

PLANNING APPEALS UPDATE REPORT
 31st March 2006 – 20th April 2006

New appeals received

Ref. no.	Site	Town/ Parish	Description	Del or Com	Officer recom.	Appeal type
05/02819/ADV	Land east of 541 Outmarsh	Melksham	PVC banner	DEL	REF	WR

Appeal Decisions Received

Ref. No.	Site	Town/ Parish	Description	Del or comm	Officer recom.	Appeal type	Appeal Decisn
05/01319/FUL	26 & 26a Warminster Rd	Westbury	Change of use to a restaurant and takeaway of ground floor and retention of first and second floors as a self contained maisonette with the formation of a new independent access	COM	PER	WR	Allowed
05/00349/FUL	Land Rear Of And 36 Silver Street Lane	Trowbridge	Redevelopment of the site for 22 residential properties with associated access, parking, amenity space and landscaping	COM	PER	INQ	Allowed
05/01961/FUL	Land adj to Merlin Way and Lancaster Road	Bowerhill	Hot food takeaway cabin	COM	PER	WR	Dismissed

* additional notes on decision below

- I = Inquiry H = Hearing
- Del = Delegated decision

WR = Written Representations
 Comm = Committee decision

❖ Points of interest arising from decisions

05/01319/FUL, 26 & 26a Warminster Rd, Westbury – The Inspector identified the main issue as being the impact on living conditions of 28 Warminster Road. He noted that the restaurant would adjoin living rooms of the house next door but acknowledged the Appellants had suggested mitigation measures to limit noise, smells and nuisance. He concluded that these can be controlled by condition and the extensive set of proposals would be sufficient to limit the impact to an acceptable level. He imposed several conditions including one which limits the opening hours to 12.00 -15.00 and 18.00 -23.00 Mondays to Saturdays and 12.00-15.00 Sundays and bank holidays.

05/00349/FUL Land Rear Of Land 36 Silver Street Lane, Trowbridge – The Inspector identified the main issue as being the character and appearance of the area. She noted that the area is one of mixed, relatively low rise, suburban housing. She concluded that some of the taller houses were set well back from Silver Street Lane. She acknowledged there were glimpsed views available between buildings which would be altered, but considered the development would appear consistent with its surroundings. She concluded that there was no adverse impact on the character or appearance of the area. She also addressed some of the other considerations and concluded; that the increase of traffic would have no significant impact of highway safety; most dwellings were situated away from the boundaries, separation distances would be typical of the area, therefore no loss of privacy; Slow worms are protected by law; parking would be provided at 2 spaces per dwelling, close to town centre with a grocery store close by, therefore no reason to refuse on parking provision; and the density would not affect the character of the area but would meet the Governments objective for more efficient use of land. The appeal was therefore allowed.

05/01961/FUL Land adj to Merlin Way and Lancaster Road, Melksham – This appeal was for permission to retain the hot food takeaway cabin. The Inspector acknowledged that this is a sustainable position, that there were no objections from the Highway Authority and the advice in PPG13 regarding parking levels but she felt that were exceptional circumstances. She noted that the site was located on the junction of a busy road, close to the entrances to commercial premises on a estate which generated a significant amount of heavy goods vehicles, with very limited on street parking and it was not well placed for deliveries. She accepted the Council's argument that the significant implications for road safety could not be resolved readily through the enforcement of parking controls and concluded that the cabin was detrimental to highway safety. A copy of the decision notice has been sent to the County Highway officers for their information and the Council's Planning Enforcement team are following up the case.

Note

If Members of the Council wish to read any of the Planning Inspectors decision letters, please contact the Planning Office for a copy.

Forthcoming hearing or Inquiries

Ref. no.	Site	Town/ Parish	Description	Appeal type	Venue	Date
04/01063/OUT	Land East Of Southview Farm Drynham Road, Trowbridge	Trowbridge	Outline application for residential development, recycling mini bank, open space, equipped childrens play area, provision of landscaped flood protection area and associated infrastructure	Call in Inquiry	CC	23 May
04/00385/FUL	Land East Of Furnax Lane, Warminster	Warminster	Section 73 application for the carrying out of warehouse and storage with access road and parking without complying with Condition 03 imposed on planning permission reference 01/02033/FUL	Hearing	CR3	23 May
05/00042/FUL	Land at Trowbridge Lodge Park, West Ashton Rd	Trowbridge	Proposed variation of conditions to allow for the siting of 12 additional residential caravans (4 retrospective)	Hearing	CC	13 June
05/00068/FUL	21 George Street	Warminster	Redevelopment of site to form 38 sheltered apartments, house managers accommodation, communal facilities and associated car parking	Inquiry	CC	01 Aug
05/00324/REM	Land at New Terrace and Marina	Staverton	Reserved matters application (related to outline approval 01/01616/out) for detail of link road (new terrace link)	Inquiry	CC	08 Aug
04/02307/OUT	Land at New Terrace and Marina	Staverton	Residential development and associated works	Inquiry	CC	08 Aug