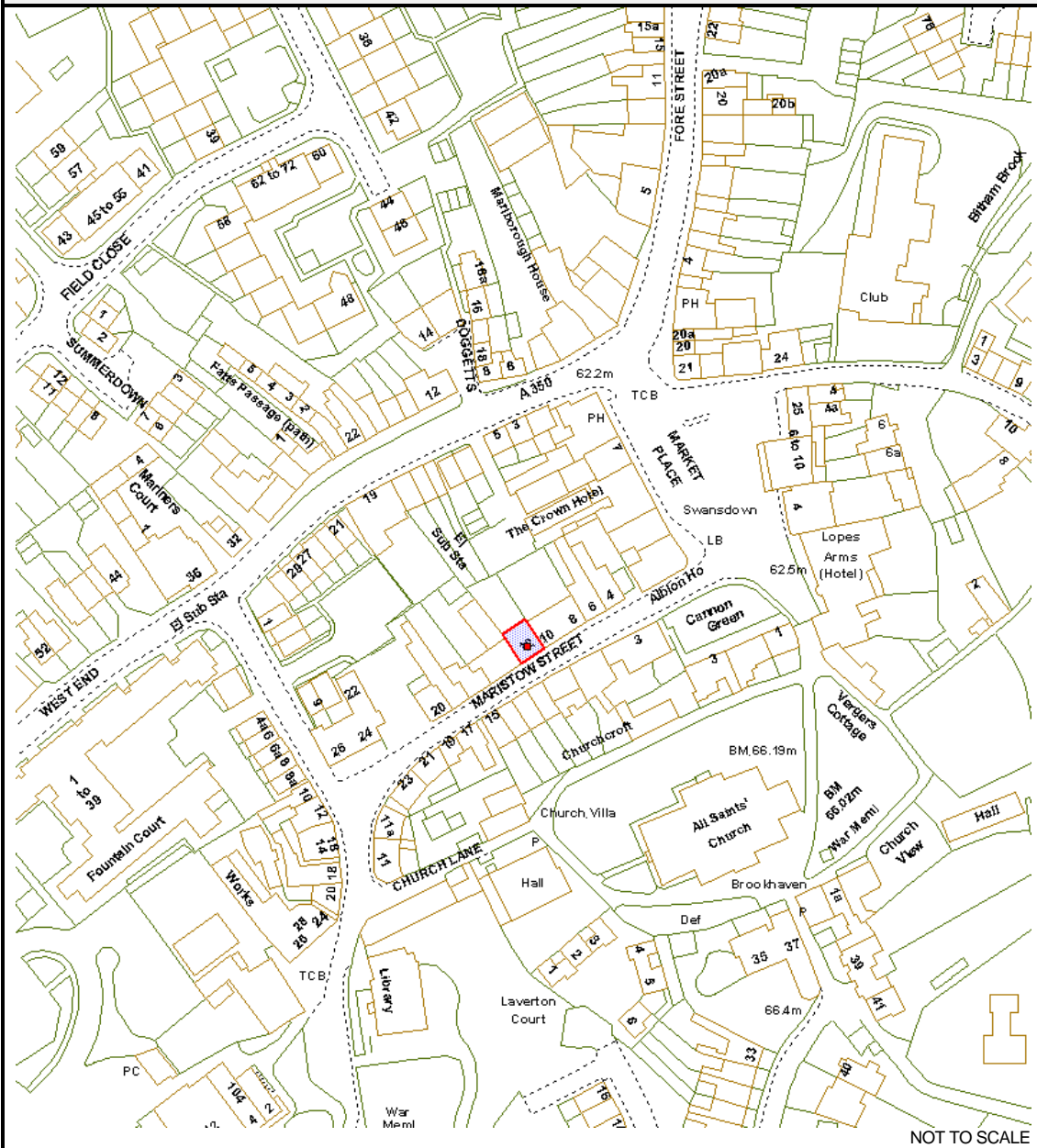
PLANNING COMMITTEE

27 October 2005

ITEM NO: 10

APPLICATION NO: 05/01960/FUL

LOCATION: 12 Maristow Street Westbury Wiltshire BA13 3DN



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SLA: 100022961

10 Application: 05/01960/FUL

Site Address: 12 Maristow Street Westbury Wiltshire BA13 3DN

Parish: Westbury Ward: Westbury Ham
Grid Reference 387326 151476
Application Type: Full Plan
Development: Change of use from A1 to A2
Applicant Details: Mr And Mrs R Curtiss
Walpole House Walpole Bridgewater Somerset TA6 4TF
Agent Details: J F P Sandoe
Sandoes Smallbrook House Edward Street Westbury Wiltshire
Case Officer: Mr James Taylor
Date Received: 31.08.2005 Expiry Date: 26.10.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council objects and Officers recommend permission.

The proposal is a change of use from A1 to A2 of premises located in the secondary retail area of Westbury. The shop which is currently used as an independent children's clothes shop would be used by a firm of financial consultants offering mortgage advice and life assurance.

The building is a two-storey terraced property made of red brick with clay tiles to the roof, located in the Westbury Conservation Area. The area is characterised by similar properties, which are being utilised for a varied mix of uses, including retail, professional services, cafes and residential. There are residential properties on each side of the application site and a commercial premises on the opposite side of the road.

WESTBURY TOWN COUNCIL

The members object to the proposal as they do not want to lose the retail use, which if allowed, could harm the sustainability of this primarily retail location.

HIGHWAY AUTHORITY

No objection.

PUBLICITY

No comments received.

RELEVANT PLANNING HISTORY

96/00078/FUL - Refusal to change use from shop to dwelling on 21/03/1996.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration - 2004

C19 - Alterations in a Conservation Area

C20 - Change of Use in Conservation Areas

C38 - Nuisance

H1 - Town Policy Limits

SP5 - Secondary Retail Frontages

PPS 1 - Delivering Sustainable Development

PPG6 - Town Centres and Retail Development

PPG15 - Planning and the Historic Environment

PLANNING OFFICER'S COMMENTS

The main issues to consider with this application are the potential impact on the vitality and viability of the town centre together with the impact on the character and appearance of the conservation area.

The proposal site is located within an area of the town centre defined as being a secondary retail frontage and not the primary retail frontage. Policy SP5 of the West Wiltshire District Plan 1st Alteration (2004) states that a flexible approach should be taken to allow for a diversity of activities important to town centre commercial areas to take place outside the primary retail area and that in secondary retail frontages changes of use from Class A1 to A2 will be permitted. This includes changes from retail to financial and professional services.

There would be no nuisance issues relating to this proposal as a change of use from retail to financial professional services would be unlikely to cause any increase in noise or other nuisance.

The highway authority has no objections and this view is supported as there is public parking available on the street and in a car park 70 metres away.

It is noted that there is a variety and broad spread of land uses retained in the locality, including retail, commercial and residential.

This variety supports the character and appearance of the conservation area. Changes of use of buildings in a conservation area will be permitted provided that the new use will not require any changes in the appearance that would be likely to harm the special character or appearance of the conservation area. Since there would be no alterations or extensions to the property the character and appearance conservation area would be preserved.

CONCLUSION

The proposal is in accordance with Council policy to preserve and enhance the character and appearance of conservation area and represents a use that would be acceptable with the secondary retail frontage.

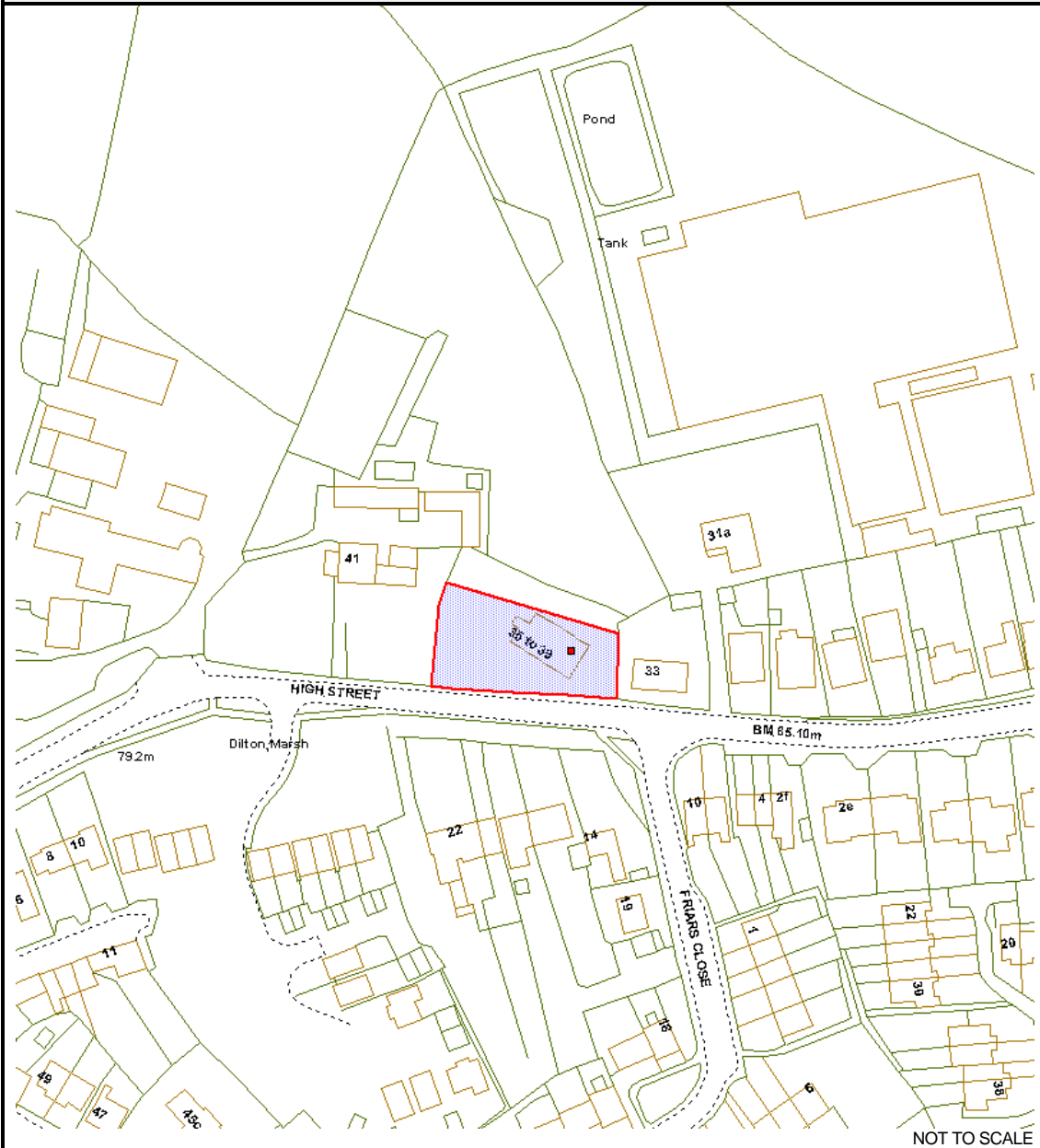
PLANNING COMMITTEE

27 October 2005

ITEM NO: 11

APPLICATION NO: 04/02458/FUL

LOCATION: Fairfield Cottages 39 High Street Dilton Marsh Wiltshire
BA13 4DL



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SLA: 100022961

11 Application: 04/02458/FUL

Site Address: Fairfield Cottages 39 High Street Dilton Marsh Wiltshire BA13 4DL

Parish: Dilton Marsh Ward: Dilton Marsh
Grid Reference 385326 149988
Application Type: Full Plan
Development: Erection of detached unit for boarding accommodation
Applicant Details: Fairfield Opportunity Farm
Dilton Marsh Westbury Wiltshire BA13 4DL
Agent Details: NVB Architects
Rook Lane Chapel Bath Street Frome Somerset BA11 1DN
Case Officer: Mrs Judith Dale
Date Received: 29.12.2004 Expiry Date: 23.02.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.
- 2 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.
- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

- 5 The parking spaces shown on the approved plan, together with the access thereto, shall be provided concurrently with the development hereby permitted and shall be retained in perpetuity in connection with the residential use on this site.

REASON: To ensure that an adequate area for parking is available in the interest of highway safety.

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

- 6 The residential accommodation hereby permitted shall be occupied as part of, and in connection with Fairfield Opportunity Farm and shall not be let or sold as separate accommodation.

REASON: To accord with the terms of the application and to ensure a pattern of development which accords with the approved policies and the District Plan.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H17, C31A, C38 and T10.

Note(s) to Applicant:

- 1 The applicant is advised to consult with Wessex Water with regard to agreement to a point of connection onto Wessex infrastructure for disposal of foul flows and water supply.
- 2 With reference to Conditions 3 and 4 above, the applicant is advised that the submitted landscaping scheme should provide for some replacement of semi-mature planting.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request Councillor Conley.

This is a detailed application for the erection of a self-contained residential unit within the grounds of Fairfield Opportunity Farm. The proposal is for the erection of a 2-storey, T-shaped dwelling to provide 6 bedrooms, together with a bedroom for a care worker, and ancillary and bathroom facilities. The building is to be located towards the back of the site on an area of garden / car parking, and adjacent to the existing main residential accommodation unit. Its design reflects that of the existing unit and is to be constructed of matching brick under a tiled roof.

Replacement car parking for 3 vehicles is to be provided within the shared front garden and served by the existing access.

Fairfield Opportunity Farm provides independent and vocational training for students with learning difficulties and is a charitable organisation which is based on the site of a previous working farm. The farm itself occupies several hectares of land at the eastern end of Dilton Marsh village a short distance (approximately 65 metres) from the current application site.

DILTON MARSH PARISH COUNCIL

No objection, although notes that parking is only sufficient for visitors and therefore the use of the building should be restricted to accommodation for students of Fairfield Opportunity Farm. Also a footway should be provided between the proposed entrance and the existing Opportunity Farm entrance.

HIGHWAY AUTHORITY

No objection.

WESSEX WATER

No objection subject to agreement to a point of connection onto Wessex infrastructure for disposal of foul flows and water supply.

ENVIRONMENT AGENCY

No comment.

PUBLICITY

The application was advertised by Site Notice and neighbours were notified. Two letters of objection were received on the following grounds: -

- The scale of development will impact on the overall character of the village;
- Over-development of the site resulting in a cramped appearance;
- Loss of mature trees would detract from rural character and lead to gradual urbanisation;
- Additional development at Fairfield cottages should be resisted and concentrated within the main farm complex;
- Increase in levels of activity and noise detrimental to existing residential amenity.

RELEVANT PLANNING HISTORY

90/01782 - Alterations and extension to provide self-contained residential block for house parent and 6 boys together with car park and new access - Permission 21.05.91.

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

H17	Village policy limits
H24	Housing Design
C31A	Design
C32	Landscaping
C38	Nuisance
T10	Car parking
CF1	General community facilities and services
CF3	Community facilities and services in villages and rural areas

PPG3 Housing

PLANNING OFFICER'S COMMENTS

The main issues with this application are: -

- The principle of additional residential accommodation on this site;
- Design and amenity considerations, including loss of trees.

Residential Accommodation

The requirement for this residential unit has arisen through the expiry of an existing lease on a nearby property in the High Street and the need to find replacement accommodation of a type and potential which is close to the main farm campus and which can be modified to comply with the relevant Care Standards recommendations (Care Standards 2000, Care Homes for Younger Adults). These suggest that residential units should be "family style" rather than large boarding houses. A combination of these factors has identified that the most suitable replacement accommodation is in the form of a new dwelling house to be erected adjacent to the main residential unit and within the existing site.

The site is located within the Village Policy Limit for Dilton Marsh where the principle of development is acceptable subject to it being in keeping with the character and appearance of the settlement, it not resulting in the loss of important open space and it being satisfactorily serviced.

In addition to this village policy framework, Policies CF1 and CF3 support the provision and enhancement of school and other community facilities provided that the design details are acceptable and they do not have an unacceptable impact on residential amenity or other environmental considerations - on this basis, the principle of residential development on this site is acceptable.

Design and Amenity

With regard to the detailing of this proposal, the design concept is intended to reflect its intended purpose and its setting within an established residential area: -

- The proposed 2-storey building is of brick construction with a height, scale and design detail which closely reflects the existing residential unit on the site.

- No additional access is proposed, with both units sharing the existing entrance and a small communal parking area re-sited to the front of the site. Although only providing for 3 vehicles, the nature of the development does not require additional provision and the Highway Authority raises no objection to the quantity and location of the parking area.

- The proposed siting of the dwelling towards the rear of the plot creates a logical extension of the existing building set by Fairfield cottages and will integrate more satisfactorily with the pattern of development already on the site. Additionally it will have a reduced visual impact on the street scene.

- Although located close to both north and west boundaries, the land to the rear is open farmland (outside Village Policy Limits) while the Fairfield Farm manager's house occupies the site immediately adjoining - its impact on existing residential amenity will therefore be limited.

- Although concerns have been raised about overlooking of neighbouring properties, first floor windows in the side (east) elevation would be a minimum of 27 metres from the site boundary, well in excess of the 21 metre guideline between principle elevations of neighbouring developments.

- The siting of the building in the northwest corner of the site will involve the loss of 3 mature Black Poplar trees. An arboricultural report has been submitted which identifies them as being in poor health and supports their removal. Replacement planting could be achieved through appropriate planning conditions.

With regard to neighbours' concerns over the matter of overdevelopment of this site, and increased levels of activity incompatible with existing residential amenity, the proposed unit is to accommodate 6 residents only and a carer. To place this scale of development in context, the planning definition of a "dwelling house" specifically includes a building housing up to 6 residents living together as a single household, which definition also includes a household where care is provided for residents (Class C3b). The scale of the proposed development would include only one additional individual in the role of carer which is not significant in planning terms or inappropriate in what is a primarily residential area.

To further address concerns about overdevelopment on this site, the application has been substantially revised and reduced since its original submission and a large single storey extension to the rear of the existing residential block was withdrawn from the scheme. The reduced scale of development as now proposed is considered acceptable on this residential site.

The Parish Council's request for a footpath link to the nearby farm campus has been raised with the applicant. However, learning to cross the road and coping with passing vehicles are among the skills which residents are encouraged to develop as part of the overall education programme, and a footpath link within the site would defeat this purpose.

CONCLUSION

In the light of the above, the proposed development is recommended for permission.

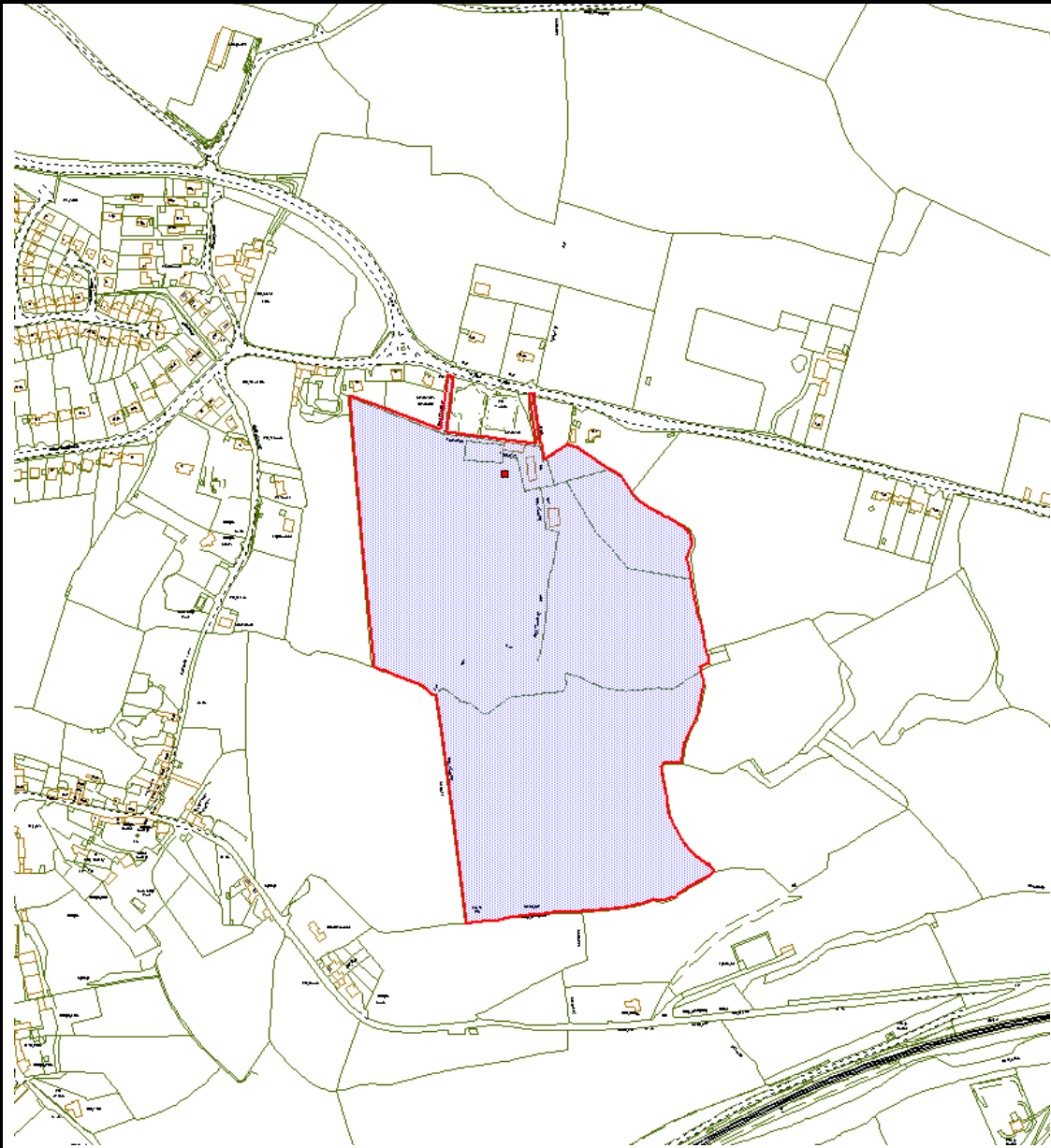
PLANNING COMMITTEE

27 October 2005

ITEM NO: 12

APPLICATION NO: 05/00282/FUL

LOCATION: Land South East Of Hillview Farm Bradford Road Winsley
Wiltshire



NOT TO SCALE

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SLA: 100022961

12 Application: 05/00282/FUL

Site Address: Land South East Of Hillview Farm Bradford Road Winsley Wiltshire

Parish: Winsley Ward: Manor Vale
Grid Reference 381018 161075
Application Type: Full Plan
Development: Change of use from agricultural to a mixed use including livery
Applicant Details: Mr P P Hulbert
11 Magnow Road Bradford On Avon Wiltshire BA15 1PU
Agent Details:
Case Officer: Miss Julia Evans
Date Received: 15.02.2005 Expiry Date: 12.04.2005

REASON(S) FOR PERMISSION:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

RECOMMENDATION: Permission

Condition(s):

- 1 There shall be no erection of any buildings, or structures, including any permanent jumps or exercise equipment, apart from those approved, on any part of the site.

REASON: In order to protect the openness of the Green Belt and to conserve the landscape character of the Cotswolds Area of Outstanding Natural Beauty.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - GB2, C2 and E10.
- 2 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 10 metres from the carriageway edge, to allow for a car and horsebox.

REASON: In the interests of highway safety.
- 3 The driveway between the edge of the carriageway and the gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

REASON: In the interests of highway safety.
- 4 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The works shall be undertaken in accordance with the approved details.

REASON: In the interests of highway safety.
- 5 Within 3 months of the date of this permission details for the roof, foul water and surface water disposal shall be submitted for the Local Planning Authority's approval. The works shall be undertaken within 2 months of their approval by the Local Planning Authority.

REASON: To minimise the risk of pollution to the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies U1A & U2.

- 6 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 7 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 8 Within 3 months of the date of this permission, details of the method of storage and disposal of stable manure, which shall not include manure burning, shall be submitted for the written approval of the Local Planning Authority. The works shall be carried out within two months of their approval by the Local Planning Authority. Storage and disposal shall thereafter be in accordance with the approved method for so long as the stables hereby permitted remain on the site.

REASON: In order to protect the water environment and neighbouring amenity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C28, U1A & U2.

- 9 Within 3 months of the date of this permission full details of both hard and soft landscape works shall have been submitted for the approval of the Local Planning Authority. The works shall be carried out during the first planting season following their approval and shall include indications of all existing trees, hedgerows, fences and stone walls on the land and details of any to be retained. The scheme shall include landscaping and a stone wall along the boundary with number 1 Bradford Road, Winsley.

REASON: To provide a satisfactory landscaped setting for the development and to maintain the landscape character of the Cotswolds Area of Outstanding Natural Beauty.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C2 & C32.

Note(s) to Applicant:

- 1 Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.
- 2 The disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.
- 3 You are advised that any further conversion of buildings to livery use will need planning permission.
- 4 You are advised to check with the Local Planning Authority to ascertain as to whether further buildings, structures and facilities on the site require planning permission.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee as the Parish Council object to the proposal and Officer's recommend permission.

This is a full application for the change of use of land southeast of Hillview Farm to a mix of livery and agricultural use. The 15.4 hectare site lies to the south of the B3108, and is currently used for livery and agricultural purposes. The applicant has two barns on site which are used for stabling horses, a sand exercise ring, and a new access track. These facilities are located at the northern end of the site, adjacent to Wessex Water's reservoir. The land to the south of this would be used for agricultural uses (including horse grazing) and to allow horses to be ridden around this land. In support of their application the applicant has stated: -

- "The livery use on the fields would be grazing, stabling and exercising on the land in its now physical state. I am not asking for further lighting on the site permanent and/or temporary jumps, and other exercise arenas. I am asking for mixed use to include livery. The land of 37 acres is made up of 3 fields that are used for grazing of, sheep, lambs, horses, ponies, chickens, ducks, geese and rabbits. The land is also used for the breeding of sheep, chickens, ducks, geese and rabbits. 2 of the fields are at this moment in time being fertilised, harrowed and rolled in preparation for the grass to grow so that later in the year the grass can be cut to make hay. The hay is used by all of the animals on this land, and some of it is sold on. Depending on the time of year dictates which fields can be for grazing, haymaking, breeding and also riding around."

The site has been used for livery purposes for some time. This application is to regularise the uses that are taking place. The livery buildings and formal exercise arena and associated facilities are concentrated to the north of the site. The rest is laid to grass, and at the time of the site visit, was used for grazing horses and sheep. Part of the site lies on the plateau above the steeply incised River Avon valley, with the rest forming the steeply sloping valley side. Field boundaries are characterised by dry stone walls and sporadic hedgerows.

The site lies within the Western Wiltshire Green Belt, the Cotswolds Area of Outstanding Natural Beauty (Area of Outstanding Natural Beauty), the Bradford on Avon Landscape Setting.

WINSLEY PARISH COUNCIL

Object to the proposal and state: - "I am directed by the Parish Council to refer to your letter of 10 May 2005 and to advise you that it would like to make the following additional observations:

- "The additional information received clarifies the applicant's intentions and provides the opportunity for the Parish Council to confirm and strengthen its March comments.

- "There can be no reasonable objection to casual exercising of horses over the extended fields and no Change of Use is needed for that. However, the intention is now clarified as seeking a change of use that would enable the spread of livery buildings and operations within the whole area. That must continue to be strongly opposed as previously demonstrated.

- "Any necessary regularising change of use of land consequent on previous livery permission should be limited to the smaller designated area around the permitted buildings and facilities. That might need a separate new application to avoid any doubt about intentions."

BRADFORD ON AVON TOWN COUNCIL

Raise "no objections."

POLICY AND CONSERVATION

Conclude "That the use of the fields for grazing and riding might be acceptable, but the sanctioning of existing or new permanent jumps would not."

ENVIRONMENTAL HEALTH

Have not responded.

LANDSCAPE OFFICER

Has not responded.

HIGHWAY AUTHORITY

No objection subject to the imposition of conditions.

"It is clear from the applicant's letter that the land is required purely for exercising of horses, and is not intended to increase the operations on the site.

"However, concern has been expressed over the vehicle movements to and from the site, particularly in respect of the closeness to the roundabout, and potential conflicts with right turning traffic.

"In order to overcome this concern, it would be of benefit to restrict the accesses to one way traffic, such that the existing access to the east is used for entry and the western access for exit.

"Whilst I am aware that I have previously raised concern over this course of action with the applicant's Agent. I feel that it would be appropriate in this case to impose a condition which restricts the access and egress movements in this way.

"This would allow right turning traffic to be further from the roundabout, whilst providing optimum visibility for exiting vehicles.

ENVIRONMENT AGENCY

"Has no objections in principle to this proposal, however, the following comments must be noted: -

"The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

"Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.

"Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

"Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

"The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.

"There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches."

WESSEX WATER

"Have no objection in principle to this proposal, providing there is no impact on Wessex Water infrastructure."

PUBLICITY

The application has been advertised with a Public Notice and neighbour notifications have been undertaken. 3 letters have been received (2 from the same author) making the following comments: -

- Land owner not been notified by applicant;
- Use of an agricultural right of way by applicants for livery uses;
- Non-compliance with previous conditions;
- Non-enforcement of previous refusals;
- Contrary to Green Belt and Area of Outstanding Natural Beauty policies;
- Very little agricultural use occurring; and
- Bradford on Avon Preservation Trust object to the proposal on the grounds of creeping urbanisation and light pollution.

RELEVANT PLANNING HISTORY

93/09043 - Barn and store unit - Approval 10.01.94

94/00497 - Erection of livestock accommodation and poultry house for rare breeds - Permission 24.11.94

98/00951 - 24 loose boxes for livery, use of field for cross country course for exercising horses - Refused 26.08.98

98/01651 - 24 loose boxes for livery purposes, use of field for cross country course for exercising horses - Refused 04.01.99, subsequent appeal dismissed 25.08.99

01/01941 12 livery stables and exercise arena, use of existing access to west of reservoir, new unfenced track, partial change of existing agricultural building to serve livery use and shared use of field for exercise / riding activities - Refused 04.10.02

02/01288 - Erection of building 10 metres by 20 metres for the storage of hay / straw and implements for agricultural purposes - No further details required - 06.09.02

02/01913 - Removal of wooden stables and relocation of 12 livery stables into existing hay barn (change of use from agricultural use) and retention of existing exercise arena (retrospective) and new access track - Refused 12.06.03

03/01938/FUL - Relocation of stables into existing barn, retention of exercise arena (with fencing removed), and new access track - Permission 18.06.04.

PLANNING POLICY

Wiltshire Structure Plan 2011

DP1 Priorities for sustainable development

DP12 Green Belt

DP15 Housing, employment and related development in the open countryside

T5 Parking

C5 The water environment

C8 Areas of Outstanding Natural Beauty

HE6 Landscape setting

RLT2 Informal Countryside Recreation

West Wiltshire District Plan - 1st Alteration 2004

GB2 Control of development in Green Belt

C1 Countryside protection

C2 Areas of Outstanding Natural Beauty

C4 Landscape setting

C6A Landscape features

C31A Design

C32 Landscaping

C35 Light pollution

C36 Noise

C38 Nuisance

E10 Horse related development

T10 Car parking

U1A Foul water disposal

U2 Surface water disposal

U3 Flooding

National guidance

PPS1 Delivering Sustainable Development

PPG2 Green Belt

PPS7 Sustainable Development in Rural Areas

PLANNING OFFICER'S COMMENTS

This application raises the following planning matters: -

- Planning history;
- Green Belt;
- Impact on the Cotswolds Area of Outstanding Natural Beauty;
- Impact on the Bradford on Avon Landscape Setting;
- Use of the land for agricultural grazing; and
- Highway safety.

The site has a long and complex planning history, which has arisen from the unauthorised use of the site for equine livery. Applications were invited by the Enforcement Team to regularise these issues, and permission was granted in June 2004 for the relocation of stables into an existing barn, the retention of a sand ring (without fencing or lighting), and a new access track for the livery uses. This current application was again invited by the Enforcement Team to apply for the use of a second barn for livery use, and for use of the wider site for exercising horses. The applicant proposes no further buildings or formal / permanent exercise structures and facilities with this application.

Green Belt Issues

The application lies within the Western Wiltshire Green Belt, where national and local policies protect the land from inappropriate development. Green Belt policy allows for the erection of new buildings where they provide essential facilities for outdoor sport and recreation, and for other uses which preserve the openness of the Green Belt.

In this case, it is considered that the proposal represents an appropriate use of the Green Belt.

An appeal decision in August 1999 (application 98/01651) dismissed the construction of a proposed stable block, sand ring and cross country course on the site. The Inspector found that:

"Turning firstly to the appropriateness in the Green Belt of the proposed use of this field and of the sand ring, my view is that both a use such as the exercising of horses and ponies and the proposed sand ring would maintain the openness of the land and they would not conflict with the purposes of including land in Green Belts, as set out in paragraph 1.5 of PPG2. They would also accord with the aims of the Structure and District Plan policies.

"However, both these proposals are integral to the operation of the proposed livery business which requires the construction of the proposed stables building, to which I shall now turn. Paragraph 3.5 of PPG2 complements paragraph 3.2 by emphasising that essential facilities for outdoor sport and recreation should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes in including land in it. It goes on to give small stables for outdoor sport and outdoor recreation as a possible example of such facilities. The District Plan states that such facilities should be small scale, ancillary and unobtrusive in character. In principle, therefore, a new stable would not be inappropriate development, but the significant matter is whether the proposed building would be of an acceptable scale".

In 2004, an application was permitted on the site that relocated 10 loose boxes into an existing hay barn. Green Belt policy allows the reuse of buildings subject to the criteria detailed previously, and it was felt that the relocation of the 10 loose boxes did not have a materially greater impact than the present use of the barn. In addition, 2 other loose boxes were removed under this permission, and the lighting and fencing for the sand exercise arena were also removed. The current application seeks to regularise the use of the remaining barn for livery and stabling. At the time of the site inspection, 7 horses were stabled in this barn. As with the previous permission the internal subdivision of an existing building into 7 stables is not considered to have a materially greater use than the previous agricultural use of the barn. Consequently, the proposal is considered to be acceptable in terms of Green Belt policy.

As the application area covers both barns, an informative has been attached stating that any further conversions of agricultural buildings to equine use will need planning permission, as there is another barn used for agricultural purposes on the site. An informative has also been attached advising the applicant that such equestrian uses do not have permitted development rights.

Use of the Land for Agricultural Grazing

The applicant has also applied for the agricultural grazing land to be used for riding horses and ponies around. The applicant has stated that no formal, temporary or permanent structures will be erected to undertake this. The Policy and Conservation Section has raised concern as to the sub-division of fields with fencing, the provision of flood lighting, show jumping and cross country fences. Fencing fields does not require planning permission as it is permitted development. The provision of such facilities would be detrimental to the open character of the Green Belt, and harmful to the nationally important landscape character of the Cotswolds Area of Outstanding Natural Beauty. A condition has been attached preventing the erection of such structures, whether permanent or temporary. Such a condition would protect the Green Belt, the Area of Outstanding Natural Beauty, and the Bradford on Avon Landscape Setting.

Access

The new access track was permitted with the 2003 permission. The Highway Authority have recommended that the site should be accessed from the eastern access, and exiting traffic use the new western access. However, the eastern access is not in the control of the applicant hence the creation of the western access with the previous permission. This was also approved subject to a legal agreement to implement a Road Traffic Regulation Order to secure a left turn only exit for the site. The Highway Authority felt that this "would relate to vehicles turning out of a private access onto a 2-way road, and on that basis, would be virtually impossible to enforce. There are other accesses in the vicinity of the site with similar sight lines and in close proximity to the roundabout which are not subject to a Traffic Order. I suggest that a condition is applied to any permission granted for the applicant to erect signs at the exit of the site inviting vehicles to turn left." This condition has been attached, as the eastern access is not available for livery clients. The previous permission was subject to conditions for entrance gates, a consolidated surface, and disposal of surface water. The entrance gates condition has been reattached, as have the surface water and consolidated surface ones, as although these earlier conditions have been discharged, they have not been implemented on site.

Other Material Considerations

The Environment Agency has no objections in principle to the proposal, subject to conditions concerning no contamination of the water environment, separate drainage systems, manure disposal, and chemical and oil storage. The manure disposal was conditioned and agreed with the previous permission, so a condition has been attached to this recommendation for its continued use for the traditional building. As a different building is being included within this application, the conditions to protect the water environment have also been attached.

Neighbours have raised objections concerning land ownership issues and use, particularly the eastern access track. Land ownership and associated legal rights are not planning matters, but issues that the relevant parties to resolve. Ultimately it is not the role of the planning system to arbitrate over land ownership issues.

Complaints as regards the enforcement procedure have been forwarded to the Enforcement Section to address.

CONCLUSION

Subject to the attached conditions, the application is considered acceptable in terms of Green Belt policy, and the Cotswolds AONB and the Bradford-On-Avon landscape setting policies.

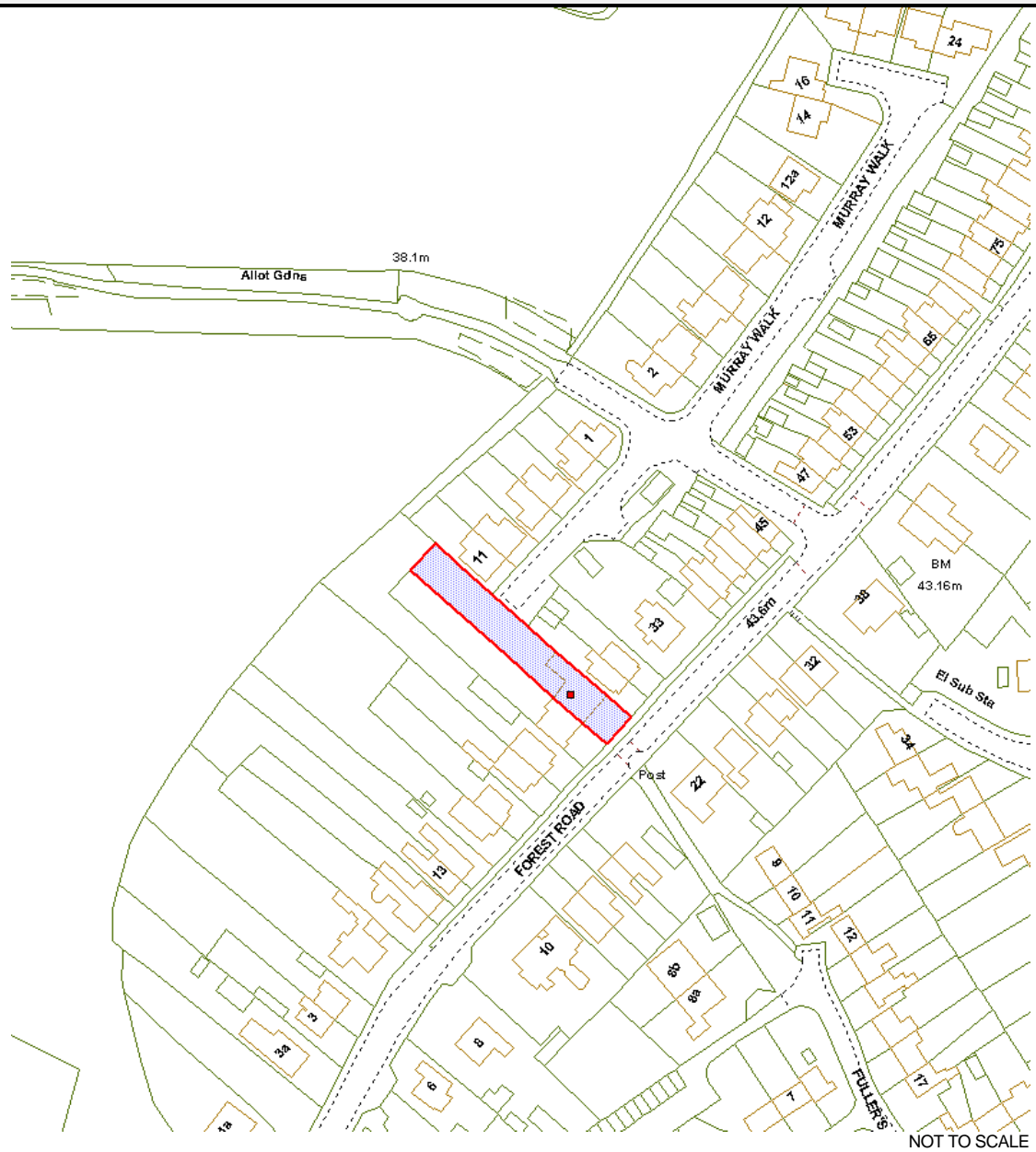
PLANNING COMMITTEE

27 October 2005

ITEM NO: 13

APPLICATION NO: 05/01175/OUT

LOCATION: 27 Forest Road Melksham Wiltshire SN12 7AA



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SLA: 100022961

13 Application: 05/01175/OUT

Site Address: 27 Forest Road Melksham Wiltshire SN12 7AA

Parish: Melksham (Town) Ward: Melksham North
Grid Reference 390934 164424
Application Type: Outline Plan
Development: One dwelling on site in garden north west of 27 Forest Road
Applicant Details: Mr And Mrs J Pocock
27 Forest Road Melksham Wiltshire SN12 7AA
Agent Details: Mr A Harlow
46 Longford Road Melksham Wiltshire SN12 6AT
Case Officer: Miss Nicola Rogers
Date Received: 25.08.2005 Expiry Date: 20.10.2005

REASON(S) FOR PERMISSION:

The proposed development conforms to the Development Plan and the conditions attached to it overcome any objections on planning grounds.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 3 Approval of the details of siting, design, external appearance and landscaping ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990.

- 4 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

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

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

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

8 The dwelling hereby permitted shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times.

REASON: In the interest of highway safety

9 The first 4.5 metres of the driveway into the site shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of highway safety

10 Prior to the commencement of the development hereby permitted, the site shall be subject to:

- i) site investigation and risk assessment works for chemical contamination
- ii) 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 works
- iii) remediation validation works

The above is to be carried out to the satisfaction of the Local Planning Authority

REASON: In the interests of the protection of public health and the avoidance of pollution

Note(s) to Applicant:

1 The applicant is advised that they are required to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. With respect to water supply, there are water mains in the vicinity of the proposal, connection can be agreed at a later date.

- 2 With regard to condition 10: 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 should be used.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the Planning Committee at the request of Councillor Oakman in the interests of public debate.

This is an outline application for one dwelling on land to the rear of 27 Forest Road, the proposed property would be located adjacent to number 11 Murray Walk, and would gain its access off the existing road there.

The plot of land currently forms part of a domestic garden, with a secondary access off Murray Walk. The land is located on the very edge of the Melksham Town Policy Limit, backing onto fields. The land is approximately 28 metres in depth by 9 metres and slopes down towards the rear of the site.

MELKSHAM TOWN COUNCIL

Felt unable to object to the application, but felt there were several points of concern which should be addressed.

- A proper wildlife assessment be carried out by English Nature or Wiltshire Wildlife Trust
- A s.106 agreement with clear evidence of an engineer's report to avoid subsidence and impact on the neighbouring property
- The drainage and sewerage has been adequately addressed in the technical part of the plan
- A survey of trees is carried out regarding whether tree preservation orders should be placed on any existing trees
- A covenant in the legal agreement to prevent any further development at the rear of Forest Road
- There is potential contamination at the site along the route of the old canal.

HIGHWAY AUTHORITY

No objections subject to the imposition of conditions.

PUBLICITY

One letter of objection raised regarding the following:

- Loss of light and privacy
- Subsidence
- Conservation of wildlife
- Increased traffic
- Noise and disturbance
- Access to the proposed site

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration
C31a - Design
C38 - Nuisance
CA4 - Wilts and Berks Canal
H1 - Further housing development in towns

PPS1 - Delivering sustainable communities
PPG3 - Housing

PLANNING OFFICER'S COMMENTS

The main issue for this application is whether the principle of a new dwelling on this land is in accordance with the Development Plan and whether there are material considerations to outweigh the policy.

The plot of land is within the town policy limits of Melksham and as such new development would be subject to the criteria in policy H1 of the West Wiltshire District Plan 1st Alteration. The development of the site for housing is acceptable in policy terms if it meets these criteria. The proposed development is at a density of 31 dwellings per hectare, which is within the density range recommended in PPG3 (between 30 and 50 dwellings per hectare net).

The applicant has stated that the present use of the site is as a domestic garden, therefore the application site is considered in planning terms to contribute to the District's pool of previously developed (brownfield) land. Guidance in PPG 3 (Housing) encourages Local Planning Authorities to consider further appropriate infill development within existing urban areas, in order to make the best use of land.

This proposal represents backland development, as it is to the rear of the existing property. This proposal is not inappropriate backland development as Murray Walk can easily be extended to serve a number of additional houses, as is the pattern of development along the whole of the road. Murray Walk was originally created through development such as this; the rear gardens of properties on Forest Road have been developed over the years to create the road as it is existing. This application represents a continuation of this form of development. The proposed development would be in keeping with the pattern of properties in Murray Walk. The town council suggest we impose a restriction on any further development in this style, however, this is not relevant to the application and would not be reasonable as a continuation of the development in this way is consistent with policy.

Material Considerations

Whilst siting is a matter reserved for future consideration, an indicative layout is shown on the plan, it is expected that such a layout is used in the detailed plans. Using this layout, the amenity of the neighbouring property would not be affected as the proposed building would be a similar size and shape, and would not overshadow or overlook the neighbouring property.

The property would be located close to the line of the old Wilts and Berks Canal, which was filled in some years ago. As a result the properties built over this canal line have suffered some subsidence and remedial measures have been taken. After consulting with the Council's Building Control department, it is clear that special foundations should be used but no additional impact would be suffered by the adjoining property as a result of this proposal. A condition is suggested to ensure that suitable mitigation measures are undertaken with regard to the contaminated land. Our records show that the former course of the canal would intersect the site on the very south western edge of the proposed dwelling. The foundations at this location would be the only point at which the proposed dwelling may be affected by the canal. There is no reason to suggest that neighbouring dwellings would be any further affected by the development and the known presence of the canal at the time of building would encourage necessary mitigation measures so the property would not suffer in the future.

There is evidence that badgers are active on and near the site, badgers are protected under the Protection of Badgers Act 1992. Having conducted a site visit it appears that the closest active sett is over 90 metres from the proposed house, but the land appears to be on the badger's foraging route, explaining the noticeable activity. English Nature has guidelines for mitigation against badgers on development sites, these state that if a sett is less than 30 metres from a development site mitigation measures would be required. In this case the sett is over 90 metres away and the development of the site would have no impact on the badger's sett.

To address the remainder of the comments raised by the neighbour and the town council: the only trees evident on the site are fruit trees, which would not be worthy of a preservation order, but would be preferably retained. The Highway Authority do not object to the application and are not concerned about the increase in vehicle movements or access to the site, at a width of 3.3 metres.

CONCLUSION

The proposal is in accordance with national and local policy and would not be harmful to the neighbouring property, or wildlife interests. Issues concerning the canal can be mitigated against by way of planning conditions.

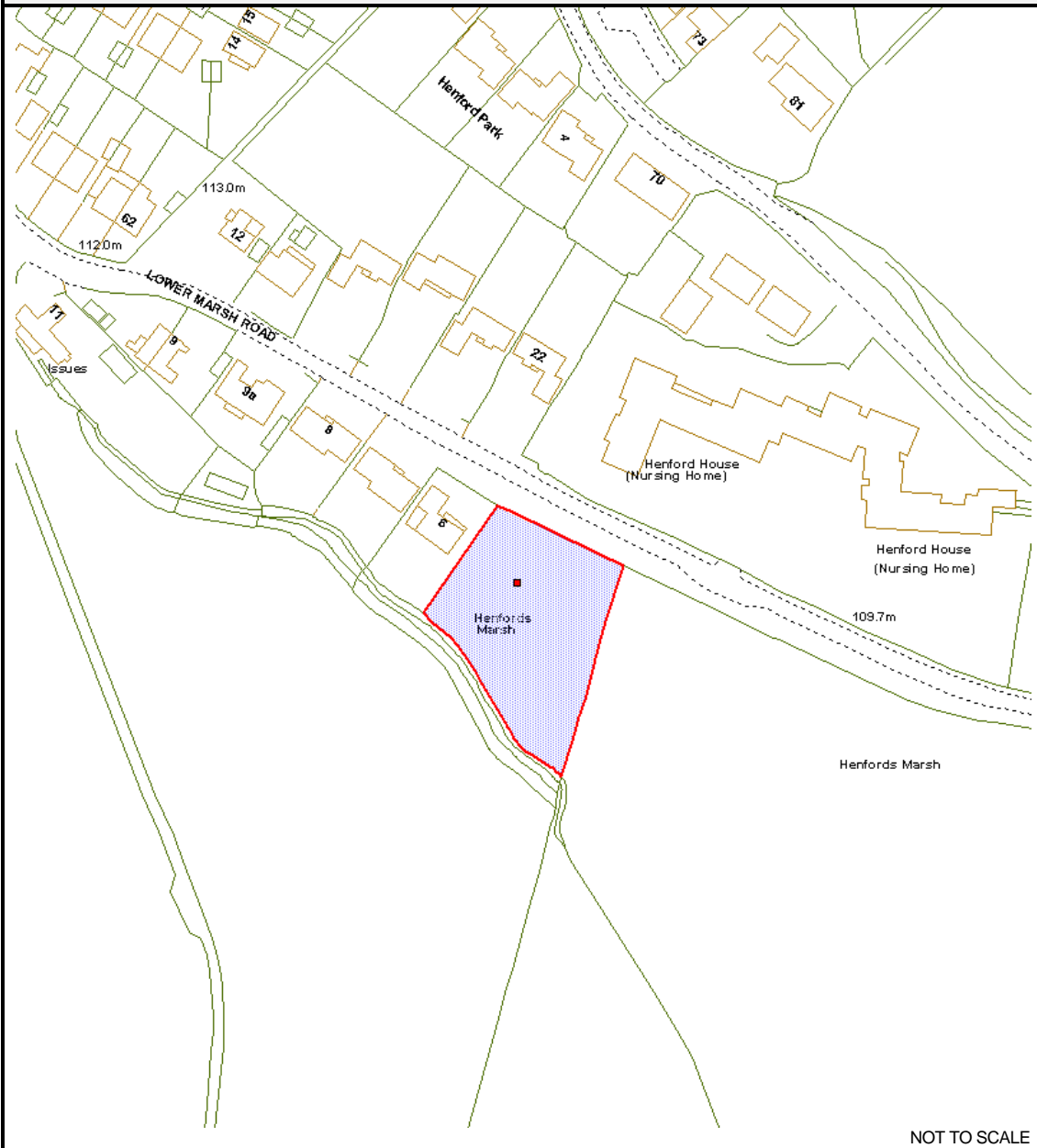
PLANNING COMMITTEE

27 October 2005

ITEM NO: 14

APPLICATION NO: 05/01807/FUL

LOCATION: Land East Of 6 Lower Marsh Road Warminster Wiltshire



NOT TO SCALE

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www.westwiltshire.gov.uk

SLA: 100022961

14 Application: 05/01807/FUL

Site Address: Land East Of 6 Lower Marsh Road Warminster Wiltshire

Parish: Warminster Ward: Warminster East
Grid Reference 387432 144055
Application Type: Full Plan
Development: Three x 4 bedroom detached dwellings with garages
Applicant Details: Mr A Jones
74A Westbury Leigh Westbury Wiltshire BA13 3SQ
Agent Details:
Case Officer: Mrs Judith Dale
Date Received: 16.08.2005 Expiry Date: 11.10.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

2 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & E2.

3 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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U1A.

4 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.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U2.

- 5 The access, parking and turning facilities shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted and approved in writing by the Local Planning Authority.
- REASON: In the interest of highway safety.
- 6 The gradient of the access with a first 4.5 metres shall not exceed 1 in 15.
- REASON: In the interest of highway safety.
- 7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- REASON: In the interest of highway safety.
- 8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 11 Notwithstanding the details submitted under Conditions 8 and 9 above, the existing tree and hedge-screening along the eastern and northern boundaries of the site shall be retained and subsequently maintained, except where the approved vehicular access is constructed.
- REASON: In the interest of visual amenity and to ensure the minimum impact on this special landscape area.
- 12 No additional vehicle accesses shall be created onto Lower Marsh Road.
- REASON: In the interest of highway safety and to retain the visual appearance of the street scene.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C3.
- 13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1 Class E of the Order shall be carried out without the express planning permission of the Local Planning Authority.
- REASON: The implementation of permitted development rights on this site would be unacceptable.

14 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order with or without modification, no rooflights shall be inserted in the front elevations of the development hereby permitted.

REASON: In the interests of residential and visual amenity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1 & C38.

Note(s) to Applicant:

1 The applicant will need to pipe the ditch in order to form the access and is advised to contact the area engineer (01225 702649).

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council objects contrary to Officer's recommendation.

This is a detailed application for the erection of three detached dwellings on land adjacent to 6 Lower Marsh Road. This site measures approximately 0.17 hectare, is level and grassed, and although is described as domestic garden, is separated from the more established garden area around the existing house by a fence and gated entrance. In part it appears as a paddock area, and is screened along the external boundaries by high and substantial hedgerows.

The submitted details show three 4/5 bedroomed, 2-storey dwellings of different designs, grouped around a shared turning area which is served by a single central access taken through the front hedge. This shared entrance way would also accommodate two parking spaces for each unit, in addition to the double garaging facilities incorporated separately within each plot - one as a detached structure, one as a front projection and one integral within the house. Materials include a mixture of brick and render, with concrete roof tiles.

The site lies at the extreme southern edge of the built-up area of Warminster, abutting open countryside of both its south and east boundaries and is within a Special Landscape Area.

This application was originally submitted for reserved matters only, following the grant of outline planning permission in April (05/00244/OUT). It has since been "revised" as a full proposal and is accompanied by a Design and Planning Statement to support the proposal.

WARMINSTER TOWN COUNCIL

Original Comments - The property's dimensions have increased over the original application but it was noted that it is difficult to overturn the decision once outline permission has been granted. It was felt that the current plans will have an adverse effect on a sensitive site and is inappropriate to this part of town.

Revised Comments - To be reported.

HIGHWAY AUTHORITY

No objection subject to conditions relating to the surfacing of the access, parking and turning facilities; the gradient of the access; disposal of surface water.

WESSEX WATER

No comment on the application as originally submitted for reserved matters approval.

As amended to a full application, their comments remain as those submitted for the earlier outline application: -

- The site is in close proximity to Warminster Sewage Works and from time to time, the development may be subject to smell nuisance
- There shall be agreement to a point of connection to Wessex Water infrastructure
- Satisfactory arrangements will be required for the disposal of surface water

- This proposed unit must not be seen as a precedent for further development within close proximity of sewage treatment facilities, including the pumping station.

Further observations from Wessex Water conclude that despite the potential for odour pollution, they do not wish to formally object to this development.

PUBLICITY

Neighbours were notified of the proposal and two letters of objection were received on the following grounds: -

- The current application ignores all previous planning approvals and contains elements of siting and layout that have been rejected previously
- The proposed details do not conform to the planning permission, particularly with regard to the building line
- This development is a classic example of creeping encroachment of the countryside and over-development
- This concentrated development is different in character from existing properties and will be out of keeping
- No satisfactory transition between existing properties and the existing special landscape area
- Works to the existing grass verge to support the new access are excessive
- Adequate surface water drainage capability must be provided to safeguard this verge and all road users
- Concerns are raised over a planning system which can refuse an application for a single dwelling, but through a subsequent series of applications, can culminate in a proposal for three 4-bedroomed, three storey dwellings with a communal car park on the same site.

A third letter enclosing a petition with 33 signatures has been submitted on behalf of the residents of Henford House. Their concerns relate to the increase of traffic and loss of trees and open land.

RELEVANT PLANNING HISTORY

90/00572 - Erection of dwelling - Refused and dismissed on appeal

04/01572/FUL - Erection of two dwellings - Refused 12.10.04

04/01594/FUL - Discharge of planning obligation in relation to the Section 106 Agreement relating to planning permission 84/01207/OUT - Refused 12.10.04

05/00244/OUT - Erection of 3 dwellings - Permission 21.04.05

05/00242/FUL - Discharge of planning obligation - Pending.

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

H1	Further development in towns
H24	Housing design
C3	Special Landscape Area
C4	Landscape settings
C31A	Design
C32	Landscaping
U5	Sewage treatment works

PPG3 Housing

PPS23 Planning and Pollution Control

PLANNING OFFICER'S COMMENTS

The main issues with this application are: -

- The appropriateness of this development in terms of general principle, including density and recent planning history
- Design and amenity considerations.

General Principle

The existing dwelling, number 6 Lower Marsh Road is one of three detached properties which were originally granted in 1985. Although the land at that time lay outside the then Warminster Town Limit, provision was granted subject to a Legal Agreement preventing any further residential development on the land directly to the east (currently the subject of this application) other than ancillary buildings or structures.

In 1990, permission was subsequently sought for the erection of one dwelling on this area of land, but was refused as being outside the town limit boundaries; the subsequent appeal was dismissed.

In June 2004, the newly adopted District Plan incorporated the application site within the town boundaries on the basis that it constituted a brownfield site by virtue of being curtilage land. Despite the previous history therefore, the land is now within urban limits and acceptable in principle for residential development.

Against this background, an application for the erection of two dwellings on this site was refused in October 2004, partly on the grounds of inefficient use of land at a density of only twelve units per hectare, considerably lower than recommended Government guidelines. In justifying that refusal, it was recognised that a high density could be achieved whilst still maintaining the character of this transitional residential area. Consequently, a revised outline application for three dwellings was subsequently approved in April 2005.

The principle for the erection of three detached dwellings on this site has therefore been clearly accepted and does not need to be re-addressed as part of this current application.

Design and Amenity

This current application was originally submitted as reserved matters only, pursuant to the recent outline permission granted in April. Although in outline form, the siting, means of access and external appearance were not reserved for subsequent approval but were also determined at that stage. The current application incorporates a number of alterations to both the siting and external appearance and consequently the proposal has been "up-graded" to a detailed application to enable these elements to be reconsidered.

The underlying design concept is to provide: -

"Three detached family houses with double garages which both reflect and compliment the size and character of the surrounding properties while retaining the rural nature of the existing boundaries."

The accompanying Design Statement expands this with the following: -

- The dwellings are located within reasonably sized plot widths with a minimum of two metres between dwellings
- The frontage building line conforms with neighbouring layouts
- The buildings are designed on traditional designs, incorporating chimneys and of quality clay brick construction and tiled roofs; the middle dwelling will be rendered at first floor level for contrast
- Garaging will be timber boarding on brick plinths to "reflect a rural character"
- The ridge heights of the proposed dwellings will match the existing property at number 6; the proposed second floor accommodation will be incorporated entirely within the roof voids with rooflights only in the rear elevations
- The majority of the existing tree and hedgerow cover is to be retained.

Compared with the scheme already permitted, the overall height of the proposed buildings and the individual spaces between each remains virtually unaltered. The more significant changes are in terms of the footprints of the buildings, which represent an indicative increase of 31% in the case of Plot 1, and 19% in the case of Plots 2 and 3. It is important to emphasise that this figure is indicative only, since the outline permission did not include detailed layout plans for each unit. This increase has been largely accommodated in dwellings of greater depth, and in the case of Plot 1, a detached garage located in the front garden.

The overall building line to the development has also been revised so that it now provides a less formal and more variable arrangement, with the units addressing a shared communal entrance and frontage rather than three clearly defined plot areas.

In terms of this overall detailing, the proposal is considered acceptable. The fact that the proposed dwellings are larger than previously approved is not, in itself, a reason for refusal, and the less formal arrangement is perhaps more appropriate in this residential context. With regard to its visual impact on the street scene, the height and distances between dwellings will remain as before and will, in part, be largely screened behind the existing substantial boundary hedgerows. While there is a general preference for garages not to be located in front gardens, in this particular case the structure will be screened from public view behind the front hedge which is to be retained.

CONCLUSION

In terms of its impact on residential amenity and other considerations, the current proposal raises no additional issues not previously addressed in the outline permission.

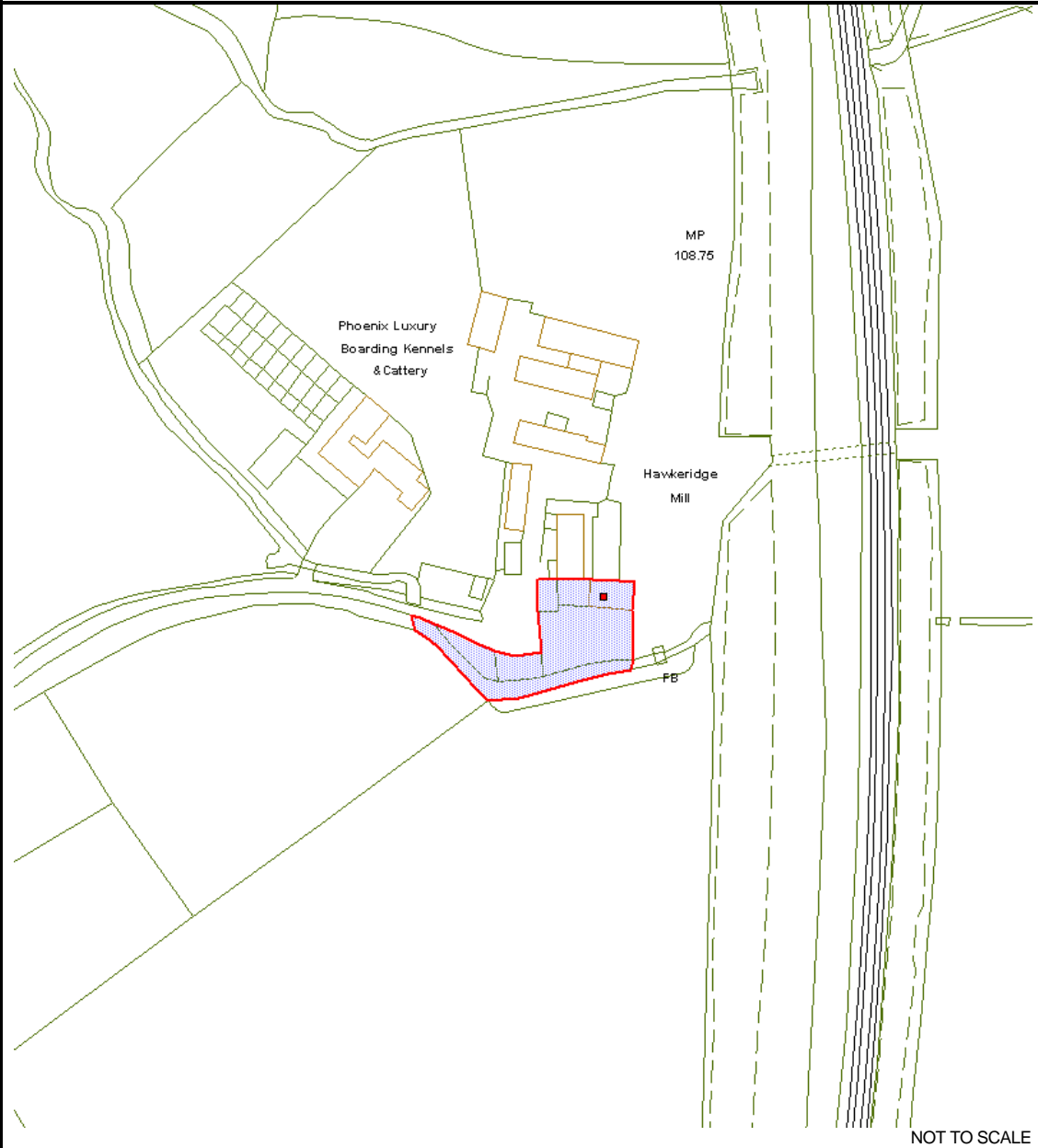
PLANNING COMMITTEE

27 October 2005

ITEM NO: 15

APPLICATION NO: 05/01588/FUL

LOCATION: 2 Hawkeridge Mill Mill Lane Heywood Wiltshire BA13 4LD



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www.westwiltshire.gov.uk

SLA: 100022961

15 Application: 05/01588/FUL

Site Address: 2 Hawkeridge Mill Mill Lane Heywood Wiltshire BA13 4LD

Parish: Heywood Ward: Ethandune
Grid Reference 386697 153380
Application Type: Full Plan
Development: Extension and alterations to dwelling
Applicant Details: Mr And Mrs G Lund
2 Hawkeridge Mill Mill Lane Heywood Wiltshire BA13 4LD
Agent Details: Wolstenholme And Partners
The Old Church House Church Steps Frome BA11 1PL
Case Officer: Miss Nicola Rogers
Date Received: 25.07.2005 Expiry Date: 19.09.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
REASON: To ensure that the development harmonises with its setting.
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.
- 3 The property as a whole shall be occupied as one dwelling unit, with the accommodation hereby permitted occupied as part of, or an extension to, the main dwelling and it shall not be let or sold as separate accommodation.
REASON: Because the creation of a separate dwelling unit would be contrary to planning policy in this area.
POLICY: West Wiltshire District Plan - 1st Alteration - Policy H19.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the Planning Committee as Heywood Parish Council objects to the application and your officers recommend permission.

This is a full application for an extension to the existing linked detached property in place of an existing link and portico. The property is a former mill building forming the southernmost dwelling in a complex of converted former mill buildings. The property is a right angles to the cul-de-sac in which the property is located.

The proposal is for a two-storey extension with a pitched roof, being slightly set down from the roofline of the original house, and built to the building line of the existing property, with a small single storey element to the front elevation, facilitating access to the extension.

A flood risk assessment was submitted with the application.

HEYWOOD PARISH COUNCIL

Object to the revised plans as they do not allow them to assess the possible effects upon neighbour amenity

PUBLICITY

No comments received

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration

C31a - Design

C38 - Nuisance

U3 - Flood risk area

Supplementary Planning Guidance - House alterations and extensions

PLANNING OFFICER'S COMMENTS

The main issues in this case are the effects of the proposal on the host building and the amenity of the surrounding neighbours.

The proposal mirrors the form of the roof shape of the existing house and as such would not affect the appearance of the 'street scene' of Mill Lane.

The existing property is of simple, uncomplicated design, with a pitched roof and simple fenestration patterns, a porch has been added to the front elevation, and a link to an annex is located to the western side. The proposed extension would be of a similar style to the existing building with similar fenestration patterns and details. The proposal would result in a large property with a long frontage, however, the style is in keeping with that of the existing building and is consistent with the advice contained in the Supplementary Planning Guidance - House Alterations and Extensions. The proposal is slightly subservient to the original property and is in scale with the main house, respecting its form and character.

The proposed extension would be tied to the original house by way of a condition to ensure this large building is not split into two in an area where it would be inappropriate.

The parish council was concerned that the plans did not allow them to fully assess the effect on the neighbouring property. The orientation of the building is such that the end gable of the adjoining property would face the roof slope of the proposed extension. There are no windows in this gable end, but a velux rooflight would be inserted into the rear roof slope of the proposed extension. This proposed rooflight would not enable the occupants to overlook the private amenity space in the neighbouring property.

The property is located in a flood risk area and a flood risk assessment was submitted in addition to the application. As the proposal is for a simple extension and details have been given regarding the finished floor levels, this development is not considered high risk. Following advice given by the Environment Agency, it is possible for the Local Planning Authority to deal with this application without further consultation.

CONCLUSION

The proposal is in keeping with the existing property in terms of its form and design, and would not affect the amenity of the occupants of the neighbouring property.

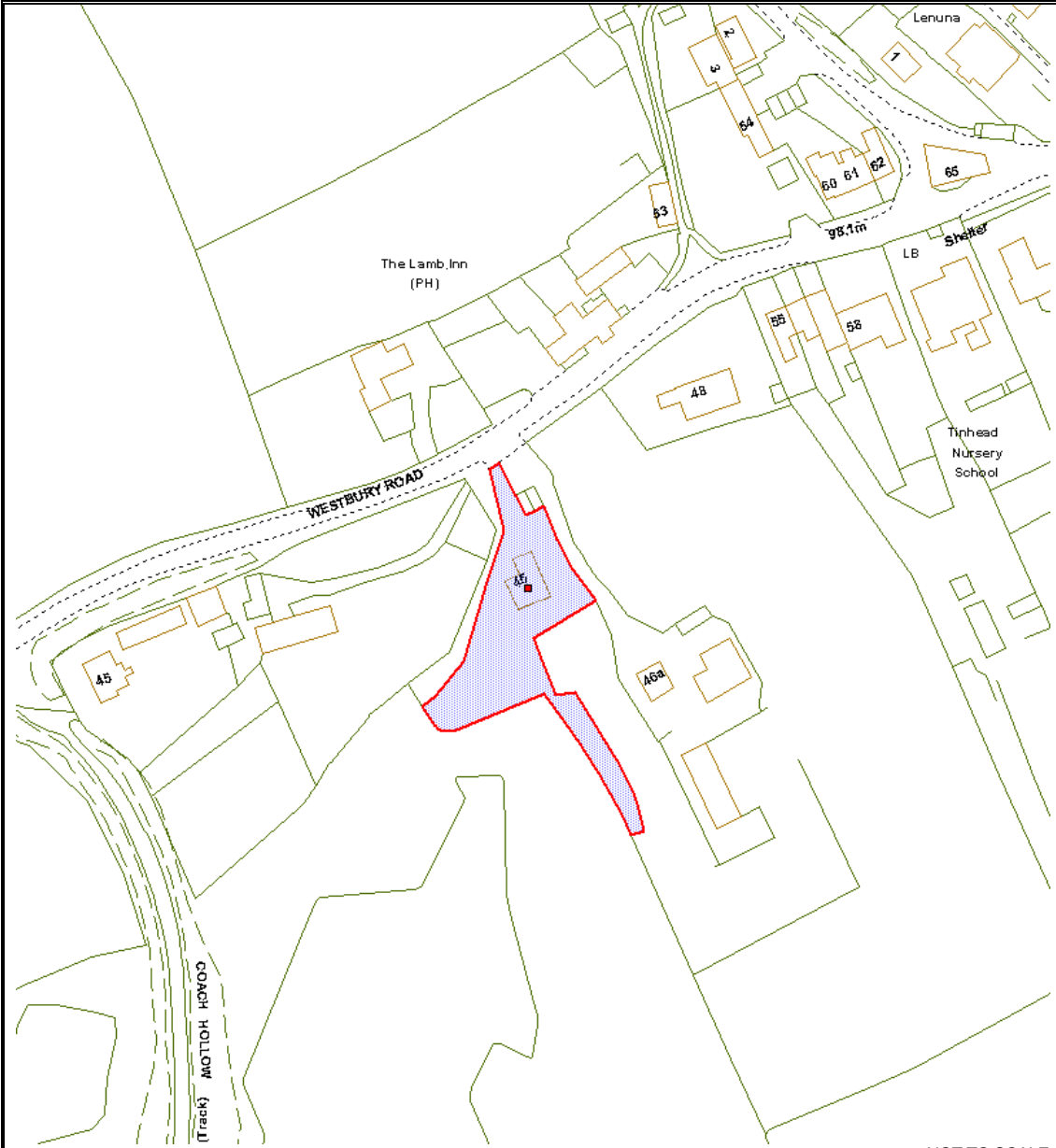
PLANNING COMMITTEE

27 October 2005

ITEM NO: 16

APPLICATION NO: 05/01912/FUL

LOCATION: The Gables 46 Westbury Road Edington Wiltshire BA13 4PG



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SLA: 100022961

16 Application: 05/01912/FUL

Site Address: The Gables 46 Westbury Road Edington Wiltshire BA13 4PG

Parish: Edington Ward: Ethandune
Grid Reference 393206 153209
Application Type: Full Plan
Development: Extensions to dwelling
Applicant Details: Mr And Mrs C Woods
The Gables 46 Westbury Road Edington Wiltshire BA13 4PG
Agent Details: Mr B L Wyatt
26A Little London Heytesbury Warminster Wiltshire BA12 0ES
Case Officer: Miss Nicola Rogers
Date Received: 25.08.2005 Expiry Date: 20.10.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of its design, form, scale and prominent position, elevated of the street level would not respect the scale or form of the host building and would be excessively dominant in the street scene. This would be contrary to policy C31a of the West Wiltshire District plan 1st Alteration 2004 and the Supplementary Planning Guidance - House Alterations and Extensions.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the Planning Committee at the request of Cllr Swabey.

This is a full planning application for extensions to the side of this detached property. The property is a typical detached Edwardian house with an interesting frontage. It is in an isolated location on the south side of Westbury Road, set back by 24 metres and elevated above the level of the road. The property has had some extensions and alterations in the past, mainly to the rear elevation.

The proposals include a single storey extension to the west elevation with a lean-to roof; the addition of a balcony on the existing flat roof at the rear and; a three storey extension to the east, side elevation, extending the full depth of the property and having a hipped valley roof and a garage at the lower ground level, this element would be 10.4 metres in height from ridge to ground.

EDINGTON PARISH COUNCIL

The Parish Council felt that the extensions would create a very large building but otherwise had no objections.

PUBLICITY

No comments received

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration
C31a - Design
C38 - Nuisance

Supplementary Planning Guidance - House alterations and extensions

PLANNING OFFICER'S COMMENTS

The main issues in this case are the design of the proposal and its effects on the host building and the street scene.

The balcony to the rear would not overlook the only close neighbour, number 46a as it is over 30 metres away and well screened by trees. This proposal would, therefore, have no effect on the amenity of the surrounding neighbours.

The proposed extension uses a hipped valley roof at the same level as the existing ridge. The existing property has distinct gable end features on all elevations of the property and does not have any hipped roofs at present. The use of a hipped roof rather than a gable end on the proposed extension would not be in keeping with the original house and would be detrimental to the traditional appearance of the front and side elevations of the property. The valley roof would also result in the loss of a traditional style chimney, which is particularly characteristic of the building type.

The proposed extension to the east side of the property would be approximately 4.2 metres in width, this is approximately the same width as the existing front gable end feature. This extension would be particularly large and bulky and would serve to dominate the host building from the front and side elevations. The character of this Edwardian dwelling would largely be eradicated as a result of this proposal. Whilst the property is not listed or located in a conservation area, it is an attractive building which could be extended in a positive way, however, this proposal would result in an excessively large dwelling dominant in the street scene.

The property currently enjoys an elevated position, approximately 3.4 metres above the level of the road. This, coupled with the removal of the greenhouse at the front of the property would increase the dominance of the proposed side extension, as viewed from below. The proposed garage would protrude 1.1 metres from the front building line of the property, further enhancing the dominance of the extension. The three-storey element to this proposal would be out of scale with the existing house and contrary to the Supplementary Planning Guidance - House Alterations and Extensions, which states that any extension should respect the host building and its setting in the street scene.

The plans show that a restructured driveway is an integral part of the proposal, in order to access the proposed garage. A tarmaced area for access to a garage should be flat, but the site at present is not. Some details showing a retaining wall protruding from the garage for approximately 4 metres are shown on the elevations, however the block plan shows that it would need to be at least double that length for the proposed driveway. No details as to existing and proposed levels are shown on the plans, but it is clear from the photographs that some engineering works would need to be undertaken to facilitate access to the proposed garage.

With regard to the other elements of the proposal, the single storey extension to the west is acceptable in design and scale, and the balcony to the rear would not be detrimental to neighbour amenity.

CONCLUSION

The proposed side extension would not respect the scale or character of the host building and would be excessively dominant in the street scene. The design of the extension would not be in keeping with the form or character of the host building. The proposal should be refused for these reasons.

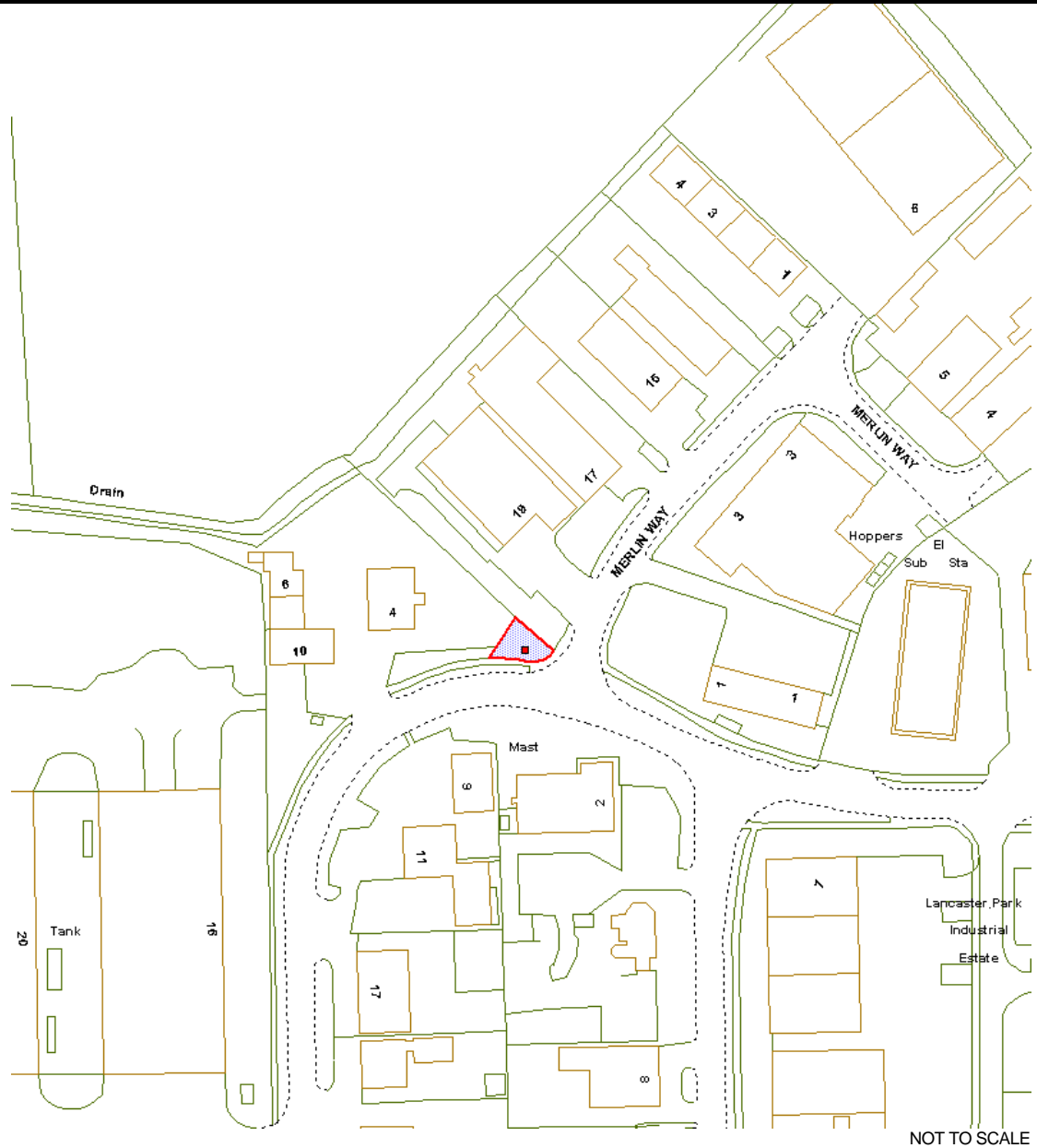
PLANNING COMMITTEE

27 October 2005

ITEM NO: 17

APPLICATION NO: 05/01961/FUL

LOCATION: Land Adjacent Merlin Way And Lancaster Road Bowerhill
Wiltshire



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SLA: 100022961

17 Application: 05/01961/FUL

Site Address: Land Adjacent Merlin Way And Lancaster Road Bowerhill Wiltshire

Parish: Melksham Without Ward: Melksham Without
Grid Reference 390936 162398
Application Type: Full Plan
Development: Hot food takeaway cabin
Applicant Details: Mrs E.M Dicks
T/A Eddies 2 St Athen Close Bowerhill Melksham SN12 6XP
Agent Details: Mr A Howard
32 Shurnhold Melksham Wilts SN12 8DG
Case Officer: Mr Mark Reynolds
Date Received: 30.08.2005 Expiry Date: 25.10.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

1 The use hereby permitted shall be discontinued and the land restored to its former condition on or before 27th October 2008, in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

REASON: Because this is a form of development which would not be appropriate on a permanent basis.

2 A scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority within 14 days of the granting of permission for this development. The scheme shall then be carried out in accordance with the approved details, and shall be maintained at all times.

REASON: In the interests of public health and safety.

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

3 The hereby permitted change of use of land

4 The hot food takeaway cabin shall not be positioned any further south or east closer to the frontages of Merlin Way or Lancaster Road than as shown on approved plan reference 1361/1.

REASON: In the interests of Highway Safety.

5 Within four weeks from the date of the grant of planning permission a scheme for the collection and disposal of litter bins shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenity of the area

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

Note(s) to Applicant:

- 1 The applicant is advised to contact the Food Section of West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD, Tel 01225 770388.
- 2 The applicant is strongly advised that they should encourage patrons to avoid parking on double yellow lines and on private land outside of the ownership of the applicant.

COMMITTEE REPORT**APPLICATION DETAILS**

This application is brought to the planning committee at the request of Councillor Mudge and because Melksham Without Parish Council object to the application and Officers recommend permission.

This is an application for a change of use of land for the retention of a hot food takeaway cabin stationed at land adjacent Merlin Way and Lancaster Road in the commercial area of Bowerhill. The Hot food takeaway cabin is positioned on a grassed verge which is in the ownership of Melksham Commercial Services. The area to which the change of use of land relates measures 0.01 hectares in area.

MELKSHAM WITHOUT PARISH COUNCIL

Object.

The Parish Council is deeply unhappy at the positioning of this takeaway food cabin; as it is parked on a nasty bend, with double yellow lines, and in close proximity to a busy junction. Vehicles are parked on the grass verge and on the footway thus causing an obstruction. The location is totally inappropriate and should not be permitted as it is encouraging drivers to break the law. The Council would also like to emphasise that Bowerhill Industrial Estate is already adequately served with food outlets. Apart from Den's Diner, Christie Miller and Love's Mobile Service. The Council also wish to protest that the food outlet is being permitted to continue to operate even though planning permission had not yet been granted. If businesses are given unofficial license to rove around, this is tantamount to giving gypsy rights, which is unfair on other businesses which have gone through proper legal channels in order to operate.

HIGHWAY AUTHORITY

No objection subject to the imposition of conditions.

The approval of the siting of mobile food vans is normally considered through the Area Highway Office, and their advice has been sought in respect of the above proposal.

The cabin is sited on private land and does not interfere with the public highway. Furthermore, it does not affect the visibility at the junction of Merlin Way with Lancaster Road, and the existence of double yellow lines in the vicinity of the junction ensures that there are no resultant hazards due to on-street parking.

ENVIRONMENTAL HEALTH

No objections raised subject to conditions.

ECONOMIC DEVELOPMENT

We would support this application as a business opportunity in its own right and because it provides a service to the employees from the businesses on the Bowerhill trading estate and other nearby businesses.

PUBLICITY

Three letters were received raising the following issues;

- Highway safety
- Customers parking on double yellow lines
- Lack of parking
- Public footpath running directly in front of the van
- The estate already has adequate catering facilities
- Precedent
- Parking at a neighbours premises

RELEVANT PLANNING HISTORY

None

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

E2 - Employment Policy Area

T10 - Car Parking

C31A - Design

C38 - Nuisance

PPS 1 - Delivering Sustainable Development

The Planning System: General Principles

PPG 4 - Industrial, commercial development and small firms

PLANNING OFFICER'S COMMENTS

The main issues to consider in this application are whether the proposal is acceptable in policy terms, highway safety, parking and amenity considerations.

Policy E2 states that proposals for employment development including extensions and changes of use will be permitted in this part of Bowerhill subject to a number of criteria.

Highway safety is raised as one such criterion. The Highway Authority are consulted on applications such as this where highway safety issues may arise. The Highway Authority have not objected to the proposal noting that the cabin is sited on private land and does not interfere with the public highway or affect the visibility at the junction of Merlin Way with Lancaster Road. The issue of a lack of parking is raised in letters received on the application and the consequent occurrence of parking on double yellow lines and on private land. Whilst these comments are noted if parking does occur on double yellow lines or on land outside of the ownership of the applicant this may be controlled by other legislation. Your Officers take advice from the Highway Authority regarding parking issues and they have raised no objection. The applicant's agent also states that the intention of the facility is to cater for employees on the Bowerhill estate who will walk to the facility.

Notwithstanding the above Circular 11/95 advises that 'where an application is made for permanent permission for a use which may be potentially detrimental to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run'. In this case it is difficult to be certain at this point as to whether the proposal may result in harm and given that the cabin is a moveable structure a condition may be placed on this application to grant a temporary permission for three years. This will allow the Local Authority to retain control over the use of the site.

Economic Development support the proposal on the basis that it provides a service to employees from the businesses on the Bowerhill trading estate and other nearby businesses. Policy E2 states that proposals will be permitted subject to them not creating significant adverse impacts on the appearance and character of their surroundings. In this case the change of use of land in this location should not detract from the appearance or character of the area. Likewise the use of the land for a hot food takeaway cabin should not harm the amenity of neighbouring land uses which are commercial and industrial in character.

A letter and comments from the Parish Council have been received suggesting that the Bowerhill estate has adequate catering facilities. PPS 1 paragraph 29 states that 'the planning system does not exist to protect the private interests of one person against the activities of another...the basis question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest'. Therefore the consideration of competition between businesses is not in this case therefore considered material to the determination of this application.

The issue of precedent has been raised, the Council do not however accept this and maintain that each individual case should be determined on its individual merits.

The comments are noted regarding the existence of a public footpath in front of the cabin facility. This path does not form part of the application site and a reasonable gap exists between the cabin and the path and any nuisance that may result would be transient.

The Parish Council have objected on several grounds which largely relate to highway safety issues as has been stated the highway Authority have raised no objection to the proposal. It is noted that the Highway Authority have requested a condition to be placed on the permission to restrict equipment and vehicles associated with the use being located on the public highway. If the use were however to extend to the public highway then a planning application would be required. It is not considered that the proposed condition would meet the six tests which are required for a condition to be placed on a planning permission because in this case the condition would not be necessary nor would it be enforceable. Furthermore this matter may also be controlled by other legislation.

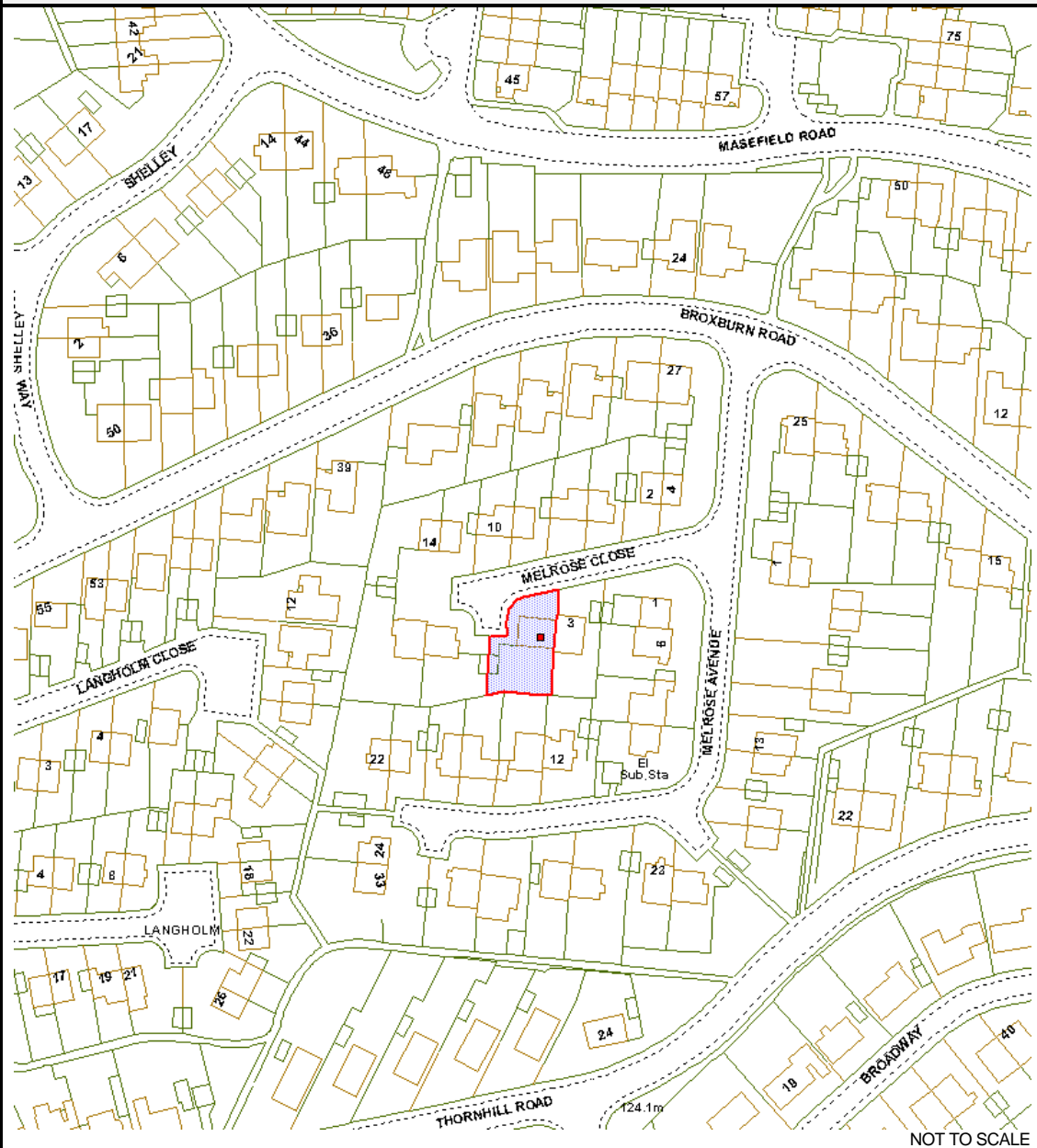
PLANNING COMMITTEE

27 October 2005

ITEM NO: 18

APPLICATION NO: 05/01847/FUL

LOCATION: 5 Melrose Close Warminster Wiltshire BA12 8EQ



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SLA: 100022961

18 Application: 05/01847/FUL

Site Address: 5 Melrose Close Warminster Wiltshire BA12 8EQ

Parish: Warminster Ward: Warminster West

Grid Reference 386122 144575

Application Type: Full Plan

Development: Single storey extension to existing bungalow

Applicant Details: Mr N Leslie And Mrs Stella M Cross
5 Melrose Close Warminster Wiltshire BA12 8EQ

Agent Details:

Case Officer: Mr David Cox

Date Received: 19.08.2005 Expiry Date: 14.10.2005

REASON(S) FOR PERMISSION:

The proposed development would not materially affect the amenities of the neighbours or result in any detrimental impact on the street scene and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Permission

Condition(s):

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990.

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

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

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

3 The property as a whole shall be occupied as one dwelling unit, with the accommodation hereby permitted occupied as part of, or an extension to, the main dwelling and it shall not be let or sold as separate accommodation.

REASON: Because the creation of a separate dwelling unit would be contrary to planning policy in this area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy H19.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee as the Town Council have objected and your Officers recommend permission.

This is an application for full planning permission for a single storey rear extension to this semi detached bungalow in a cul-de-sac in Warminster. Within the application site is a single storey flat roofed garage. It is within a residential area comprising of detached and semi detached 2 storey properties and bungalows.

The proposal is to add a pitched roof rear extension, which would provide additional bedroom accommodation and garden room. The extension would occupy an area of approximately 42 square metres. The extension would have a double gable end matching the gables on the hosting pair of semi's.

WARMINSTER TOWN COUNCIL

Object because: "It was felt that the overall size of the extension would have an adverse effect on the neighbouring properties."

PUBLICITY

Neighbours were notified of the proposal by letter. No responses were received.

RELEVANT PLANNING HISTORY

05/00971/FUL - Installation of solar panels on the southern roof elevation - PER - 14.07.2005

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design
C38 - Nuisance

SPG - House Alterations and Extensions

PLANNING OFFICER COMMENTS

The key issues in this case are whether the proposals complies with development plan policy and whether there are material considerations to outweigh the policy.

Policy C31a of the Local Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. The proposal would be in keeping with the host building as it would match it in terms of design (matching the gable ends) and materials (same as existing). It also follows the example of No 7 Melrose Place, which has a protruding but set down and back side section from the main building.

Supplementary Planning Guidance states that any extension should respect the host building and its setting in the street scene. Views of the proposals will only be seen from the end of the cul-de-sac and in particular No's 12 and 14 Melrose Place. These properties would be able to see the whole of the proposal bar a section that would be screened by the double garages. Although the extension would look slightly detached from the host building it is at least to the rear of the property. The ridge of the roof would be set down from the ridge of the main roof, which helps to make the extension subservient. These factors when combined would help to integrate the extension successfully into the street scene.

Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses. The extension would be single storey and even with its size it would not have an adverse impact on neighbouring amenity. There would be no windows that would look over onto neighbouring amenity. The dwellings to the south would still be approximately 20 metres away although less than the 21 metres as set out in SPG it is considered to be still acceptable. Additionally the roof of the extension would only cause minimal overshadowing of neighbouring amenity to the east (No 7) during morning hours. However, any overshadowing is likely to only cover the double garages and not No 7's rear garden. For these reasons the Town Council's objection cannot be supported.

The proposal complies with development plan policy and there are not considered to be any material considerations to outweigh the compliance with policy.

CONCLUSION

Although the proposal is unusual it does comply with policy and there are no material considerations to outweigh this policy. It is considered that the proposal would not harm the host building, streetscene or neighbouring amenities and therefore is recommended for permission.