

PLANNING COMMITTEE

26 JANUARY 2006

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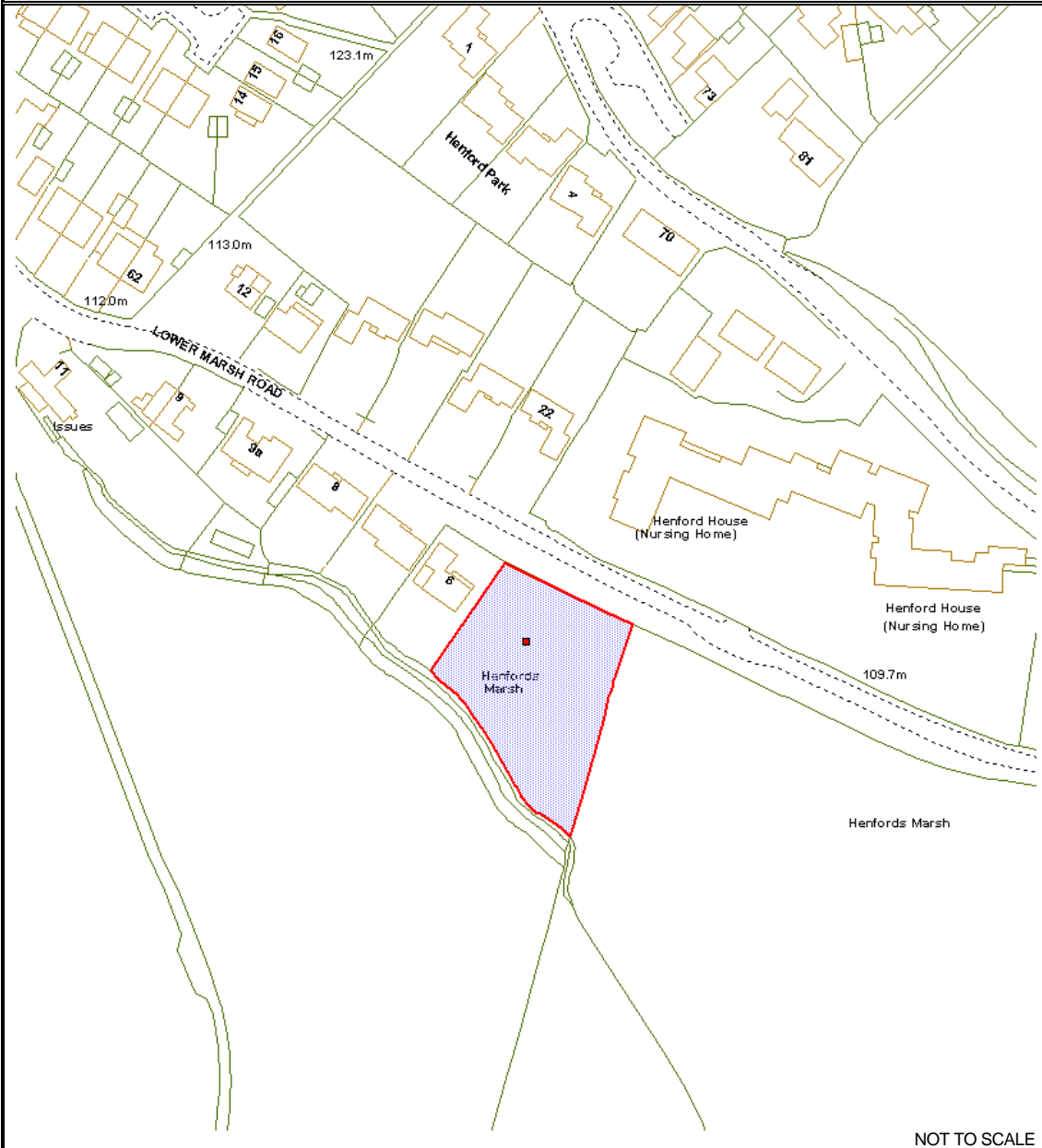
PLANNING COMMITTEE

26 January 2006

ITEM NO: 01

APPLICATION NO: 05/01807/FUL

LOCATION: Land East Of 6 Lower Marsh Road Warminster
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

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

RECOMMENDATION: Refusal

Reason(s):

- 1 On the basis of the submitted information the Local Planning Authority is not satisfied that the proposed development shown on the submitted plans can be carried out strictly in accordance with the details provided. This would result in the proposed development, by reason of its proportion, form, massing and scale, would appear overdominant in the street scene, detrimental to visual amenity and the setting of the Special Landscape Area, contrary to Policies H1, C3 and C31A of the West Wiltshire District Plan - 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

Members will recall that a decision on this application was deferred by the Planning Committee at their meetings on 27 October and 8 December 2005, initially for negotiations over the scale and siting of these dwellings, and later for additional information on the overall height of the dwellings. The somewhat complicated sequence of events has been detailed under the heading of "PUBLICITY" and is not repeated within this part of the report.

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.

CONSULTATION REPLIES:

- 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.

STATUTORY CONSULTATIONS

- 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 RESPONSES

Neighbours were notified of the proposal and originally two letters of objection and a single petition with 33 signatures 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.

Prior to the consideration of the application at the meeting in October, three further letters were received raising further additional points:

- Lower Marsh Road is currently badly drained and floods regularly and the large expanse of block paving will worsen the problem

- The houses are no longer in line and the detached garage projects beyond the current building line.

- Once the hedgerow has been trimmed to 5 ft it will not serve as a visual screen

- The boundary hedge fronting the water meadow and to the east is outside the control of the applicant

- The application does not comply with stated conditions in the earlier outline permission.

- It is inaccurate to describe the existing houses as relatively new since they are 20 years old, set well back and have mature trees along the boundary fronting the road

- Huge buildings with unsightly wooden garages would have a serious effect on the amenities of the neighbours and on the street scene.

- Many additional comments were made on the content of the agenda report:

- Reason for permission - bears no relation to reality

- Application details - 3 no. large 5 bed houses occupied on 3 floors with parking for 12 vehicles and 3 no wooden garages - 2 houses would each have occupied floorspace of 160 sq. m., the third would have 190 sq.m. compared to the existing houses of 85-100 sq.m.

- The report fails to mention the concern of the nursing home management at the likelihood that it would affect the residents privacy.

- Highways -No mention of problems faced by Nursing Home residents and staff due to manoeuvring in and out of the car.

- Fire Service -No mention is made of consultations with fire service

- Wessex water - Comments about odour pollution is out of date, the building is situated 300 metre within the exclusion zone generally regarded as unsuitable for domestic dwellings due to high odour pollution levels [quotes Wessex water comments] .The recent hot summer has shown that the rare has had several unpleasant periods as well as regular morning and evening problems. During these periods residents have had to stay indoors which reduces the quality of life for those living in the vicinity. They do not generally complain to Wessex water as they are aware of the excellent work done to reduce the problem. Odour dispersal measurements should have been done to provide actual data.

- Refers to a letter from Wessex water dated 15th March as irresponsible in expressing the view that they did not see any reason why the developer or the purchaser should be made aware of the proximity to their works as part of the planning approval.

- Believe the Health and Safety Executive should have been advised.

- Publicity - There has been no attempt at real consultation with the local community and brief summary plays down the opposition to the previous application and all local residents wish to register very serious objections to the plan. There are over 70 residents in the immediate area objecting to the plan but planning system only recognises the number of letters received.

- General principle - It is incredible that on a technicality the planning officers can by pass the Planning Committee despite obvious contentious nature of the development

- Design and amenity - Only a few design concepts selected in an unconvincing attempt to justify a completely new and unacceptable plan and express surprise that a professional officer could be persuaded that a proposal that is out of all proportion could be considered favourably.

Following the October meeting, two of the residents met with the applicant and his agent, which generated a further letter from themselves outlining a number of suggestions for a more appropriate form of development on the site. 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 was subsequently submitted, slightly altering the relative positions of the two easterly units and the actual width of each of the proposed dwellings by 350mm which reflected a reduction in overall footprint of 2.5-3.5%.

This revised scheme was included on the agenda for the Planning Committee on 8 December, but prior to the meeting, it became apparent that the submitted plans included a number of inaccuracies with regard to the height of the adjacent property. Further revised plans were submitted on the day before the meeting, but clearly with inadequate time for these revisions to be fully assessed. The Committee therefore deferred the application:

- for proper consideration of the amended scheme
- for consultation with the Town Council, residents and other consultees
- for a detailed site survey and sectional details through the proposed dwellings

In response to this latest round of consultations, two further letters have been received from residents reiterating their earlier objections, commenting on the unsatisfactory processing of this application, and requesting that the application is refused.

RELEVANT 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

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.

KEY PLANNING ISSUES

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.

PLANNING OFFICER COMMENTS

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.

The scheme as originally submitted in August 2005 indicated that the overall height of the proposed dwellings and the individual spaces between the buildings would remain virtually unaltered from the indicative scheme included within the outline permission. More significant changes were apparent in terms of the footprints of the buildings, which showed an indicative increase of 30% 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 in size was largely accommodated in dwellings of greater depth, and in the case of Plot 1, with a detached garage located in the front garden. The proposed site layout had been modified to provide a less formal and more variable arrangement, with the units addressing a shared communal entrance and frontage, rather than three clearly defined plot areas.

Within these broad general terms, the original plans were not considered to be unacceptable. The fact that the proposed dwellings are larger than those shown on the outline permission is not, in itself, a reason for refusal, and the less formal arrangement is perhaps more appropriate in this particular residential context. With regard to the visual impact on the street scene, the general height and distances between dwellings were shown to be as before and to 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 would be partially screened from public view behind the front hedge which is shown to be retained.

On this basis, the application was recommended for permission by the case officer, but was deferred by the Committee at the October meeting for a reduction in the overall scale of development.

As is clear from the "PUBLICITY" section of this report, this has generated a chain of events which requires a reconsideration of the proposal. Although it has been acknowledged that the proposed dwellings may be generally larger than the existing property, it has always been maintained as a constraint that the new dwellings shall be no higher than the existing building. Original drawings showed these ridge heights to be the same, but these have since been shown to be inaccurate with regard to the actual height of the existing house, which is approximately 1.3m lower than shown on the plans. The inevitable effect has been to reduce the 'apparent' height and scale of the new dwellings compared with the existing. This inaccurate 'benchmark' has been acknowledged by the applicant and addressed in further revised plans which:

- 1 Physically reduce the actual heights of the new dwellings by 0.5m (Plots 1 and 2) and 0.6m (Plot 3) - these still indicate bedroom accommodation within the roof areas.
- 2 Show a gradual lowering of each of the finished floor levels across the site so that Plot 1 is shown to be sited approximately 0.75m lower than that of the original house.

A combination of both amendments shows all four units to still maintain an identical ridge height.

These revisions have, themselves, raised two additional issues - the ability of these dwellings to be approved and built as shown within the framework of the Building Regulations, and with regard to the location of a small stream which marks the rear boundary of the site. Consultations have been carried out with the Council's Building Control and Drainage Officers, which conclude that the lowered floor areas, which are now level with (and, in part, lower than) the bank height of the stream, would raise serious concerns with regard to potential flooding; as currently shown, the development would not be acceptable to either consultee. The Building Control Officer has further advised that the views of the Environment Agency are specifically sought, and these are expected in time for the meeting.

In the light of the available advice, the following conclusions can reasonably be made:

- 1 On the basis of the sectional information only, the proposed dwellings themselves could be approved and built under the Building Regulations.
- 2 On the basis of the submitted land survey, the proposed dwellings are unlikely to be approved under the Building Regulations and would require finished floor levels to be raised to avoid potential future flooding.
- 3 Finished floor levels could be revised slightly within the proposed units whilst still technically meeting Building Regulation requirements - however, the degree to which this could be satisfactorily achieved is not clear (internal ceiling heights are likely to be no higher than 2m).
- 4 On the basis of the submitted plans, there is no margin of error at all if equal ridge heights with No 6 Lower Marsh Road are to be maintained.

On the balance of probability and on the basis of experience, this situation rarely occurs. Unexpected site conditions and other variables frequently require necessary changes to be made to a physical structure during the course of construction. In this particular case, where ridge heights are critical but site conditions are uncertain, there can be no guarantee that the completed development will be as currently shown on the submitted plans.

While this application was originally recommended for permission, that was based on the information submitted at the time. PPS1 (Delivering Sustainable Development) makes it clear in paragraph 19 that planning decisions should be based on:

- up to date information on the environmental characteristics of the area;
- the potential impact, positive as well as negative, on the environment of development proposals (whether direct, indirect, cumulative, long-term or short-term).

Up to date information submitted later on during the processing of this application suggests there is some doubt that the original planning objectives for development on this site can be achieved with the particular scheme now proposed. This is clearly a material consideration in assessing the merits of the case, and in the absence of information which conclusively overcomes this concern, the planning recommendation is now one of refusal.

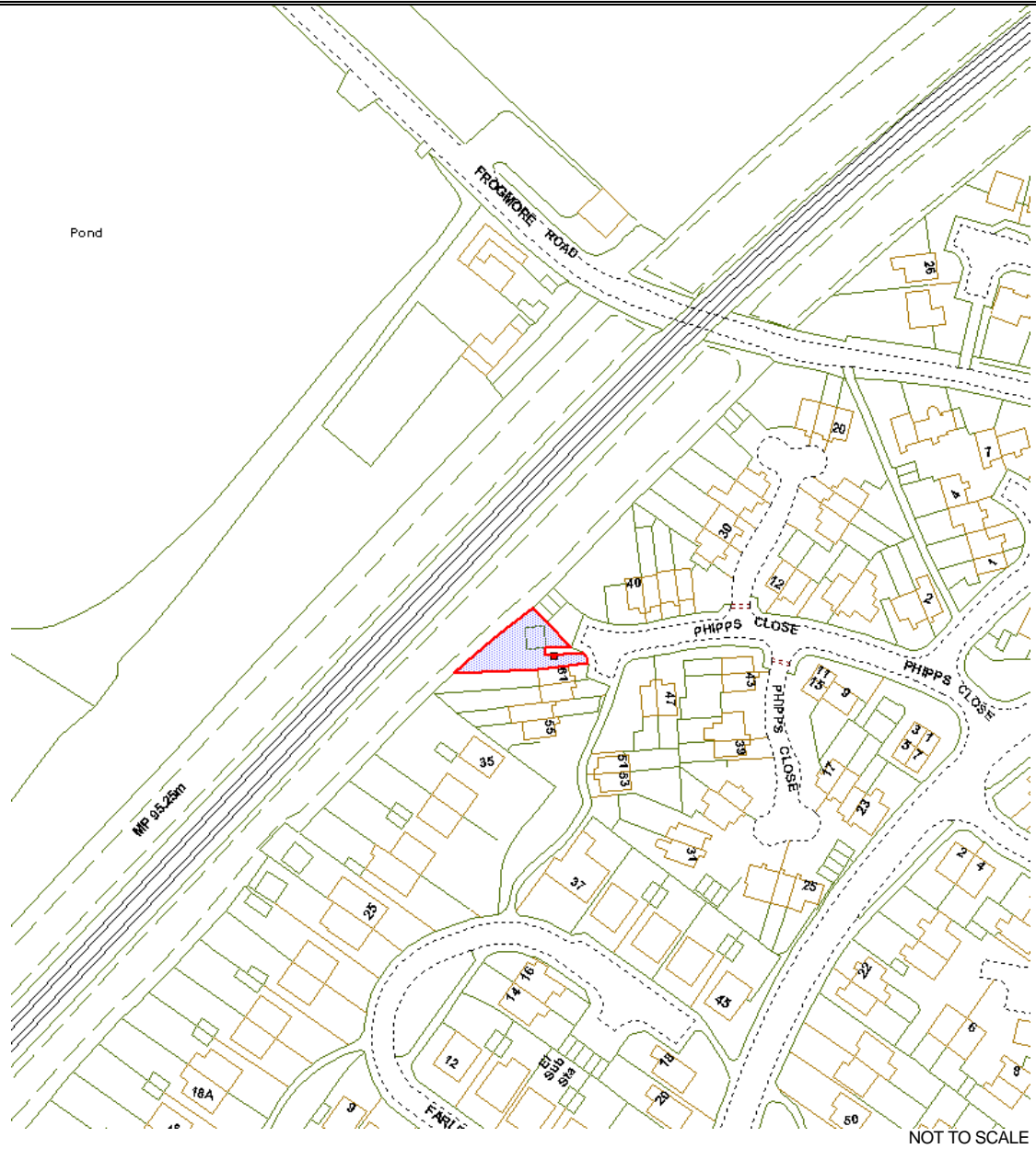
PLANNING COMMITTEE

26 January 2006

ITEM NO: 02

APPLICATION NO: 05/01845/FUL

LOCATION: Land Adjacent 61 Phipps Close Westbury Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

02 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 unsatisfactory 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.

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 application was deferred at the meeting of the Planning Committee on 8 December 2005 to allow for the consideration of amended plans.

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 application has been revised to include a new layout of the 4 car parking spaces to be provided for the scheme. The scheme makes provision for 2 spaces for No 61 and one for No 61A and one for No 61B.

CONSULTATION REPLIES

- WESTBURY TOWN Council: No objections.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Objection on grounds of not enough parking and an inadequate turning area.

Following the receipt of amended plans, the Highway Authority withdrew their objection.

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 four parking spaces at the rear, two for No. 61 and one for each of the proposed dwellings. On the basis of the amended plan, the objection from the Highway Authority has been withdrawn. However, your officers remain of the opinion that 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.

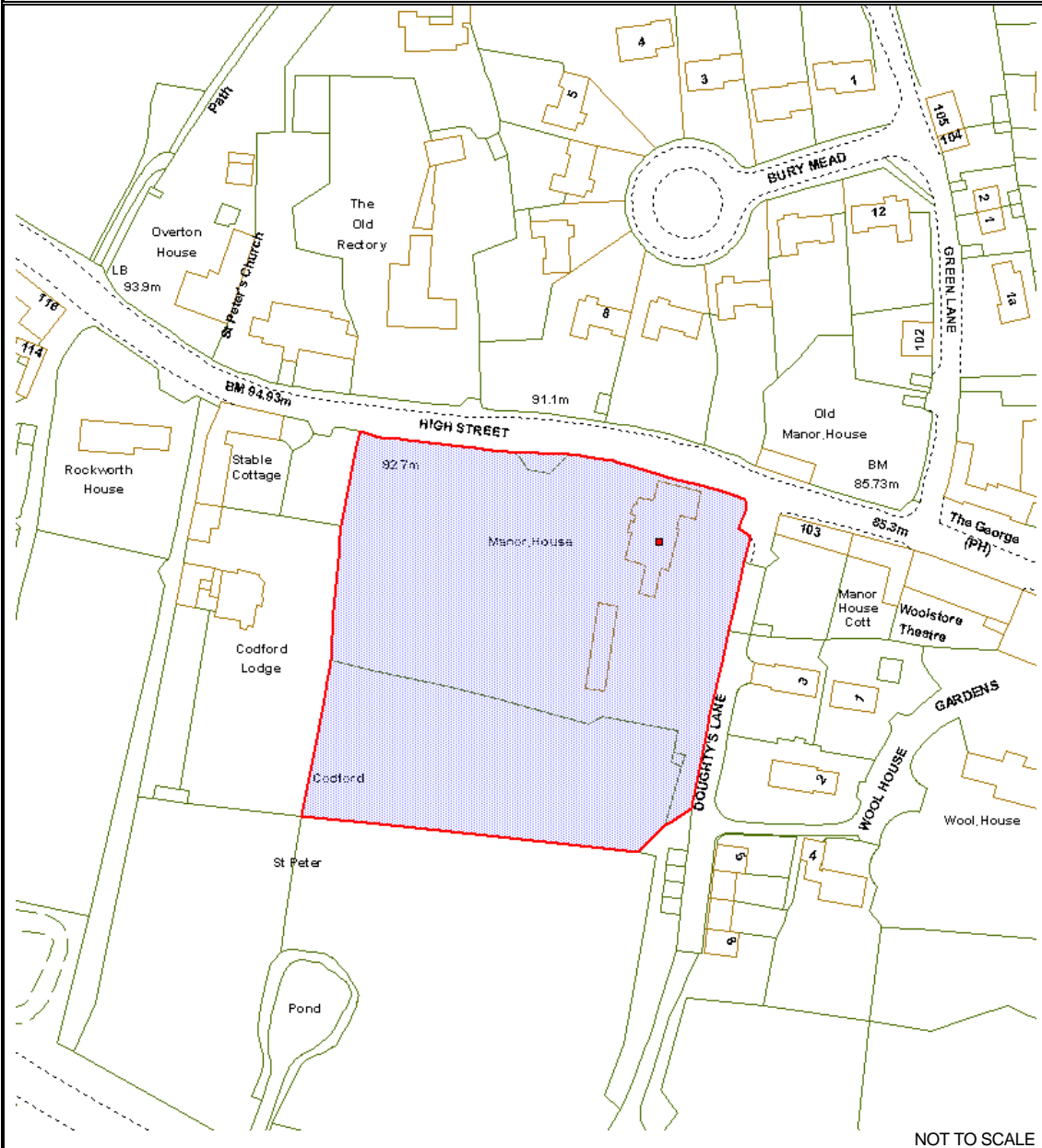
PLANNING COMMITTEE

26 January 2006

ITEM NO: 03

APPLICATION NO: 05/02879/FUL

LOCATION: Manor House High Street Codford Wiltshire BA12 0NF



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 05/02879/FUL

Site Address: Manor House High Street Codford Wiltshire BA12 0NF

Parish: Codford Ward: Mid Wylve Valley
Grid Reference 396672 139877
Application Type: Full Plan
Development: Rebuilding front boundary wall and erection of new entrance gates (retrospective)
Applicant Details: J Torrie Esq
C/o Graham Savage Associates The Chestnut Studio Burymead
Codford Wiltshire
Agent Details: Graham Savage Associates
The Chestnut Studio Burymead Codford Wiltshire BA12 0NU
Case Officer: Miss Nicola Rogers
Date Received: 06.12.2005 Expiry Date: 31.01.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The works by reason of the use of inappropriate and non traditional materials and method of construction together with the change to the form and layout of the wall and loss of historic integrity, would result in the loss of an historic enclosure, and do not respect the character of the listed structure and are detrimental to the setting of the principal listed building on the site. The works are therefore contrary to policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.
- 2 The works by reason of the use of inappropriate and non traditional materials and the change to the form and layout of the wall in a prominent and sensitive location would be detrimental to the appearance of the street scene, and would not respect the character of the townscape. This is therefore contrary to policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to committee at the request of Councillor Newbury in the interests of public debate.

This is retrospective application for planning permission to rebuild a front boundary wall and erect new entrance gates, to a Grade II listed property adjoining the High Street, Codford. The works have consisted of demolishing the wall and rebuilding it using rendered blockwork to the rear and facing bricks to the front, reconstituted coping stones and railings on top. The entrance has been re-formed to incorporate curved splays replacing straight ones, one with two steps down to achieve a particular height. New entrance gates of approximately 2.6 metres in height have been attached to the original gate piers, which remain in place.

The wall forms the boundary to a Grade II listed property and is therefore listed by virtue of being a curtilage structure.

The application is accompanied by a parallel application for listed building consent and is an identical resubmission of an application refused on 24 November 2005.

CONSULTATION REPLIES

- CODFORD PARISH COUNCIL: No objection, with a detailed response for the information of the Planning Committee, this is attached as an appendix to this report.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: No comments at the time of preparing the report

PUBLICITY RESPONSES

Five letters of support received following a consultation exercise and the posting of a site notice.

These letters support the rebuild, praising the materials and the workmanship and citing the original wall as a hazard.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 Historic Buildings

West Wiltshire District Plan 1st Alteration 2004
C17 Listed Buildings
C28 Alterations to listed buildings

PPS1 - Delivering Sustainable Development
PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

05/02263/LBC - Rebuilding front boundary wall and erection of new entrance gates (retrospective). Refused 24.11.05

05/01192/FUL - Rebuilding front boundary wall and erection of new entrance gates (retrospective). Refused 24.11.05 for the following reasons:

1 The works by reason of the use of inappropriate and non traditional materials and method of construction together with the change to the form and layout of the wall and loss of historic integrity, would result in the loss of an historic enclosure, and do not respect the character of the listed structure and are detrimental to the setting of the principal listed building on the site. The works are therefore contrary to policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.

2 The works by reason of the use of inappropriate and non traditional materials and the change to the form and layout of the wall in a prominent and sensitive location would be detrimental to the appearance of the street scene, and would not respect the character of the townscape. This is therefore contrary to policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

KEY PLANNING ISSUES

The District Council has a statutory duty to protect the historic environment. This revised application must overcome the reasons for refusal given on the previous application.

PLANNING OFFICER COMMENTS

The proposals are identical to the proposal refused in November 2005. The applicant has provided additional information in support of their application. The Parish Council have provided detailed comments on the previous report in relation to this proposal, which your officers cannot support. Key to their support for the application are the following points:

1. The wall was not specifically mentioned in the list description:

Although the wall is not specifically mentioned in the list description, list descriptions are not intended to provide a comprehensive or exclusive record of all the features of importance. Absence from the list description of any reference to a feature does not, therefore, indicate that it is not of interest or that it can be removed or altered without consent (PPG15 6.19). Whilst the wall was altered in the 1960s, the property was added to the statutory list in 1987, therefore the state of the wall at that time was listed also. This included bricks to the main part of the wall, Bath stone coping and iron railings above, straight returns at the entrance and Bath stone gate piers.

2. The wall needs to be replaced:

The applicant has stated that the wall was in a poor state of repair and reconstruction was essential, the poor condition of the wall was as a result of an extension to the property in 1905, a number of vehicular accidents and deterioration over time. The applicant's initial instructions from the builder were to repair the wall rather than replace, however, during an attempt at this the wall collapsed totally, requiring a total rebuild. No photographic record was kept of the wall in its previous state; therefore the plans and information submitted by the applicant are the only pieces of evidence available. The applicant's record of events is accepted, however officers cannot accept a proposal which would fail to protect the historic environment in this location.

The materials of the rebuilt wall are not suitable for use within the curtilage of a listed building. Whilst the bricks forming the face of the wall to the street are, according to the information submitted, cleaned up bricks reclaimed from the original wall, the remaining materials are all new. The bulk of the wall is constructed in concrete blockwork with a cement render to the rear elevation, facing the property. This method of construction is not a copy of the original wall, nor a replica of a similar historic wall elsewhere, the materials and method of construction are not sympathetic to the listed building. Whilst the applicant has stated that the salvaged brick is in accordance with the advice in PPG15, creating a face of suitable materials is not sufficient, especially as the elevation of the wall facing the listed building itself is cement rendered. This method of construction is detrimental to the setting of the listed building.

The coping stones of the wall have been replaced with reconstituted stone, as opposed to natural Bath stone on the original wall. Reconstituted stone does not weather easily and retains its original colour and form many years after natural stone has weathered. The applicant has noted that if the Georgians had the benefit of this material they would have put it to good use; however, they did not, and the use of reconstituted stone is not suitable in the historic environment, especially within the curtilage of a listed building. This material is also detrimental to the setting of the listed building.

The formation of the entrance has been altered, changing straight returns to curved ones. The applicant has suggested that this formation accurately reflects the Georgian Style of the listed building and is more suitable than the straight returns erected in the 1960s. The Council does not take issue with this part of the application, however the steps in the western return do not resemble the step in the original wall, as detailed on the 'prior to rebuild' plans.

If the work had been applied for prior to it taking place, a suitable scheme could have been achieved, however, in its current state the proposal is not acceptable within the setting of the listed building.

The Highway Authority does not object to the application as the visibility from this driveway has not been altered and the gates are hung a sufficient distance back from the highway. The proposals would not have a detrimental effect on access.

The application has not overcome the reasons for refusal given on the previous application as the plans are identical, no further work has been carried out to the walls and the additional information does not alter the circumstances which resulted in the refusal of the original application.

CONCLUSION

There has been no material change in circumstances since the refusal of the previous application, therefore this proposal can not be supported.

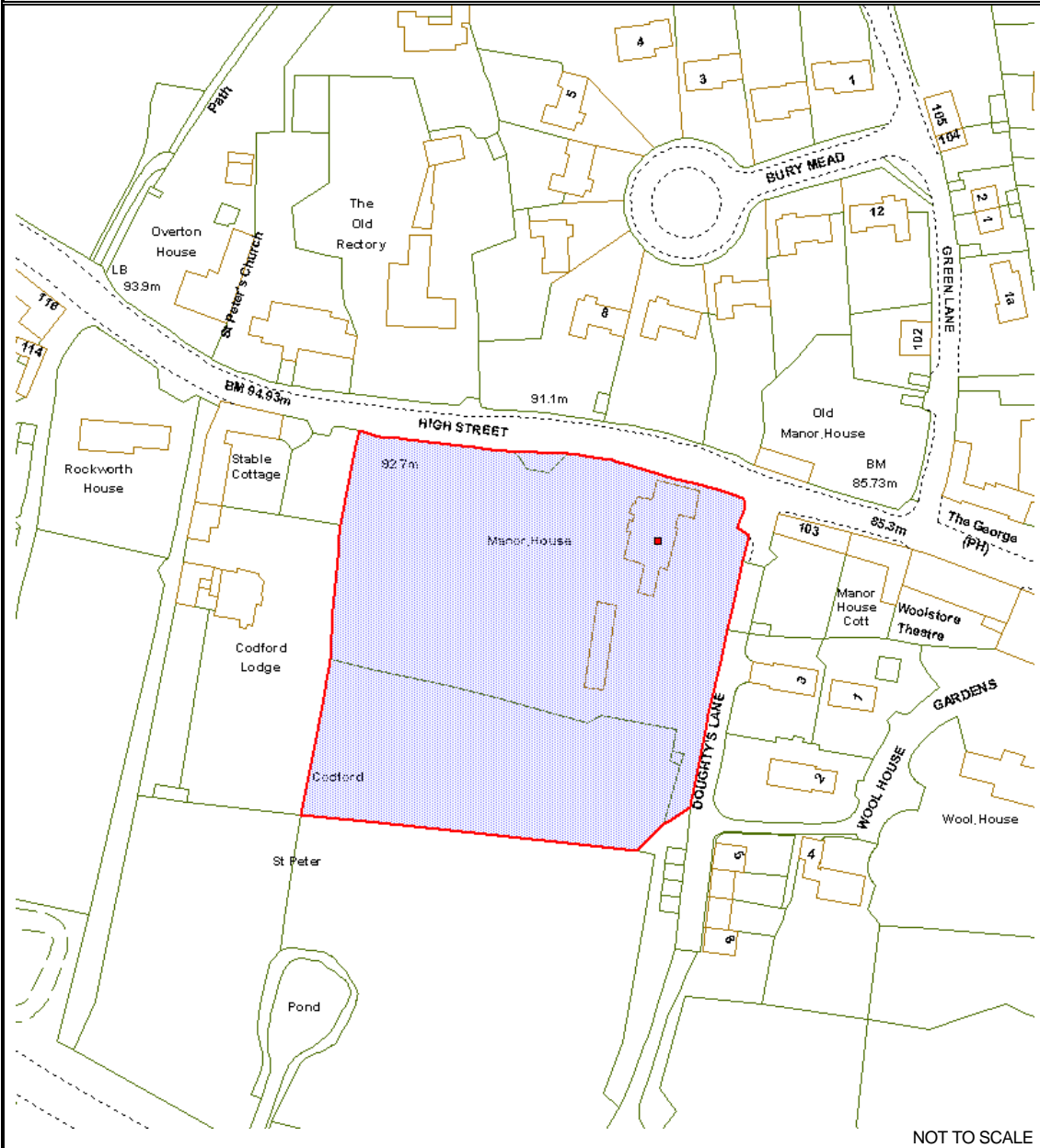
PLANNING COMMITTEE

26 January 2006

ITEM NO: 04

APPLICATION NO: 05/02869/LBC

LOCATION: Manor House High Street Codford Wiltshire BA12 0NF



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SLA: 100022961

04	Application:	05/02869/LBC
	Site Address:	Manor House High Street Codford Wiltshire BA12 0NF

Parish: Codford Ward: Mid Wylve Valley

Grid Reference 396672 139877

Application Type: Listed building

Development: Rebuild front boundary wall and erection of new entrance gates (retrospective)

Applicant Details: J Torrie Esq
C/o Graham Savage Associates The Chestnuts Studio Burymead
Codford Wiltshire

Agent Details: Graham Savage Associates
The Chestnuts Studio Burymead Codford Wiltshire BA12 0UU

Case Officer: Miss Nicola Rogers

Date Received: 06.12.2005 Expiry Date: 31.01.2006

RECOMMENDATION: **Refusal**

Reason(s):

1 The works by reason of the use of inappropriate and non traditional materials and method of construction together with the change to the form and layout of the wall and loss of historic integrity, would result in the loss of an historic enclosure, and do not respect the character of the listed structure and are detrimental to the setting of the principal listed building on the site. The works are therefore contrary to policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to committee at the request of Councillor Newbury in the interests of public debate.

This is retrospective application for listed building consent to rebuild a front boundary wall and erect new entrance gates, to a Grade II listed property adjoining the High Street, Codford. The works have consisted of demolishing the wall and rebuilding it using rendered blockwork to the rear and facing bricks to the front, reconstituted coping stones and railings on top. The entrance has been re-formed to incorporate curved splays replacing straight ones, one with two steps down to achieve a particular height. New entrance gates of approximately 2.6 metres in height have been attached to the original gate piers, which remain in place.

The wall forms the boundary to a Grade II listed property and is therefore listed by virtue of being a curtilage structure.

The application is accompanied by a parallel application for planning permission and is an identical resubmission of an application refused on 24 November 2005.

CONSULTATION REPLIES

- CODFORD PARISH COUNCIL: No objection with a detailed response for the information of the Planning Committee, attached as an appendix to this report.

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: No comments at the time of preparing the report

PUBLICITY RESPONSES

Five letters of support received following a consultation exercise and the posting of a site notice.

These letters support the rebuild, praising the materials and the workmanship and citing the original wall as a hazard.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011
HE7 Historic Buildings

West Wiltshire District Plan 1st Alteration 2004
C17 Listed Buildings
C28 Alterations to listed buildings

PPS1 - Delivering Sustainable Development
PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

05/01192/FUL - Rebuilding front boundary wall and erection of new entrance gates (retrospective). Refused 24.11.05

05/02263/LBC - Rebuilding front boundary wall and erection of new entrance gates (retrospective). Refused 24.11.05 for the following reasons:

1 The works by reason of the use of inappropriate and non traditional materials and method of construction together with the change to the form and layout of the wall and loss of historic integrity, would result in the loss of an historic enclosure, and do not respect the character of the listed structure and are detrimental to the setting of the principal listed building on the site. The works are therefore contrary to policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004.

KEY PLANNING ISSUES

The District Council has a statutory duty to protect the historic environment. This revised application must overcome the reasons for refusal given on the previous application.

The plans and supporting statement have not changed in any way from those refused by application 05/02263/LBC, however some additional supporting information has been received from the parish council and the applicant.

PLANNING OFFICER COMMENTS

The proposals are identical to the proposal refused in November 2005. The applicant has provided additional information in support of their application. The Parish Council have provided detailed comments on the previous report in relation to this proposal, which your officers cannot support. Key to their support for the application are the following points:

1. The wall was not specifically mentioned in the list description:

Although the wall is not specifically mentioned in the list description, list descriptions are not intended to provide a comprehensive or exclusive record of all the features of importance. Absence from the list description of any reference to a feature does not, therefore, indicate that it is not of interest or that it can be removed or altered without consent (PPG15 6.19). Whilst the wall was altered in the 1960s, the property was added to the statutory list in 1987, therefore the state of the wall at that time was listed also. This included bricks to the main part of the wall, Bath stone coping and iron railings above, straight returns at the entrance and Bath stone gate piers.

2. The wall needs to be replaced:

The applicant has stated that the wall was in a poor state of repair and reconstruction was essential, the poor condition of the wall was as a result of an extension to the property in 1905, a number of vehicular accidents and deterioration over time. The applicant's initial instructions from the builder were to repair the wall rather than replace, however, during an attempt at this the wall collapsed totally, requiring a total rebuild. No photographic record was kept of the wall in its previous state; therefore the plans and information submitted by the applicant are the only pieces of evidence available. The applicant's record of events is accepted, however officers cannot accept a proposal which would fail to protect the historic environment in this location.

The materials of the rebuilt wall are not suitable for use within the curtilage of a listed building. Whilst the bricks forming the face of the wall to the street are, according to the information submitted, cleaned up bricks reclaimed from the original wall, the remaining materials are all new. The bulk of the wall is constructed in concrete blockwork with a cement render to the rear elevation, facing the property. This method of construction is not a copy of the original wall, nor a replica of a similar historic wall elsewhere, the materials and method of construction are not sympathetic to the listed building. Whilst the applicant has stated that the salvaged brick is in accordance with the advice in PPG15, creating a face of suitable materials is not sufficient, especially as the elevation of the wall facing the listed building itself is cement rendered. This method of construction is detrimental to the setting of the listed building.

The coping stones of the wall have been replaced with reconstituted stone, as opposed to natural Bath stone on the original wall. Reconstituted stone does not weather easily and retains its original colour and form many years after natural stone. The applicant has noted that if the Georgians had the benefit of this material they would have put it to good use; however, they did not, and the use of reconstituted stone is not suitable in the historic environment, especially within the curtilage of a listed building. This material is also detrimental to the setting of the listed building.

The formation of the entrance has been altered, changing straight returns to curved ones. The applicant has suggested that this formation accurately reflects the Georgian Style of the listed building and is more suitable than the straight returns erected in the 1960s. The Council does not take issue with this part of the application, however the steps in the western return do not resemble the step in the original wall, as detailed on the 'prior to rebuild' plans.

If the work had been applied for prior to it taking place, a suitable scheme could have been achieved, however, in its current state the proposal is not acceptable within the setting of the listed building.

The application has not overcome the reasons for refusal given on the previous application as the plans are identical, no further work has been carried out to the walls and the additional information does not alter the circumstances which resulted in the refusal of the original application.

CONCLUSION

There has been no material change in circumstances since the refusal of the previous application, therefore this proposal can not be supported.

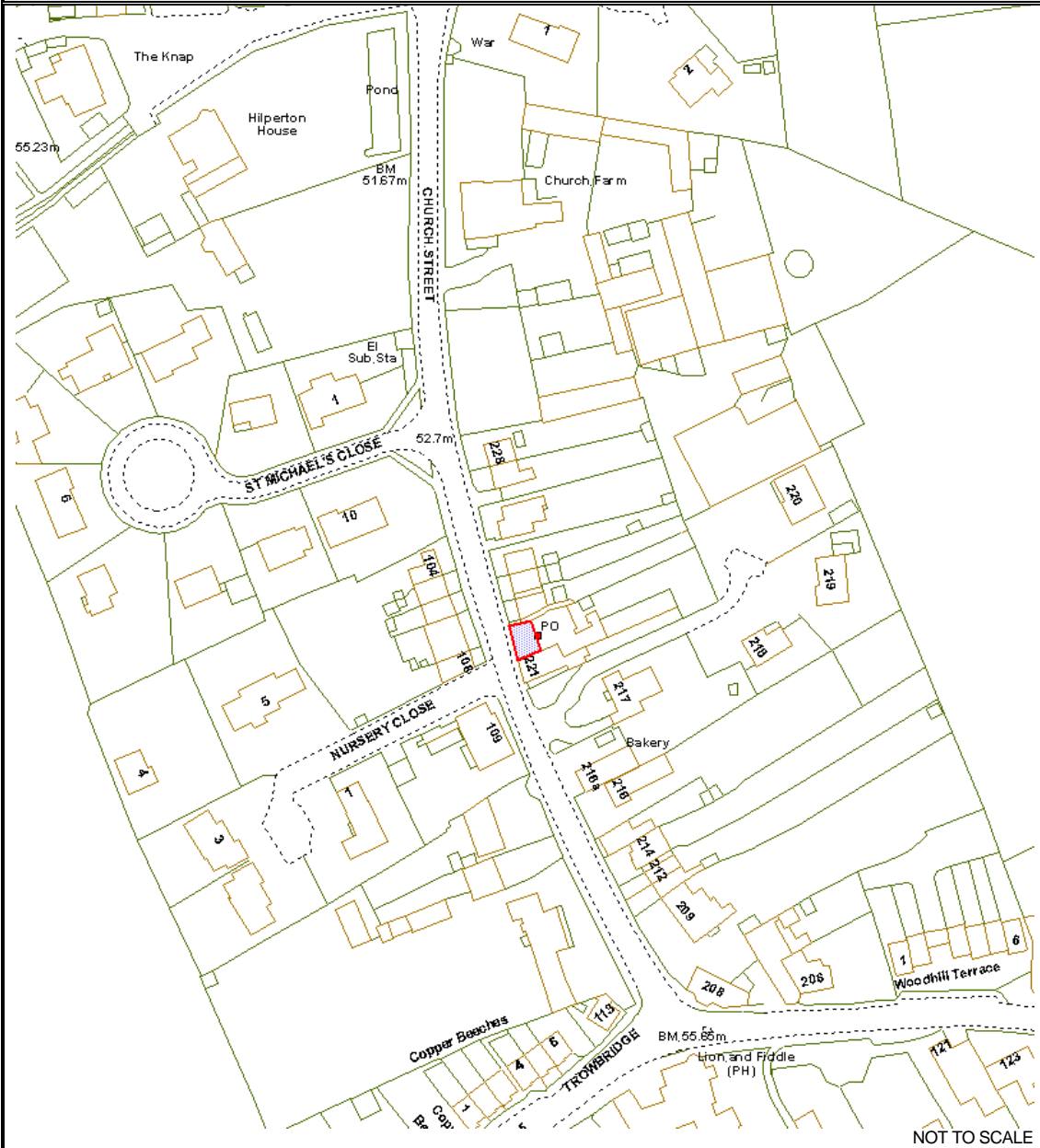
PLANNING COMMITTEE

26 January 2006

ITEM NO: 05

APPLICATION NO: 05/02145/FUL

LOCATION: Hilperton Post Office 222 Church Street Hilperton
Wiltshire BA14 7RG



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SLA: 100022961

05 Application: 05/02145/FUL

Site Address: Hilperton Post Office 222 Church Street Hilperton Wiltshire BA14 7RG

Parish: Hilperton

Ward: Paxcroft

Grid Reference 387251 159120

Application Type: Full Plan

Development: Change of use from redundant post office stores to re-integrate part of ground floor with existing residence

Applicant Details: Mr Mark Packer
222 Church Street Hilperton Wiltshire BA14 7RG

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 26.10.2005

Expiry Date: 21.12.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class A (d) of the Order, including any alteration to the existing shopfront on the front roadside elevation of the building, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights to enable the removal of the existing traditional shopfront would be unacceptable.

Note(s) to Applicant:

- 1 You are advised that it is the policy of the local planning authority (West Wiltshire District Plan - 1st Alteration 2004 - Policy C25) to retain traditional shopfronts in conservation areas, any alterations to the shopfront would require the prior approval of the local planning authority and its removal would be likely to be resisted.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee at the request of Councillor Clark and Councillor Carbin in the interests of public debate and interpretation of West Wiltshire District Plan 1st Alteration 2004 policy.

This is an application for a change of use from a post office stores to re-integrate part of the ground floor into an existing domestic dwelling. The application site is located within the village settlement of Hilperton in a Conservation Area.

CONSULTATION REPLIES

- HILPERTON PARISH COUNCIL: The Parish Council regrets the loss of the post office and stores but can see no reason to object to this application.

PUBLICITY RESPONSES

The application was advertised by site notice and press advertisement and neighbour consultations were undertaken to which there has been no response.

RELEVANT PLANNING HISTORY

05/00320/FUL - Change of use to A3 food and drinks takeaway and retention of post office - Refused

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

SP7 - Village Shops
SP6 - Local shopping in Towns and Villages
SP1 - Town Centre Shopping
C17 - Conservation Areas
C20 - Change of use in Conservation Areas
C25 - Shopfronts
C38 - Effects of development on neighbouring properties
CF3 - Villages and rural areas

PPS 1 - Delivering Sustainable Development
The Planning System: General Principles

PPS 6 - Planning and Town Centres
PPS 7 - Sustainable Development in Rural Areas

KEY PLANNING CONSIDERATIONS

The key planning issues in this case are to consider whether the proposed change of use is acceptable in policy terms and whether the proposal would preserve or enhance the character or appearance of the conservation area.

PLANNING OFFICER COMMENTS

This application for a change of use of post office and stores arises following the applicant's contention that the post office stores were financially unviable. The post office and stores were closed on the 21st May 2005. The previous post master has supplied financial accounts from October 2003 through to May 2005 which display losses which the post office stores was making. It appears that the post office stores business was declining over a sustained period of time and displayed losses over this period.

The previous owner instructed a commercial agent to market the business from July 2004. A further letter has been supplied by the applicants which shows that the commercial agent was still attempting to sell the business during March 2005. This marketing exercise involved advertising over a prolonged period of time. The property was also offered at auction but failed to sell. On the basis of the above the previous owner and post master decided to sell the premises. The post office and general food stores have remained closed since this sale.

Policy CF3 seeks to retain and enhance the provision of rural and village facilities in West Wiltshire. Proposals resulting in the loss of important rural, social and economic facilities will not be permitted unless satisfactory alternative provision is made in the locality. Policy SP7 will not permit changes from village shops where the shop or facility is the last of its kind in a village and will seek a full analysis of the circumstantial background in considering such proposals.

In this case there exists a further post office and general stores within the parish of Hilperton which is located within approximately 0.9 miles of the application site. There further exist five more post office facilities within 2m miles of the application site. There also exists a food stores supermarket which is within 500m of the application site at the Paxcroft Mead Local Centre.

The applicant has submitted details of public transport movements linking to post office facilities and our officers have further investigated this issue. Eleven daily trips between Church Street and Hilperton Marsh on the X34 bus are in operation. Further, other bus routes are also available to and from Church Street linking to other local facilities.

In this case because existing store and post office facilities are located in the locality the proposal is considered to accord with Policy CF3 of the West Wiltshire District Plan 1st Alteration 2004. Likewise because the post office stores are not the last facility within the village the proposal would be acceptable when considered against Policy SP7. It has been demonstrated that good public transport links exist in the area and it is not therefore considered that the reversion of this premises to residential accommodation would promote unsustainable travel patterns.

Notwithstanding the above, this application has been supported with detailed documentation to support the contention that the business is not economically viable. The premises has also been the subject of a marketing exercise which spanned in excess of nine months and the property was also the source of an auction. It is considered in light of the above poor economic performance of the business and failed attempts to sell the business that adequate evidence has been provided to justify closing this facility even if it were considered to be the final post office stores in the locality.

The proposal to change the use to residential does not include any alterations to the building as part of this proposal. It is therefore considered that the proposal would preserve the character and appearance of the conservation area. It is however considered that a condition would be required because otherwise residential permitted development rights may be exercised and the existing traditional shopfront may be removed. Therefore in order to protect the character and appearance of the conservation area, and also to accord with policy C25 which seeks to protect traditional shopfronts from insensitive alterations, a condition is suggested to remove permitted development rights.

CONCLUSION

The loss of the post office stores is regrettable but in this case the proposal is considered consistent with West Wiltshire District Plan 1st Alteration 2004 policies and permission is therefore recommended.

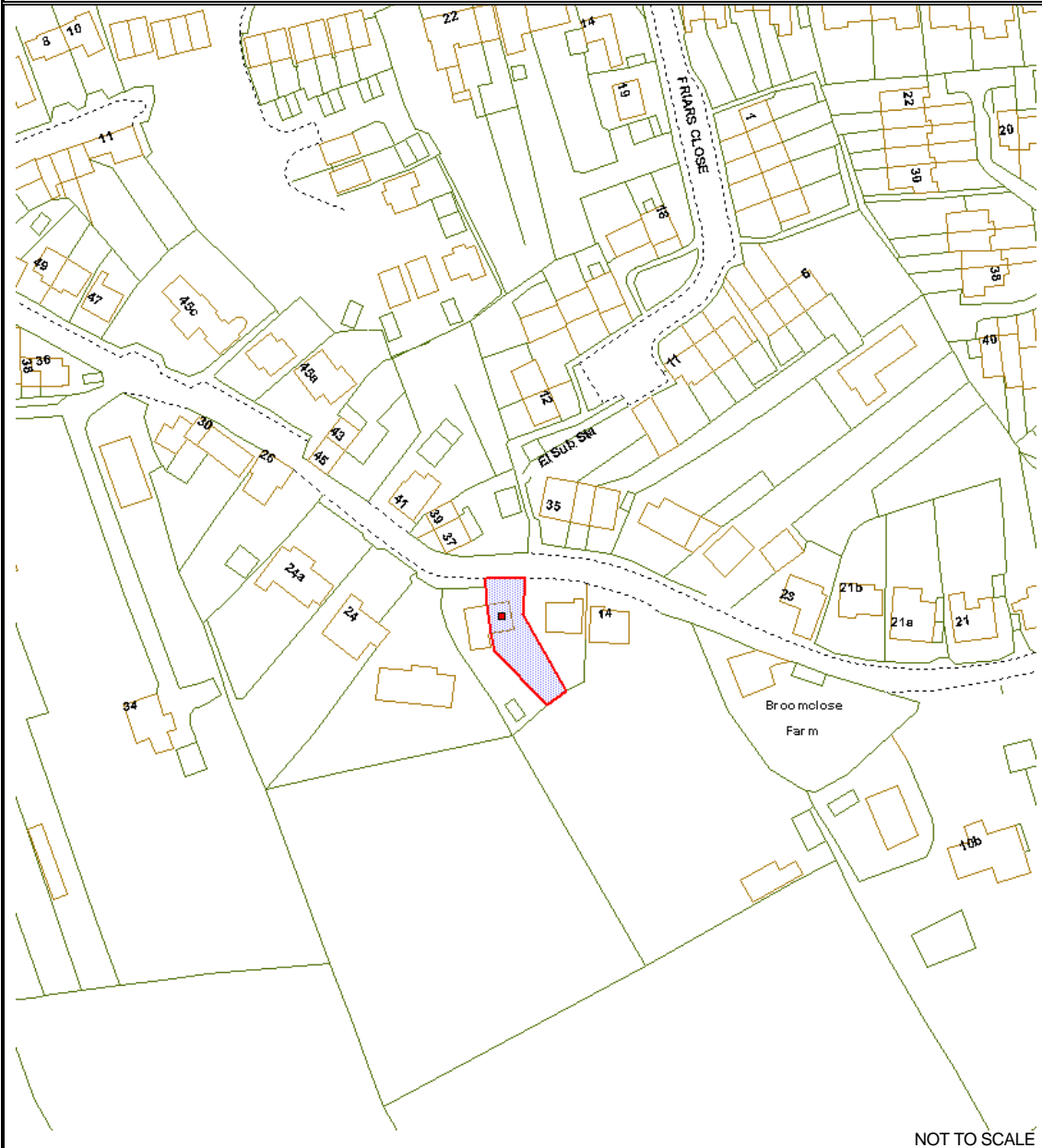
PLANNING COMMITTEE

26 January 2006

ITEM NO: 06

APPLICATION NO: 05/02783/FUL

LOCATION: Orchardside 18 Petticoat Lane Dilton Marsh Wiltshire
BA13 4DG



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SLA: 100022961

06 Application: 05/02783/FUL

Site Address: Orchardside 18 Petticoat Lane Dilton Marsh Wiltshire BA13 4DG

Parish: Dilton Marsh Ward: Dilton Marsh
Grid Reference: 385309 149786
Application Type: Full Plan
Development: First floor and single storey extensions to form bedroom with ensuite and family room
Applicant Details: Mr And Mrs R Williams
Orchardside 18 Petticoat Lane Dilton Marsh Wiltshire BA13 4DG
Agent Details: Mr T C Barnfield-Jones
5 Robin Close Warminster Wilts BA12 9DE
Case Officer: Miss Nicola Rogers
Date Received: 23.11.2005 Expiry Date: 18.01.2006

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.

- 3 No development shall take place until full details of soft landscaping works, with particular reference to the apple tree identified for removal on plan number 11/25/833.2 have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to committee as Dilton Marsh Parish Council objects to the application and your officers recommend permission.

This is a full application for the extension of the property to the side at first floor level and to the rear at single storey. The details of the elements of the application are examined in the officer's comments section below.

The property is one half of a pair of semi-detached two-storey dwellings set back approximately 6 metres from the road, each unit has a small porch to the front elevation and an extension to the side.

CONSULTATION REPLIES

- DILTON MARSH PARISH COUNCIL: Objects to this proposed development for the following reasons:

- It represents overdevelopment of the site
- It would result in a significant loss of privacy and amenity for the neighbouring property
- The felling of a mature apple tree would represent the loss of a valued visual amenity and exacerbate the loss of privacy for the neighbouring property.

PUBLICITY RESPONSES

No comments received following the notification of neighbours

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration
C31a Design
C38 Nuisance

PPS1 - Delivering sustainable development

Supplementary Planning Guidance - House alterations and extensions

RELEVANT PLANNING HISTORY

99/00548/FUL - Extension to side and rear. Permission 07.07.99

At 20 Petticoat Lane 97/00480/FUL - Two storey extension. Permission 12.05.97

KEY PLANNING ISSUES

The main issues in this case are the effect of the proposals on the host building, the street scene and the amenity of the neighbouring properties.

PLANNING OFFICER COMMENTS

From the street the extension to the side of the property would be visible. This element is proposed to be above the existing single storey extension, granted planning permission in 1999 and would be built to the same ridgeline and building line of the existing house and its adjoining neighbour.

At first glance this aspect of the proposal appears to be in contravention to the advice contained in the SPG - House alterations and extensions, that an extension to the side of a property should be a subservient element to the host building. However, the adjoining property number 20 has an identical side extension, granted permission in 1997, and the proposed extension in this case would restore balance to the building as a whole.

This element of the proposal would replicate exactly the appearance of the front and rear elevations of the building and would not adversely affect the appearance of the street scene, in accordance with policy C31a of the West Wiltshire District Plan 1st Alteration 2004.

The proposed single storey extension at the rear of the property is proposed to have a shallow pitched roof, continuing the pattern of building to the rear of these properties, and would be approximately 5.5 metres by 3.7 metres in depth. The structure would respect the appearance of the host building and would represent a sympathetic addition to the dwelling. This significant extension to the dwelling would not develop the site excessively as the dwelling enjoys a large garden extending to the rear of the property.

There are no habitable room windows on the western elevation of the neighbouring dwelling, therefore the property would not be overlooked by the proposed rooflight to the eastern elevation of the proposed single storey extension. The proposed first floor extension would not increase the overlooking of the neighbouring garden over and above that which can be reasonably expected in a residential area such as this. The proposals are in accordance with policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

The Parish Council is concerned that the removal of an apple tree in the garden of the property is identified on the plan. This tree is not the subject of a Tree Preservation Order, and is not located in a conservation area. The tree is therefore offered no protection under planning legislation. The potential loss of this tree should not prevent this proposal from being granted permission. A condition related to landscaping is suggested to negate the potential impact of its removal.

CONCLUSION

The proposed extensions to this property are in accordance with the Supplementary Planning Guidance - House alterations and extensions and policies C31a and C38 of the West Wiltshire District Plan 1st Alteration 2004 as they do not affect the amenity of the neighbours and are not out of keeping with the main house or the street scene.

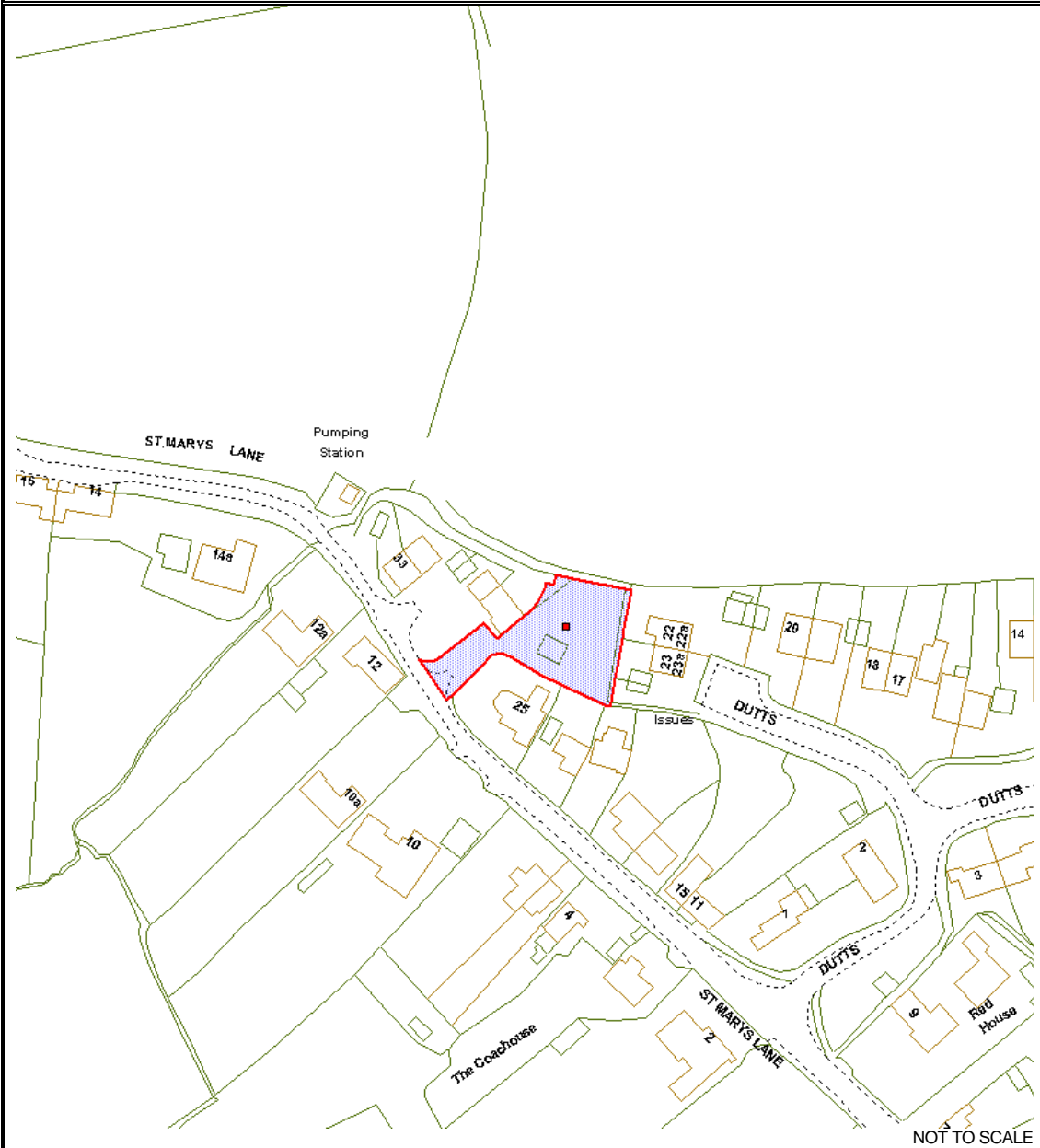
PLANNING COMMITTEE

26 January 2006

ITEM NO: 07

APPLICATION NO: 05/02625/FUL

LOCATION: Land Adjacent To 27 St Marys Lane Dilton Marsh
Wiltshire



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SLA: 100022961

07 Application: 05/02625/FUL

Site Address: Land Adjacent To 27 St Marys Lane Dilton Marsh Wiltshire

Parish: Dilton Marsh Ward: Dilton Marsh
Grid Reference 384917 150079
Application Type: Full Plan
Development: New 2 storey, 4 bedroom dwelling and adjoining double garage, with detached triple garage and driveway shared between existing and proposed dwellings
Applicant Details: Mr Keith Nash
27 St Marys Lane Dilton Marsh Westbury BA13 4BL
Agent Details: Innes Wilkin Associates
Park Road House 7 Park Road Stapleton Bristol BS16 1AZ
Case Officer: Mr Matthew Perks
Date Received: 04.11.2005 Expiry Date: 30.12.2005

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 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.

- 3 A recessed entrance having a minimum width of 4.5m shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed outward at an angle of 45° towards the carriageway edge. The entrance, driveway and turning area shall be properly consolidated (not loose stone or gravel) for which detail shall have been submitted to and approved in writing by the Local Planning Authority.

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 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.
- REASON: In the interests of highway safety.
- 6 Notwithstanding the provisions of the Town and Country Planning General Development Order 1998 (or any order revoking or re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.
- REASON: To safeguard the amenities and character of the area and in the interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Dilton Marsh Parish Council recommends refusal and officers recommend permission.

The application is for the erection of a 2 storey, 4 bedroom dwelling on the land adjacent to No. 27 St. Mary's Lane, Dilton Marsh.

No 27 is comprised of a semi-detached dwelling which has a large square shaped side garden which lies to the rear of nearby properties in St Mary's Lane and The Butts. The proposal site measures approx. 0.97 hectare, shares the existing access to No. 27, and is currently occupied by a double garage. The existing double garage on site and serving No. 27 would be demolished. The proposed buildings would be constructed of a mixture of brickwork and render under tiles.

The proposal is a revision to an application (04/02029/FUL) that was refused on 6 July 2005 for the following reason:-

"The garage on the western side of the proposed dwelling on the boundary with No. 27 St Marys Lane would, because of its size, bulk, length, position, orientation and poor relationship to No. 27, result in an overbearing and overshadowing presence on the rear garden area to No. 27 causing an unacceptable loss of amenity contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004)."

CONSULTATION REPLIES

- DILTON MARSH PARISH COUNCIL: "The Council noted that this application had been preceded by previous applications (03/00711 and 04/02029) and these applications had raised objections from the Council.

The Council objects to this proposed development on the grounds that it represents 'back land' development and that it would adversely affect the privacy and amenity of adjoining buildings."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections subject to conditions relating to the use of the garages, surfacing of the access drive, surface water disposal and the siting of any entrance gates.

- ENVIRONMENT AGENCY: Does not wish to comment on the proposal.

- WESSEX WATER: No objection subject to arrangement with Wessex Water on a connection with the infrastructure.

PUBLICITY RESPONSES

The application was advertised to neighbouring property owners. No comments were received.

RELEVANT PLANNING POLICY

West Wiltshire Structure Plan

DP7 Housing in Towns and Villages

DP14 Development in Villages

T5 Parking

West Wiltshire District Plan 1st Alteration (2004)

H17 Village Policy Limits

C38 Effects of development on neighbouring properties

C31a Design

T10 Parking

RELEVANT PLANNING HISTORY

00/01782/OUT - Erection of one dwelling - Refused 04.01.01 (Dismissed on appeal 05.09.01)

03/00711/FUL - Erect 1 new 2 storey house with garage a detached treble garage - Permission

04/02029/FUL - Proposed dwelling - Refused

KEY PLANNING ISSUES

The only issue with this application is whether or not the reason for refusal of application 04/02029/FUL has been overcome.

PLANNING OFFICER COMMENTS

The history of the property provides insight into the refusal of 04/02029/FUL and the grounds for evaluating the current proposal. Outline permission was refused in January 2001 for the erection of a detached dwelling on this site. The illustrative plan attached to that application showed a large residential unit, sited close to No 27 St Mary's Lane. There was a subsequent appeal that was dismissed because the Inspector concluded that the proposed development would not be harmful to the character and appearance of the surrounding area. It would comply with the aims of Local Plan Policy relating to Village Policy Limits (at that time Policy H5 of the West Wiltshire District Plan, 1996. The Inspector deemed it appropriate to assess the scheme in terms of this Policy because of the proximity of the site to the VPL, although an area outside of the VPL was involved).

The Village Policy Limit for Dilton Marsh actually passes through the site, with the existing house and its vehicular access lying within the village boundary, but with the 'backland' development site lying outside.

On the issue of the impact on adjoining properties, the Inspector commented that any development in this backland location would be 'sensitive to the amenity of neighbours'. A detailed analysis of the proposal concluded that the proposal would be harmful to the living conditions of the occupiers of No 27 and consequently in conflict with that part of the then Policy H5.

The 2003 application (03/00711/FUL) was submitted in an attempt to overcome the Inspector's objections. Changes included moving the proposed house approximately 11m away from No 27 towards the centre of the site, and the introduction of a triple garage near to the northern boundary of the property thus establishing a distinct physical break between the properties. These changes were deemed to address the objections and the application was granted permission.

The plan submitted for application 04/02029/FUL was for a 4 bedroom dwelling and attempted to address neighbouring amenity issues by the relocation of the building on site, and the orientation of upper floor windows to habitable rooms.

This application was refused for the reason set out above in relation to the issues arising out of the garage position and size.

The current proposal relocates this garage towards the rear of the site, and re-orientates it so that the gable end faces No. 27. The garage building is also designed to be shared to provide garaging space to No. 27 as well as the proposed new dwelling. The size, bulk, length, position and orientation of the garage in this revised proposal, particularly as this would be similar to that approved under application 03/00711/FUL. The objections of the Parish Council cannot be supported for the reasons set out above. Furthermore, no highway objection is raised to the proposal. This overcomes the reason for refusal.

CONCLUSION

The relocation and re-orientation of the garage have overcome the reason for refusal of application 04/02029/FUL. Permission should therefore be granted.

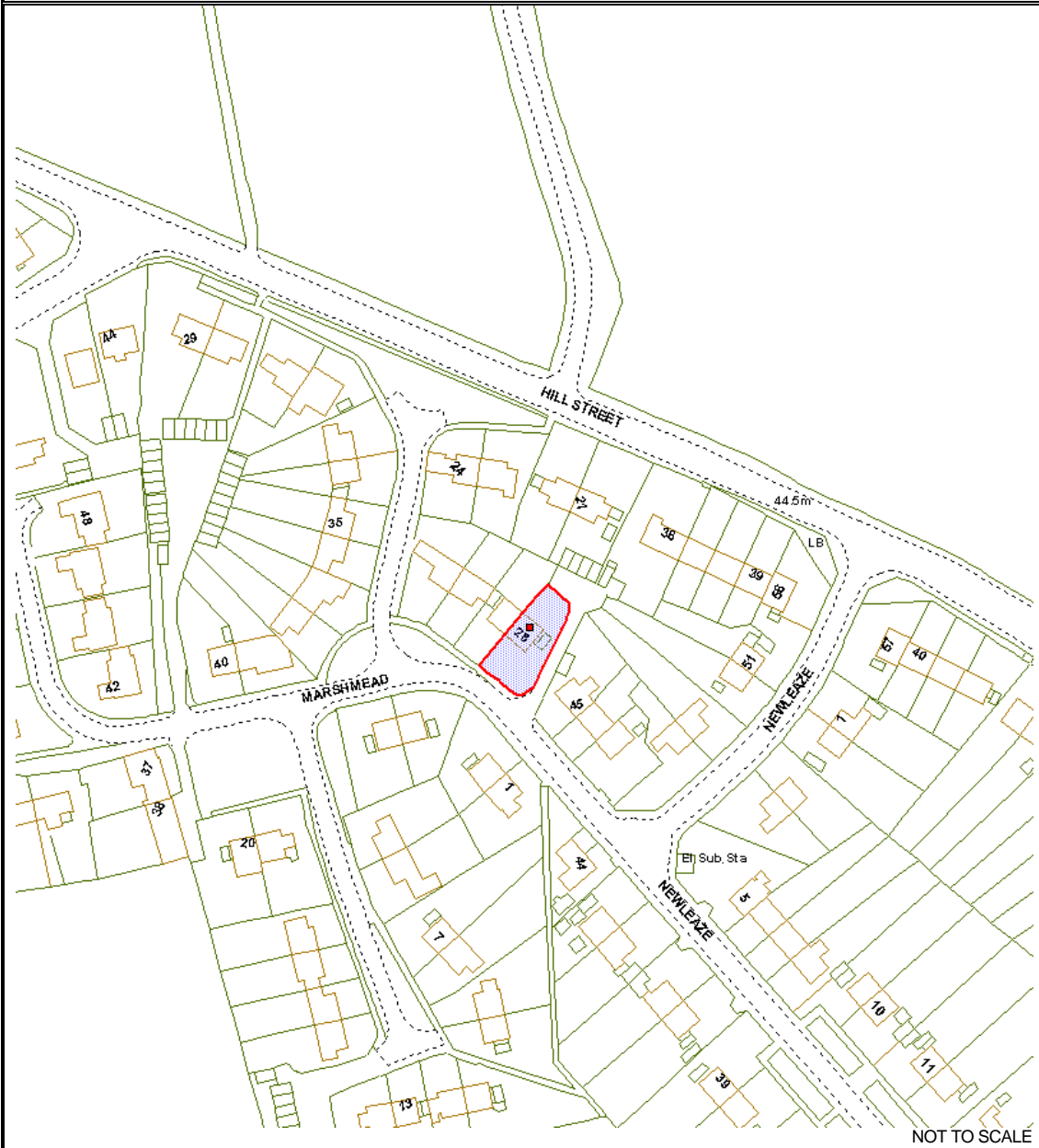
PLANNING COMMITTEE

26 January 2006

ITEM NO: 08

APPLICATION NO: 05/02374/FUL

LOCATION: 28 Marshmead Hilperton Wiltshire BA14 7SE



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SLA: 100022961

08	Application:	05/02374/FUL
	Site Address:	28 Marshmead Hilperton Wiltshire BA14 7SE

Parish: Hilperton Ward: Paxcroft

Grid Reference 386904 159827

Application Type: Full Plan

Development: Proposed extension

Applicant Details: Mr A Elkins
28 Marshmead Hilperton Wiltshire BA14 7SE

Agent Details: Mr A Harlow
46 Longford Road Melksham Wiltshire SN12 6AT

Case Officer: Mr James Taylor

Date Received: 22.11.2005 Expiry Date: 17.01.2006

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the Planning Committee because Hilperton Parish Council has objected to the proposal contrary to your Officer's recommendation for permission.

The application is for a 2-storey side extension 6.3 metres long, 4.5 metres wide at the front elevation and then tapered to a width of 3.3 metres at the rear elevation. The front elevation has been set back from the front elevation of the host building by 1 metre and the ridge would therefore be 300mm below the host building's ridge. The proposal would be set in from the side boundary by 750mm at the rear and 1.4 metres at the front, therefore retaining the pedestrian access to the side of the dwelling. Matching materials throughout the extension would be utilised.

The host building is a 2-storey semi-detached dwelling made of reconstituted blocks, red pantiles to the roof and has a bay window on the ground floor of the front elevation. It is set in a residential area of similar properties that is characterised by quite low density, and spacious front and rear gardens. The host building has a small single storey flat roof side extension that would be demolished, and a spacious garden area to the side. The front and side boundary is a 3-metre Leylandii hedge. To the south east side of the dwelling is a narrow access road that leads to a communal garage area to the rear of the host building.

CONSULTATION REPLIES

- HILPERTON PARISH COUNCIL: The Parish Council objects to this application on the following grounds:

- a) Overdevelopment of the site
- b) Excessive bulk and scale of the proposed extension
- c) Conflict with the character of the area

PUBLICITY RESPONSES

Neighbours were notified to which no comments have been received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C31a Design

C38 Nuisance

SPG - Planning Design Guidance

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main issues to consider with this application are the potential impact on the host building, the street scene and the neighbouring amenity.

PLANNING OFFICER COMMENTS

The SPG planning design guidance highlights that 2-storey extensions to semi-detached dwellings should be subservient to the host building. One way to achieve this is to set the front elevation of the proposal back from the host dwelling and therefore having the effect of reducing the ridge height of the proposal. The proposal has been set back from the front elevation of the host building by 1-metre, reducing the ridge 300mm below the host building's ridge. This creates a significant degree of subservience to the semi-detached building as a whole. The host building currently has a high degree of symmetry with no significant alterations or extensions on either side. This would not be harmed by the proposal.

The SPG planning design guidance also highlights that extensions should respect the host building and its setting in the street scene. The proposal would utilise matching materials to the host building and the fenestration would be sympathetic to the host building, including the matching bay window. The proposal would be set in from the side boundary by 1.4 metres at the front and 750mm at the rear, which mitigates its impact on the street scene. Additionally it is considered that the application site is not a prominent location in the street scene, with only a small access road running to the side of the property, and the proposal is set back from the front highway by 11 metres. As such the proposal would create no harm and respect the host building and its position in the street scene.

In addition it is noted that a 4-metre gap to the neighbouring properties garden would remain due to the access road for the garages, maintaining a distinct gap between the properties and the spacious low-density character of the residential estate.

The proposal would encroach 4.5 metres closer to the neighbouring property to the south east, however it would not impact on their amenity. There would be no overlooking windows on the proposal, and the neighbour has no existing overlooking windows. The proposal is sited to the north of the nearby neighbour, some 4 metres away, and would therefore cause no significant loss of light.

CONCLUSION

The proposal would not impact on the neighbouring amenity and would not harm the appearance or character of the host building or the street scene. The proposal therefore conforms to the West Wiltshire District Plan 1st Alteration (2004) and the SPG planning design guidance and is recommended for permission.

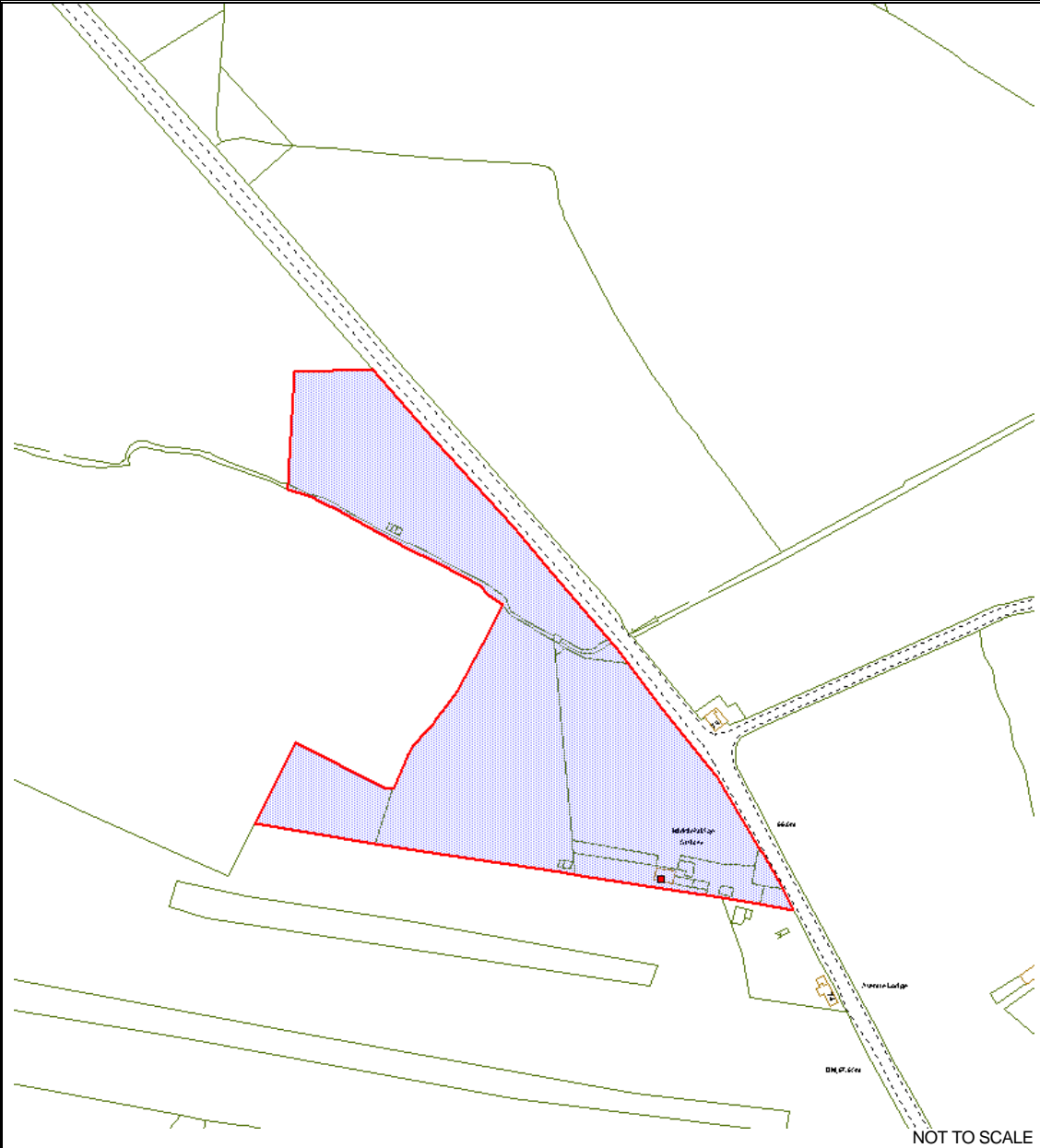
PLANNING COMMITTEE

26 January 2006

ITEM NO: 09

APPLICATION NO: 05/02916/FUL

LOCATION: Middlebridge Stables South Wraxall Wiltshire BA15 2JD



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SLA: 100022961

09 Application: 05/02916/FUL

Site Address: Middlebridge Stables South Wraxall Wiltshire BA15 2JD

Parish: South Wraxall Ward: Manor Vale
Grid Reference 382768 165314
Application Type: Full Plan
Development: Renewal of permission for location of caravan for refreshments, toilet and wet clothes changing facilities
Applicant Details: Miss Ann Seward
11 Coppice Hill Bradford On Avon BA15 1JT
Agent Details:
Case Officer: Mr Matthew Perks
Date Received: 07.12.2005 Expiry Date: 01.02.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal is contrary to Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004 and PPG2: Green Belts as the site lies within the Western Wiltshire Green Belt where approval will not be given, except in very special circumstances, for proposals other than those that fall within specific categories of development. The proposed continuation of the siting of this caravan does not fall within any of those categories and is therefore inappropriate development that harms the openness of the Green Belt. The application is not supported by any very special circumstances which would justify making a decision contrary to the West Wiltshire District Plan 1st Alteration 2004 or the advice given in PPG2.

Note(s) to Applicant:

- 1 You are advised that the caravan, the subject of this application, should be removed from the site, and the site restored to its original condition within 12 months of the refusal of the application. You are invited to contact the Case Officer with a view to discussing possible alternatives to the current proposals that may be acceptable on a permanent basis.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Cllr. Cunliffe-Jones.

This is an application for a renewal of a permission for the siting of a caravan for refreshments, WC and wet clothes changing facility for an agricultural holding in the open countryside to the north of South Wraxall. This is a re-submission following the refusal on 1 December 2005 of an identical application, reference 05/02483/FUL.

The site is within the Green Belt. This caravan was granted temporary permission in 1989, renewed in 1994 and again in 1999 where it was given a further 5 year temporary permission. In 2004 the caravan was granted a temporary permission (Application 04/01661/FUL) for a further year in order that the applicant could make acceptable permanent provision for the facilities in view of the Green Belt setting. The following informative was included in the decision notice:-

"The applicant is advised that this temporary permission has been renewed for a further year in order for you to apply for permanent provision of the facilities. You are advised that future applications for renewal of the caravan are likely to be refused on grounds of inappropriate development in the Green Belt, design, impact on the countryside and other issues".

The applicant has not sought permanent provision in either pre-application discussions or through a planning application.

CONSULTATION REPLIES

- SOUTH WRAXALL PARISH COUNCIL: No comment received.

PUBLICITY

A public notice was posted. No responses were received.

RELEVANT PLANNING HISTORY

05/02483/FUL - Renewal of permission for location of caravan for refreshments, loo and wet clothes changing facilities - Refusal 01.12.2005

04/01661/FUL - Renewal of permission for location of caravan for refreshments, loo and wet clothes changing facilities - Permission 27.10.2004

99/01124/FUL - Location of caravan for refreshments and wet clothes changing facilities (renewal) - Permission - 22.09.1999

94/00832/FUL - Location of caravan for refreshments, portaloo and wet clothes changing facilities (renewal) - Permission 01.08.1994

89/00692/FUL - Location of caravan for refreshments, portaloo and wet clothes changing facilities - Permission 16.05.1989

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

GB2 Green Belt
C1 Countryside
C31a Design
C38 Nuisance

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PPG2 - Green Belts

PPS7 - Sustainable Development in Rural Areas

Circular 11/95: The Use of Conditions in Planning Permissions

KEY PLANNING ISSUES

The only issue with the current application is whether or not there has been any change in material circumstances that would indicate the reversal of the decision to refuse application reference 05/02483/FUL.

PLANNING OFFICER COMMENTS

The siting of this caravan in this paddock in the Green Belt has been renewed every 5 years since its first permission in 1989. In October 2004 the caravan was granted temporary planning permission for a further 1 year only, in order for the applicant to apply for permanent provision for the facilities.

Government advice is that if no permanent provision of development is sought, then temporary permissions should not be granted ad infinitum. Therefore continued renewals on this site should not be looked at favourably as the applicant should seek permanent provision. This was brought to the applicant's attention at the time of granting the 2004 temporary permission. The applicant was made aware that a proposal for a permanent building on this site would be acceptable in principle, as it would be for the purposes of agriculture, subject to the detailed designs and other material considerations.

No such proposal came forward and in October 2005 the re-application for the renewal of permission for the siting of the caravan, reference 05/02483/FUL, was submitted and was refused. It was noted in the report on application 05/02483/FUL that:

- the caravan is a temporary structure that does not fall within any defined category of appropriate development within the Green Belt. The proposal is by definition therefore inappropriate development in the Green Belt;
- a caravan in this location has an impact on the openness of the Green Belt as this is not a type of development that would be acceptable on a permanent basis by reason of the temporary nature and form of the development; and
- the proposal is contrary to Policy GB2 of the West Wiltshire District Plan 1st Alteration 2004 and PPG2: Green Belts as the site lies within the Western Wiltshire Green Belt where approval will not be given, except in very special circumstances, for proposals other than those that fall within specific categories of development. The proposed continuation of the siting of this caravan does not fall within any of those categories and is therefore inappropriate development that harms the openness of the Green Belt. The application is not supported by any very special circumstances which would justify making a decision contrary to the West Wiltshire District Plan 1st Alteration 2004 or the advice given in PPG2.

The current re-application is identical to the refused proposal, and no change in material circumstances has occurred since that refusal.

CONCLUSION

The refusal of application 05/02483/FUL was based on government guidance with regard to temporary permissions and on Green Belt considerations. Where the current application remains unaltered and no other circumstances have changed, the current application should also be refused.

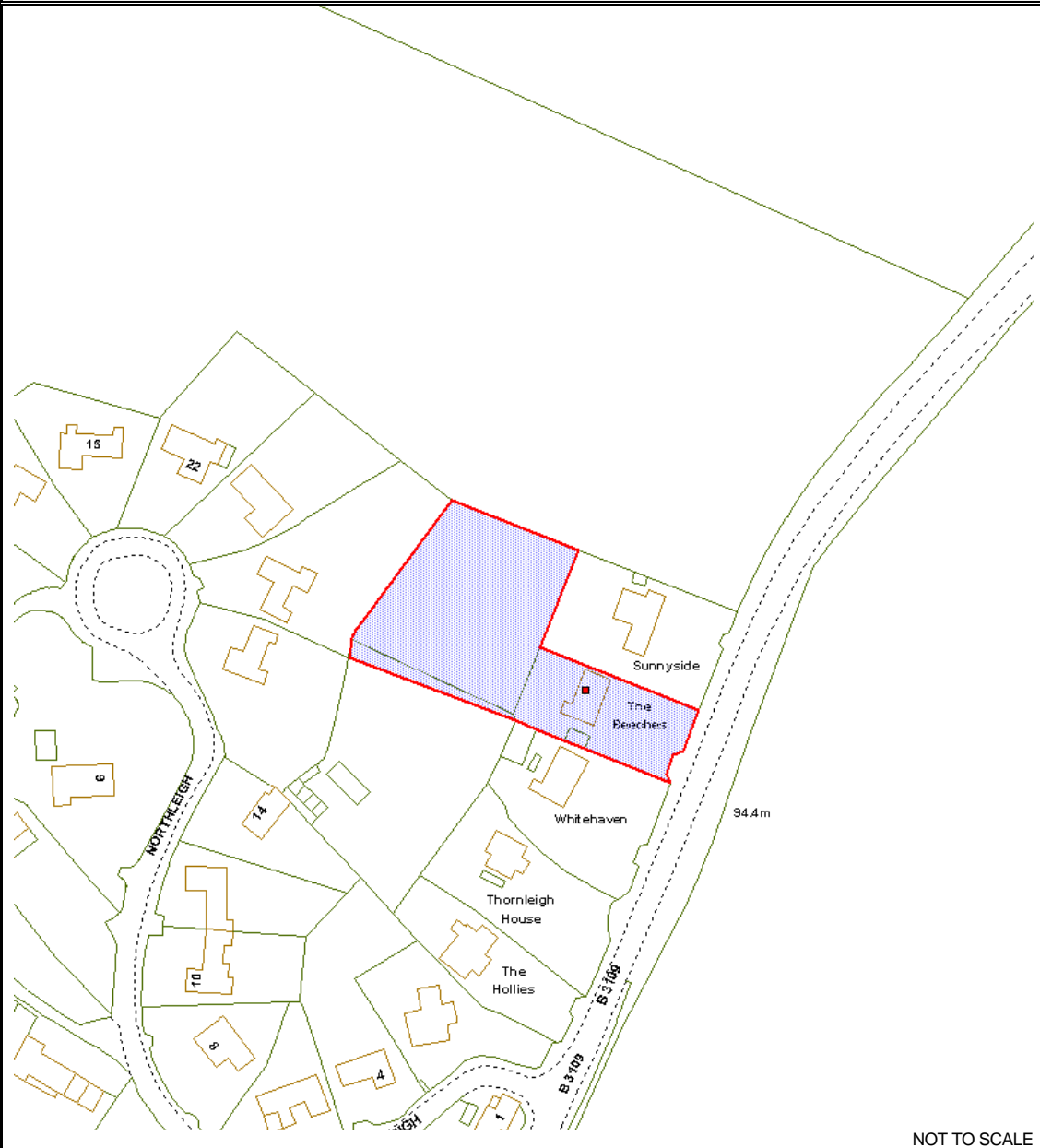
PLANNING COMMITTEE

26 January 2006

ITEM NO: 10

APPLICATION NO: 05/02892/FUL

LOCATION: The Beeches Leigh Road Bradford On Avon Wiltshire
BA15 2RQ



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SLA: 100022961

10 Application: 05/02892/FUL

Site Address: The Beeches Leigh Road Bradford On Avon Wiltshire BA15 2RQ

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference: 383206 162085
Application Type: Full Plan
Development: First and ground floor extensions to dwelling
Applicant Details: Mr Justin Thomson
The Beeches Leigh Road Bradford On Avon Wiltshire BA15 2RQ
Agent Details:
Case Officer: Miss Nicola Rogers
Date Received: 09.12.2005 Expiry Date: 03.02.2006

RECOMMENDATION: Refusal

Reason(s):

- 1 The cumulative size, bulk and form of the proposed extensions, together with the existing conservatory would result in disproportionate additions over and above the original building, which would not maintain the openness of the Western Wiltshire Green Belt. No very special circumstances have been demonstrated to outweigh the presumption against inappropriate development in the green belt. The proposal is therefore contrary to policy GB2 of the West Wiltshire District Plan 1st Alteration and PPG2 - Green Belts.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the applicant's partner is a member of the Council's staff.

This application proposed new ground and first floor extensions to The Beeches, Leigh Road, Bradford on Avon. This scheme essentially proposes five elements extending the original dwellinghouse, comprising:

- A porch to the front elevation being 3.1 metres by 1.3 metres with a pitched roof,
- Two small dormer windows to the front elevation being 1 metre high by 1.5 metres
- Full height gabled extension to the rear elevation being 3.9 metres in depth by 4.6 metres in width
- Single storey flat roofed extension to the rear with lantern, being 8.1 metres by 3.9 metres in depth
- One dormer window to the rear elevation 2.2 metres in width by 2.2 metres in height..

The existing property is a bungalow built of reconstituted stone and concrete roof tiles. There is a detached prefabricated garage to the immediate south of the bungalow and a flat roofed sunroom to the rear. The accommodation is on one floor and comprises a kitchen, dining room, living room, three bedrooms and a bathroom. The bungalow has a large back garden and is set back from the highway.

CONSULTATION REPLIES

- BRADFORD ON AVON TOWN COUNCIL: No objections

PUBLICITY RESPONSES

No objections

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011
DP12 The Western Wiltshire Green Belt

West Wiltshire District Plan - 1st Alteration 2004
GB2 Western Wiltshire Green Belt
C1 The Countryside
C31a Design
C38 Nuisance

PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS7 Sustainable Development in Rural Areas

Supplementary Planning Guidance (House Alterations and Extensions)

RELEVANT PLANNING HISTORY

02/00864/FUL - Ground and first floor extensions - Refused 14.11.2002

APP/F3925/A/02/1105797 - Ground and first floor extensions - Dismissed 25.07.2003

04/00423/FUL - Alterations and extensions to existing dwelling - Permission 24.06.2004

04/01934/FUL - Alterations and extension - Permission 9.12.2004

KEY PLANNING ISSUES

The main issues for this application are the presumption against inappropriate development in the Western Wiltshire Green Belt, the planning history of the application site, design and neighbouring amenity.

PLANNING OFFICER COMMENTS

The starting consideration for these extensions and alterations to this dwelling within the Western Wiltshire Green Belt, is Policy GB2 (iv) of the West Wiltshire District Plan 1st Alteration 2004. This states that approval will not be given, except in very special circumstances for development other than the limited extension and/or alteration of existing dwellings provided it does not result in disproportionate additions over and above the size of the original building.

If a proposal would result in disproportionate additions to the original building then it would represent 'inappropriate development' as defined in PPG2 (Green Belts). There is a strong presumption against inappropriate development within Green Belts. Such development shall not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt, which would lead to a loss of openness, the fundamental attribute of Green Belts.

Green Belt policy requires the extent of the original building to be established. In this case the approximate volume of the original building is 432m³. As the garage and sun room are to be removed as part of the application these have not been considered as part of the calculations.

The total volume of the elements described above would be 196.857 cubic metres, this would represent a 45.6% increase over the size of the original building. The five proposed extension elements are themselves individually considered to be limited extensions. However consideration needs to be given to whether these elements combined would result in disproportionate additions in relation to the original building.

The principle of limited extensions to this property had been established by planning applications reference 04/00423/FUL and 04/01934/FUL, granted in 2004.

The Inspector's decision letter of the 2003 Appeal states that in that case a volume increase of 39.7% to the overall volume of the original building would be disproportionate, and dismissed the Appeal. However in that case the Inspector concluded that the increased bulk of the building would be apparent from the road. Also the massing, height increase and bulk would be more akin to a two storey dwelling than a bungalow with accommodation in the roofspace.

The volume calculation is a statistical representation of the increase of bulk to the original building. In this case an increase in bulk of extensions of 45.6% would appear disproportionate in relation to the original building. It must be noted that this current increase of bulk is over that previously refused by the Council and dismissed by the Inspector in 2003.

The increase in bulk represents a disproportionate addition to the original building and therefore inappropriate development, which is, by definition, harmful to the Green Belt. No very special circumstances have been put forward to outweigh the presumption against inappropriate development in the Green Belt.

The west elevation extensions would consist of substantial extensions and alterations, which significantly alter the roof in mass and proportion. The roof would be dominated by two competing gable ends and the total mass and scale of the alteration to the existing simple bungalow design would appear visually intrusive and gives a more prominent form of house development which, due to the disproportionate bulk of the extensions would therefore not maintain the openness of the Green Belt.

In respect of neighbouring amenity the Supplementary Planning Guidance (House Alterations and Extensions) states that the design of a new extension or an alteration should be sympathetic to the existing development and surrounding area in terms of character, style, proportion and materials.

In design terms the proposed extensions would appear subservient to the host building and the other design features and alterations are designed so as minimise their effect upon the appearance of the dwelling. The proposed materials, including the use of timber framing on the walls of the extension provide character with a modern contemporary look to this modest bungalow.

CONCLUSION

The proposed extension would consist of disproportionate additions and extensions to the original building and would therefore amount to inappropriate development in the Western Wiltshire Green Belt. No very special circumstances have been provided to outweigh the harm by reason of inappropriateness and any other harm.

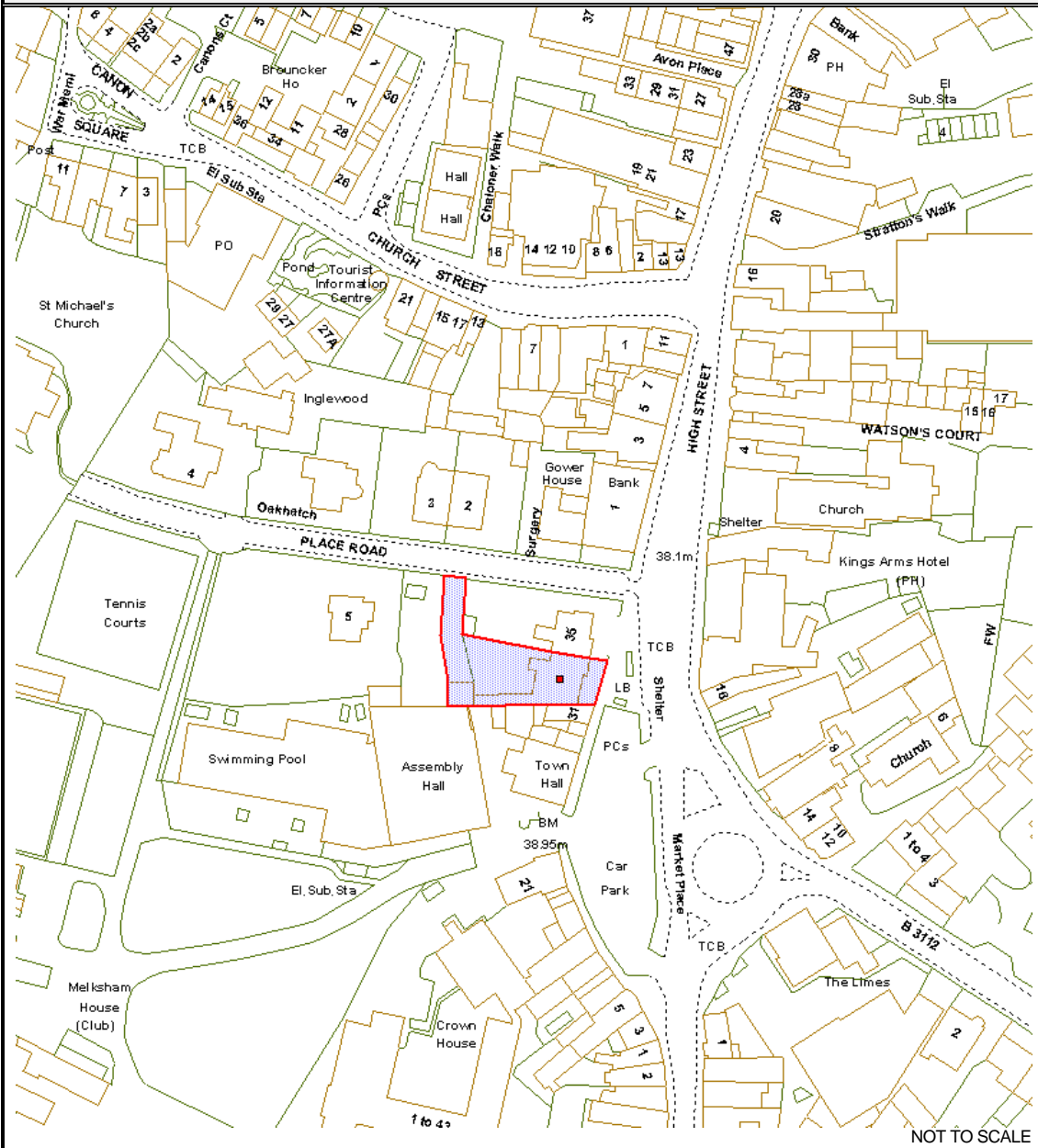
PLANNING COMMITTEE

26 January 2006

ITEM NO: 11

APPLICATION NO: 05/02379/FUL

LOCATION: 33 Market Place Melksham Wiltshire SN12 6ES



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SLA: 100022961

11 Application: 05/02379/FUL

Site Address: 33 Market Place Melksham Wiltshire SN12 6ES

Parish: Melksham (Town) Ward: Melksham Spa
Grid Reference: 390435 163652
Application Type: Full Plan
Development: Conversion of 1st floor flat to form two flats
Applicant Details: Dr Hiddjeri
33 Market Place Melksham Wiltshire SN12 6ES
Agent Details: Quartley Hodges Hood
6 Fore Street Trowbridge Wilts BA14 8HD
Case Officer: Mr Mark Reynolds
Date Received: 05.10.2005 Expiry Date: 30.11.2005

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 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 area allocated for parking on the submitted plans shall be kept clear of obstruction and that area thereafter shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of road safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee because Melksham Town Council object to the proposal and Officers recommend permission.

This is a proposal to convert an existing first floor flat into two flats. The existing building is in a commercial use at ground floor level with a dental surgery operating from the premises at ground floor. The application site is located within a conservation area in the commercial core of Melksham town centre.

CONSULTATION REPLIES

- MELKSHAM TOWN COUNCIL: The Town Council objected to this application on the grounds there was no information on parking for the flats, also lack of provision of fire escapes. Concerns were also raised regarding access for emergency vehicles onto the site.

STATUTORY CONSULTEES

- HIGHWAY AUTHORITY: No highway objection is raised.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press.

No comments were however received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C17 Conservation Area
C19 Alterations in Conservation Areas
C31A Design
H16 Flat Conversions
T10 Car Parking

PPS 1 - Delivering Sustainable Development
The Planning System: General Principles

PPG 15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The main issues to consider in this application are whether the scheme is acceptable in policy terms, car parking and access, and the impact which the scheme would have upon the character, and appearance of the Conservation Area.

PLANNING OFFICER COMMENTS

Policy H16 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for the conversion of properties into flats will not be permitted if they are any of the following; an unreasonable and over intensive sub-division of an inadequate sized property; detrimental to the outward appearance of the building of which they form a part or the character of the local area; have inadequate access or insufficient or inadequate car parking provision; have inadequate or insufficient amenity space around the building; detrimental to the amenity of neighbouring residents; subject to flood risk.

In this case an existing two bed flat is to be converted into 2 two bed flats. The existing two bed flat occupies a large floor area and is adequately sized to function as two separate flats. The proposal would not therefore represent an over intensive sub division of the first floor of this property. This proposal does not alter the external appearance of the existing building except for the blocking up of two doors and the creation of a smaller door of similar design to an existing set of French doors at ground floor level. These changes are considered to protect the appearance of the building and the character and appearance of the Conservation Area would be preserved.

The proposed conversion would incorporate two parking spaces and an existing private access, would be used out onto Place Road. The level of parking provision is considered acceptable. The Highway Authority have not objected to the proposal.

Located in the town centre the proposed flat conversion provides an opportunity to enhance the range and increase the housing stock in line with Policy H16 of the West Wiltshire District Plan 1st Alteration 2004 within Melksham.

The Town Council's comments are noted regarding parking however clarification was sought and the proposal incorporates two parking spaces. The Town Council's concerns regarding fire escapes are noted however having liaised with the building control department the existing first floor windows may be capable of providing an escape route. Notwithstanding this, issues of fire escape will be dealt with by the building control department when an application is made for building regulations approval. The Town Council have raised concerns regarding access for emergency vehicles to the property these again may be considered by the building control department.

CONCLUSION

The application accords with the development plan and permission is recommended.

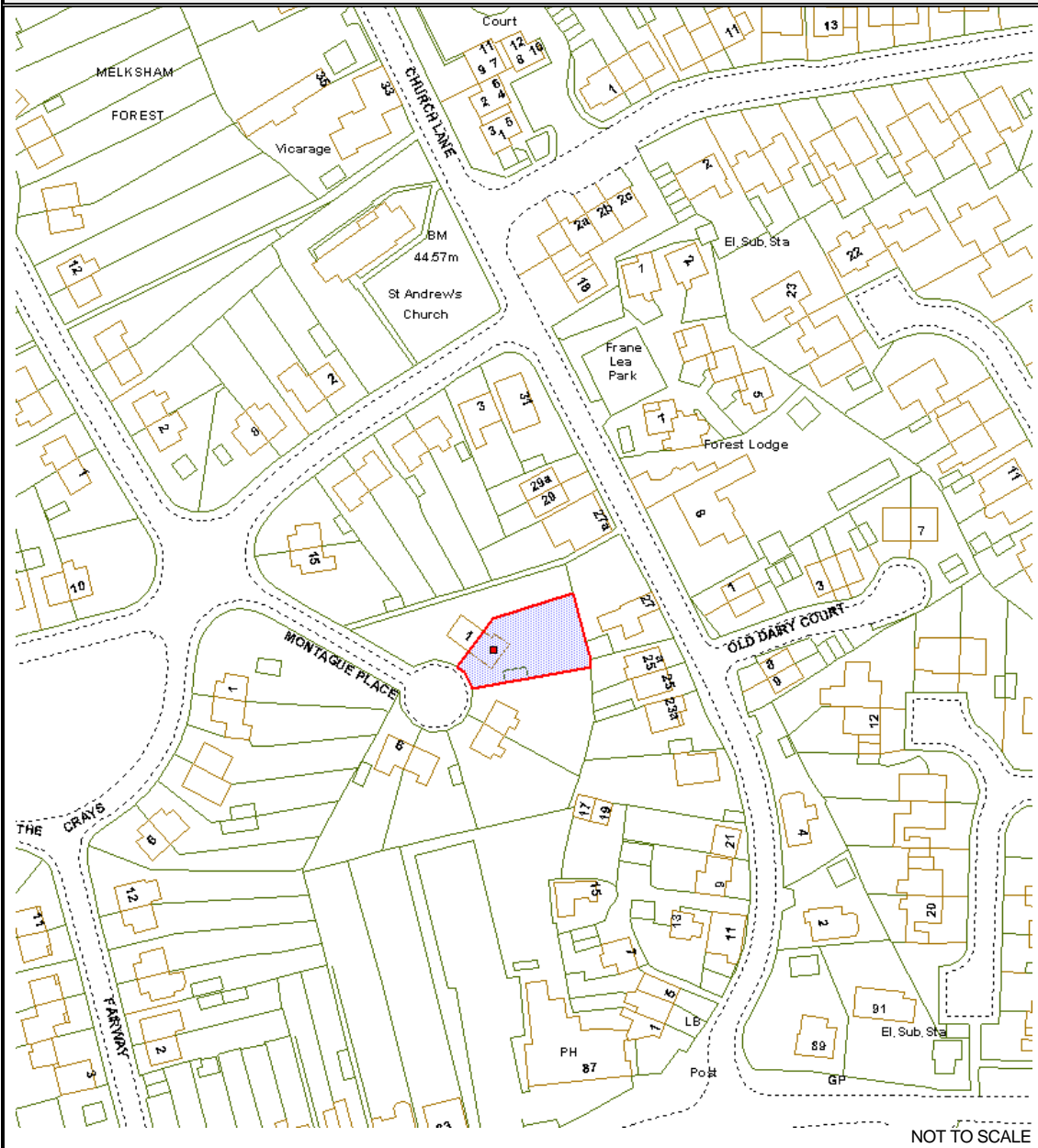
PLANNING COMMITTEE

26 January 2006

ITEM NO: 12

APPLICATION NO: 05/02332/FUL

LOCATION: 2 Montague Place Melksham Wiltshire SN12 7DA



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SLA: 100022961

12 Application: 05/02332/FUL

Site Address: 2 Montague Place Melksham Wiltshire SN12 7DA

Parish: Melksham (Town) Ward: Melksham North

Grid Reference 391389 164345

Application Type: Full Plan

Development: Two storey side extension

Applicant Details: Mr T Walton
2 Montague Place Melksham Wiltshire SN12 7DA

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 07.10.2005 Expiry Date: 02.12.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to planning committee because Melksham Town Council objects to the application and Officers recommend permission.

This property is a two storey semi-detached house built of reconstituted stone block and render a plain tiled roof. It is situated within a residential cul-de-sac of Melksham characterised by semi-detached dwellings fronting onto a circular turning space. This proposal is for a two storey side extension and a single storey rear extension in materials to match the existing. The proposed two storey extension would measure 3.5m by 7.6m and would stand 8m in height to ridge level.

The single storey extension proposed would measure 3.5m by 2.4m and would stand 3.9m in height to ridge level.

A single storey garage would be removed from the site to facilitate the development of the land.

CONSULTATION REPLIES

- MELKSHAM TOWN COUNCIL: The Town Council objected to this application on the same grounds as before ie:
 - Overdevelopment of the site
 - Concern over parking issues
 - Out of keeping with other houses in the cul-de-sac
 - Highway difficulties, in particular the access for emergency vehicles due to the narrow entrance to Montague Place
 - Inadequate drainage of the site due to no land drainage in the road, any soakaway would add to the existing problems and cause flooding to nearby properties.

PUBLICITY RESPONSES

Two letters were received raising the following issues;

- Loss of privacy
- Drainage and flooding
- Over-development and out of character
- Planning history of site

RELEVANT PLANNING HISTORY

02/00168/OUT - Detached dwelling - Refused 02.05.02

04/01256/FUL - Two storey side extension - Refused 19.08.04

PLANNING POLICY

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

PPS1 - Delivering Sustainable Development

SPG - Supplementary Planning Guidance - Household Alterations and Extensions

KEY PLANNING ISSUES

The main issues to consider in this application are the planning history of the site, the impact which the scheme would have upon neighbouring amenities, and the way in which this proposal would integrate into the street scene.

PLANNING OFFICER COMMENTS

Neighbour amenity is a consideration in this application. The application site is a large plot of land of approximately 475m², and whilst a neighbour has objected to the proposal on the grounds of over development of the site, given the substantial size of the plot, and available amenity space over development is not in the officer's opinion a concern in this case. Likewise the positioning of the extensions and size of the plot should guard against overshadowing or overbearing impact occurring.

The proposed extensions do not incorporate windows in the side elevations and overlooking of neighbouring properties should not result from this proposal.

The impact of the proposal upon the street scene and the proposal's impact upon the host building and the semi-detached adjoining property may now be considered. The previous reason for refusal in application 04/01256/FUL was as follows 'The proposal by virtue of its prominent siting, form, scale and design would introduce an unsympathetic and alien addition to the host building, detracting from the symmetry between the semi-detached pair of dwellings and detracting from the visual amenity of the street scene, contrary to policy C31a of the West Wiltshire District Plan 1st Alteration and the Council's Draft Supplementary Planning Guidance - Household Alterations and Extensions'.

It is important to consider whether this revised proposal has overcome this previous reason for refusal. This revised proposal has been considerably reduced in size from that which was previously proposed. The extension has been made subservient to the host building by stepping the proposal back from the building frontage and stepping the extension below the ridge line. In doing so the proposal should not unbalance this semi-detached pair of houses and the street scene would not be detrimentally disrupted. This revised proposal is therefore considered to overcome the previous reason for refusal in planning ref: 04/01256/FUL.

Whilst the issue of parking has been raised as a point of objection in this proposal, there is adequate parking. Concern has been raised about access for emergency vehicles into Montague Place. This proposal does not make alterations to the access into Montague Place and this concern could not therefore be a reason for refusal.

Concerns have been raised regarding drainage. Matters of detailed drainage would however be considered by the Building Control department when an application for building regulations approval is made.

Neighbour's have asked the officer to be aware of the planning history of the site. This application has been considered in the light of the planning history of the site and the history of the site is acknowledged as a material planning consideration when determining the current application.

Concern has been raised that the proposal would not be in keeping with the street scene. The proposed extension is set back from the road and is in keeping with the character and appearance of the area.

CONCLUSION

The application accords with the development plan and permission is recommended.

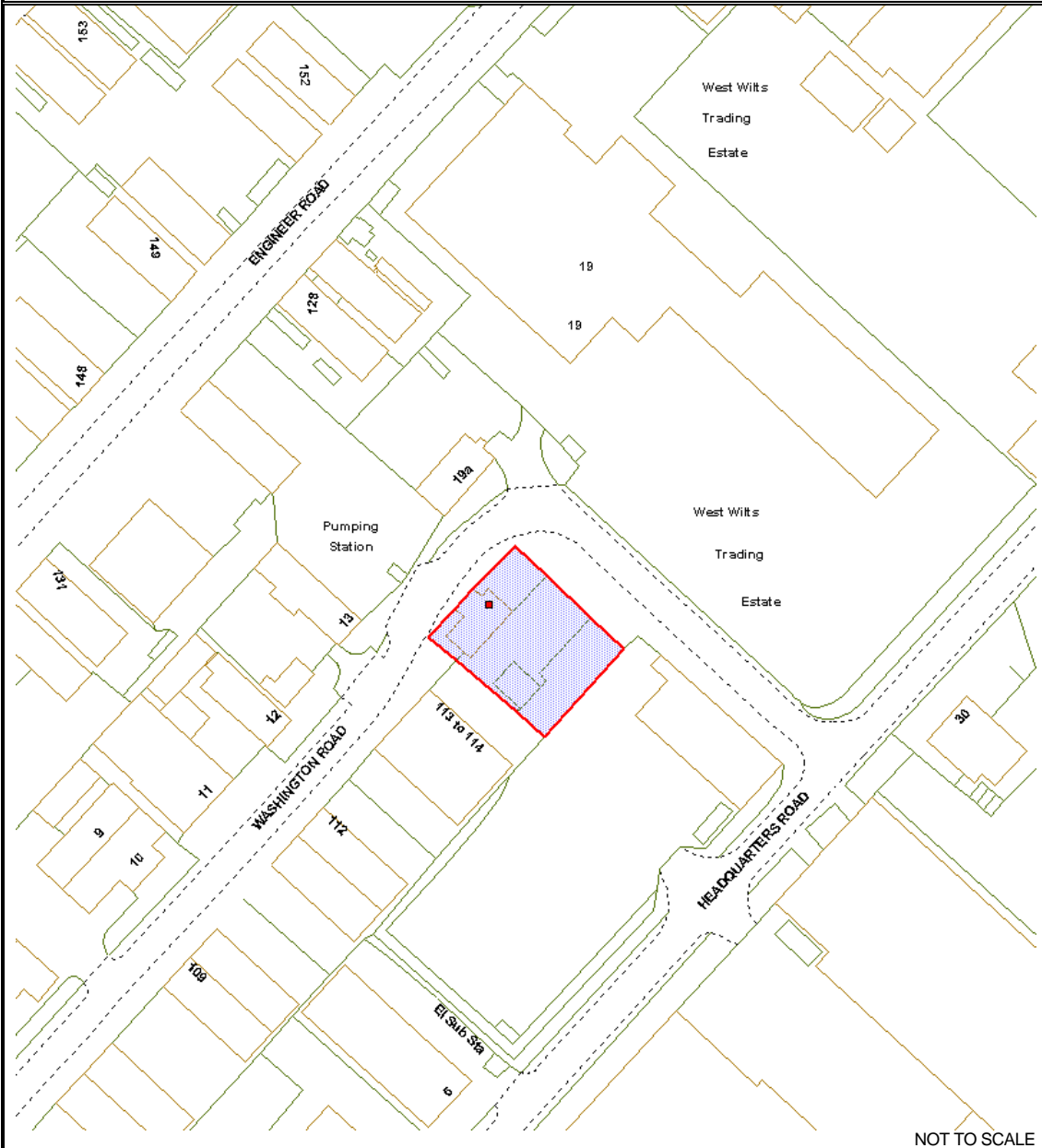
PLANNING COMMITTEE

26 January 2006

ITEM NO: 13

APPLICATION NO: 05/02216/FUL

LOCATION: Site 11 Washington Road West Wilts Trading Estate
Heywood Wiltshire



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SLA: 100022961

13 Application: 05/02216/FUL

Site Address: Site 11 Washington Road West Wilts Trading Estate Heywood Wiltshire

Parish: Heywood Ward: Ethandune
Grid Reference: 385452 152918
Application Type: Full Plan
Development: Proposed extension to existing spray booth workshop
Applicant Details: Mr Alan Dale
Motor Accident Repair Centre Ltd Washington Road West Wilts Trading Estate Heywood Wiltshire
Agent Details: Tim Weeding
Building Design Services 30 Mill Road Norton Devizes Wiltshire
Case Officer: Mr Mark Reynolds
Date Received: 26.09.2005 Expiry Date: 21.11.2005

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 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.

- 3 The development hereby permitted shall not be occupied until six parking spaces have been provided and marked out within the curtilage of the site in accordance with details submitted to and approved by the local planning authority. The parking spaces shall be retained thereafter solely for the parking of vehicles in connection with the business use.

REASON: In the interests of highway safety

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

Note(s) to Applicant:

- 1 The agent is advised that oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area. Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

- 2 The developer is advised to protect the integrity of Wessex Water systems and to agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Heywood Parish Council object to the application and officers recommend permission.

This is a full planning application for a proposed extension to an existing spray booth workshop at Site 11 Washington Road, West Wilts Trading Estate. The proposed extension would include a spray booth, preparation workshop and a relocated paint mixing room. The proposed extension would increase the floor area of the existing building by 215 sq m. The proposed extensions would attach to the south and east of the existing building forming a horseshoe. The proposed extensions would stand 7.8m in height at its highest point above the proposed preparation workshop, and 5.5m in height at ridge level above the proposed spray booth.

The application site is located within an employment policy area.

CONSULTATION REPLIES

- HEYWOOD PARISH COUNCIL: Objection on the following grounds:

1. Visitor parking in the street is not satisfactory, particularly if it includes 'work in progress' vehicles
2. The drawings show no bunding around the storage tank for storage of trade effluent
3. Drawing 1 shows an 'area of flooding' but no provision to prevent trade effluent being washed into the storm drains in the case of sudden heavy rain.

The Council would also like to see the removed hawthorn tree replaced by a new.

STATUTORY CONSULTTEES

- HIGHWAY AUTHORITY: No objections subject to a condition
- WESSEX WATER: No objections
- ENVIRONMENT AGENCY: No objections subject to informatives and recommendations.
- ENVIRONMENTAL HEALTH: Wish to make no comments

INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: No comments received

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press.

No comments were received.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

- E2 Employment Policy Areas
- C31a Design
- C36 Noise
- C38 Nuisance
- T10 Car parking

RELEVANT PLANNING HISTORY

83/00639/FUL - New workshop - PERMISSION

KEY PLANNING ISSUES

The key planning considerations for this application are issues of nuisance, car parking, and the impact of the proposal on the appearance and character of the surrounding area.

PLANNING OFFICER COMMENTS

The application site is located in the West Wilts Trading Estate which forms an employment policy area. Within employment policy areas, policy E2 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for employment development including extensions and changes of use will be permitted provided that; they do not create significant adverse impact on the appearance and character of their surroundings and that they provide safe and convenient connection to existing and planned pedestrian, cycle and public transport networks and the highway without creating transport problems.

Regarding the design of the proposal and its impact upon the appearance and character of the surrounding area the following is noted. The proposed extension to the building would be positioned in excess of 20m from the public highway. The proposed building has been designed to incorporate external skin cladding. The cladding would be coloured blue/grey and a condition may be attached to request samples of these materials. The appearance of the building is considered acceptable and would relate well to the existing building and neighbouring buildings. The surrounding land uses are industrial in character and the proposed extensions would be in keeping with the dominant land uses in the area. The extensions whilst being large, particularly in height, are located well within the site and the character and appearance of the area would not be harmed by this proposal.

The issue of car parking is pertinent in this case. The highway authority have requested six car parking spaces to be provided and marked out within the application site. This would accord with maximum parking standards adopted by Wiltshire County Council and there are no objections raised. A condition may be placed on the permission to ensure that these spaces are provided which should help to alleviate Heywood Parish Council's concerns regarding on-street parking.

The proposed extension would intensify the existing spray booth use at the site. This would not however in this instance raise significant concerns about neighbouring amenity because neighbouring uses are similarly industrial in their nature and the application site is located within an employment policy area.

Heywood Parish Council have raised concerns regarding bunding around the storage tank for the storage of trade effluent. This tank is for the storage of oil which fuels the compressor and this tank is currently bunded. Chemicals involved in the spray booth operation are stored within the paint mixing room and although Heywood Parish Council have objected on the basis that trade effluent may be washed into storm drains the paint mixing room is sealed and the facility already exists at the site. The applicants have advised that hazardous waste is collected by Safetykleen a Bristol based company periodically. The Environment Agency have not objected to the proposal but have suggested an informative relating to this issue which is included in the recommendation.

Heywood Parish Council have objected to the loss of a hawthorn tree. The application site is not located within a conservation area and there are no trees on site which are protected by tree preservation orders. This tree could therefore be removed from the site without the prior consent of the Council and it is not therefore considered reasonable to object to the application on the basis of the removal of the tree.

CONCLUSION

The proposal accords with the development plan and permission is therefore recommended.

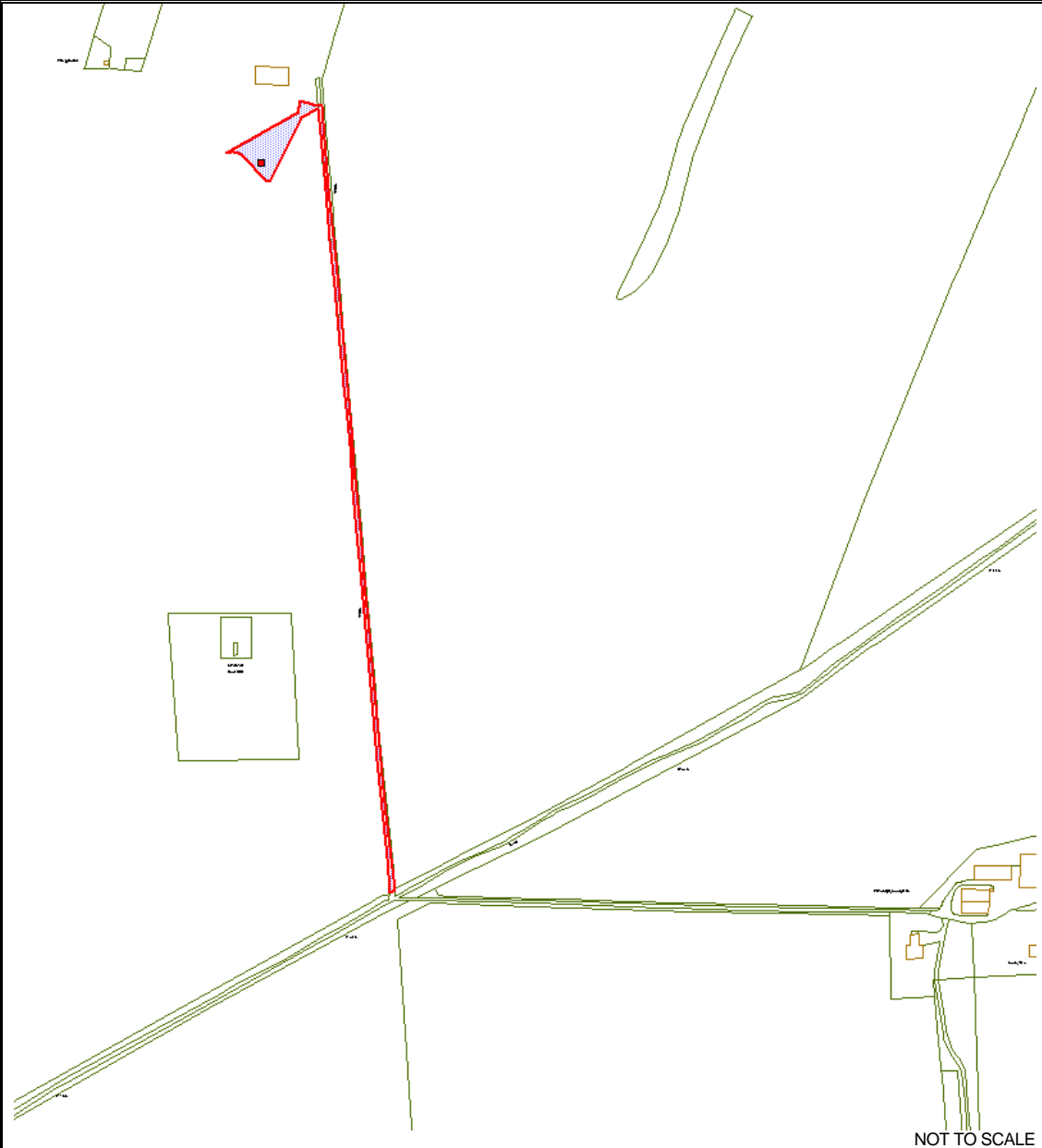
PLANNING COMMITTEE

26 January 2006

ITEM NO: 14

APPLICATION NO: 05/01858/FUL

LOCATION: Land At Kingsdown Farm Haycombe Hill Sutton Veny
Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

14 Application: 05/01858/FUL

**Site Address: Land At Kingsdown Farm Haycombe Hill Sutton Veny
Wiltshire**

Parish: Sutton Veny Ward: Shearwater
Grid Reference 389204 139101
Application Type: Full Plan
Development: Farmhouse and garage
Applicant Details: Mr J M & Mrs K Phillips
Lyme House Lovage Road Mere Warminster BA12 6RU
Agent Details: Brimble Lea & Partners
Wessex House High Street Gillingham Dorset SP8 4AG
Case Officer: Miss Julia Evans
Date Received: 18.08.2005 Expiry Date: 13.10.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 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.

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

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

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

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

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

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

5 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such person residing with him or her) or a widow or widower of such a person.

REASON: Because the site is in an area where residential development is not normally permitted unless required for agricultural or forestry purposes.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy H19.

6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Parts 1 & 2, 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.

7 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.

8 No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to the existing vegetation and the surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention and amenity.

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

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.

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

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

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

- 11 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.

Note(s) to Applicant:

- 1 The applicant should be advised that during Consent to Discharge application they will need to demonstrate that:

1. The foul drainage will be kept separate from clean surface and roof water;
2. The soakaway(s) is/are located at a safe distance from any watercourse, any other foul soakaway or any source of water supply;
3. Percolation tests on the irrigation area confirms adequate porosity in accordance with BS 6297:83.

For information this process can take up to 4 months to complete and no guarantee can be given regarding the eventual outcome of an application until all the investigations associated with the determination have been completed and any evaluation of the proposal has been made.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Sutton Veny Parish Council object and your officers recommend approval.

This is a full application for the construction of a new farmhouse and detached garage at land at Kingsdown Farm, Haycombe Hill, Sutton Veny. The proposed four-bedroomed farmhouse would be constructed of natural stone and flint with brick dressings, with clay plain tiles to the roof. It would include an office on the ground floor. To the north of the proposed house would be a double garage and store, constructed of the same materials as the house. The buildings would be located just above the 25 metres contour of the northern side of Haycombe Hill. The proposed works would involve levelling of the site and re-contouring of the valley side. To the north of the house and garage lie an existing agricultural barn, plus an extant permission to extend it. The latter proposal includes extensive conditioned landscaping, which would be extended to encompass the house and garage. The landscaping has a break within it to allow views from the house across the holding. The access to the house would be via the existing farm track which leads onto a public bridleway, which in turn provides access to the A350.

The application was supported by an Agricultural Need Statement and during the processing of the application an Archaeological Evaluation was undertaken. The former report states: -

- "- Kingsdown Farm is a 152 hectare holding supporting a suckler beef herd and arable enterprise. The farm has one existing farm building, planning permission for a stock barn, but no dwelling.
- "- The holding was purchased in 2000 by Mr & Mrs J Phillips who farm the land in partnership. The partnership have built a suckler beef herd currently numbering 267 cows with an aim to average 300 calving cows.

"- The partnership has been profitable at least once in the last three years and, given the scale and type of operation, is likely to remain so.

"- The cattle enterprise generates the need for nearly two full-time jobs - the addition of the arable enterprise increases the need to over three. This is proven by standard man-day analysis.

"- The inspection and care of the beef herd, most especially calving cows, young calves and sick animals requires, by law, adequate supervision. This cannot be achieved at present due to the lack of a dwelling at Kingsdown Farm.

"- There are no dwellings on the holding at present, nor are there any dwellings in the reasonable locality which are available for sale or rent. Mr and Mrs Phillips therefore need to construct a dwelling on site - the cost of such a dwelling could be satisfactorily absorbed by the business.

"- The criteria required to be satisfied in order to build such a farm dwelling are set out in Planning and Policy Statement 7, most especially Annex A paragraphs 3 and 4. These are met in this case."

The Archaeological Evaluation concluded that the "principal groundworks of the proposed development would not have a deleterious archaeological impact."

The site lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (Area of Outstanding Natural Beauty), and an area of Groundwater Source Protection.

CONSULTATION REPLIES:

- SUTTON VENY PARISH COUNCIL state: "Object - At the Parish Council Meeting on 6 October, objections were raised with a vote of 5 against: 2 in favour of the above application, for the following reasons: -

a. Permission would set a precedent that could in time be used to allow other buildings to be erected;

b. Harmful to the AONB.

c. It will not be harmonious with the landscape and agricultural scene, interrupting important views.

d. Accommodation within the village would be more acceptable than building within the protected area applied for. In the event of permission being granted, the Parish Council would like to request that PPG31a is regarded as a priority with this application, particularly as the building would be viewed from well-used public highways. The Council requests that the following conditions be made: -

1. That further extensions, whether residential or commercial are not added;

2. That further farm outbuildings are not permitted;

3. That attention to screening is taken very seriously and that it is kept in place and well maintained for the duration of the buildings;

4. That materials used adhere strictly to West Wiltshire District Council recommendations and are in keeping with local traditional buildings."

- LONGBRIDGE DEVERILL PARISH COUNCIL: Requested a consultation and state: - "Only one Councillor objected to this planning application. All other Councillors supported this application with the following caveats.

1. The house should not be built on the skyline;

2. Planting of well grown plants should be carried out before building is started;

3. Building materials should be of natural stone and clay tiles."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Object - "Byways 22 and 12 by reason of their restricted width, surfacing and public right of way status are considered unsuitable to serve as a means of access to the proposed development.

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

In response to this objection, the applicant provided additional information as regards traffic movements, but to date no response has been received from the Highway Authority.

- LIBRARIES & HERITAGE: State: - "A single trench was excavated under archaeological conditions. Despite the potential nothing of archaeological interest was revealed. In light of these results no further archaeological work will be necessary and no conditions relating to archaeology need to be attached to any approval granted. The report on the archaeological evaluation will be retained by this office as a record of the archaeological work undertaken."

- ENVIRONMENT AGENCY: No objections with informatives.

- WESSEX WATER: No objection - The proposal is not located with a Wessex Water sewered area.

The developer has indicated that the disposal of foul drainage will be to a 'septic tank'.

The developer has proposed to dispose of surface water to 'soakaways'.

It is advised that your Council should be satisfied with any arrangement for the disposal of foul and surface water flows generated by the development.

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

It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site."

- WILTSHIRE WILDLIFE TRUST: Have not responded.

- AGRICULTURAL PLANNING ASSOCIATES: State "The functional and financial tests are met and the proposed dwelling is warranted under Annex A of PPS7.

"Functional Need

"1. Existing - The principal element of functional need is the calving of the suckler cows. At present there is no dwelling at the application site. The cattle are calved at land adjoining Louis Farm, Wincanton. Calving takes place in farm buildings owned by Mr Phillips' parents; Mr Phillips occupies part of his parents' house during calving in order to provide close attendance when appropriate. I understand that this arrangement is wholly informal with no prospect for long term continuation.

"I confirm that there is a functional requirement to provide close attendance to the cattle during calving. Given the length of the calving period I confirm that the functional need meets the functional test.

"PPS7 does specifically state that there must be an existing functional need. I confirm that there is an existing functional need. At present that need is met through the temporary use of additional land and buildings; such arrangements are neither secure nor sustainable. The proposed dwelling would provide an appropriate long-term solution.

"2. Anticipated if proposals undertaken - The proposed increase to 300 breeding cows will increase the functional need.

"Financial Test

"1. Existing - The applicant has supplied me with copies of the accounts for 2003 and 2004. The accounts have been supplied directly to me on a confidential basis. I can confirm that the farm business is both profitable and viable. The forward budgets show the maintenance of viability and a likely increase in profitability.

"2. Anticipated if proposals undertaken - As indicated above, the forward budgets indicate an improved return to the business. The applicants have indicated the likely cost of the proposed dwelling, together with the required level of borrowing. Based on the forward budgets supplied by the applicant I confirm that the business is capable of sustaining the proposed level of borrowing for the proposed dwelling."

INTERNAL WWDC CONSULTATIONS

- HOUSING SERVICES: State: - "As the site is outside village policy limits, we would normally expect all housing to be affordable, although I appreciate that the provision of an agricultural dwelling does complicate matters.

- ENVIRONMENTAL HEALTH: Have not responded.

PUBLICITY RESPONSES

The site has been advertised with a Public Interest Site Notice, and neighbour notifications have been undertaken. 8 responses (1 objection, the rest support) have been received making the following comments:-

- House and garage are very large;
- Will be very prominent location, and will intrude onto an unspoilt Area of Outstanding Natural Beauty skyline;
- Relatively small holding, and no guarantee that they will continue farming livestock;
- Materials should be of natural materials, and landscaping undertaken prior to occupation;
- All conditions should be enforced;
- FWAG and others consider the scheme is of a sensitive design, layout and location, and will enhance the landscape; and
- Young farmers should be encouraged.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

- DP1 Priorities for sustainable development
- DP15 Housing, employment and related development in the open countryside
- T5 Parking
- C1 Nature conservation
- C5 The water environment
- C8 Areas of Outstanding Natural Beauty
- HE2 Other sites of archaeological or historic interest

West Wiltshire District Plan - 1st Alteration 2004

- C1 Countryside protectionists
- C2 Areas of Outstanding Natural Beauty
- C7 Protected species
- C31a Design
- C32 Landscaping
- C35 Light pollution
- C36 Noise
- C38 Nuisance
- R11 Footpaths and rights of way
- H19 Development in the open countryside

T10 Car parking
T12 Footpaths and bridleways
U1a Foul water disposal
U2 Surface water disposal
U4 Groundwater Source Protection Areas

SPG Design Guide - Principles
SPG Residential Design Guide

National Guidance

PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPG16 Archaeology

RELEVANT PLANNING HISTORY

None on the application site, but to the north the following history is relevant:-

01/00829/AGD - Extension to existing agricultural building and erection of new agricultural building
- Detailed submission not required 05.09.01

04/00702/FUL - Erection of agricultural stock building (to replace approved stock building not erected) - Permission 05.10.04

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Housing in the open countryside and agricultural need;
- Design;
- Impact on the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty;
- Highway matters;
- Impact on the water environment;
- Archaeological matters; and
- Affordable housing issues.

PLANNING OFFICER COMMENTS

Policy H17 of the West Wiltshire District Plan - 1st Alteration 2004 reflects Government Guidance in that it states that new dwellings in the countryside will not be permitted unless justified in connection with the essential needs of agriculture or forestry. PPS7 states in paragraph 10 that "Isolated new houses in the countryside will require special justification for planning permission to be granted where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, Planning Authorities should follow the advice in Annex A to this PPS." This Annex states in paragraph 1 "Isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other fulltime workers to live at, or in the immediate vicinity of their place of work."

The applicant has provided a report assessing the agricultural need for the house, and it has concluded the farm is profitable, it generates nearby 2 fulltime jobs, and requires a presence on site. This assessment has been scrutinised by the Council's Agricultural Advisor, who concludes that "The functional and financial tests are met and the proposed dwelling is warranted under Annex A of PPS7." On the basis of this expert assessment, the proposal is, therefore, considered to be justified under Policy H17.

The farm lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty whereby the national importance of the landscape is to be conserved and enhanced. Proposals for development need to be essential to the economic and social well-being of the rural community, and have regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations. The agricultural need for the proposal has already been established.

In terms of design, the house has been set down into the landscape, and has been designed to reflect local vernacular. The proposed materials are natural stone with brick detailing, with clay tiles to the roof. Both the house and garage are to be screened by extensive landscaping. The design of the proposal would not be detrimental to the national importance of the landscape. As the need for the building has been established, the proposal minimises visual intrusion, subject to conditions. The Parish Councils have raised concern about the location of the house, but in view of the agricultural need, it is felt that its location adjacent to the existing building minimises visual intrusion by containing the spread and extent of development. Conditions could be attached removing permitted development rights to allow future control over the site.

Under Policy C2 - Areas of Outstanding Natural Beauty, development proposals need to be satisfactory in terms of highway matters. There are also policies in the District Plan protecting the public rights of way network. The Highway Authority have objected to the proposal as regards its unsustainable location and the use of a public right of way as a means of access. The applicant provided additional justification as regards numbers of movements generated by the proposal, and to date the Highway Authority have not commented on this additional information. Notwithstanding this, the applicant has insisted that the application be determined. The permitted extension to the barn raised no objection from the Highways Authority, so the principle of extending the farm's operation and increasing use over the public rights of way network was previously accepted. In the absence of a further response from the Highways Authority it is felt difficult to refuse the application on highways grounds when no previous objection was raised.

Subject to conditions concerning drainage, and water quality protection, no objection is raised to the proposal. Likewise there is no objection to the proposal in terms of protecting the archaeology in the area. The Housing Services Section have questioned whether the proposal should generate an affordable housing contribution. This has not been substantiated as the house is justified on the basis of essential agricultural need, and can be tied by condition to be kept in this use.

In view of the amount of landscape remodelling proposed by the application, conditions have also been attached as regards details of these works.

CONCLUSION

Although the proposal has been justified in terms of agricultural need and is considered acceptable in terms of the Area of Outstanding Natural Beauty, the application is recommended for permission subject to conditions.

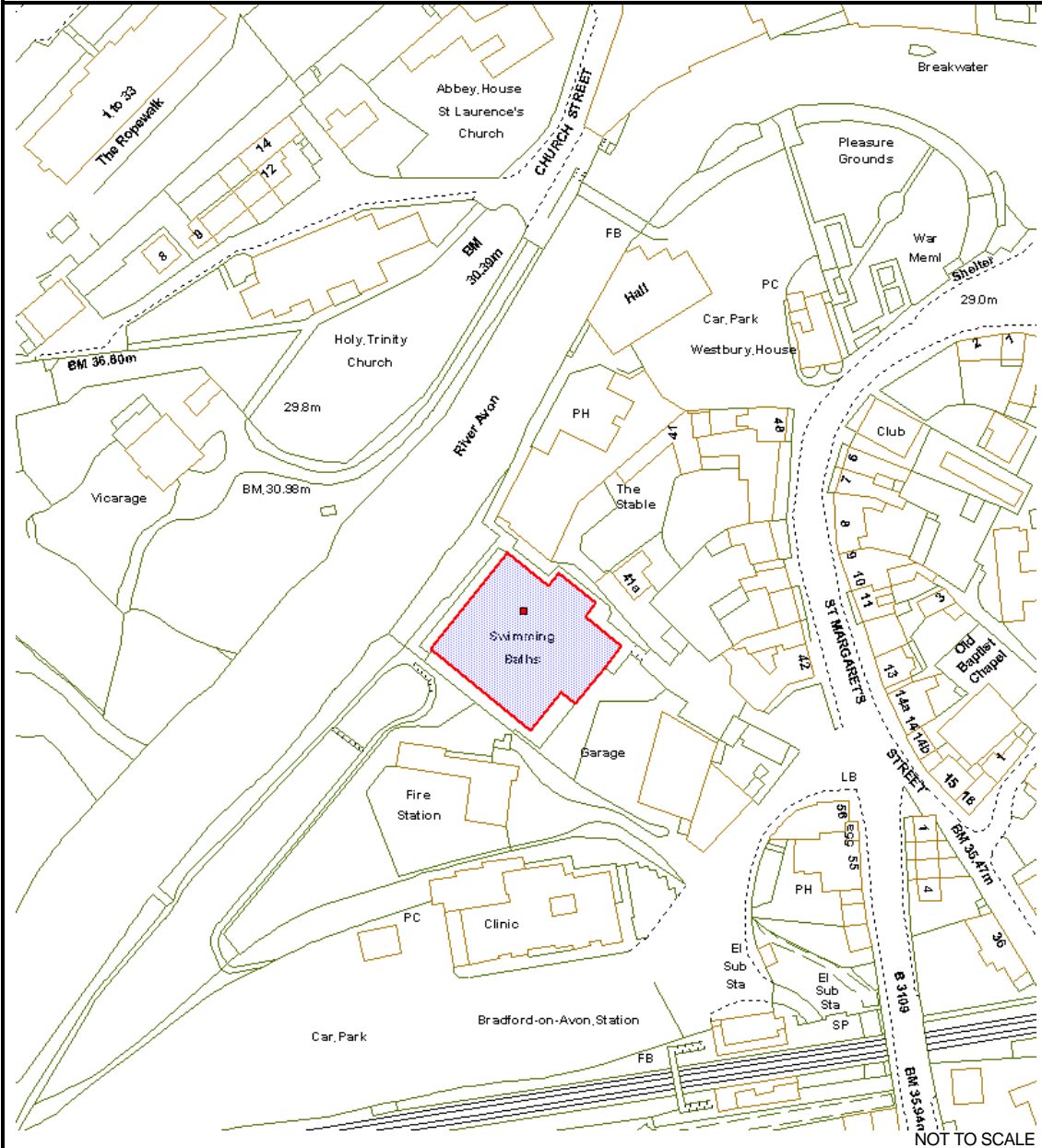
PLANNING COMMITTEE

26 January 2006

ITEM NO: 15

APPLICATION NO: 05/02108/FUL

LOCATION: Bradford On Avon Swimming Pool St Margarets Street Bradford On Avon Wiltshire BA15 1DF



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www.westwiltshire.gov.uk

SLA: 100022961

15 Application: 05/02108/FUL

**Site Address: Bradford On Avon Swimming Pool St Margarets Street
Bradford On Avon Wiltshire BA15 1DF**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference: 382463 160788
Application Type: Full Plan
Development: Reroofing of existing flat roof coverings
Applicant Details: West Wiltshire District Council And
D C Leisure Management Limited C/O King Sturge 2 Wood Street
Queen Square Bath
Agent Details: King Sturge
2 Wood Street Queens Square Bath BA1 2JG
Case Officer: Mr Mark Reynolds
Date Received: 11.10.2005 Expiry Date: 06.12.2005

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because West Wiltshire District Council are joint applicants for the application with DC leisure management and they are the landowners.

This is a full planning application for the re-roofing of Bradford on Avon swimming pool. The application is required because water ingress is occurring at the facility. The roof covering is currently an aluminium Kal-Zip roof covering and it is proposed to recover the flat roof with an upgraded insulated felting system, together with replacement of metal cappings with leadwork. The felting would be coloured green.

CONSULTATION REPLIES

- BRADFORD ON AVON TOWN COUNCIL: No objections

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press.

One letter was received raising the following issues;

- If roof level raised it may affect levels of daylight
- Noise and disturbance caused by the project
- Entrance to a neighbouring property may be blocked by delivery supplies

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

- C17 Conservation Areas
- C19 Alterations in Conservation Areas
- C31a Design
- C38 Nuisance
- SP1 Town Centre shopping
- SP5 Secondary retail frontages

SPG - Planning Design Guidance on House Alterations and Extensions

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key planning considerations in this case are to consider whether the proposal would preserve or enhance the character or appearance of the conservation area and the street scene and to consider whether the proposal would impact upon neighbouring amenity.

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 re-roofing would be in green felt. The existing structure is of limited aesthetic merit and the alterations proposed to the roofing material would not harm the character and appearance of the conservation area and the street scene.

A letter has been received from a neighbour to the site regarding the potential for daylight levels to be affected by the roof if it were raised. In this case any raising of the roof would be minimal and it is not anticipated that neighbouring amenity would be harmed by this proposal.

A neighbour has raised concerns regarding noise and disruption that would be caused by the works. Whilst Officers sympathise any disruption would be limited to the installation time and an element of disruption is inevitable when development takes place.

A neighbour notes that noise and dust is a concern from the existing operation of the swimming pool. The environmental health are aware of these concerns. Relatedly a concern is raised about delivery supplies to the swimming pool and the associated nuisance, this application is for re-roofing and these other matters are not considered to be issues for consideration in connection with the current proposal.

CONCLUSION

The proposal accords with the development plan and permission is recommended. No conditions are necessary.