

PLANNING COMMITTEE

8 DECEMBER 2005

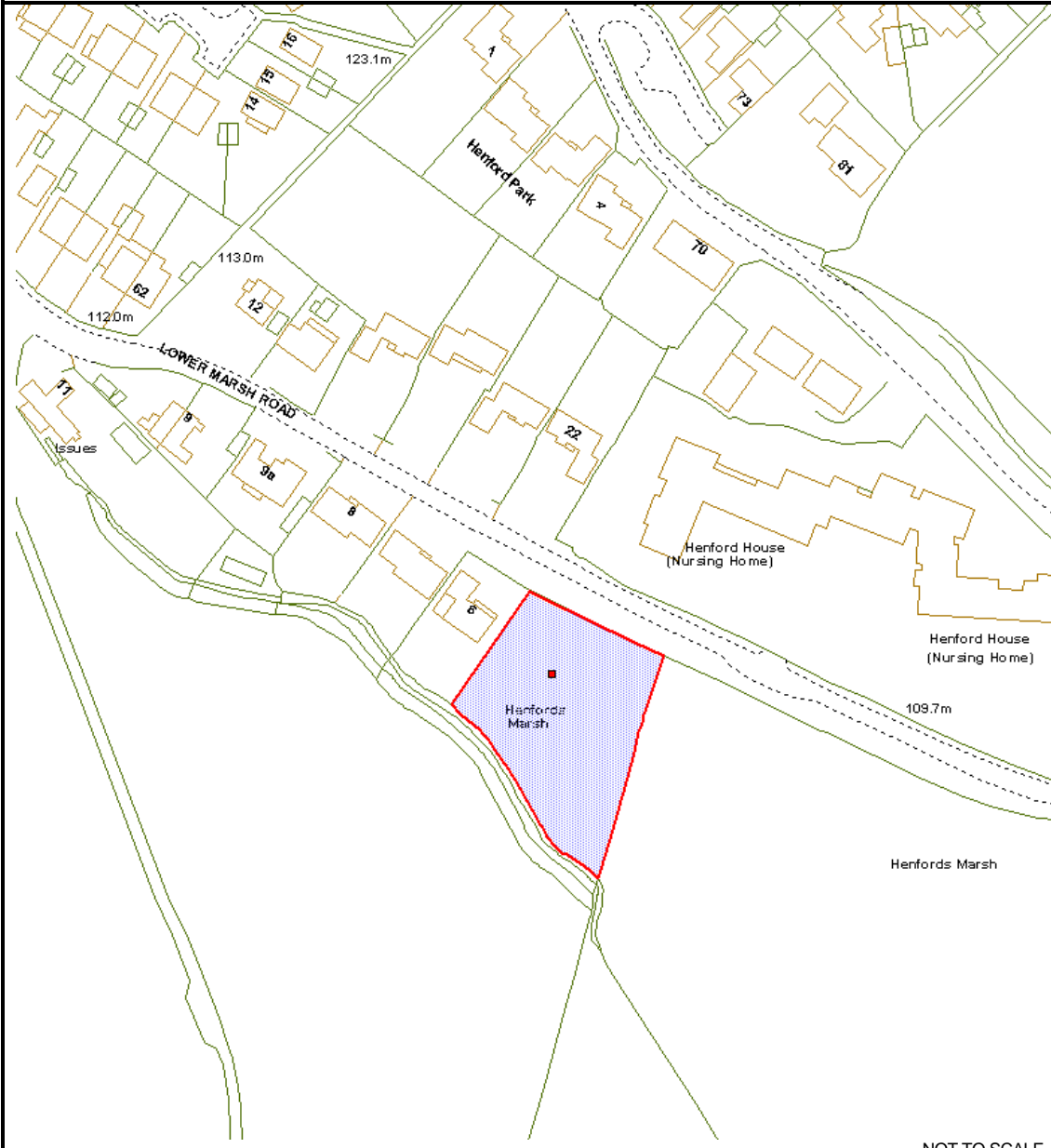
Planning Applications for Determination

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ITEM NO: 01

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

01 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.

COMMITTEE REPORT

APPLICATION DETAILS

Members will recall that a decision on this application was deferred by the Planning Committee at their meeting on 27 October 2005 for negotiations over the scale and siting of these three dwellings.

The application was previously reported as follows:

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.

PROPOSED AMENDMENTS

Since that meeting, the applicant has met with concerned neighbours, the outcome of which was a letter with a number of detailed suggestions and comments and a proposed layout. These can be summarised as follows:-

- The existing property, 6 Lower Marsh Road, is a three bedroom dwelling, therefore this should provide the appropriate bench mark for all new development. One three-bedroom and two four-bedroom units should be the absolute maximum.
- Roof spaces should not be occupied.
- The overall floor space and footprint should be reduced to match those of the existing dwellings.
- The siting back of the two most easterly units would 'open up the viewing line'
- Alterations to the internal side boundary lines would better accommodate the large dwellings
- Inclusion of the stream at the rear of the site would enable it to be incorporated within landscaped planting area
- Further off-road manoeuvring spaces should be incorporated.

A revised plan has been submitted slightly altering the relative positions of the two easterly units and reducing the individual width of the three dwellings by 350mm. In siting terms, the central unit has been brought forward by three-quarters of a metre while the outside unit has been set by approximately half a metre. A reduction in size of the individual dwellings achieves a variable reduction in overall footprints of 2.5% to 3.5%.

In the light of the Committee's earlier decision to defer for negotiation, it is for Members to assess whether these revisions achieve the reduction in scale originally sought. Notwithstanding what must be seen as only modest changes, your officer's recommendation remains one of permission for the reasons outlined in the original report.

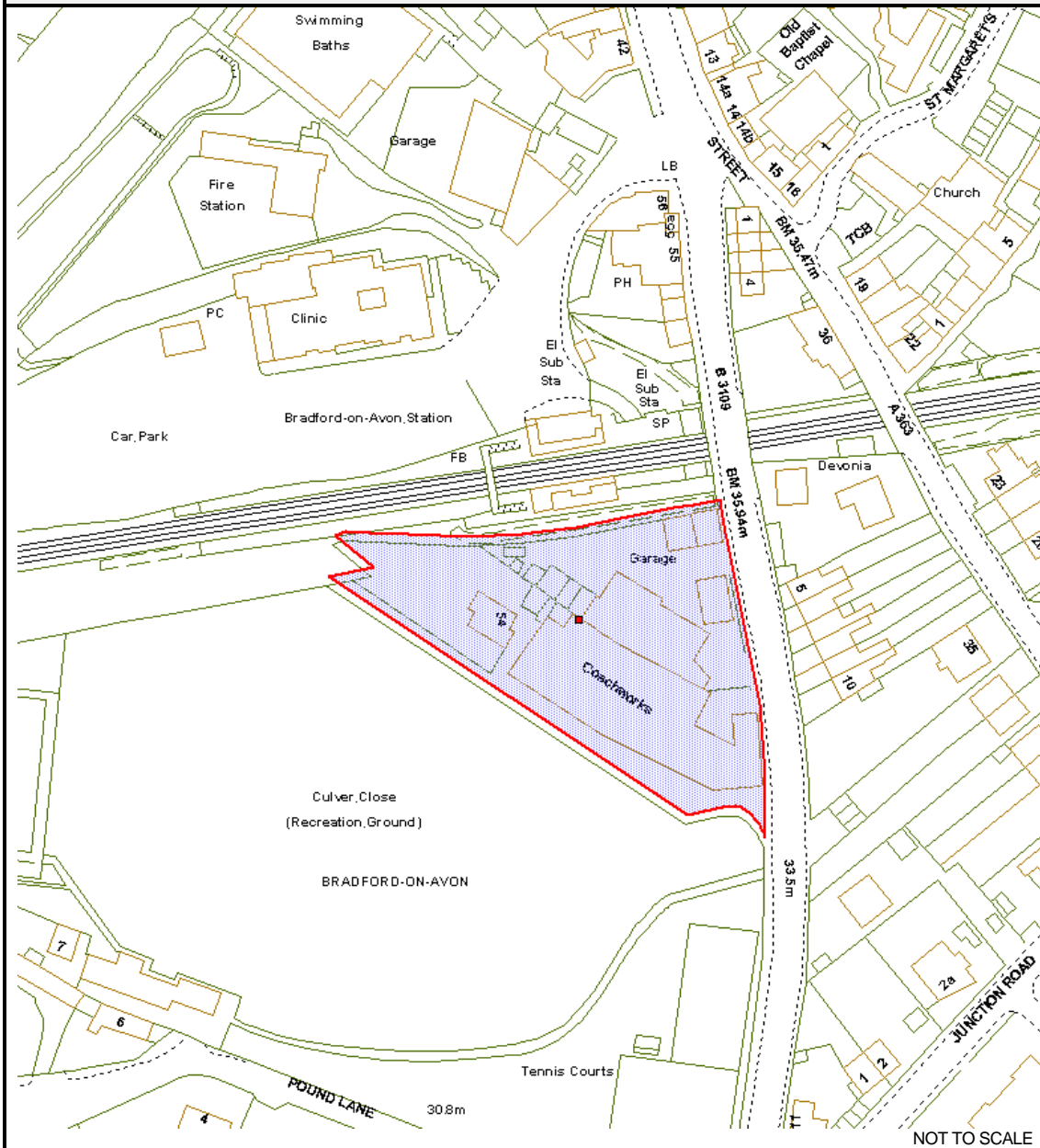
PLANNING COMMITTEE

8 December 2005

ITEM NO: 02

APPLICATION NO: 05/00723/FUL

LOCATION: Land North East Of Recreation Ground Frome Road
Bradford On Avon Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 05/00723/FUL

Site Address: Land North East Of Recreation Ground Frome Road Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382530 160627
Application Type: Full Plan
Development: Demolition of existing garage buildings and the proposed construction of mixed use development scheme comprising 1,430 sqm of office space and 23 residential dwellings
Applicant Details: Donovan Construction
C/o Hunter Page Planning Ltd Thornbury House 18 High Street
Cheltenham GL50 1DZ
Agent Details: Hunter Page Planning Ltd
Thornbury House 18 High Street Cheltenham GL50 1DZ
Case Officer: Mr Aaron Smith
Date Received: 15.04.2005 Expiry Date: 15.07.2005

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 prior completion of a legal agreement to secure the future provision and maintenance of public open space.

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 Notwithstanding the approved plans, a schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C18 & C31A.

- 3 Notwithstanding the approved plans, 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 C18 and C31A.

4 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.

5 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.

6 No development, hereby permitted, shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C14 & C15.

7 Prior to the commencement of any development 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 work;
- iii) 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 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

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

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 existing identified trees and hedges of value will be protected in accordance with the conclusions and recommendations detailed in the Arboricultural Impact Study dated 30th June 2005 produced by The Arbor Centre.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C40.

11 The development hereby permitted shall not begin until a scheme of suitable noise attenuation works has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.

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

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

12 No development shall take place until full details of the railings, its plinth and pavements for the proposed Frome Road frontage, 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 assist in the creation of good urban design.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C18 and C31a.

13 The driveways, parking bays and access to the car parking area shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

14 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

15 No building shall be occupied until the Traffic Orders for the parking restrictions on the new estate roads are operational.

REASON: In the interest of highway safety.

16 The gradient of the footpath/cycle link to the railway station shall not at any point be steeper than 1 in 12, and shall be constructed prior to the occupation of the buildings on the site.

REASON: In the interests of highway safety.

17 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

18 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 150mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

19 Before the development hereby permitted is first commenced, details of the retaining structure for the footway adjacent to the parking area provided within the basements of the buildings fronting Frome Road, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

20 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, there shall be no extensions or external alterations, including alterations to the doors and windows, and no further buildings erected on the site, or any development normally permitted under Schedule 2, Part 1, Classes A-E (inclusive) 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, to ensure that the design of the buildings are not compromised by subsequent unsympathetic alterations.

Note(s) to Applicant:

- 1 The applicant is advised to contact Wessex Water prior to the commencement of any works on site to discuss any arrangements for the protection of Wessex Water infrastructure crossing the site and a point of connection onto Wessex systems.
- 2 The development should follow the recommendations of the Flood Risk Assessment produced by WSP dated 18 February 2005.
- 3 The applicant is advised that it is your responsibility to ensure that the development will not affect any existing legal water interests in the area.
- 4 Building when demolished can give rise to Special Wastes. These are subject to additional control prior to disposal. The Environment Agency can advise the applicant on the regulations concerning Special Wastes.
- 5 The applicant is advised to contact Network Rail prior to any commencement of any works on site, in order to agree matters concerning any excavations, drainage, construction and future maintenance of the development.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee as the Town Council objects contrary to officer's action for permission.

This is a full planning application for the demolition of the existing garage buildings and the construction of a mixed-use development, comprising of 1,430sqm of office space and 23 residential units. An accompanying Conservation Area consent application is being considered in tandem reference 05/00725/CON.

The 0.49 hectare application site is a triangular parcel of land located on the west side of Frome Road, Bradford on Avon, bordered to the north by the railway line and the Grade II Listed train station, and to the south / south west by the recreation ground with Barton Farm beyond. The site is located within the Bradford on Avon Town Centre Commercial Area and within the Bradford on Avon No.2 Conservation Area.

The site comprises of two distinct use zones, being a predominately office frontage with residential to the rear. There would be two individually distinctive buildings along the Frome Road frontage providing the 1,430sqm of office floorspace. Both of these would contain residential units on the upper floors, with dedicated parking spaces underneath. These two buildings would be separated by the centrally placed highway access to the development, which would be to the required adoptable standard.

The main residential development of two 3-storey terraces, containing parking on the ground floor would be behind the frontage buildings. The layout forms a courtyard and an internal space, with properties along the western side of the site set back 8 metres from the south-western boundary with the Recreation Ground.

A schedule of materials to be used in the external surfaces of the proposed buildings has been submitted. The buildings would be constructed of Bath stone walls, built as coursed rubble, with dressed Bath stone details, under a blue grey natural slate roof with blue grey clay ridge and hip tiles. The window frames would be painted wood.

The proposals have been revised during the application process, following comments received from all concerned. Most notably, the height and design of the northern of the frontage buildings has been redesigned on the advice of English Heritage. Revisions to the roof detailing, materials and building form have also been revised.

In support of the application, the applicants agent has provided a Supporting Statement of the applicable planning policies, a Flood Risk Assessment, an Environmental Noise and Vibration Impact Assessment, an Environmental Audit, Structural Inspection Report on the existing buildings, a Archaeological Assessment and an Arboricultural Impact Study. Furthermore, street scene and isometric drawings of the development have been provided.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: The Town Council welcomes those design changes which give the buildings along Frome Road a less bulky feeling more in keeping with the domestic character of the houses opposite. However, they remain concerned on these following grounds:

- Concerned about the height of these buildings (along Frome Road) which materially affects the amenity of local residents and those living the east of the development. The height might be reduced by deeper excavations to the basement.
- The housing density constitutes an over development of this site.
- The new design provides one extra dwelling but reduces the amount of office space by 469sqm over that previously proposed. This is a vital issue and urges the planning authority to ensure that the relative provision of commercial space is no less than that provided in the previous submission.
- There remains insufficient car parking for both for office and residential uses.
- The height of the buildings in relation to the open space of the recreation field, the station and the local environment are excessive and the Council still believes that the height should be reduced by the equivalent of 1 floor relative to the previous proposal. A 'balloon test' may assist the consideration.
- The development fails to preserve or enhance the character of the Conservation Area.
- There is a lack of design quality and details (such as the standard steel railings) are of insufficient quality to meet the standard this important site warrants.
- Traffic congestion and extra on street parking resulting from the development.
- The proposal is contrary to Policies C4, C18, C32, C40 and E5.
- It is critical to guarantee the protection of the existing off-site landscaping on the adjoining railway embankment, to ensure views from the north of the town are not harmed.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections subject to conditions.
- ENGLISH HERITAGE: This application arises from negotiations which followed the submission of a previous scheme to which English Heritage lodged objections. The revised plans respond positively to those concerns expressed.
- ENVIRONMENT AGENCY: No objections in principle to the proposed development subject to conditions and informatives, as an appropriate Flood Risk Assessment has been provided as part of the consultation process.
- CHIEF EDUCATION OFFICER: In this case, Wiltshire County Council has confirmed that there is not any justifiable need to pursue any contributions towards additional education provision.
- NETWORK RAIL: No objections subject to conditions and informatives.
- COUNTY ARCHAEOLOGIST: No objections subject to a condition requiring the implementation of a programme of archaeological work, consisting of a written scheme of investigation.
- WESSEX WATER: No objections subject to conditions and informatives.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: The proposal is acceptable in policy terms.
- CONSERVATION OFFICER: No objections.
- ECONOMIC DEVELOPMENT: Object to this proposal due to continued loss of employment land in Bradford on Avon generally, and prematurity in view of the employment land audit due to be complete in early 2006.
- LEISURE SERVICES: Have confirmed that given the proximity of the application site to the Culver Close Recreation Ground and the clear opportunities for enhancing the existing POS provision, no on-site requirement is needed. Any POS contributions resulting from the application would, in part, enhance existing facilities in the area.
- SCIENTIFIC OFFICER: Due to the various potentially contaminative land uses at this site, recognising that the proposed development includes residential properties, a sensitive end use with respect to ground contamination, there are no objections subject to a necessary condition regarding the assessment and remediation of any contamination.

NON-STATUTORY CONSULTATIONS

- BRADFORD ON AVON PRESERVATION TRUST: The Trust supports the views of the Town Council. The buildings are too high and overpowering especially with regards views from the Recreation Ground. There would be a loss of employment use on this site, which would affect the town. The development would not conserve and enhance the character of the area. Materials of the windows are unacceptable.

PUBLICITY RESPONSES

This application has been publicised by press advertisement and site notice, and neighbour notification.

13 letters of objection have been received on the original plans: -

- Proposal represents an overdevelopment of a relatively small site.
- Frontage two blocks of offices are far too tall and would be out of keeping with their surroundings and the adverse impact on the Conservation Area, where new buildings should not be taller than existing structures.
- Long views within the area would be lost.
- The proposed frontage blocks would have an adverse effect on neighbouring amenity, through overlooking and visual overbearing impact, also views from existing dwellings would be blocked.
- This development would add to the already unsympathetic development along this approach into the town centre, harmful to the street scene.
- The proposals would not meet the policy requirements for new development in Conservation Areas.
- Additional traffic / congestion and pressure on the highway and increased adverse impact on highway safety.
- Lack of parking provision on site and affect on the highway.
- Possible nuisance from evening use of the site.
- The brick coachworks should be retain, so far as possible.
- Noise and vibration problems, proximity of the residential properties to the railway line.
- Impact on the setting of Barton Farm and Area of Outstanding Natural Beauty.
- The trees on and adjacent to the site should be protected.

6 letters of objection have been received to the July revised plans: -

- The site would be developed at a too high density
- The mass and height of the buildings along the Frome Road frontage would be very overpowering.
- The proposal would not enhance the Conservation Area.
- The use of the mill buildings as a reference and context for the proposal is inappropriate in this location.
- A sensitive mixed use development is needed on this site.
- Starter industrial units should be built on this site.
- Damage to trees and landscape features.
- Design lacks garden and green space.
- Height of the frontage buildings would harm neighbouring amenities.

1 letter of support has been received to the July revised plans: -

- The street scene of the area would be greatly improved and the ugly decaying buildings would be no great loss.
- The proposal respects the traditional and historical character of the town.
- Sufficient parking spaces proposed, also as the site makes provision for alternative modes of transport.
- The proposals would not excessively impose on views in the area.
- The scheme would bring much needed employment to the town.

3 letters of objection have been received concerning the revisions shown on the current revised plans: -

- This site is an important gateway into the town and is highly visible.
- There should be more workspace than offices.
- Increase in traffic along a main road and it cannot cope with any additional traffic.
- Overdevelopment of the site.
- Buildings are bland and suburban, the scheme is too large in its uniformity, the design lacks an inspirational design.

RELEVANT PLANNING POLICY

Regional Planning Guidance Note 10

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

SS19 - Rural Areas

EN3 - Historic Environment

EN4 - Quality in the Built Environment

EC1 - Economic Development

EC3 - Employment Sites

Wiltshire Structure Plan 2011

DP1 - Priorities for Sustainable Development

DP4 - Towns and Main Settlements

DP5 - Town Centres, District Centres and Employment Areas

DP7 - Housing in Towns and Main Settlements

DP9 - Reuse of Land and Buildings

T4 - Cycling and Walking

T5 - Parking

HE7 - Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

C7 - Protected Species

C14 - Archaeological Investigation and Recording

C17 - Conservation Areas

C18 - New Development in Conservation Areas

C22 - Demolition in Conservation Areas

C23 - Street Scene

C27 - Listed Buildings

C30 - Skylines

C31a - Design

C32 - Landscaping

C34a - Resource Consumption and Reduction

C36 - Noise

C37 - Contaminated Land

C38 - Nuisance

C40 - Trees Planting

R4 - Open Space in New Housing Developments

H1 - Further Housing Development Within Towns

H24 - New House Design

E4 - Premises Outside Employment Policy Areas

E5 - Loss of Employment Floorspace

T10 - Car Parking

SP5 - Secondary Retail Frontages

S1 - Education

U1a - Foul Water Disposal

U2 - Surface Water Disposal

U3 - Flooding

I1 - Implementation
I2 - The Arts
I3 - Access for Everyone

PPS 1 - Delivering Sustainable Development
PPG 3 - Housing
PPG 4 - Industrial, Commercial & Small Firms
PPS 6 - Planning for Town Centres
PPG 13 - Transport
PPG 15 - Planning and the Historic Environment
PPG 16 - Archaeology and Planning
PPS 23 - Planning and Pollution Control
PPG 24 - Planning and Noise
PPG 25 - Development and Flood Risk

Circular 11/95 - The Use of Conditions in Planning Permission
Circular 05/05 - Planning Obligations

West Wiltshire Draft Residential Design Guide
West Wiltshire Open Space Provision in New Housing Developments: A Guide
Bradford on Avon Conservation Area Character Assessment
Bradford on Avon Community Plan

RELEVANT PLANNING HISTORY

04/01823/CON - Demolition of all existing garage buildings and adjoining residential property - Withdrawn
10.01.2004

04/01822/FUL - Demolition of existing garage buildings and construction of 22 live/work units - Withdrawn
10.01.2004.

KEY PLANNING ISSUES

1. The loss of the existing buildings and their contribution to the Conservation Area.
2. The principle of a mixed-use development in this location.
3. The amount and type of employment floorspace.
4. Whether the proposed development would preserve or enhance the character or the appearance of the Bradford on Avon No.2 Conservation Area.
5. Whether the proposed development would protect the character and setting of any Listed building.
6. Highway considerations.
7. Residential amenities.
8. Risk from flooding.
9. Impact on archaeology.
10. Protection of trees, landscaping and protected species.
11. Planning obligations.

PLANNING OFFICER COMMENTS

1. The loss of the existing buildings and their contribution to the Conservation Area.

A Conservation Area consent application has been submitted and will be considered in tandem with this application.

The existing buildings on the site are approaching a state where they will become unusable. They have a limited life in terms of commercial or industrial use without undergoing extensive repair / refurbishment or more likely rebuilding to accommodate modern industrial use, storage or distribution. The buildings themselves make no positive contribution to the surroundings, apart from the red brick, former stable building. However, this building has limited visual presence, and its historical context has been lost within the surrounding industrial buildings.

Therefore, the buildings on site do not make any positive contribution to the character or the appearance of the Conservation Area, their loss would enhance the character and appearance of the Conservation Area.

2. The principle of a mixed-use development in this location.

The application site constitutes previously developed land, is located within the Bradford on Avon town centre commercial area and in an accessible location, served by a choice of transport other than the private car. In this location, a mixed-use development is to be encouraged, given the latest advice in PPG 3, with a general aim to bring new life into our towns.

The scheme combines a mix of both housing and commercial uses, with the scheme giving priority to employment generating uses at ground floor level along the important Frome Road frontage. This proposal would, in seeking to make the most efficient use of land for residential (at 47 dwellings per hectare) on this part redundant land and buildings in predominantly industrial use. It would bring this underused, partly vacant site within the commercial area back to life, making a positive contribution to the area.

3. The amount and type of employment floorspace.

The existing land use contains a total net floor area of 1,755sqm. The Policy E5 requirement to match the floorspace of the existing use has been fully considered. There has been considerable concern expressed over the erosion of employment land within the Bradford on Avon urban area, echoed through the Bradford on Avon Community Area Plan and comments made during the consultation process.

The originally submitted plans had slightly exceeded the existing net floor area, however, due to the consideration of the design and Conservation Area implications, this has resulted in the redesign of part of the scheme to comply with these considerations. The current revised scheme proposes 1,430sqm of office space, whilst this is 325sqm less than that being lost, it can be supported for the following reasons.

At present, a total of 4 persons are employed at the light industrial site and a further 10 were previously employed at the site. Whilst a new user and a redevelopment of this site could theoretically make a more viable proposition, the proposal seeks to maintain an equivalent level of employment floorspace within the site. 1,430sqm of B1 office space has the potential to create employment opportunities for between 57 and 79 people, which will result in an overall increase in employment density. It is considered that the proposal would bring significant employment opportunities to Bradford on Avon.

The existing site is not considered to be fit for a wholly employment purpose. Mindful of its location within an area which is sensitive to new change, the redevelopment scheme offers significant enhancements to the area. Also the existing buildings on site would require extensive rebuilding to meet modern employment / business requirements. The site, which is already partly residential, cannot viably sustain itself to be retained for a 100% employment use.

It is your officer's view that there is no justifiable reason to refuse planning permission on prematurity grounds in the absence of a comprehensive employment land audit. At present, no employment land audit exists or is being prepared. It is estimated to be produced in early 2006 but there is no guarantee that this would be the case.

The proposed development would create an equivalent level of employment floorspace on site, would enhance the type of floorspace and the mixed-use development will be in accordance with planning policy to create mixed-use sustainable developments in urban areas. This is consistent with Government policy to encourage mixed-use developments on redundant land or buildings in industrial use.

4. Whether the proposed development would preserve or enhance the character or the appearance of the Bradford on Avon No.2 Conservation Area.

The application site is located within the Bradford on Avon Conservation Area, and is closely related to the historic Barton Farm and Town Centre.

The scheme proposes two buildings along the Frome Road frontage. The layout of this block would preserve characteristics of the Conservation Area, being that of a continuation of the uniform pattern and form of buildings, positioned along the street lines. Furthermore, the newly created views along Frome Road would be positively enhanced by the buildings themselves, through the creation of a vibrant town centre street scene.

The design of this group of buildings has evolved during the application process, with a major revision to the northern of the two buildings, consisting of its re-design to reduce its bulk, mass and height, through the dropping of the eaves line and reducing the depth (span) of the roof. Overall the revised design creates a more recognisable residential scale and form of building, more akin to that which its faces, i.e. a 2 1/2 storey building, whilst retaining an overall element of employment floorspace. Therefore, the previous overly dominant and objection that it would create a visual pinch-point has been successfully overcome.

The southern of the two frontage buildings would contain offices under a 2nd floor of residential. This building would be the larger of the frontage buildings and would provide a scale and form of building similar to the existing garage building on site. The style and form of this building positively reflects its proposed usage, its essential form and scale being commercial in character, would preserve the characteristics of the area, and would introduce a focal point building at this entrance into the commercial area. The façade would add positive features into the street scene and the building has been designed respectfully in relation to existing buildings and features.

The residential element of the development would be contained on the upper floors of the frontage buildings and to the rear. The residential layout makes an efficient use of the site. It provides strong lines and forms a courtyard, enclosing the site from the railway line and creates a significant separation between the buildings and the adjoining recreation ground.

The siting of the buildings alongside the northern boundary and their scale would create a strong, visually interesting and sympathetic frontage, which would respond positively to views of the site from the railway station and car park. The break in the façade close to the railway bridge would form an opening to distinguish and define each building, to reduce the overall mass.

The remainder of the residential buildings (units 1 to 9) would be higher than the buildings which they would replace. However their design and form would positively reflect the character of the area, with the strong terrace being a layout key to the success of this group. The use of gabled dormer windows on this elevation open towards views from the Recreation Ground would relate the development with long distance views into the town.

In respect to views into, out of and within the area, there exist some informal views of Tory and the hillside areas over the existing building, but these would inevitably be partially blocked by the proposal. However these views are not significant to the area and are mainly obscured by existing structures. There are views of the Fitzmaurice area from Newtown, and the proposed development would appear prominent but would enhance these views of the area, through the general enhancement of the site.

The residential houses of units 1 to 14 have been designed to incorporate their garden space at first floor level, above the garaging, with a decked garden area. The integral garages resulting from this design feature would have a limited impact on the character of the area, and this detail would be mitigated by the presence of the strong hedge along the recreation ground boundary.

The detailed designs are key to the success of the proposal. The varied, sympathetic and vibrant façades would add interest to the street scene, the detailed roof treatments and roof forms avoids repetition, whilst being based on the context of the surrounding buildings. The proposed development would be constructed with a strong sense of local identity through the use of appropriate and traditional local materials, preserving the appearance of the area.

Overall, the proposed development would enhance the character and the appearance of the Conservation Area, through a design which would preserve positive characteristics of the area and enhances a group of industrial buildings which fails to add positively to its historic context. These views have been endorsed by the Council's Conservation Officer and English Heritage.

5. Whether the proposed development would protect the character and setting of any Listed Building.

The Bradford on Avon Railway Station, both the north and south platform buildings are the sole Listed buildings within the immediate environs of the application site. Their settings are defined by the important visual relationships between the main railway station buildings, the railway cutting, the platforms, the railway bridge on Frome Road and the overgrown embankment to the south.

Whilst the proposed development would be higher and more conspicuous than the present buildings, the proposed development would preserve the setting in the railway cutting. The group of the terraced houses backing onto the southern side of the station group overlooking the railway, would have steeped ridges which would help to lessen the impact that a uniform height would create against the skyline. Furthermore, the proposed set back and the break in the northern elevation are considered to be sufficient to preserve the setting of the adjacent Listed buildings.

Further afield is the important distinct grouping of Listed buildings at Barton Farm, formed by a small enclosure of buildings around a courtyard between the Canal and the River Avon. These are some distance from the proposed development and whilst the farmhouse faces away from the complex towards the north and towards the town centre, it is not considered that the proposal would adversely affect the setting of this group.

These conclusions of the proposal's relationship with the setting of these Listed buildings has been endorsed by the Council's Conservation Officer and English Heritage.

6. Highway considerations.

The existing site contains 4 separate vehicular access points, therefore highway / pedestrian safety along Frome Road would be significantly improved through the creation of one main vehicular access point into the site. This new access itself would be located in the most appropriate position, creating better visibility, a significant enhancement and suitable to cope with the movements generated by the proposed development.

The internal access road has been designed to an adaptable standard and includes a pedestrian access point into the site. Furthermore, the design and layout has created the opportunity to establish a direct pedestrian route from Frome Road, through the site, to the southern platform of the railway station. Whilst this remains an aspiration, the design takes into account this future opportunity.

The location of the site in an accessible locality, which can be served by a choice of a means of transport other than the private car. Although the site is in a sustainable location, car parking requirements remains a pertinent issue.

The site provides car parking for both the residential and commercial zones of the development. Each dwelling unit (3 bedrooms) would have at least two dedicated parking spaces within each respective curtilage, all units have a ground floor garage and driveway parking. The parking spaces for the frontage buildings would be located on the lower ground floor as secure basement parking, to be shared between the commercial and residential occupants of these buildings. A total of 10 spaces are within the northern building and 18 spaces in the southern building. Furthermore, an additional 8 parking spaces would be provided on the shared surface road, adjacent to the beech hedge, these would be excluded from the adaptable areas, and will be the responsibility of a management company.

It is acknowledged that 48 parking spaces for the B1 use would be required to meet the maximum parking standard, and there is a shortfall of 12 spaces. However, mindful of the sites sustainable location, the proximity of public car parking in the locality and that there remains scope to reduce parking standards in such locations, there are no highway objections on parking grounds. This view is endorsed by the Highway Authority.

7. Residential amenities.

Dealing first with residential amenities, an Environmental Noise and Vibration Impact Assessment has been submitted with this planning application, in accordance with the requirement detailed in PPG24.

The assessment details that the proposed northern façade and eastern façades will be in Noise Exposure Categories B and C respectively, mainly due to the railway and road traffic noise. The assessment shows that the development can provide good internal noise standards on the northern side and reasonable internal noise standards on the eastern side by the use of suitable noise mitigation measures. The level of ground vibration from trains was measured, and day and night time values were predicted and assessed as being well below the level at which there is any probability of adverse comment in terms of human responses. A condition is recommended to ensure a suitable scheme of noise attenuation works are submitted.

In respect of existing neighbouring amenities, concerns have been raised regarding the mass, height and proximity of the Frome Road frontage buildings in relation to the terrace of 5-10 Frome Road opposite the site. The residential scale frontage building, being sited directly opposite No.5 would be set back from the footway edge by 2 metres, a total of 15.5 metres from the closest point of No.5. It is considered that these 3 storey buildings would be set back a sufficient distance where there would not be obtrusive nor overbearing. Also, at this distance, it is considered that there will be no loss of amenity to the existing residential neighbours as a result of the development.

8. Risk from flooding.

The applicant has provided a Flood Risk Assessment (FRA), which has been forwarded to the Environment Agency for their comment.

The application site lies outside of the identified 1 in 100-year flood risk event areas. However a FRA was required to consider the existing flooding conditions and the possible implications of developing this site for the proposed land use, also parts of the proposal include a basement level at a lower level than the existing site.

The FRA concludes, that the proposed development is outside the 1 in 100 year flood plain, therefore, there is little risk to the proposed development flooding or increasing the risk to flooding in the catchment. The lowest point on the site (including the basement level) would be above the predicated flood level. The impermeable surface area on the proposed development would decrease and would therefore be a corresponding reduction in surface water run-off rates.

Following the receipt of the FRA, the Environment Agency has no objections in principle to the proposed development subject to conditions and informatives.

9. Impact on archaeology.

The applicant has provided a desk-based assessment, which has been forwarded to the County Archaeologist for their comment. The extract from the 1841 Tithe Map shows a number of buildings within the application site, of which all have been demolished and only 20th century buildings survive at the site. The County Archaeologist confirms that one of these buildings was recorded as 'the old Poor House', which it is suggested may be the site of a leper hospital, founded shortly before 1235.

Due to the present site condition and the level of contamination attributed with an operational petrol station and industrial site, prior field evaluation would be difficult. Therefore, a condition is necessary for the developer to agree a programme of archaeological work in accordance with a written scheme of investigation. This approach is in line with PPG16 and Policy C14.

10. Protection of trees, landscaping and protected species.

The applicant has submitted an arboricultural which confirms that all the important trees within and adjacent to the site and the beech hedge can be protected in conjunction with the proposed development.

The proposed access road and parking would be located along the line of the beech hedge and Hornbeam trees, at a distance of 1 metre from the hedge. It would be possible to construct this road, if appropriate construction methods are used, which have been suggested, which can be controlled in accordance with the report through planning conditions.

Three trees (2x Corsican Pines and 1x False Acacia) are located towards the northern boundary of the site and are scheduled for retention as they provide a good visual amenity value. A tree protection zone has been established and no structures are to be located within these areas.

Due to the possibility of protected species (bats) which may be roosting in trees or buildings on the site, the applicant is to be informed of the statutory protection afforded to bats under the Wildlife and Countryside Act 1981.

11. Planning obligations.

The County Council has confirmed that a need for education contributions is only required for the forecast for 2006, when pupil numbers peak, before dropping away again. On the basis that the proposed development would be unlikely to be occupied during the 2006 forecast period and contribute to school numbers, it is neither reasonable or justifiable to pursue an education contribution as there is no forecasted need.

Policy R4 requires the provision of open space through new housing developments. Given the proximity of the site adjacent to the Culver Close Recreation Ground it was agreed not to provide on-site POS and that a contribution towards the enhancement of off-site POS is necessary. Based upon the criteria of Appendix C of the District Plan, a total of £15,987.09 is required towards off-site contribution, which includes building and maintenance costs of POS, this is to be dealt with through a S106 Legal Agreement.

Policy I2 requires, where appropriate, a contribution towards the visual arts being incorporated into the design of the building or site. In this case, the railings which would run along the Frome Road frontage dividing the footway from the buildings would be designed and detailed to a high specification and can contribute to the visual arts and a high quality public realm. Whilst no design has yet to have been submitted, a condition is recommended (in the place of any legal agreement) to create a visual art through high quality railings, plinth and pavement to enhance the appearance of the Frome Road street scene.

CONCLUSION

There will be great benefits and enhancements to the Conservation Area in developing this site, rather than it remaining in its current poor condition with little architectural merit which could degenerate further. There would be substantial benefits through the provision of a viable mixed-use for this semi-derelict site, with an equivalent level of employment floorspace, in a sustainable location, within the Conservation Area. The proposed design, layout, form, composition and scale would respond positively to its context and would positively utilise characteristics of the area. The scheme would enhance the appearance of the site and the wider area.

For the reasons stated above this application is recommended for permission, subject to the completion of a S106 Legal Agreement for the provision and maintenance of POS.

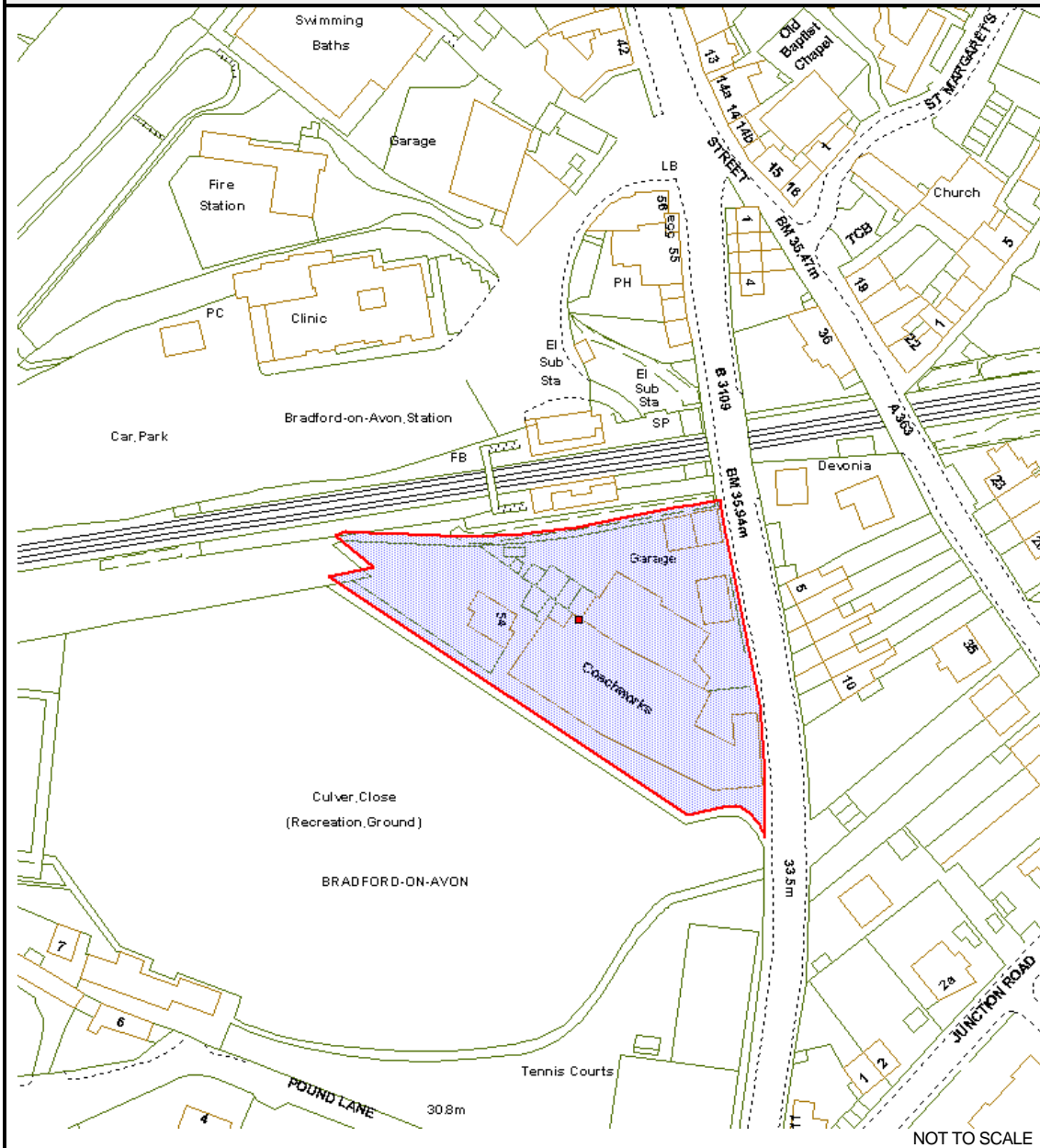
PLANNING COMMITTEE

8 December 2005

ITEM NO: 03

APPLICATION NO: 05/00725/CON

LOCATION: Land North East Of Recreation Ground Frome Road
Bradford On Avon 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

03 Application: 05/00725/CON

Site Address: Land North East Of Recreation Ground Frome Road Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382525 160631
Application Type: Conservation Area
Development: Demolition of all existing garage buildings and adjoining properties
Applicant Details: Donovan Construction
C/o Hunter Page Planning Ltd Thornbury House 18 High Street
Cheltenham Gloucestershire
Agent Details: Hunter Page Planning Ltd
Thornbury House 18 High Street Cheltenham Gloucestershire GL50 1DZ
Case Officer: Mr Aaron Smith
Date Received: 15.04.2005 Expiry Date: 10.06.2005

REASON(S) FOR CONSENT:

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

RECOMMENDATION:

Conservation Area Consent be granted at a future date in the event of the Development Control Manager being satisfied as to grant Planning Permission for application 05/00723/FUL, which is subject to the prior completion of a Legal Agreement.

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 the contract to redevelop the site, as approved in application 05/00723 has been let, and work is ready to commence on site.

REASON: In order to preserve the character and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C17.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee as the Town Council objects, contrary to Officer's recommendation.

This is a Conservation Area consent application for the demolition of garage buildings and adjoining properties on land to the North East of the Culver Close Recreation Ground, on Frome Road in Bradford on Avon. The 0.49 hectare application site is a triangular parcel of land located on the west side of Frome Road, bordered to the north by the railway line and the Grade II Listed train station, and to the south / south west by the recreation ground with Barton Farm beyond. The site is located within the Bradford on Avon Town Centre Commercial Area and within the Bradford on Avon No.2 Conservation Area.

The site contains a group of buildings currently used as a garage with a petrol sales forecourt and the buildings to the rear are used for car repairs. The site also contains a car showroom, an old brick stable block, and a dwelling to the rear.

The garage buildings date from the 1960's and are constructed of concrete block with sheet roofing. The car showroom is of reconstituted stone with a shallow pitched roof and has large plain glass windows. The oldest building on site is the stable brick building with a slate roof, in the centre of the site. The southernmost part of the site contains more industrial buildings which date from the 1960's and are of a concrete construction. The industrial building is two storeys with large ground floor windows. The detached two-storey dwellinghouse is built in stone under a tiled roof.

This Conservation Area consent application accompanies the full planning application 05/00723/FUL for a mixed-use development of the site.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Object to the demolition of the existing buildings as the proposed redevelopment fails to preserve or enhance the character of the Conservation Area, and other concerns of the proposed development.

STATUTORY CONSULTATIONS

- ENGLISH HERITAGE: No objections in principle to the demolition of the existing buildings on this site.

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: No objections

NON-STATUTORY CONSULTATIONS

- BRADFORD ON AVON PRESERVATION TRUST: Object to the demolition of the existing buildings as they object to the full planning application.

PUBLICITY RESPONSES

This application was advertised by press and site notice.

1 letter of objection received to application 05/00725/CON:

- issues of traffic and design not pertinent to a Conservation Area consent application.

1 objector to the full planning application states that "the brick coachworks should be retain, so far as possible".

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

HE7 Conservation Areas and Listed Buildings

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

04/01823/CON - Demolition of all existing garage buildings and adjoining residential property - Withdrawn 10.01.2004

04/01822/FUL - Demolition of existing garage buildings and construction of 22 live/work units - Withdrawn 10.01.2004

KEY PLANNING ISSUES

The main issue for this Conservation Area consent application is what level of a contribution does the existing buildings make to the character and appearance of the Conservation Area, and what affect would their demolition would have on the area.

PLANNING OFFICER COMMENTS

The majority of the buildings within this site were built in the 1960's. They reflect the function and form of the site usage as garaging and motorcar related industries, however, these are not in keeping with prevailing styles, materials and form in use in the Conservation Area as a whole. From the Frome Road and recreation ground elevations the site appears as an untidy collection of poor quality industrial buildings, of little architectural or historic merit and generally the amalgamation of buildings detract from the character and appearance of the Conservation Area.

The centrally sited stable building is, in part, an exception to the above visually harmful group of buildings. It has some historic merit, being built in the early 20th century, and the only representative of the past history. Furthermore, its brick, slate roof and its form are a typical example of such a building. However, due to its siting centrally within the site surrounded by the incongruous modern buildings, it has lost its context in the area. Therefore, the stable building has a poor visual connection in the Conservation Area as a whole, with only glimpses available through the trees from the north elevation and the garage forecourt.

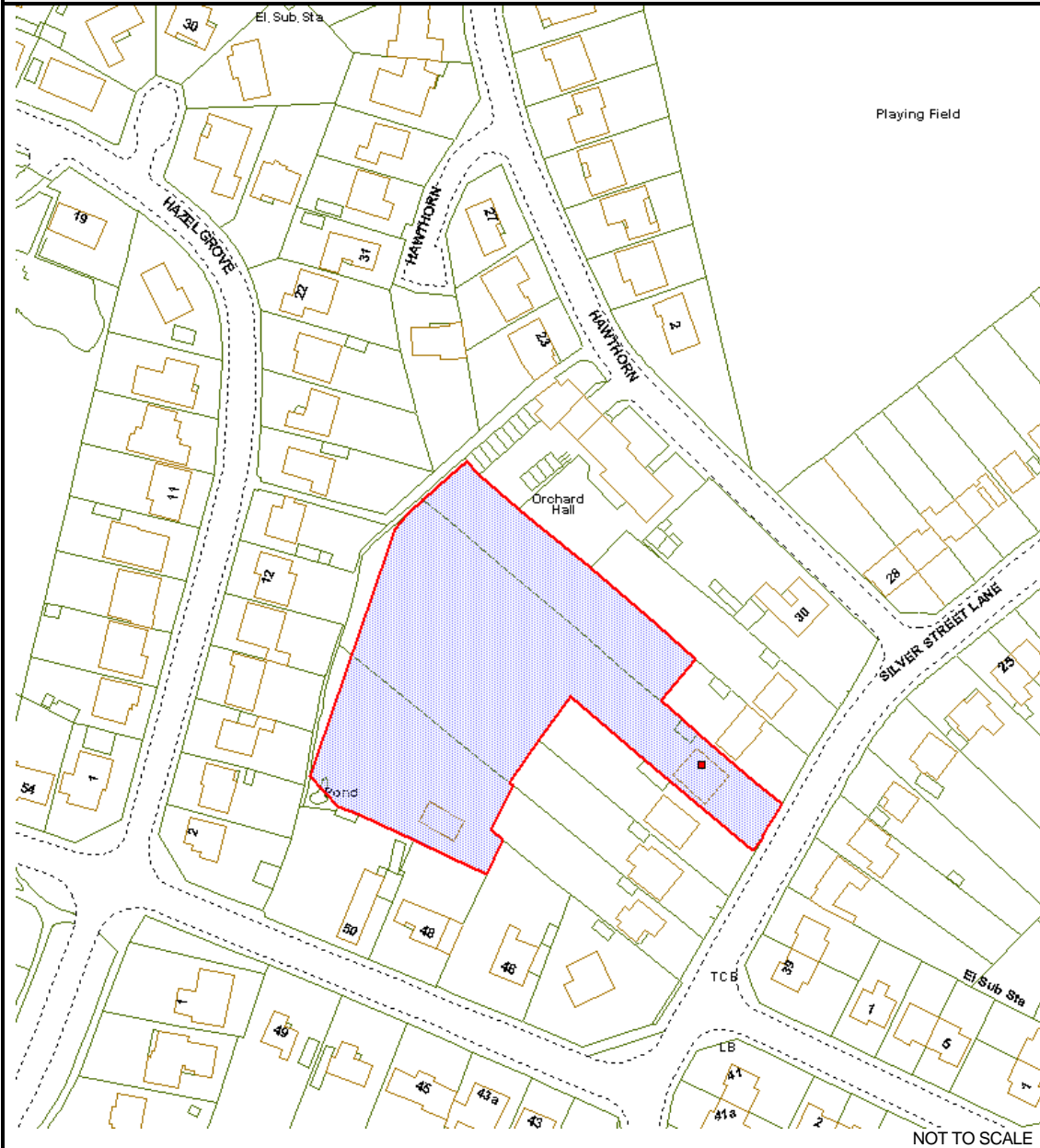
The applicants have submitted a historical environment appraisal of this stable building. This states that the stable building is in poor condition, its retention would require substantial rebuilding and alterations to maintain its presence on site to convert to a new usage. It is also considered that existing alterations to the fabric and form of the stable building has slowly eroded any features of interest and relationship to its historical use, and thus it fails to positively contribute to the Conservation Area.

Due to the limited visual presence of the stable building on its surroundings, its altered state within modern developments, are reasons why the building has lost its historical setting. The demolition of this building would be appropriate as the stable building does not make any positive contribution to the character of the Conservation Area, therefore the consent for the demolition of these buildings within the Conservation Area would enhance its character and appearance.

CONCLUSION

For the reasons stated above this application is recommended for consent as there would be no harm to the character or appearance of the Conservation Area.

ITEM NO: 04
APPLICATION NO: 05/02301/FUL
LOCATION: Land Rear Of And 36 Silver Street Lane Trowbridge 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

04 Application: 05/02301/FUL

Site Address: Land Rear Of And 36 Silver Street Lane Trowbridge Wiltshire

Parish: Trowbridge Ward: College
Grid Reference: 385063 156277
Application Type: Full Plan
Development: Proposed residential development of twenty-one 2, 3 & 4 bed dwellings with associated car parking and access
Applicant Details: Westbury Homes (Southern) Ltd
Bartley House Station Road Hook Hants RG27 9PE
Agent Details:
Case Officer: Mrs Judith Dale
Date Received: 04.10.2005 Expiry Date: 03.01.2006

JUSTIFICATION REASON:

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

RECOMMENDATION:

That the Development Control Manager be authorised to grant planning permission on completion of a Section 106 Agreement to secure a financial contribution to:

- (a) the provision of off-site open space facilities.**
- (b) education provision.**
- (c) the upgrade and extension of existing footpaths and cycleways within the vicinity.**

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 development shall be carried out in accordance with a schedule of materials to be submitted to, and approved in writing by the Local Planning Authority.

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

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

- 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 any development is commenced on site, including site works of any description, any trees to be retained as part of the approved landscaping scheme, shall be fenced off using 'Heras' weldmesh or similar erected on a scaffold frame in accordance with details which shall be submitted to and agreed with the Local Planning Authority. This approved fence shall be erected in a circle around the tree at a radius of 10 metres from the tree, in a position which shall be agreed with the Local Planning Authority. Within the area so fenced off, the existing ground level shall be neither raised nor lowered, no materials or temporary building or surplus sort of any kind shall be placed or stored thereon, and no work of any kind shall take place. The fence shall not be removed without the consent of the Local Planning Authority until the whole of the development is completed.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C40.

- 6 No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.

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

- 7 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 both within the development and along the external boundaries to the development site. These boundary treatments shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority and shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory and in the interests of residential amenity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C32 and C38.

- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner.

REASON: In the interests of visual amenity.

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

9 No development shall take place until samples of the materials for the surface of roads, footways and pedestrian areas, cycleways and all other hard surface areas have been submitted to and approved by the Local Planning Authority in accordance with the detailed schedule shown on drawing HLL/100A received by the Local Planning Authority on 8 November 2005. The development shall be carried out as approved.

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

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

10 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, the garage(s) shall at all times remain available for the garaging of cars, and shall not be converted for use as living accommodation.

REASON: To ensure that adequate provision is made for parking.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies H1, H7, H20 & H21.

11 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate, and retained, without obstruction for the parking of vehicles.

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.

12 The pond and ditch in the north-west corner of the site shall be retained and kept clear of obstruction at all times.

REASON: In order to protect wildlife habitats.

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

13 If any protected species are discovered at any time during any of the works involved in the implementation of this permission, work shall cease immediately and English Nature contacted.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C7.

14 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.

15 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.

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that order with or without modification, no windows including rooflights, other than those hereby approved shall be inserted in the rear elevations of any of the dwellings hereby permitted.

REASON: In the interests of amenity and privacy.

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

- 17 The proposed footpath shall remain ungated and open at all times.
REASON: In the interests of pedestrian safety and convenience.
- 18 Details of the junction of the proposed footpath with the existing at the rear of plot 8, to include measures to make good the existing boundary, together with details of the proposed footpath screening along its length shall be submitted to and approved by the Local Planning Authority in writing before work is commenced. Any work shall be carried out in accordance with these details.
REASON: In the interests of pedestrian safety and visual amenity.
- 19 No materials shall be burnt on site.
REASON: In order to minimise nuisance.
POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.
- 20 The driveways shall be properly surfaced and consolidated (not loose stone or gravel) in accordance with the approved details on drawing.
REASON: In the interests of highway safety.
- 21 The development hereby permitted shall not be commenced until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 400mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.
REASON: In the interests of highway safety.
- 22 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 interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because of the Town Council's objection to the development contrary to the Officer's recommendation for approval.

This is a detailed application for residential development on this backland site, located to the rear of 34 to 40 Silver Street Lane, Trowbridge. The site is L-shaped, rises gradually up towards the north, is currently overgrown orchard and garden land and is predominantly bounded by hedges and trees. The site measures approximately 0.55 hectare, and although formerly land-locked, is now accessed between numbers 34 and 38 Silver Street Lane on land previously occupied by a now demolished bungalow.

The application proposes the erection of 21 dwellings, ranging in height from 1.5 to 2-storey buildings, and in size from 2-bedroomed flats to 4-bedroomed houses. The layout reflects a courtyard style of development, inward focusing, with a total of 42 identified parking spaces accommodated in a mixture of garages, driveways, roadside parking and parking courts. A footpath link is proposed through the site to join with an existing footpath network abutting the northern boundary of the site.

The application is accompanied by a supporting Planning and Design Statement.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Objection on grounds of over-development, high density in the area and detrimental to the amenities of adjoining neighbours.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: The Highway Authority's initial comments on this proposal required amendments and clarification on aspects of the access road, turning area, visibility splays and areas for subsequent adoption. Revised plans to accommodate these alterations are now acceptable subject to appropriate highway conditions.

In addition, the Highway Authority is up-grading the footpaths and cycle paths in the vicinity of the site and a contribution of £5,000 is sought towards these improvements.

- ENVIRONMENT AGENCY: No comments received.
- WESSEX WATER: No objection in principle.
- EDUCATION AUTHORITY: A number of applications were previously received relating to this site, and in particular, reference 05/00349, which was refused planning permission and is being appealed by the developer. The basis of the appeal is design. The education note that this Authority is seeking to secure a developer contribution of £59,400 on application 05/00349.

If this new application arises from the need to make changes on design grounds, then we are obliged to honour our existing requirement for £59,400. However, if the application is entirely new, then we will seek a developer contribution calculated upon 2005/06 DfES cost multipliers, as the need for additional school places remains. This will be £8,870 per primary place and £13,929 per secondary place. We will require funding for 7 primary and 5 secondary places, making a total of £131,735.

The Education Authority have since confirmed that the previously agreed figure of £59,400 is acceptable.

- WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE: Reptiles have been reported at the site and further information on the population level, the likely impact of the application on the species and possible mitigation proposals are required to be forwarded to English Nature.
- ENGLISH NATURE: Originally commented that since the original Ecological Survey was carried out on the site, other protected species may have moved in, and advise further studies be carried out to confirm this. It is also advised that the existing Slow Worm population is mitigated before site works commence.

A further note from English Nature confirms that the Slow Worm mitigation which has already taken place is satisfactory, and advises that if any protected species are discovered during any of the works, these must cease and English Nature be contacted.

- LANDSCAPE OFFICER: No comments received.
- COUNTY PLANNING OFFICER: No comments received.

PUBLICITY RESPONSES

The application was advertised by Site Notice and in the local press and neighbours were notified. Five letters of objection from four residents were received on the following grounds: -

- The proposed entrance to the site appears to "come over the boundary to my property with the rounding-off of the curb/pavement" (this matter has been addressed with revised plans which exclude the affected area).
- Excessive density compared with surrounding area;
- Danger from proposed access and additional traffic, exacerbated by already higher levels of traffic as a result of calming measures in College Road;
- Additional hazards from over-spill parking;
- Existing road surface in Silver Street Lane is very poor and likely to be exacerbated by this development;

- Heavy vehicles serving the development;
- Insufficient on-site parking and provision for visitors;
- Exacerbation of existing drainage and flooding problems;
- Original outline development should never have been granted;
- Excessive density will place additional problems on existing utilities;
- The whole site will need to be re-inspected for Slow Worms;
- The surrounding properties are all detached and 40% are single storey - any new development should reflect this;
- 2-storey properties backing onto existing dwellings will reduce levels of daylight and privacy;
- The development infringes human rights;
- The accompanying Planning Statement document contains a number of material "schoolboy" errors;
- The use of "gross" rather than "net" figures as the basis for calculating density is flawed;
- Six bungalows is the appropriate scale of development on this site;
- The site should more accurately be defined as a greenfield, not brownfield site;
- Public open space should be provided on-site rather than an off-site contribution;
- Potential impact of development on 3 protected trees.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

- C10 - Protection of green spaces
- DP1 - Sustainable development
- DP4 - Housing and employment development
- DP7 - New housing developments
- DP9 - Reuse of previously developed land
- T5 - Car parking

West Wiltshire District Plan - 1st Alteration 2004

- C7 - Protected species
- C31A - Design
- C32 - Landscaping
- C36 - Noise
- C38 - Nuisance
- H1 - Housing development within towns
- H24 - New housing and design
- R4 - Open space in new housing developments
- R11 - Footpaths and public rights of way
- S1 - Education
- T10 - Car parking
- T11 - Cycleways
- T12 - Footpaths and bridleways

Urban Capacity Study - July 2001

- PPG3 - Housing
- PPG1 - Delivering sustainable development

RELEVANT PLANNING HISTORY

00/01279/OUT - Demolition of bungalow and erection of four dwellings - Refused 15.02.01

02/000119/OUT - Demolition of bungalow and residential development of site - Appeal against non-determination allowed 14.05.03

02/01508/OUT - Residential development (up to 14 dwellings) - undetermined

03/01756/OUT - Residential development on land to rear of 34 Silver Street Lane - Permission 11.12.03

04/01527/FUL - Development of 24 two and three bedroomed dwellings with associated car parking and new access - Withdrawn 02.11.04.

05/00349/FUL - Redevelopment of site for 22 residential properties with associated access, parking, amenity space and landscaping - Refused and currently the subject of an appeal (Inquiry due February 2006).

KEY PLANNING ISSUES

Planning history, design, highway safety, wildlife and planning obligations.

PLANNING OFFICER COMMENTS

Members may recall that in June, planning permission for a similar scheme was refused by the Planning Committee for the following reason: -

-The proposal by reason of its layout, form, height and design would be contrary to Policies H1, H24 and C31A of the West Wiltshire District Plan - 1st Alteration 2004 and PPG3 Paragraph 54 in that it would not be sympathetic to the spatial form or character of the surrounding area -

This decision was taken as a result of Members' concerns over the overall number of dwellings on the site and the height of certain of the units, particularly in the north-eastern part of the site. That previous application is currently the subject of an appeal to be determined in February 2006 at a public inquiry.

This current application has now been submitted in an attempt to address those earlier concerns and to achieve a form of development which can now be permitted.

The main issues with this application remain unchanged and are as follows: -

- Policy issues including the Urban Capacity Study, PPG3 and a previous appeal decision on this site;
- Highway and access issues;
- General design and amenity;
- Protection of wildlife;
- Contributions.

In addressing these issues the previous application was reported as follows: -

Policy Issues

Outline planning permission for residential development on this site already exists by virtue of two separate applications - the majority of the site (0.45 hectares) lying behind 36 to 42, and including the new vehicular access, was permitted on appeal in May 2003 (02/00119). The plan details submitted in support of that application included a layout for 14 dwellings together with a possibility of additional phased development on two adjoining sites; phase II of that development, lying to the rear of 34, was subsequently approved in December 2003 (03/01756). Together, the two sites form part of a single development site, allocated in the Urban Capacity Study July 2001 for residential development - the principal of developing the site for housing is therefore clearly established.

In that Urban Capacity Study, the site was recommended for the development of 20 units. In the Inspector's report on the revised Local Plan, he commented that 20 was perhaps a high figure and that due to the shape of the site, 15 would be a more likely number. However, in the later appeal decision on part of the site in

May 2003, that Inspector stated that 'developing at higher densities would not harm the surroundings' and supported the view that increased densities compliant with PPG3 (30 to 50 per hectare) would be appropriate. That particular application was accompanied by an illustrative layout for 14 dwellings on only part of the Urban Capacity Study site although neither the number nor layout formed part of the ultimate permission.

The current scheme is for 22 units on virtually the same site as the Urban Capacity Study and is at a density of approximately 39 dwellings per hectare. Although this represents a marginal increase, this figure lies right in the centre of the required PPG3 density span. Against this historical background and the recent circular (01/05) which actively requires new development in the southwest to meet the target figures, the density of this particular scheme is considered acceptable.

The point has been made repeatedly by residents that this density figure is quite misleading and that the real density of the scheme is actually considerably higher than measured due to the erroneous inclusion of the access road within the calculation of the site area. PPG3 advises that Local Authorities should look at net density rather than the gross figure in considering housing proposals. The given definition of 'net' density includes access roads within the site, on a private garden space, car parking areas and childrens play areas. In this particular case, both the gross and net areas are identical, as are the calculated densities of 39 per hectare.

Highways and Access

In allowing the appeal on this site in 2003, the Inspector found that the proposed access was adequate to serve that proposed development. In paragraph 21, he states:

'my conclusions on the adequacy of the proposed access have also taken into account the prospect of the smaller parcel of adjoining land being developed for new housing. These areas would only likely to yield a small number of additional dwellings and the corresponding small increase in the number of traffic movements would not affect my findings'.

No highway objection was subsequently raised to the development of the remainder of the site (03/01756) using this access and there can therefore be no objection in principle to this aspect of the development.

With regard to detail, the Highway Authority is now satisfied with the proposed layout subject to appropriate conditions.

In accordance with Policies T11 and T12, the existing footpath network is to be extended through this development, linking Silver Street Lane with Hazel Grove and Hawthorn Grove and increasing the accessibility of the site to the nearby open space and primary school. The route is considered acceptable and in accordance with 'Secure by Design' standards. As part of the County Council's programme towards upgrading the general standard of footpaths and cycleways in the vicinity, a financial contribution from the developers is being sought, and has been agreed to in principle.

Parking at a standard of two spaces per dwelling, and with 11 visitor parking spaces,(not identified) is acceptable and within recommended guidelines. While this view is not shared by local residents, it is entirely consistent with Government advice on parking given in PPG3 and PPG13.

Design and Amenity Issues

The detailed design statement which accompanies this application states as its design aspiration:

'to create an attractive, private and defensible, inward looking courtyard scheme'.

The context for this development is an enclosed site, set amidst a mixture of bungalows and 2 storey dwellings with a 3 storey flat development in the far northeast corner. It is defined by mature and well screened boundaries which abut the rear gardens of those properties surrounding the site at general distances of 15 to 30 metres.

The 'Development Strategy' is a four sided courtyard scheme which 'pulls the housing away from the sensitive boundaries and creates a secure core'. It effectively creates two separate courtyard areas, linked by a shared surface, with the surrounding buildings designed to create a sense of enclosure. Dwellings are linked either directly in small terraces or indirectly by garage links and walling and range in height from 1.5 to 2.5 storeys. To take account of existing buildings beyond the site, proposed buildings at the southern end of the development are generally lower in height, with first floor accommodation within the roof area and

served by rooflights to reduce overlooking of adjoining gardens; at the northern end of the site, in the vicinity of existing 3 storey flats at Orchard Hall, 2.5 storey units are incorporated to provide a focal point on entering the development.

The application has incorporated a formal materials schedule, proposing a choice of red bricks with contrasting stone detailing and complementing roof tiles to reflect the surrounding character and type.

Policy H1 of the District Plan requires new development to meet satisfactory standards of siting, layout and design and to be in keeping with the character of the area. More specifically, Policy H24 requires that new housing development shall incorporate a mix of dwelling sizes and types, and include a landscaped layout which faces and overlooks the street and public areas with appropriately scaled and designed buildings which complement the character of the locality.

The submitted scheme has been designed as a discrete residential enclave, which closely meets all of the above objectives

The development includes 2-bed flats and 2, 3 and 4-bed houses to provide a social and physical mix

Its concept is inward looking with all the units facing the public realm for security, and all but the two flat units having private rear gardens backing onto existing rear garden area - this enables suitable distances between properties to be maintained for privacy

There is variation in the scale, height and mass of the buildings, where possible, relating closely to the pattern of existing development

Residents' objections refer to there being no single storey buildings proposed within the scheme to reflect the fact that bungalows are found in the immediately surrounding area. The larger footprints required by single storey dwellings would not be compatible with the need to achieve PPG3 densities on this site, but many of the proposed units have been limited to 1.5 storeys only to reflect the mixed character of the surrounding locality.

Considerable effort has been made to limit the impact on the amenity of existing properties, with attention being paid to the positioning and number of windows and the distances between properties meeting with acceptable guidelines.

The application is supported by a comprehensive landscaping scheme as an integral part of the development. This provides for the retention of the two trees close to the northern boundary of the site which are the subject of Tree Preservation Orders, the retention and reinforcement of existing boundary screening, and detailed onsite planting to soften the impact of the built form.

The scheme has been designed in accordance with 'Secure by Design' principles

With regard to open space, Policy R4 does initially require the provision of separate areas of Public Open Space within new residential schemes. Where this provision may be inappropriate, a financial contribution towards the improvement of facilities nearby is an acceptable alternative, and in this particular case, the Council's preference is for the upgrade of existing facilities in Beech Grove. The required contribution has been agreed to by the developers and will form the subject of the accompanying Section 106 agreement.

Wildlife and Protection Issues

A protected species survey previously undertaken on the site confirms the presence of slow worms. The loss of wildlife is a material planning consideration, and the report prepared in connection with that previous survey proposed the translocation of the slow worms to a suitable site. English Nature raised no objection to those proposed mitigation measures, and are satisfied that the wildlife interests on this site can be dealt with by appropriate planning conditions.

Contributions

Policies S1 and R4 refer to developer contributions towards education and Public Open Space provision. These have been agreed to in writing as part of the supporting documents.

A contribution towards the upgrade of footpath and cycle path facilities has been requested by the Highway Authority during the consultation process of this application - a precise figure has not yet been identified, but the developers have agreed in principle to a contribution.

With regard to affordable housing, the site falls below the 1 hectare/25 units threshold and does not require a contribution towards its provision.

Current Proposal

The current application differs from the above mainly in the number of units and details of the site layout. For ease of comparison, these are considered under the same headings.

Policy Issues

The reduction in units from 22 to 21 equates to an overall density of 37 per hectare. This is clearly within the advice of PPG3 limits, and despite comments to the contrary, lies at the lower end of what might be expected for an urban redevelopment site. It is acknowledged that this density is higher than the surrounding development, but this particular aspect has already been considered and addressed by the Inspector in originally granting outline permission on this site.

In his decision letter, the Inspector stated: -

- "The prevailing housing in the area varies from low to medium density. The higher densities sought by PPG3, of between 30 to 50 dwellings per hectare, would differ from existing residential densities, but a change in approach is specifically advocated in the scheme so as to avoid a wasteful use of land. In my view, development at higher densities would not harm the surroundings....."

As recently as January 2005, circular 01/2005 states that: -

- "To avoid the profligate use of land and encourage sustainable environments, PPG3 requires Local Planning Authorities to examine critically, the standards applied to new residential development, particularly with regard to roads, layout and car parking. They are expected to avoid housing developments which make inefficient use of land (those of less than 30 dwellings per hectare net); encourage developments which make more efficient use of land (between 30 and 50 dwellings per hectare net) and seek greater intensity of development at places with good public transport accessibility."

The current proposal at 37 dwellings per hectare is clearly in line with both statements and to continue to seek a further reduction in numbers against such Government advice cannot be supported. Members may not be aware, but a Local Planning Authority is at risk of an award of costs against them if "they refuse an application which accords with policies and proposals in the Development Plan, and they are unable to show that there are any other material considerations supporting such a refusal." A previous appeal decision actively supporting a higher density on this site would have to be considered as such a material consideration, as would recent Government advice in the form of extant PPG's and circulars.

Highways and Access

The principle of the new access road and the likely levels of traffic generated by this scheme have previously been accepted both by an Inspector on appeal and by the Highway Authority. The particular highway details, now marginally revised to take account of the revised layout, are also considered acceptable to the Highway Authority and raise no further issues.

Design and Amenity

Significant changes have been made to the current proposal to address Members concerns over the previous schemes. The underlying concept "to create an attractive, private and defensible, inward looking courtyard schemes" remains unaltered. However changes have been made to the proposed housing types and to the height of several of the buildings to reduce the overall "mass" of the development and its impact on surrounding properties. Specifically: -

- None of the units now exceed a traditional 2-storey height, and all 21 units are either 2-storey or 1.5 storey chalet types;

- The original scheme at both east and western ends of the site remain largely unaltered, but the central area has been redesigned - there is the net loss of one unit; Plots 7 and 8 have been reduced in height by 1.5 metres and now provide no accommodation in the roof area; Plots 9 and 10 have been lowered from 2-storey units approximately 8 metres high to 1.5 storey units, 6 metres high; Plots 19 to 21 have been similarly reduced to a terrace 6 metres high, and redesigned to suggest the appearance of almshouses. The volume and mass of building on this part has therefore been significantly reduced.

- To reflect some of the character of the surrounding development, 12 of the 21 units are only 1.5 storeys in height (57% instead of the 6 units previously proposed).

- The current design provides for a wider mix of units, with two 2-bedroomed flats, nine 2-bedroomed houses, nine 3-bedroomed houses and one 4-bedroomed dwelling. This conforms more readily with the Council's general policy for housing design (H24).

- The revised scheme will deliver a greater proportion of smaller 2-bedroomed units, 50% compared with 36% for which there is the greater need within the town. The scale of development does not specifically require the provision of affordable housing, but the greater the number of smaller units, the greater their "affordability", in general terms.

These changes are considered to fully meet the concerns raised in connection with the previous scheme and address that reason for refusal.

Wildlife and Protection Issues

These remain unaltered by the revised proposals.

Contributions

The contributions towards education, public open space and off-site highway works agreed as part of the previous scheme remain unaltered - a Section 106 Agreement is being drafted to secure their provision as part of the development.

CONCLUSION

Since the principle of developing this site was established by permission granted in 2003, considerable efforts have been made by all relevant parties to secure a scheme which realises the opportunity of this windfall site, while respecting environmental, wildlife and physical restraints and the existing amenities of the surrounding residential area. There continues to be a great deal of local concern over the development of the site, but, as before, much of the objection relates back to the principle of development - this has already been established by previous appeal decisions and planning permissions, and cannot reasonably be revisited.

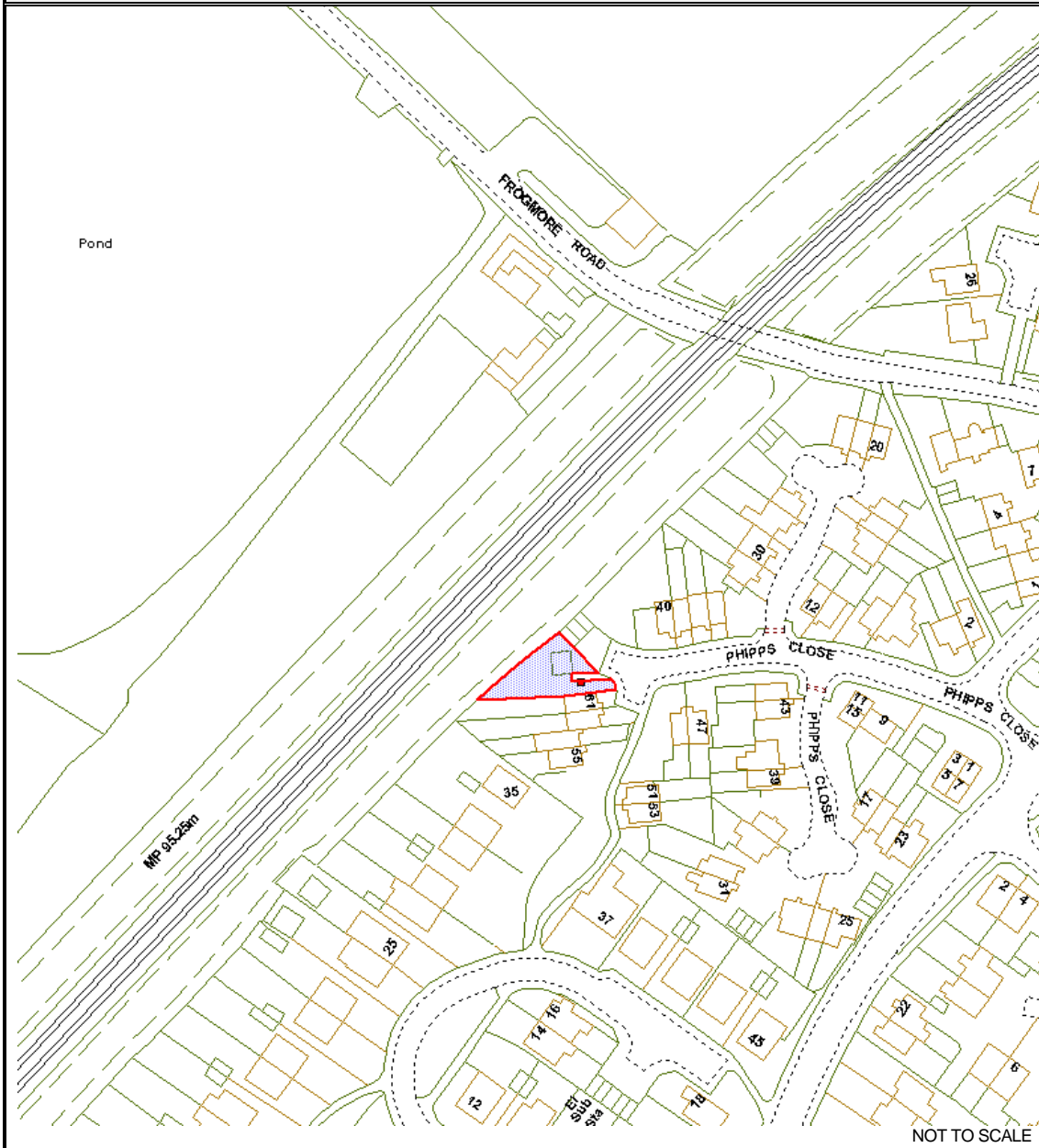
The density of the development has been further reduced, albeit marginally, but as argued within the body of the report, this is not unreasonable or unacceptable and entirely in line with current advice.

Further negotiations since the previous refusal have secured a revised design, which is considered to reflect Members earlier views and which more than addresses the amenity concerns of adjoining residents. An appeal decision on the previous refusal is awaited which may, of course, deliver a scheme which Members previously considered unacceptable. In the event that the appeal is allowed, this revised scheme would represent an improvement; in the event that it is dismissed, this application is considered to stand on its own merits as a development which reconciles Council's and Government objectives, the principles of good design and the wider residential and amenity considerations.

ITEM NO: 05

APPLICATION NO: 05/01845/FUL

LOCATION: Land Adjacent 61 Phipps Close Westbury Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 05/01845/FUL

Site Address: Land Adjacent 61 Phipps Close Westbury Wiltshire

Parish: Westbury Ward: Westbury Ham
Grid Reference: 386775 151999
Application Type: Full Plan
Development: Two dwellings and car parking provision
Applicant Details: Mr G Menzies
62 Oldfield Road Westbury Wiltshire BA13 3LB
Agent Details: Mr H Grist
32 Daniell Crest Warminster Wilts BA12 8NZ
Case Officer: Mr Russell Brown
Date Received: 18.08.2005 Expiry Date: 13.10.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of its siting and layout would result in an awkward arrangement in relation to the existing housing, the parking area and the railway which would constitute a cramped form of development contrary to Policy H1 of the West Wiltshire District Plan 1st Alteration 2004.
- 2 Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner.
- 3 The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point.
- 4 The site cannot accommodate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear, which is essential to highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application has been brought to the Planning Committee at the request of Cllr Manasseh, in the interests of public debate.

This is a revised application for full planning permission for a pair of semi-detached one-bedroom dwellings on an inside corner plot in a residential area of Westbury. The site is on the edge of Westbury adjacent to the railway and is within the Town Policy Limits.

The proposed building would be a two storey semi-detached house. The surrounding area contains terraces and semi detached dwellings. These are all over 30 metres from the railway tracks. The proposed building would be approximately 19 metres from the railway tracks.

The proposal would remove a garage building and erect a pair of two storey semi-detached houses.

The parking space in front of the proposed building would be retained for No. 59. The parking for No. 61 and the proposed dwellings would be to the rear, accessed between No 61 and the parking space of No. 59. The proposal includes two parking spaces, one for each of the new dwellings, and two spaces would be created for No. 61. There would be a turning area at the rear of No. 61 along with another triangular shaped piece of garden. 2 metre high close boarded timber fencing has been proposed along all the boundaries with the parking and turning area.

CONSULTATION REPLIES

- WESTBURY TOWN Council: No objections.

STATUTORY CONSULTATIONS

- Highway Authority: Objection on grounds of not enough parking and an inadequate turning area.

PUBLICITY RESPONSES

Two representations have been received one of which has been signed by 7 separate addresses. These make the following points:

- Queries over parking requirements in the area
- Parking would increase in the Close causing access problems
- This ground could better serve the people of Phipps Close as a play area with a wild life area
- No objections

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
H1 - Further Housing Development Within Towns
C31a - Design
C36 - Noise
C38 - Nuisance
T10 - Car Parking

PPS1 - Delivering Sustainable Development (Jan 2005)
PPG3 - Housing

RELEVANT PLANNING HISTORY

05/00265/FUL - Two-storey dwelling - Refused 31.03.2005

05/00753/FUL - Two-storey dwelling - Refused 28.07.2005

PLANNING OFFICER'S COMMENTS

The key issues in this application are the principle of this development and the impact of the proposal on the street scene, highways matters and neighbouring amenity.

Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for housing development within the built-up areas of existing towns will be permitted subject to the proposal satisfying a number of criteria. These criteria include the siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area, that the proposal would not create inappropriate backland or tandem development and would not create transport problems.

The layout of the site is unusual due to the parking space of No. 59 being retained in its current position. However, the site has accommodated 4No. parking spaces at the rear, 2No. for No. 61 and 1No. for each of the proposed dwellings. The objections from the Highway Authority. The unusual layout would result in the proposal being a cramped form of development contrary to Policy H1.

PPG3 - Housing requires local authorities to seek a density of between 30 and 50 dwellings per hectare on sites within existing settlements (paragraph 58). The application plot is approximately 345 square metres in size, which would mean that two dwellings on this plot as proposed would create a density of 58 dwellings per hectare. This is therefore above the advice given in PPG3.

The parking and turning arrangements would lead to vehicles manoeuvring in close proximity to the gardens of Nos. 59 and 61 and the proposed dwelling. The proposed 2 metre high timber fencing would be essential to remove potential harm that would be caused to neighbouring amenities due to the manoeuvring of vehicles in this area.

The street scene is marked by short rows of terraces and semi detached properties. The erection of the proposal in this location would not detrimentally harm the street scene as it would be sited unobtrusively on an inside corner and would add to the variety of the area.

Appropriate noise attenuation measures are required in the construction of the dwelling, so that the impact noise from passing trains can be lessened. A condition could be imposed to overcome this problem.

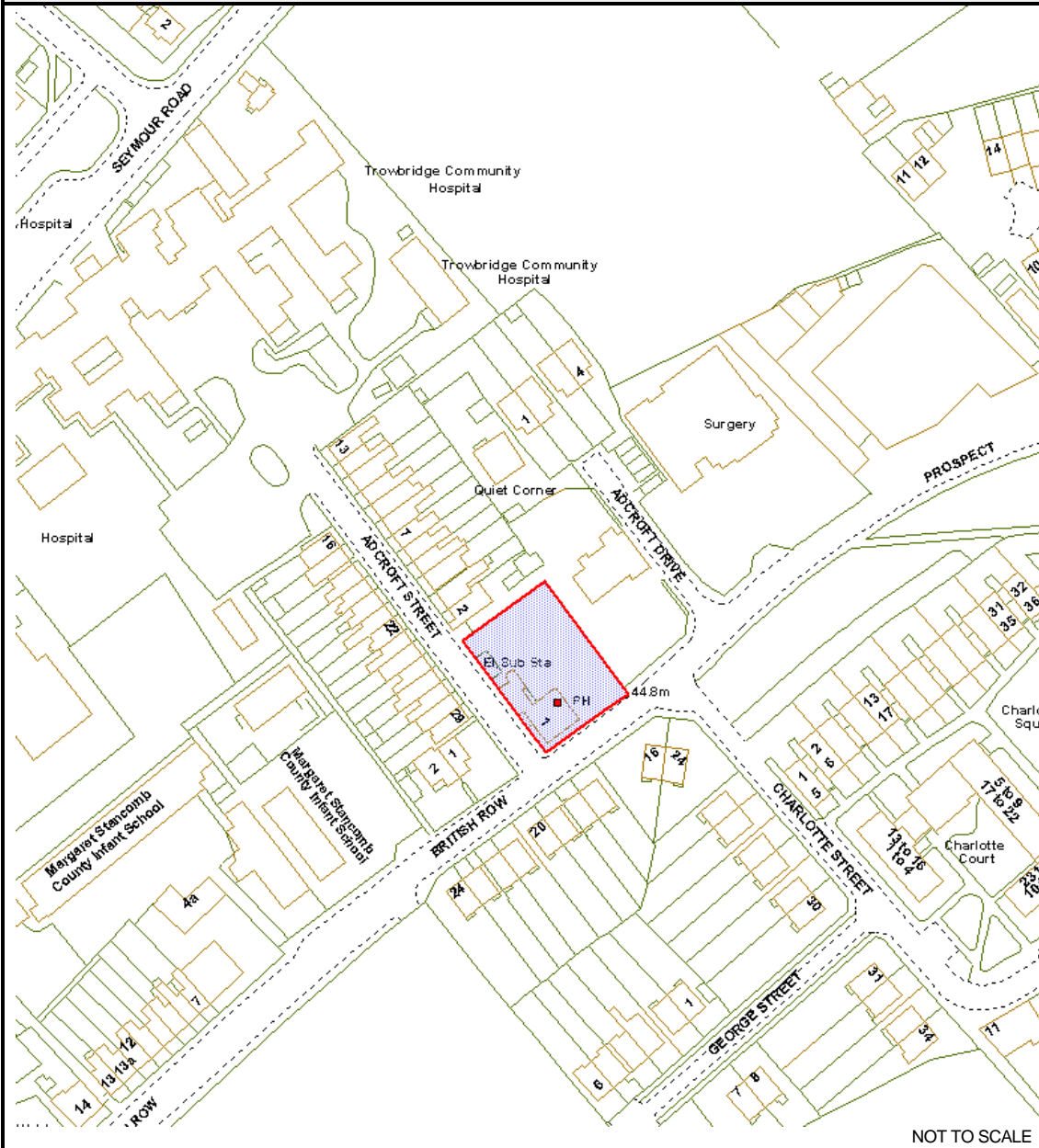
CONCLUSION

On balance the proposal by reason of its siting and layout would still result in a cramped form of development and would create highways problems contrary to Policy H1 of the West Wiltshire District Plan 1st Alteration 2004 and is recommended for refusal.

PLANNING COMMITTEE

8 December 2005

ITEM NO: 06
APPLICATION NO: 05/01561/FUL
LOCATION: The Black Swan 1 Adcroft Street Trowbridge Wiltshire BA14 8PF



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www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 05/01561/FUL

Site Address: The Black Swan 1 Adcroft Street Trowbridge Wiltshire BA14 8PF

Parish: Trowbridge Ward: Adcroft
Grid Reference: 385569 158388
Application Type: Full Plan
Development: Erection of 3 (no) terraced houses and conversion of public house to apartments
Applicant Details: Palladium Estates Ltd
36 Great Pulteney Street London W1F 9NS
Agent Details: Peter A Marshall Architect Ltd
7A Mercia Road Gloucester GL1 2SQ
Case Officer: Mr Russell Brown
Date Received: 21.07.2005 Expiry Date: 15.09.2005

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 Any gates shall be set back a minimum distance of 4.5 metres from the carriageway edge and shall be hung to open away from the highway and maintained in that configuration thereafter.

REASON: In the interests of highway safety.

- 4 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

5 The proposed access shall incorporate a pedestrian intervisibility splay on the south eastern side of the access to the rear of the existing footway based on co-ordinates of 1.8m X 2.4m (being 1.8m back from the carriageway edge and 2.4m along the south eastern frontage of the development) and which shall be kept free of obstruction above a height of 600mm.

REASON: In the interests of highway safety.

6 The first 2 metres of the north western boundary between the site and the adjoining private driveway shall be reduced in height and maintained at or below 600mm, in order to provide some level of intervisibility.

REASON: In the interests of highway safety.

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 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.

9 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.

Note(s) to Applicant:

1 The applicant is advised that listed building consent is required for these works.

2 The applicant is advised to contact Wessex Water to arrange connections.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Planning Committee because the Town Council object and your officer's recommend approval.

This application proposes the conversion of the public house into 4No. flats dwellings and a one bedroom house. The application also proposes a terrace of 3No. dwellings attached to the rear of the existing building.

The site is the Black Swan public house in Trowbridge. The site includes the public house car park and garden.

The site is within a Conservation Area and many of the surrounding buildings are listed. The listed public house is sited in the south of the site and the neighbouring residential properties to the north-west are terraced, as are the properties opposite across Adcroft Street.

The public house is a Grade II Listed building and is built in natural stone. There is an extension to the rear of the building with blocked up windows on the street elevation. This extension would be converted into a one-bedroom house. The proposal would also convert the main pub building into 4No. flats. There is an existing flat in the building.

The proposed terrace would be attached to the north west of the extension of the existing building and would be 12 metres in length, 7.5 metres in depth and 8 metres in height. The application states that the materials are to be approved. The frontage of the terrace would be along Adcroft Street, in line with the terrace along the rest of Adcroft Street.

Access for the development would be along the side of the new terrace from Adcroft Street and would provide 8No. off-street parking spaces and a communal amenity area.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Objection on grounds that the proposed development is out of keeping with the street scene - the design does not match.

STATUTORY CONSULTATIONS:

- HIGHWAY AUTHORITY: No objection subject to the imposition of relevant conditions.

OTHER STATUTORY CONSULTATION:

- EDUCATION DEPARTMENT: No requirement for education contribution.

PUBLICITY RESPONSES

The application was advertised and neighbour notifications undertaken. A site notice was also attached to the site. 2 letters have been received, making the following points:

- Prefer the revised alignment of the terrace
- Keeps the character of the street scene
- The architectural features do not fit into the street scene
- Concern over materials
- Concern over distances between properties and pavement
- Should have chimneys
- Concern over parking

PLANNING POLICY

Wiltshire Structure Plan 2011

HE7 Conservation Area and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

C17 Conservation Areas

C18 New Development in Conservation Areas

C27 Listed Buildings

C28 Alterations and Extensions to Listed Buildings

C31a Design

C38 Nuisance

H1 Further Housing Development within Towns

H24 New Housing Design

PPS1 Delivering Sustainable Development (Jan 2005)

PPG3 Housing

PPG15 Planning and the Historic Environment

Planning System - General Principles (Jan 2005)

RELEVANT PLANNING HISTORY

04/01833/FUL - Detached dwelling - Refused 16.11.2004

05/00423/FUL - Erection of three terraced houses, conversion of public house and living accommodation to two additional apartments and ground floor change to A1/A2 use - Refused 28.04.2005

PLANNING OFFICER COMMENTS

The key issues in this application are the change of use of the public house, the effect of the proposal on the special character and appearance of the Conservation Area, the impact on the Listed buildings, whether the development is acceptable in design terms and the effect on highways matters and neighbouring amenity.

The plot for the terrace is currently the car park between the listed pub and the existing listed terrace of houses on Adcroft Street. The proposed terrace would be located along the street frontage. The frontage of the terrace would extend along the road and have been designed to be in keeping with the surrounding terraced properties. This would also respect the layout characteristics of the surrounding area. Adcroft Street has a very clear form of terraced properties fronting the highway. The siting of the proposed terrace would result in a form of development that would be in keeping with the special character and appearance of the Conservation Area and the street scene.

As the proposed terrace would represent a feature that is in keeping with the surrounding layout character of the area, it would by reason of its layout and siting, be sympathetic to the setting of the surrounding Listed buildings.

Policy H24 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for new housing developments will be required to include a layout with dwellings facing onto, and windows and doors overlooking, the street or other public areas. The proposed siting and layout achieves these and is therefore in accordance with this Policy.

The materials to be employed is to be controlled by planning condition. The surrounding buildings are predominantly stone built and consequently the materials would be required to match those of the surrounding buildings. Therefore the condition would ensure that the development respects the surrounding area, the special character and appearance of the Conservation Area and the setting of the surrounding Listed buildings.

The alteration to the listed public house of replacing the door at the rear to a window unit is acceptable to the character and fabric of the Listed building. This rear section is not one of particular historical importance as it is a later addition that does not enhance the character of the Listed building.

The blocked up windows on the street elevation of the rear section would be re-opened and brought back into use as windows, matching the style of the main Listed building. There would be 3No. matching window openings on the ground floor of this elevation. These works would not harm the character of the Listed building and would bring this part of the building back into a formal use.

A Listed building consent application would need to be submitted in order to fully assess the impact on the internals of the Listed building.

The proposal includes 8No. off-street car parking spaces to the satisfaction of the Highway Authority and although they feel the access is substandard, they have stated that this would not warrant a refusal for this reason. The Highway Authority have suggested conditions and these should be accordingly attached to the permission.

The terrace would be to the south west of the end elevation of the adjacent terrace property and would therefore not result in a detrimental overbearing and overshadowing effect that would be in line with the built form of that terrace. Due to the alignment and siting of the terrace there would not be an overlooking effect created by the proposal. Consequently, the proposal would not detrimentally harm the amenities of the occupiers of the neighbouring properties.

CONCLUSION

The proposed terrace would be in keeping with the spatial characteristics of the surrounding area and the street scene and would not cause detrimental harm to the special character and appearance of the Conservation Area, the setting of the Listed buildings and neighbouring amenity. The external changes as part of the conversion of the Listed building would not harm the character of the Listed building however a Listed building consent would be required before works could commence. The application is recommended for permission.

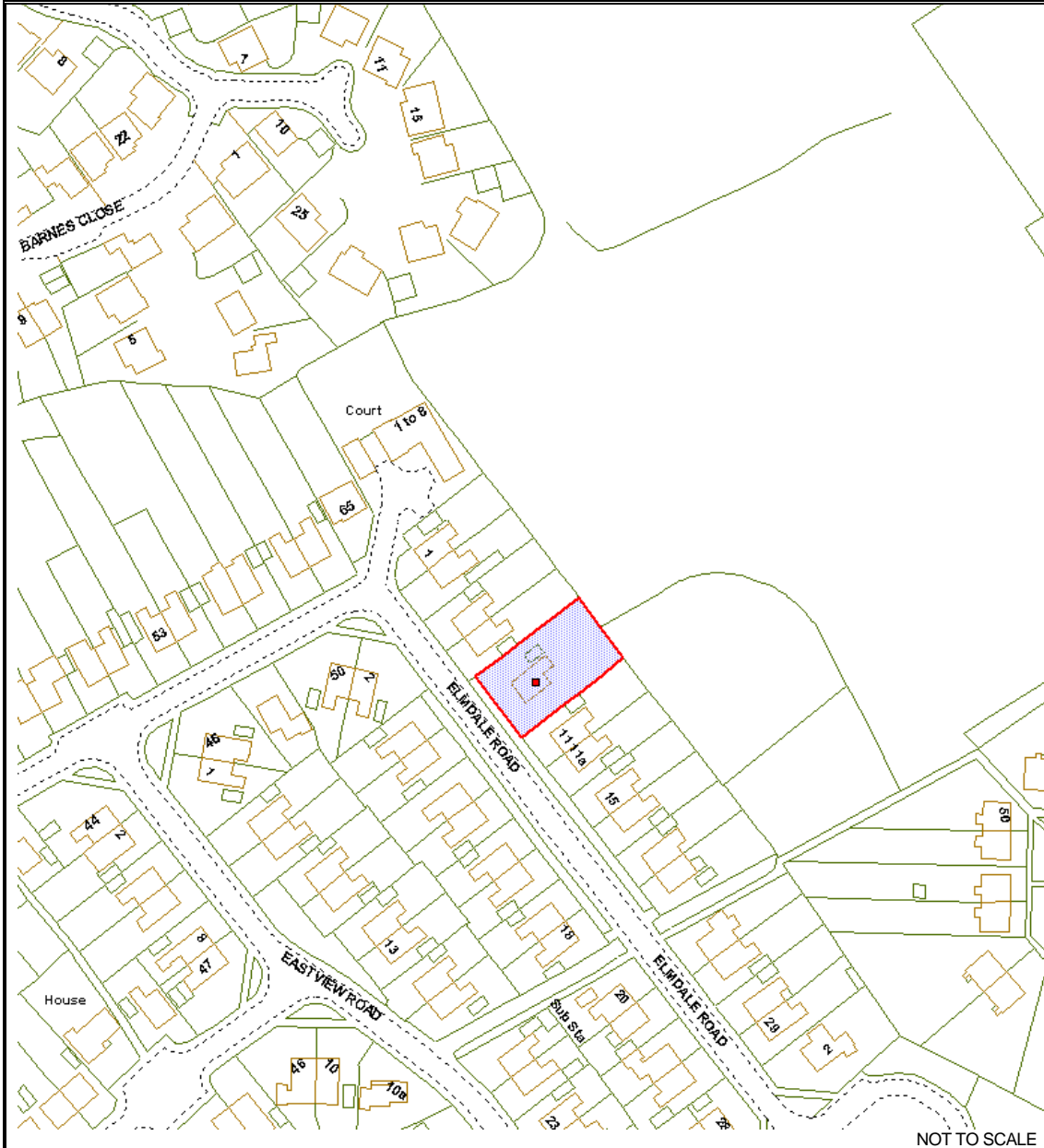
PLANNING COMMITTEE

8 December 2005

ITEM NO: 07

APPLICATION NO: 05/02135/FUL

LOCATION: 9 Elmdale Road Trowbridge Wiltshire BA14 9JU



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SLA: 100022961

07 Application: 05/02135/FUL

Site Address: 9 Elmdale Road Trowbridge Wiltshire BA14 9JU

Parish: Trowbridge Ward: John Of Gaunt
Grid Reference: 384485 157182
Application Type: Full Plan
Development: Alteration and extension of existing house and erection of two attached 4 bed houses with front curtilage parking
Applicant Details: KCM Developments Ltd
89A Trowbridge Road Bradford On Avon BA15 1EG
Agent Details: Mr Bill Lowe
43 Alexandra Road Frome Somerset BA11 1LX
Case Officer: Miss Nicola Rogers
Date Received: 19.09.2005 Expiry Date: 14.11.2005

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 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 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 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.

- 5 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.

- 6 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.

- 7 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

- 8 Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 9 The development hereby permitted shall not be occupied until six parking spaces have been provided within the curtilage of the site.

REASON: In the interests of highway safety

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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the planning committee as Trowbridge Town Council objects to the application and your officers recommend permission.

The site is located in the residential street of Elmdale Road, and backs onto the playing fields associated with the John of Gaunt School. At present the plot contains one detached dwelling with an integral garage and large garden area.

The proposal in this case would extend the existing house to either side in order to create three separate dwelling units in a terrace. Each dwelling unit would be approximately 5.5 metres in width with a hipped roof and front protruding porch. Each unit would accommodate four bedrooms and would have approximately 68.9 square metres of garden space to the rear and two parking spaces to the rear.

A detailed covering letter has been submitted with the application setting out the design ideas of this proposal.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Object to the application on the grounds that the development is too large and that it will appear out of keeping with the other properties in that area, also policy H1.

STATUTORY CONSULTEES:

- HIGHWAY AUTHORITY: Does not object to the application and recommend a number of conditions.

PUBLICITY RESPONSES:

A neighbour notification exercise has resulted in four letters of objection to the application; the following planning matters were raised:

- Additional traffic would cause highway safety problems and additional parking requirements;
- Overdevelopment of the site out of keeping with the surrounding area, detrimental to the street scene.
- Loss of characteristic features of the street, i.e. low frontage wall and front gardens.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan
DP7 Housing in towns and main settlements

West Wiltshire District Plan - 1st Alteration 2004
C31a Design
C38 Nuisance
H1 Further housing in towns

Supplementary Housing Guidance - House Alterations and Extensions

PPS1 Delivering Sustainable Development
PPG3 Housing

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main planning issues in this case are the effect of the proposal on the host building, the street scene and the amenity of the adjoining neighbours.

PLANNING OFFICER COMMENTS

The land is within the identified town policy limits for Trowbridge. Proposals for housing development within the built up area of Trowbridge during the plan period subject to a number of criteria.

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.

Three dwellings on the site would represent a density of 49 dwellings per hectare, within the range of between 30 and 50 dwellings per hectare as encouraged in paragraph 58 of PPG 3.

The street scene of Elmdale Road is clearly defined by pairs of semi-detached properties, all of a similar design and appearance. The property 9 Elmdale Road is prominent in the street scene, as it is a detached dwelling on a large plot. It is my opinion that the plot was intended for a pair of semi-detached dwellings when the estate was built, but was used instead for a single dwelling. This has resulted in the building looking out of place in the street, on a plot too large for the property.

The proposed scheme would enlarge this single dwelling into a terrace of three. The plot is large enough to accommodate three dwellings comfortably and sufficient parking and amenity space is provided. The form of the extended 'wings' of the property would follow that of the semi-detached dwellings in the street, with hipped roofs and similar construction details to the front elevation. The bay windows on the front of the existing houses would also be replicated, and extended to contain porches on the proposed dwellings.

The application proposal would be in keeping with the street scene and the form of the buildings in the street, in accordance with policy H1 of the West Wiltshire District Plan 1st Alteration 2004.

The host building, which currently appears out of keeping in the street scene, would be engulfed by the two proposed dwellings, however, the 'wings' are designed set back from the front of the existing property by 0.9 metres. This set back would make the original property appear more prominent than the proposed two new dwellings, and would retain its importance in the street scene.

The neighbours have commented that the proposal would remove some important features of the street scene including the low frontage wall and front garden of the property. The wall appears to be of concrete block and steps down across the site frontage as the land slopes down. Whilst this wall is a characteristic of many of the houses in the street, the absence of it from the proposed development would not be detrimental to the appearance of the street scene, as shown by the street elevation. The loss of the existing front garden to parking would be countered by the use of 'grasscrete' for the parking areas. These are basically blocks with holes to allow grass to grow through, thereby creating the appearance of a grassed area. At present there is a concrete drive to accommodate parking and access to a garage, the proposal would remove this in favour of a greener parking area, thereby enhancing the street scene.

The adjoining properties would not be affected by the proposal, as no habitable room windows would be located on the sides of the building and the proposed wings would not overshadow the adjoining properties.

The provision of two off street parking spaces per dwelling would result in the proposal not contributing to the current parking problems experienced by the neighbours of the development. The Highway Authority does not object to the application and recommend some conditions to ensure the access is satisfactory.

CONCLUSION

The proposal would not appear out of keeping with the street scene and would not be contrary to policy H1 of the West Wiltshire District Plan 1st Alteration 2004. The amenity of neighbours would not be affected by the proposal, and sufficient parking would be provided.

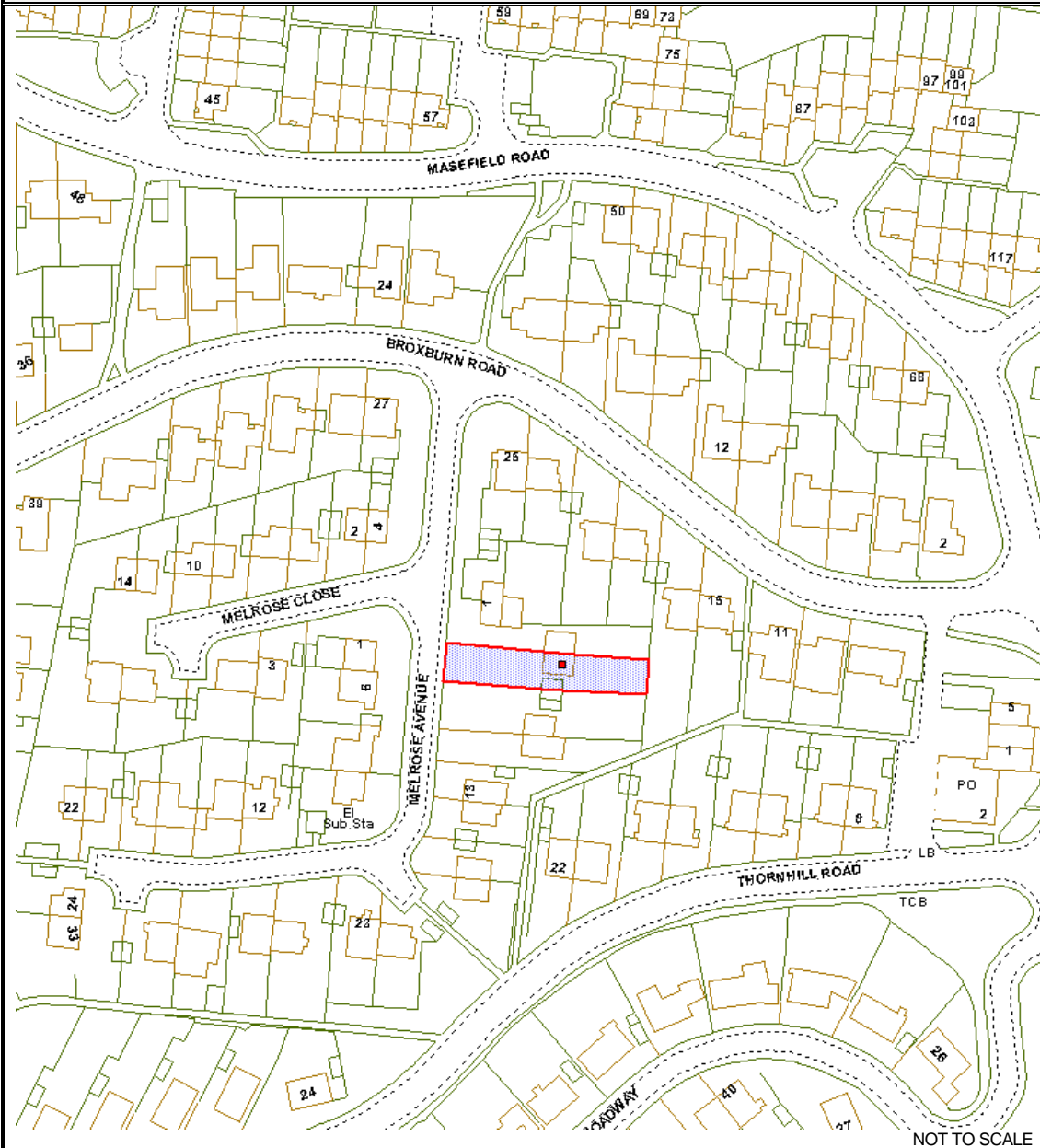
PLANNING COMMITTEE

8 December 2005

ITEM NO: 08

APPLICATION NO: 05/02523/FUL

LOCATION: 7 Melrose Avenue Warminster Wiltshire BA12 8EG



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SLA: 100022961

08 Application: 05/02523/FUL

Site Address: 7 Melrose Avenue Warminster Wiltshire BA12 8EG

Parish: Warminster Ward: Warminster West
Grid Reference 386202 144579
Application Type: Full Plan
Development: Single storey side and rear extension
Applicant Details: Mr And Mrs P Beagles
7 Melrose Avenue Warminster Wiltshire BA12 8EG
Agent Details: Mr B L Wyatt
26A Little London Heytesbury Warminster Wiltshire BA12 0ES
Case Officer: Mr David Cox
Date Received: 27.10.2005 Expiry Date: 22.12.2005

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 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to committee because Warminster Town Council recommends refusal and officers recommend Permission.

This is a residential area comprising of semi detached 2 storey dwellings. The host building is built with brown bricks and has hanging white PVC cladding under a gable ended brown tiled roof. There is also a detached garage, which itself is the end of a terrace of three.

The application proposal is for a single storey rear extension, which then forms a part of a side extension starting from the rear of the garage. The rear section would measure approximately 5.3 metres wide, 2.6 metres deep and have a 3.6 metre tall lean to roof sloping to 2.6 metres at eaves. The side extension would measure approximately 3.5 metres wide, 5.8 metres deep and continue the flat roof of the garage at a height of 2.6 metres.

There would also be a new front door between the front walls of the host building and the side garage with the flat roof extending across to the host building's side elevation.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Object. "The committee felt this to be too large and would have preferred a pitched roof."

The Town Council has been sent a copy of the revised plans including a pitched roof. Comments on these are awaited.

PUBLICITY RESPONSES

No representations have been received.

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a Design

C38 Nuisance

SPG House Alterations and Extensions

RELEVANT PLANNING HISTORY

05/00334/FUL - Demolition of single garage and construction of two storey side extension - Refused - 04.04.2005

05/00839/FUL - Demolition of single garage and construction of a two storey side extension - Refused - 27.06.2005.

KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy.

PLANNING OFFICER COMMENTS

The proposal would not harm the design, form or appearance of the host building, as the only visible change on the front elevation would be the extending the flat roof of the garage across to the host building and the introduction of the access door. This would not upset the symmetry or balance of this set of semi's despite not being a subservient element to the host building as advised in Supplementary Planning Guidance. This would therefore also comply with Policy C31a of the Local Plan.

Supplementary Planning Guidance states that in most cases a flat roof will be considered inappropriate unless the main building is designed with a flat roof. In this case the flat roof would only extend the existing flat roof of the garage. The rear section of the extension would have a lean to roof that would match the pitch of the main roof which is advised in the SPG. As there would be no detrimental harm to the host building there would also be therefore no harm to the host buildings position on the street scene.

The proposal would have no adverse effect upon either of the neighbouring dwellings. The neighbour to the north has a rear conservatory that would not suffer a significant loss of light, as the lean to roof is not tall enough. Secondly as the rear extension would not exceed the 3 metres described in SPG it would be unlikely to cause any adverse harm. The neighbour to the south would not have any windows looking into their rear garden. The proposal therefore complies with Policy C38 of the Local Plan.

For these reasons the objection of the Town Council cannot be supported.

CONCLUSION

The proposal would not harm the design or form of the host building or its position on the street scene. The proposal would also not cause any nuisance to neighbouring properties and so should be granted planning permission.

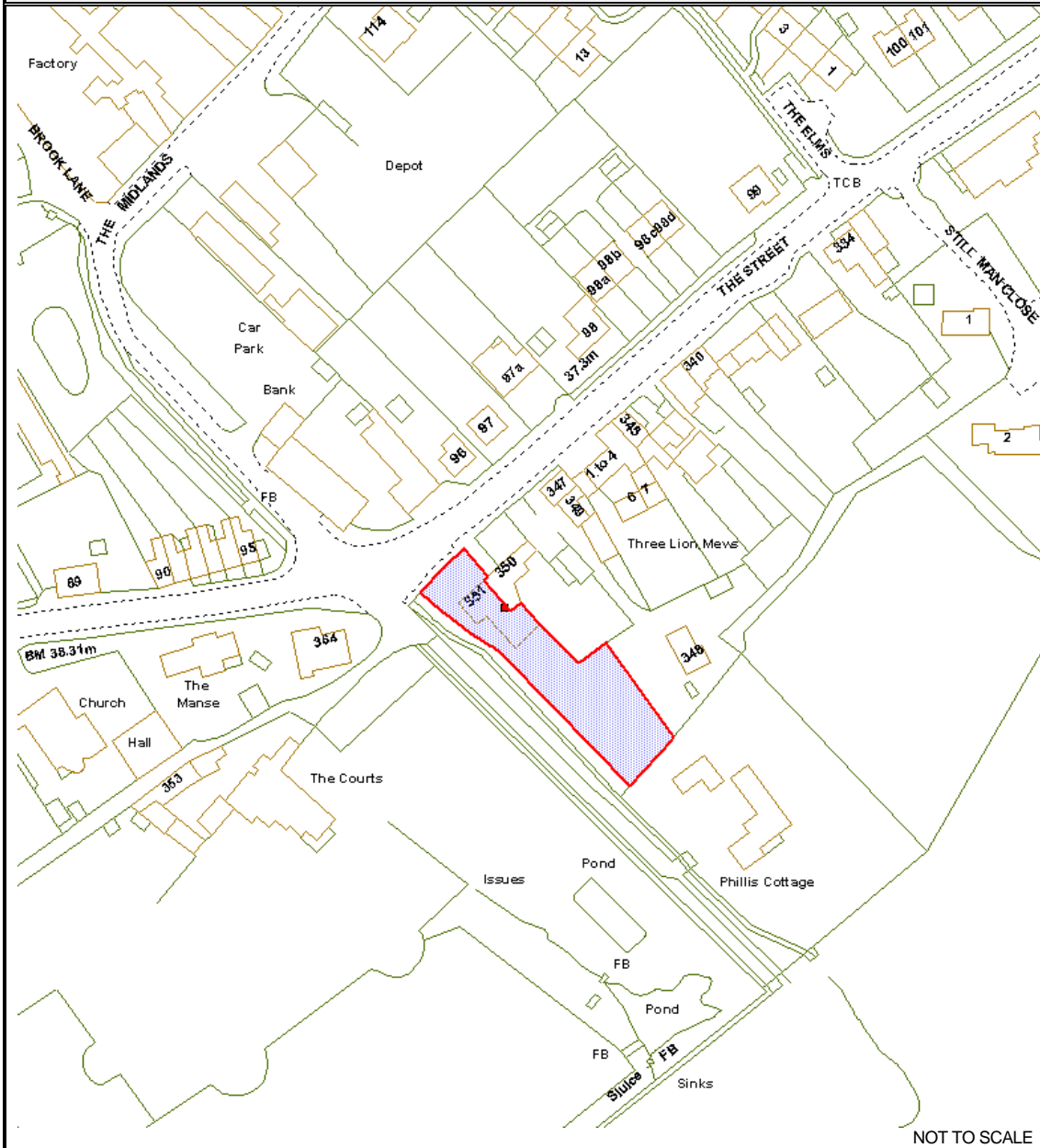
PLANNING COMMITTEE

8 December 2005

ITEM NO: 09

APPLICATION NO: 05/02320/FUL

LOCATION: Bridge House 351 The Street Holt Wiltshire BA14 6QH



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www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 05/02320/FUL

Site Address: Bridge House 351 The Street Holt Wiltshire BA14 6QH

Parish: Holt Ward: Holt
Grid Reference 386170 161849
Application Type: Full Plan
Development: Loft conversion to provide extra bedroom and second floor extension to provide ensuite bathroom
Applicant Details: Mr T.A.W Burgess
Bridge House 351 The Street Holt Wiltshire BA14 6QH
Agent Details: Mr B L Wyatt
26A Little London Heytesbury Warminster Wiltshire BA12 0ES
Case Officer: Mr Mark Reynolds
Date Received: 05.10.2005 Expiry Date: 30.11.2005

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the size, form, design and height of the extension and the replacement of the existing chimney would neither preserve nor enhance the character or appearance of the conservation area contrary to Policies C17 and C19 of the West Wiltshire District Plan 1st Alteration 2004.
- 2 The proposal by reason of the size, form, design and height of the extension and the replacement of the chimney would introduce unsympathetic and incongruous features detracting from the character and appearance of the host building and the street scene contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration 2004 and the adopted Supplementary Planning Design Guidance - Household Alterations and Extensions.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee at the request of Councillor Hames in the interests of public debate.

This is an application for a second floor rear gable extension at this residential property which is a semi-detached property. The proposed extension would measure 3.6m in width and 5m in depth at ridge level. The extension would be 8.2m in height at ridge level. It is also proposed to remove an existing chimney and replace it. The application site is located within a Conservation Area in Holt. The application site is bordered to the southwest by a footpath.

CONSULTATION REPLIES:

- HOLT PARISH COUNCIL: No comments received to date.

STATUTORY CONSULTATIONS

None

INTERNAL WWDC CONSULTATIONS

None

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press, no comments have been received.

PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C17 Conservation Area

C19 Alterations in Conservation Areas

C31a Design

C38 Nuisance

PPS1 Delivering sustainable development

PPG15 Planning and the Historic Environment

SPG Planning Design Guidance on House Alterations and Extensions

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key issues to consider in this application are whether the proposal would preserve or enhance the character or appearance of the Conservation Area, neighbour amenity and design.

PLANNING OFFICER COMMENTS

Section 72 of the 1991 Planning (Listed Buildings and Conservation Areas Act 1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

In this case the proposed extension would not relate well in terms of its scale and form to the host building. The ridgeline of the proposed extension would rival the existing ridgeline in height. When viewed particularly from the existing footpath to the south west of the site the proposed gabled extension would appear as a visually dominant addition to the rear of this property. Policy C19 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals will only be permitted if the design is sympathetic to the scale form and fenestration of the building, and the alteration retains features of the existing building which are important to the character of the area. The proposed extension would result in the loss of an existing lead flat roof with a parapet. The existing rear extension constructed in ashlar with string course is of historic merit and it is important to maintain the existing form of this extension which is sympathetic to the host building and is an important feature which adds to the character of the building.

The proposed extension would be visible from a footpath that runs to the south west of the application site and it is considered that the proposed extension would harm the character and appearance of the Conservation Area contrary to Policy C19 of the West Wiltshire District Plan 1st Alteration 2004.

The adopted supplementary planning guidance - household alterations and extensions guides that the design of a new extension or an alteration should be sympathetic to the existing development and surrounding area in character, style and proportions. The proposed extension by virtue of its size, form, design and height would not respect the host building and is considered contrary to this guidance and West Wiltshire District Plan 1st Alteration 2004 Policy C31a.

This proposal to convert the loft of this building does not require planning permission and is considered acceptable. It is proposed to remove the existing chimney which appears to be constructed in natural stone, and replace it with a chimney constructed in timber, plywood and false stone tiles. The addition of a chimney using these construction materials would not be characteristic of the host building.

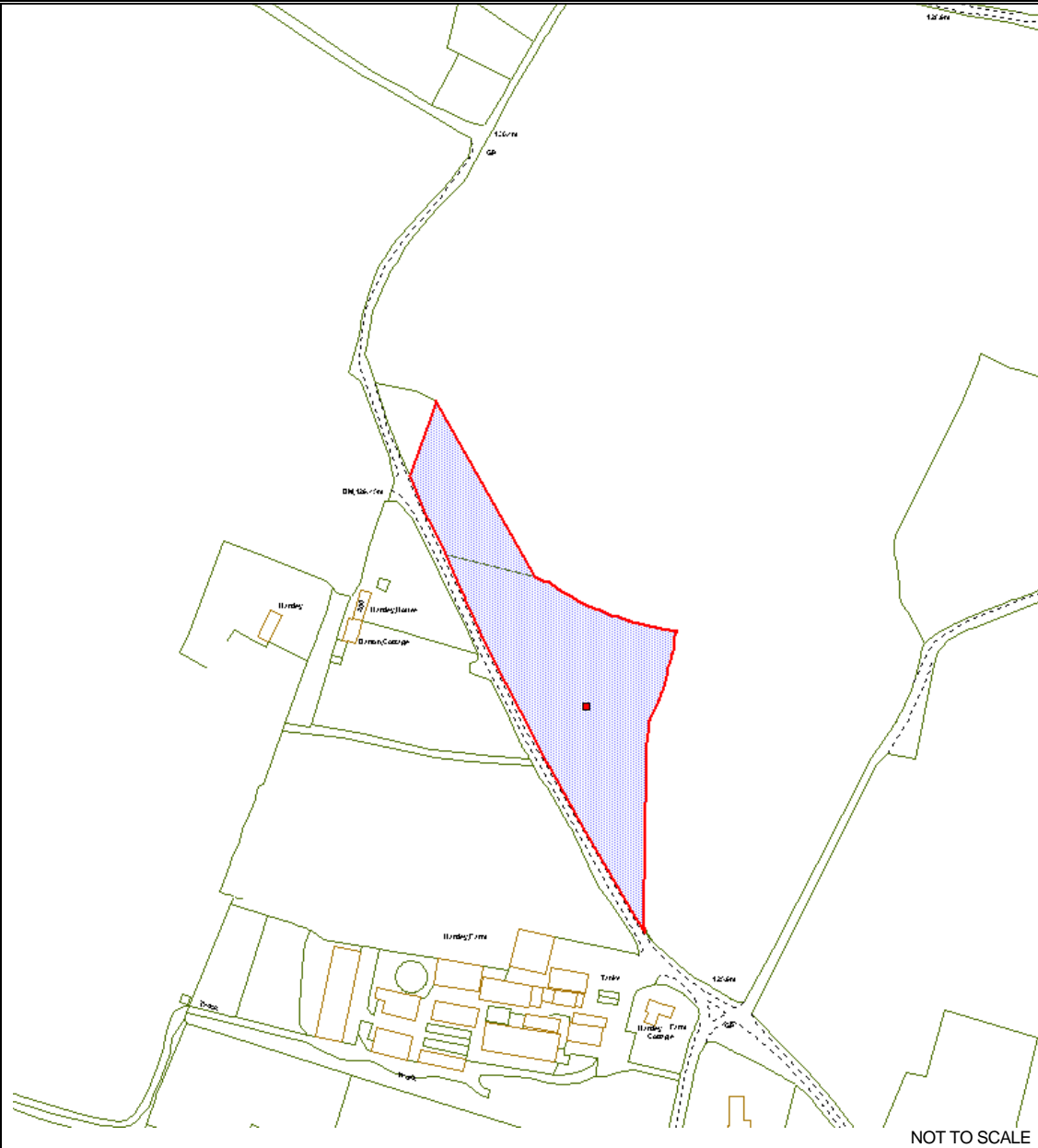
CONCLUSION

This proposal to replace the existing chimney and to introduce a large and visually dominant extension, which relates poorly to the existing building and would harm the character and appearance of the street scene, host building and the Conservation Area.

ITEM NO: 10

APPLICATION NO: 05/02097/FUL

LOCATION: Land East Of Barton Farm Hartley Winsley Wiltshire



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SLA: 100022961

10 Application: 05/02097/FUL

Site Address: Land East Of Barton Farm Hartley Winsley Wiltshire

Parish: Winsley Ward: Manor Vale
Grid Reference 380180 161963
Application Type: Full Plan
Development: Change of use from agriculture to non- commercial equestrian use and stationing stables
Applicant Details: Leonora And Craig Mason
35 Hornchurch Road Bowerhill Melksham Wiltshire SN12 6AH
Agent Details:
Case Officer: Mr Mark Reynolds
Date Received: 13.09.2005 Expiry Date: 08.11.2005

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 not be used for commercial purposes, including the keeping of horses at livery or as a riding school.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policy E10

- 2 Within 28 days of the granting of planning permission, submission shall be made to the local planning authority of written details of the stain finish to be used to coat the timber of the stables hereby permitted. The staining shall then be carried out strictly in accordance with the approved details and within six months from the date of the permission.

REASON: In order to help the development harmonise with its surroundings.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policies GB2, C1 and C31a.

- 3 There shall be no external lighting of the development hereby permitted at any time.

REASON: In the interests of protecting the character of the countryside and/or to protect the living conditions of nearby residents.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policy C1 & E10.

- 4 In order to protect the amenities of neighbouring properties, within 28 days a method of storage and disposal of stable manure, which shall not include manure burning, shall be submitted to the Local Planning Authority. Following the written approval of details by the local planning authority the storage and disposal of manure shall be in accordance with the approved method for so long as the stables hereby permitted remain on the site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of protecting neighbouring amenity.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Winsley Parish Council object to the application and your Officer's recommend permission.

This is an application made retrospectively for the change of use of agricultural land to a non-commercial equestrian use and for the stationing of stables on the land.

Two stables have been erected at the site. A larger stable and tack room measures 5.4m by 4.5m and stands 3m in height. A smaller stable measures 3.6m by 4.5m and also stands 3m in height. The parcel of land to which this change of use relates is 1.09 Ha in size. The stabling is accessed by an existing opening.

CONSULTATION REPLIES:

- WINSLEY PARISH COUNCIL: The Parish Council are informed that this is a retrospective application. It is strongly felt that if the requirements of Green Belt policy were rigorously applied that this application would not be permitted. There would appear to be no special circumstances that would allow the planning authority to exercise any discretion in this instance.

STATUTORY CONSULTATIONS:

- HIGHWAY AUTHORITY: No objections subject to four conditions relating to the use being for personal purposes, access and gates, and surface water disposal.

PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement and neighbours notified.

Two letters were received raising the following issues;

- Lack of consultation with neighbours
- Description of application
- Made retrospectively
- Precedent

RELEVANT PLANNING POLICY

Wiltshire Structure Plan
DP12 - The Western Wiltshire Green belt

West Wiltshire District Plan - 1st Alteration 2004
C38 - Effects of development on neighbouring properties
C1 - Countryside Protection
GB1 - Western Wiltshire Green Belt
GB2 - Control of Development in Green Belt
E10 - Horse Related Development
C31A - Design
C32 - Landscaping

PPS 1 - Delivering Sustainable Development

RELEVANT PLANNING HISTORY

None

KEY ISSUES

The main issues to consider in this application are the impact which the proposal would have upon the Green Belt, the countryside, highway safety and whether the use is consistent with neighbouring land uses.

PLANNING OFFICER COMMENTS

Green Belt

The application site lies within the Western Wiltshire Green Belt. Policy GB2 of the West Wiltshire District Plan - 1st Alteration 2004 states that permission will not be given, except in very special circumstances, for development other than the construction of new buildings providing essential facilities for outdoor sport and outdoor recreation and other uses which preserve the openness of the Green Belt. It further states that approval will not be given, except in very special circumstances, for development other than the change of use of land which maintains the openness of the land and does not conflict with the purposes of including such land in the Green Belt.

To deal initially with the change of use of land from an agricultural use to a non-commercial equestrian use the following is noted. Paragraph 1.6 of PPG 2 states that the provision of opportunities for outdoor recreation near urban areas is a positive role that green belt land can play. This change of use achieves this fundamental aim of the Green Belt and the openness of the green belt would be preserved. The change of use of land would not have a materially greater impact than the present use on the openness of the green belt.

Paragraph 3.4 of PPG 2 indicates that the construction of new buildings in green belt areas is inappropriate unless it is for specified purposes including essential facilities for outdoor sport and outdoor recreation, and provided that openness is preserved. Paragraph 3.5 advises that possible examples of essential facilities include small stables for outdoor sport and outdoor recreation. The proposed stabling is in accordance with guidelines issued by the British Horse Society for stable size. Stabling is considered an essential need in relation to this use of the site and in this case particularly so given the applicants live away from the site. The modest ridge height of the stables preserves the openness of the green belt. The large stable is located behind an existing hedgerow which fronts onto the unclassified road. The large stable block is therefore discreetly located. The smaller stable is visible from the road when passing the access way. It is however located over 10m back from the public highway. The small stable is viewed with a backdrop of hedgerow behind it. If a condition is attached to apply a stain finish to the stables this would further help to mitigate any visual intrusion. It is therefore considered by your Officers that the proposed positioning of the stables would preserve the openness of the green belt and would not conflict with the purposes of including land in it.

The Countryside

Policy C1 of the West Wiltshire District Plan 1st Alteration 2004 states that development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation. The proposed use would comply with this section of the policy. Policy C1 further states that the rural economy should expand and diversify to ensure and facilitate the management of the countryside. It is considered that the use of this land for non-commercial equestrian use facilitates the stewardship of this piece of land.

Highway Safety

The Highway Authority have been consulted on this application and they have raised no objections to the proposal subject to the inclusion of conditions most notably that the stables should not be used for commercial purposes. The use of the land is intended to be for non-commercial equestrian use and a condition may be attached to ensure this. The Highway Authority have suggested a condition that the access should be recessed by 10m. This would result in the existing small stable block needing to be moved and it would be difficult for any vehicle with horse box to turn within the site. The entrance to the site is located on a long and fairly straight stretch of road and the existing access arrangements are considered sufficient, therefore this condition and an associated condition regarding gate hanging are not recommended here.

Other Considerations

Policy E10 of the West Wiltshire District Plan 1st Alteration 2004 states that all horse related developments should have special regard to siting, design materials, and construction to ensure they blend in with their surroundings. The stables constructed in timber boarding with black onduline roof are considered acceptable in this location and the design of the proposed stabling is considered acceptable. In order to best relate to the countryside and green belt it is however suggested that a condition be placed on any permission to stain the stables to reduce their impact.

A neighbour has written objecting that they were not notified of the application prior to submission. The applicant's are not however required to consult with neighbours prior to submission.

Two comments were received raising concerns regarding the description of the application. Following the approval of the applicants, the description was amended to provide clarity.

An objection has been received on the basis that the application was made retrospectively. It is not however unlawful to make a retrospective application.

The issue of precedent has been raised in a neighbour letter. Each case should be judged on its individual merits and your officers do not accept the argument of precedent in this case.

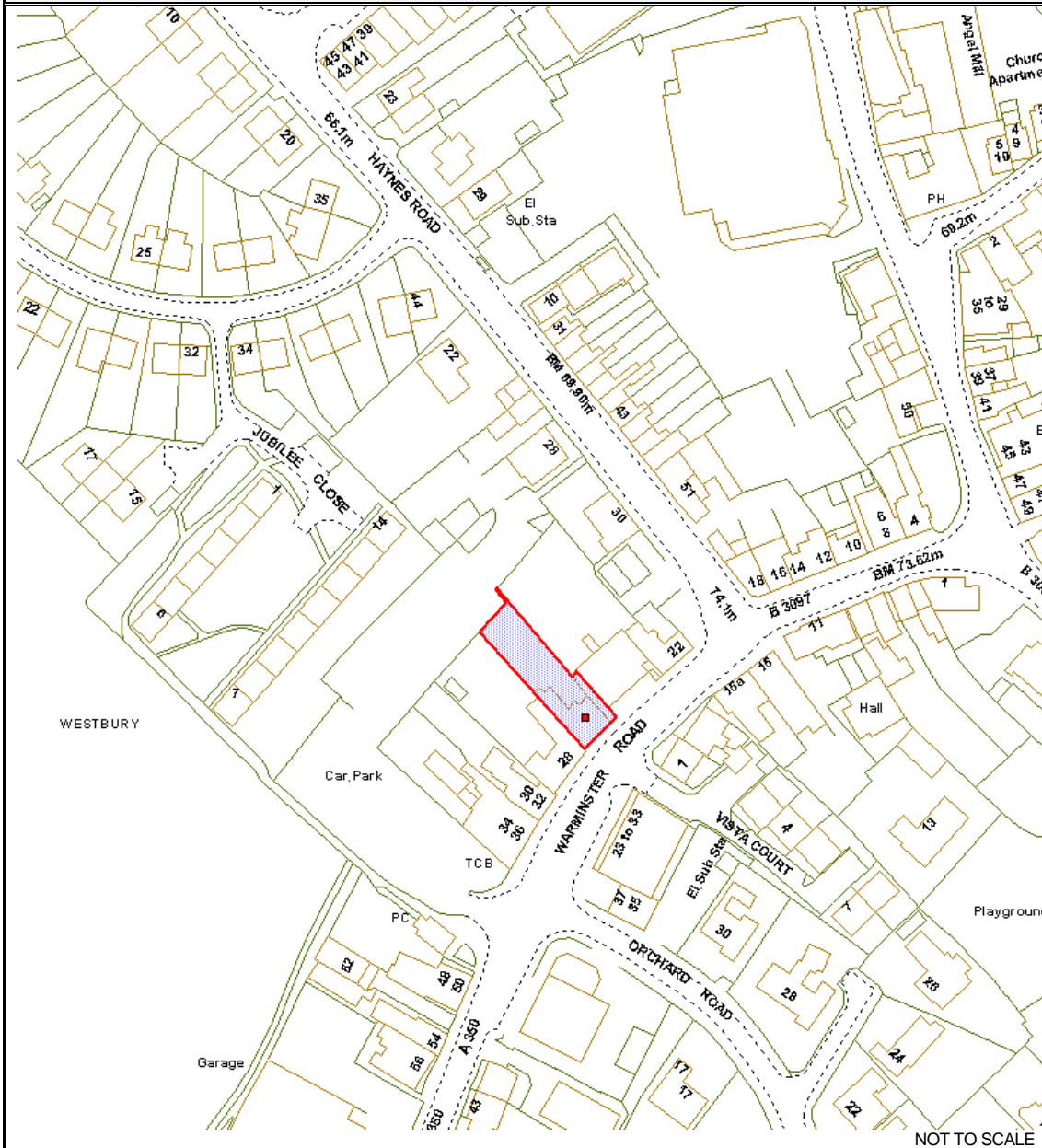
CONCLUSION

The change of use of land and stationing of stables is considered acceptable, subject to restrictive conditions.

PLANNING COMMITTEE

8 December 2005

ITEM NO: 11
APPLICATION NO: 05/01319/FUL
LOCATION: 26 Warminster Road Westbury Wiltshire BA13 3PE



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SLA: 100022961

11 Application: 05/01319/FUL

Site Address: 26 Warminster Road Westbury Wiltshire BA13 3PE

Parish: Westbury Ward: Westbury Ham
Grid Reference 387232 151090
Application Type: Full Plan
Development: Change of use to a restaurant and takeaway of ground floor and retention of first and second floors as a self contained maisonette with the formation of a new independent access
Applicant Details: Thai Orchid Restaurant
C/o Reed Holland Associates Ltd Bridge House 14 Bridge Street Taunton Somerset
Agent Details: Reed Holland Associates Ltd
Bridge House 14 Bridge Street Taunton, Somerset TA1 1UB
Case Officer: Mrs Judith Dale
Date Received: 30.06.2005 Expiry Date: 25.08.2005

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 use hereby permitted shall not be open to customers outside the following times: -

12.00 hours to 14.00 hours and 18.00 hours to 23.00 hours on Mondays to Saturdays, and between the hours of 12.00 and 15.00 hours only on Sundays and Bank Holidays.

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

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

- 3 Before the development hereby permitted is commenced, ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises in accordance with the details submitted to the Local Planning Authority on drawing 05-2511 as further supported in the subsequent details received on the 19 October 2005. All such equipment shall be installed in accordance with the approved details and in full working order prior to the commencement of use and subsequently maintained to the satisfaction of 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 - Policy C38.

4 Before the development hereby permitted is commenced, an independent wall shall be constructed along the internal party wall with number 28 Warminster Road in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The work shall be carried in accordance with the approved details and subsequently maintained to the satisfaction of 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 - Policy C38.

5 The internal layout of the kitchen shall be as shown on the approved plans and no alterations shall be carried out without prior written consent of 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 - Policy C38.

6 Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, 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.

7 Any door, window, louvre, vent or fan in the premises shall be insulated so as to prevent any noise being audible at the boundary of any inhabited premises, either attached to or in the vicinity of the premises to which this permission refers.

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

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

8 No live or amplified music or any other amplified sound shall be produced so as to be audible at the boundary of any inhabited premises either attached to or in the vicinity of the site to which this permission refers.

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

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

9 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.

10 This permission is limited to the ground floor building area only and there shall be no external seating/covers within the rear courtyard area.

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

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

11 Hours of delivery to the premises shall be limited to between 09.00 hours and 17.00 hours on Mondays to Saturdays only.

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

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

- 12 The residential unit hereby permitted shall be occupied ancillary to the use of the ground floor restaurant.
- REASON: In order to safeguard the amenities of the area in which the development is located.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.
- 13 Full details of the proposed external staircase, shall be submitted to, and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The works shall be carried out in accordance with the approved details.
- REASON: In the interests of visual amenity.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.
- 14 Sound deadening material shall be applied to the treads of the stairs of the external staircase in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these details and subsequently maintained to the satisfaction of the Local Planning Authority.

Note(s) to Applicant:

- 1 The applicant is advised that this permission conveys no permission for alterations to the existing shopfront elevation which shall form the subject of a new planning application.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a detailed application for the conversion of the ground floor of this unit into a restaurant and takeaway premises and the upper two floors to a residential maisonette.

In detail, the proposal involves the use of the two front rooms as a restaurant seating area and alterations to the existing rear kitchen to upgrade it for commercial use. A small unused projection at the rear is to be replaced with a 2.5 metre extension to provide for staff changing and toilet facilities, constructed of matching brickwork under a continuation of the existing tiled roof. The proposed extraction system is to be accommodated within this roof area.

The first and second floors are to provide a self-contained 2-bedroomed maisonette, accessed by a new external staircase installed in the existing rear courtyard.

The premises are currently a vacant shop and residential unit located within a group of buildings within the Westbury town centre commercial area. It immediately adjoins a residential property on the west, and a Solicitors premises on the east and its rear boundary abuts the District Council car park. There are currently two existing restaurants within the near vicinity.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: No objections.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections.

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: Thank you for your continued consultations in respect to this application. We have no formal objection to the scheme subject to the proposed conditions as detailed in your earlier email.

PUBLICITY RESPONSES

Neighbours were notified of the proposal, and two letters of objection have been received from the resident occupying the property immediately to the west. The following are the grounds of objection: -

- There are already over 20, A3 uses in the town and other retailers would be preferable for the economy;
- There should be a policy between the balance between uses in the town;
- Government policy encourages housing in town centres and requires Local Authorities to consider the impact of leisure developments on existing residential amenity;
- The loss of ground floor residential accommodation will not help the district wide need for increased residential accommodation;
- The proposed external staircase to the residential unit will alter existing views of number 24 (a Grade II Listed Building), would be unsightly, give rise to overlooking and cause noise nuisance;
- Unacceptable transmission of noise from the proposed kitchen and dining areas through to the adjacent property which has a ground floor bedroom immediately adjoining the commercial kitchen;
- Transmission of sound from the proposed development immediately adjoining garden area;
- Noise from patrons of the restaurant, particularly at closing time;
- Potential smell from the development;
- Potential parking on the adjoining highway from users of the takeaway facility;
- A restaurant use would contribute less to the revenue of the adjoining car park than either retail or business uses;
- Loss of privacy;
- Potential impact on the existing drainage system which crosses the adjoining site;
- Anxiety of potential fire hazard because of the proximity of the commercial kitchen;
- Potential for the yard area to be used as part of the future dining area, leading to increase in noise, smells and general lack of privacy;
- Potential noise and smell from the proposed extraction system, particularly if it is not continually and properly maintained;
- The proposed rear access is likely to become the public's main access point, which would further impact on amenity;
- No details of lighting have been provided, but rear flood-lighting would cause serious nuisance;
- Late deliveries would impact on existing amenity;
- Possible under-floor heating in the cold store/freezer room could cause damage to the party wall;
- A site visit by the Planning Committee would confirm the potential loss of amenity.

A further letter from the objector's agent has been submitted reinforcing the above points.

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

E4	Premises outside employment policy areas
SP5	Secondary retail frontages
H16	Flat conversions
C38	Nuisance
TC1	Upper floor uses in town centres

RELEVANT PLANNING HISTORY

05/00695/FUL - Change of use to restaurant and takeaway on ground floor - Withdrawn 07.06.05.

KEY PLANNING ISSUES

The main issues with this application are: -

- The principle of a restaurant in this commercial area;
- The impact on existing amenity.

PLANNING OFFICER COMMENTS

Principle of Use

In terms of planning policy, the District Plan supports the maintenance and provision of commercial uses within the town centre commercial areas - Policy SP5 permits changes of use subject to the primary commercial function of the centre being maintained, and specifically includes the change of use from retail to restaurant uses. The application site has been vacant for a number of years, but was formerly in part use as a shop with residential accommodation to the rear. As such, it could be considered to have had a negative impact on the town centre as a whole and the introduction of a restaurant use would be consistent with overall general policy.

There are a variety of uses in this section of Warminster Road from the District Council car park entrance to the junction with Haynes Road, including an existing restaurant and takeaway, office and residential premises - a further restaurant would not be inappropriate.

With reference to the use of the upper two floors as a residential maisonette, this is in accordance with Policy TC1 and the objective of making greater use of upper floors of premises within town centre commercial areas.

Impact on Existing Residential Amenity

Policy C38 will not permit development which "would detract from the amenities enjoyed by, or cause nuisance to, neighbouring properties and uses". The immediately adjoining property to the west is a 2.5-storey dwelling which shares a party wall with the application premises. At ground level, it has a study, bathroom and bedroom accommodation, which immediately abut this common boundary. The neighbouring bedroom accommodation is contained within the framework of a single storey rear extension, which parallels the existing rear extension at the application site and which it is proposed to be used as the restaurant kitchen. Clearly the close relationship between the two properties means that the impact of any proposed change of use will have to be carefully considered, and particularly so in the case of a restaurant, due to the longer commercial hours that are involved.

It is clear from the letters from the adjoining resident that there is considerable concern over both the principle and detail of the proposed development. Although many points have been raised, these can basically be grouped into four major areas of concern. All have been the subject of protracted negotiation with the applicant and the following adaptations/amendments have been secured.

a) Noise nuisance transference through party wall.

The construction of a secondary, insulated, independent wall against the kitchen party wall and extending up into the roof void; relocation of cooking range and wash-up facility away from this wall; insulation of the suspended floors throughout the restaurant.

b) Smell and noise output from the proposed ventilation system.

Siting of ventilation duct wholly within the pitched roof void and mounted on anti-vibration mountings - the only external features would be a grill in the end gable wall and a mushroom cowl to the fresh-air intake on the existing roof. A 2-stage silencer would be attached to the fan for the filtration unit, keeping noise and smell to a minimum.

c) Nuisance associated with the works to the rear of the property.

There is currently no intention to create an external eating area; the rear part of the yard area is proposed for staff parking; only limited external lighting is proposed; it is intended that the rear access is to primarily provide disabled access and not to service the principle door to the restaurant.

d) Nuisance associated with the proposed use of the first and second floor and a residential unit.

It is acknowledged that, in terms of amenity, the external staircase to the first floor accommodation will have an impact on visual amenity from the rear of the premises. However, in mitigation, the following has been submitted by the applicant: -

- A number of options were looked at when considering how best to access the flat.

- The original arrangement has an internal flight of stairs from the retail area to a first floor landing. The residential element was at that time split between all three floor levels. We did consider retaining this situation, however there were major problems with means of escape through the restaurant and with out of hours security when the restaurant was closed.

- The requirement of Part M of the Building Regulations to provide reasonable access to ALL levels of the restaurant caused further problems. The ground floor of the existing premises was at three different levels. There is insufficient space to accommodate an internal ramp. An alternative means therefore need to be sought to provide access for disabled persons and people of limited mobility to the rear of the restaurant.

- Fortunately there is good access from the car park to the rear of the premises. It makes good sense to provide an access from the rear as there is a pre-existing designated disabled space immediately adjacent to the gated rear access to number 26. This means that any disabled visitors to the restaurant can travel a relatively short distance to a new rear access to the restaurant rather than being forced to negotiate an incline across the car park and then to the front door of the restaurant.

- The split in level within the restaurant causes further complications under the Building Regulations as unisex WC facilities must also be provided at each level.

- The only viable solution is to locate the WC facilities in what is known as 22A. This narrow single storey element lies between number 26 and the neighbouring property number 24. It is the perfect width for a disabled person's WC facility and provides the opportunity to link the drainage from the rear yard. It had the added advantage that it was already split between the two levels.

- Locating the disabled person's WCs here however precluded using the annex as a possible place from which a stairs could have risen to serve the residential unit.

- If the stairs had of gone here it would have meant that what is currently a single storey element between the flank walls of numbers 26 and 24 would have then become a 2-storey element to contain the stairs at the upper level. We consider that making this a 2-storey link it would have an unfortunate closing in effect upon the adjacent Listed Building and have been generally detrimental to the appearance of the street scene.

- This is especially important due to the rising ground opposite the Warminster Road street frontage, which would have meant that any addition at first floor would be even more visible.

- At the rear of the premises there is a lean-to shed of very rudimentary construction. It is in perilous condition and is close to collapse due to its poor construction. This forms a perfect slot in which to insert the new external stairs once the lean-to is demolished.

- The new metal stairs will rise the 2.7 metre from ground level to existing roof level of the annex. This is little more than a normal domestic flight of stairs.

- The new stairs will be fabricated in metal and essentially it will be transparent when compared to the existing shed or a new extension to the link at first floor. This will form a perfectly acceptable entrance to the residential accommodation over the restaurant and will not result in a conflict of use.

- We propose to put a sound deadening material on the treads of the stairs to prevent the boom sometimes associated with this type of access thus preventing any noise nuisance. This will further enhance the safety aspect by providing a non-slip and visible tread to the stairs.

- External lighting will be kept to the minimum and will comprise bulkhead fittings with a shroud to the top part to prevent the upward spread of light. There will be one fitting at the top landing adjacent to the front door and one at the bottom landing position fixed to the wall. This will be adequate to negotiate the stairs safely on the darkest of nights and will comply with all relevant Health and Safety legislation.

- Having weighed up all the possible solutions we sincerely believe that the solution that is now being proposed has the least impact on the buildings either side and will be all but invisible from the rear boundary of the property.

These combine to support the view that, on balance, and in order to enable an efficient use of the upper floors, and to provide the necessary disabled facilities within the restaurant, the proposed staircase would be acceptable.

Regarding other general matters, the rear boundary of the site directly abuts the District Council's car park and parking for both restaurant and takeaway uses are not an issue - the Highway Authority has been consulted and raises no objection.

Proposed hours of operation are lunchtimes and evenings with last orders at 11.00pm during the week, and 11.30pm at weekends; proposed Sunday opening is at lunchtimes only. As a comparison with the two restaurants within the vicinity, the hours of operation at the premises on the opposite side of the road are limited to 11.00pm on Mondays to Saturdays, and on appeal were granted an extension to open until 10.00pm on Sundays. With regard to the premises at 34/36 Warminster Road, weekday and Sunday opening hours extend until 11.00pm with an extension to 11.30pm on Saturday evenings. Under these circumstances, it is recommended that trading hours be limited to 11.00pm on Mondays to Saturdays and at lunchtime only on Sundays, to enable the impact of this development to be fully assessed.

With regard to the small extension proposed at the rear of the kitchen area, this is minor in extent, well designed and is considered to have little impact on the adjoining property.

The point has been made that this development would result in three restaurants sited within close proximity. This could not necessarily be regarded as over-provision, and since the premises have remained vacant as a retail unit for several years, would suggest a lack of demand for that particular use in this location.

CONCLUSION

Despite the strong objection from the adjoining resident, and his request that this application be refused, Circular 11/95 makes it clear that where appropriate conditions might otherwise make such a development acceptable, they should be used in preference to refusing the proposal. In this particular case, the principle of a restaurant is acceptable within policy terms and it is considered that appropriate conditions would secure its implementation without due impact on adjoining residential amenity. On balance, therefore, and subject to such appropriate conditions being attached, the application is recommended for permission.