

# PLANNING COMMITTEE

13 JULY 2006

## Planning Applications for Determination

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| 12      | 06/01216/FUL   | Conversion/extension of existing end terrace dwelling to form two flats and two 2 bed dwellings - Land Adjacent 38 Queensway Warminster Wiltshire   | Warminster               | 91      |
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**01 Application: 05/00807/FUL**

**Site Address: Land Rear Of 95 To 133 Frome Road Trowbridge Wiltshire**

Parish: Trowbridge Ward: College

Grid Reference 384693 156904

Application Type: Full Plan

Development: Demolition of two existing dwellings to allow for the erection of sixteen dwellings with associated access, parking, landscaping and other works

Applicant Details: Persimmon Homes (Wessex) Ltd  
C/o Pegasus Planning Group 6-20 Spitalgate Lane Cirencester  
Glos GL7 2DE

Agent Details: Pegasus Planning Group  
6-20 Spitalgate Lane Cirencester Glos GL7 2DE

Case Officer: Mrs Judith Dale

Date Received: 26.04.2005 Expiry Date: 26.07.2005

**JUSTIFICATION REASON:**

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

**RECOMMENDATION:**

**Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement to secure: -**

**1. Index linked and bonded contribution to the LEA towards local education provision.**

**2. A financial contribution towards the enhancement and maintenance of offsite facilities in accordance with the Council's SPG on open space.**

**Condition(s):**

- 1 The development hereby permitted shall be begun 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.

- 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 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C31A.
- 4 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.
- 5 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.
- 6 Notwithstanding the submitted plans, full details of all external boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The work shall be carried out in accordance with the approved details before occupation of any of the dwellings.
- REASON: To provide a satisfactory landscape setting for the development and in the interests of residential amenity.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C32 & C38.
- 7 Notwithstanding the details required by Conditions 4 and 6, the existing tree and hedge screen along the north and eastern boundary of the site shall be retained.
- REASON: To provide a satisfactory landscape setting for the development and in order to protect wildlife habitats.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C32 & C7.
- 8 Prior to the commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.
- REASON: In the interests of natural species which have statutory protection.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C7.

9 Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge of Frome Road and lines drawn between a point 2.4 metres back from the carriageway edge along the centre line of the access and points on the carriageway edge 90 metres from and on both sides of the centre line of the access road, shall be cleared of obstruction at and above a height of 150mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interest of highway safety.

10 Before the dwellings hereby permitted are first occupied the visibility splays of 2.4 metres by 45 metres for the rear access lanes to numbers 97 to 137 Frome Road, as shown on the submitted plans, shall have been provided with no obstruction to visibility at and above a height of 300mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

REASON: In the interest of highway safety.

11 The proposed accesses serving the rear of numbers 97 to 137 Frome Road shall incorporate splays on both its sides to the rear of the footway based on co-ordinates of 2.4 metres by 2.4 metres and which shall be kept free of obstruction above a height of 300mm.

REASON: In the interest of highway safety.

12 The driveways and parking spaces shall be surfaced in a bound materials (not loose stone or gravel) to the satisfaction of the Local Planning Authority.

REASON: In the interest of highway safety.

13 Provision shall be made within the driveways/parking spaces for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of highway safety.

14 Details of the proposed driveway gradients shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of highway safety.

15 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.

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

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

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

17 The first floor window in the northwest elevation of Plot 1 shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interest of amenity and privacy.

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

18 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

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

19 Notwithstanding the provisions of Town & Country Planning (General Permitted Development) Order 1995, the works identified on plans 05703/A001A and A002A for the making good of number 115 Frome Road shall be implemented in full before any of the dwellings hereby approved are occupied.

REASON: In the interest of residential and visual amenity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C31A & C38.

**Note(s) to Applicant:**

- 1 The applicant is advised to consult with Wessex Water on agreement to a point of connection to Wessex infrastructure for the satisfactory disposal of foul and surface water flows; a minimum of 3 metre easement width on either side of the existing foul sewer; protection of Wessex infrastructure.
- 2 The applicant is advised to satisfy themselves over land ownership of all parts of the application site.
- 3 The applicants are advised to contact the Highway Authority regarding the proposed detailing of any traffic calming feature within the proposed access road.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application was deferred from the last Planning Committee:

- (1) for a Members' site visit to assess the relationship of the development with existing properties;
- (2) for further consideration to be given towards a contribution towards traffic calming measures in Frome Road;
- (3) for further negotiation with the developer over possible improvements to the existing rear access ways, which lie outside the development site, to improve the access arrangements;
- (4) for confirmation of the specific boundary treatment along the western boundary of the site where it abuts the existing access ways.

The application was previously reported as follows, although a further section has been included at the end to address the above matters.

This application is brought to Committee at the request of Councillor Osborn due to the extent of neighbour concern and access onto the main highway.

This is a detailed application for the demolition of two dwellings, and the erection of 16 units. The wedge-shaped site measures approximately 0.55 hectare and is located in a backland position to the rear of 19 terraced and semi-detached properties which front the eastern side of Frome Road. It is relatively flat and occupied by a single property, number 111, set within extensive gardens. It is currently accessed by a narrow tarmac track approximately 52 metres long between numbers 109 and 113 Frome Road which then continues at right angles in front of the site to serve the rear of the frontage properties.

The proposal is for the demolition of the property and its replacement with 16 dwellings, and for the demolition of 113 at the junction of the access road with Frome Road to allow for a widening and upgrade of this road to adoptable highway standards.

In detail, the redevelopment provides for a mixture of two-storey, two, three and four bedroomed dwellings in a combination of terrace, semi-detached, link detached and detached units; 32 vehicles are accommodated in both parking spaces, and integral, attached and detached garages. The demolition of number 113 Frome Road, currently a semi-detached property, will "convert" number 111 to a detached unit.

The application, which has been revised since its original submission, is accompanied by a Brief Design Statement, an Ecological Survey and a Structural Survey relating to the demolition of number 113 Frome Road.

#### CONSULTATION REPLIES:

##### - TROWBRIDGE TOWN COUNCIL:

###### Original Plans

1. Access and egress to and from the proposed development will be hazardous.
2. The demolition of one-half of the semi-detached house will result in a house which is out of keeping with the streetscene and will result in a loss of amenity for neighbours.

Revised Plans - No further comments received.

#### STATUTORY CONSULTATIONS

##### - HIGHWAY AUTHORITY:

###### Original Plans

No objection to the principle of the internal layout, although amendments required to the proposed carriageway width and length of driveways and parking spaces.

###### Revised Plans

No objection subject to conditions relating to visibility splays, surfacing of driveways and parking spaces, and disposal of surface water and details of driveway gradients.

- ENVIRONMENT AGENCY: No objection as regards flood risk.

- WESSEX WATER: No objection subject to agreement to a point of connection for the satisfactory disposal of foul and surface water flows; a minimum 3 metre easement width on either side of the existing foul sewer; protection of Wessex infrastructure.

- ENGLISH NATURE: "The development does not appear to impact on any badger setts, and therefore badgers are not taken to be a material consideration in this application.

However, there may be other protected species present, such as reptiles, bats and Great Crested newts and we advise that a survey be undertaken by a qualified ecologist at an appropriate time of year to assess the likelihood of their presence, potential impacts and any necessary mitigations."

- CHIEF EDUCATION OFFICER: Identifies that 3 additional Secondary places will be required at a DfES published cost multiplier of £13,929 per Secondary School place.

## INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: "The site is located within town policy limits. It constitutes backland development, which is not inappropriate, given the existing settlement pattern. The current land use is residential garden land and therefore constitutes brownfield land in PPG3 terms. The principle of housing development is therefore acceptable.

The site area has been given as 0.55 hectares, although the Badger Survey suggests the area as 0.7 hectare. Assuming 0.55 hectare is correct, the proposed development is for 16 dwellings, at 29 dwellings to the hectare, which is slightly below national density requirements, although I recognise that the shape of the site with a long access road dictates a lower gross density than would otherwise be achievable.

The proposed layout is generally acceptable with properties fronting the access road. Suitable landscaping will be required along the boundaries with existing properties. House materials should respond to the traditional materials used in Trowbridge. This includes the use of red brick (not brown or orange) and stone dressings.

Although there is no ecological designation in this area, it is noted that the site may provide valuable foraging areas for Badgers, a protected species. I can see no evidence that any proposed landscaping measures will mitigate against the loss of foraging areas.

The development of 16 dwellings will require the provision of 0.09 hectares of public open space, including the provision of a children's play area on site. The proposed layout does not provide this open space. If there are proper planning reasons, a commuted sum may be appropriate to provide provision on an adjacent site or enhanced provision on an existing open space area. Again, there is no mention of this in the supporting statement.

Recommendation - Unacceptable in policy terms.

- LANDSCAPING OFFICER: Confirms a commuted sum payment for off site provision of approximately £9,000.

## PUBLICITY RESPONSES

The application was advertised by Site Notice and in the local press and neighbours were notified. 11 letters of objection from 9 residents have been received on the following grounds: -

- The existing access is a private right of way and cannot be widened to provide the required access road;
- A Deed of Covenant relating to 113 Frome Road restricts its use to that of a private dwellinghouse;
- Approval of this application will set a precedent of other similar developments in the area;
- Backland development which would impact on the amenity and privacy of adjoining properties;
- Previous applications on this site have been refused and dismissed on appeal;
- Additional traffic using and parking along Frome Road with increasing danger of accidents;
- Pressure on existing parking spaces along Frome Road;
- Inadequate standard of proposed access road;
- The development may proceed without the road being first constructed;
- The proposed development is at the minimum of PPG3 density and is therefore not the most efficient use of land;
- Car parking at 2 spaces per dwelling is contrary to paragraph 62 of PPG3;
- Loss of existing turning facilities at the head of the existing access road;
- Loss of parking spaces to the rear of the frontage properties while construction works on the proposed access road takes place;



- The development fails to provide for small accommodation for 1-person households as advised by PPG3;
- Recent press and media articles suggest that the ODPM do not consider houses and back gardens to constitute brownfield sites;
- Better use could be made of the land by converting it to tennis courts or recreational facilities associated with the adjoining Clarendon School;
- Impact on the security and safety of children due to the increase in traffic to the rear of the properties fronting Frome Road;
- Inadequacy of current sewerage system;
- Inadequate drainage of the site;
- The regional spatial strategy is requiring a reduction in the number of houses required in the West Wiltshire area;
- Additional pollution of the environment;
- Increase in levels of noise nuisance already high due to the construction of the swimming pool on the adjoining school site;
- Additional light pollution from street lighting;
- Potential increase in levels of crime;
- The existing loss of mature trees which has already reduced wildlife opportunities and opened up views of the adjoining school site;
- The submitted Ecological Survey is incomplete;
- The impact on existing badger setts and wild deer;
- Insufficient landscaping of the development;
- Impact on the security of the adjoining school;
- Number 113 has been allowed to fall into a state of disrepair over the past 2 years;
- The structural integrity of number 115 Frome Road has not been fully analysed and the full impact of the demolition of number 113 cannot be adequately measured;
- The creation of a detached "semi-detached" house would adversely affect the character and appearance of Frome Road;
- A conflicting architectural style between the proposed dwellings and those fronting Frome Road;
- Demolition of properties will generate waste;
- Loss of existing views;
- No details are included for public open space provision;
- Noise impact on residents of the new dwellings from the adjoining swimming pool and squash courts;
- Potential danger due to demolition of proposed buildings;
- The development does not encourage reduction in car dependency;
- Public transport links have not been considered;
- No cycleways are provided within the development;
- The proposed demolition of the boundary wall along the western edge of the site will reduce privacy and raises questions over future maintenance;
- There is no accompanying statement of sustainability, or details on bio-diversity, water efficiency or renewable energy;
- Part of the application site is not within the ownership of the applicants.

In addition, one letter has been received which raises no objection in general, but which seeks clarification on certain points of detail.

## RELEVANT PLANNING POLICY

### Wiltshire Structure Plan 2016

|     |  |
|-----|--|
| DP1 | Priorities for sustainable development |
| DP2 | Infrastructure                         |
| DP4 | Housing and employment proposals       |
| DP7 | Housing in towns and main settlements  |
| DP9 | Reuse of land and buildings            |

## West Wiltshire District Plan - 1st Alteration 2004

|      |  |
|------|--|
| H1   | Further housing development within towns |
| H24  | New housing design                       |
| C31A | Design                                   |
| C32  | Landscaping                              |
| C38  | Nuisance                                 |
| C7   | Protected species                        |
| R4   | Open space in new housing developments   |
| T10  | Car parking                              |
| S1   | Education                                |
| I1   | Implementation                           |

|      |                                    |
|------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG3 | Housing                            |

|     |                   |
|-----|-------------------|
| SPG | Public open space |
| SPG | Design Principles |

## RELEVANT PLANNING HISTORY

79/00239 - Outline application for the erection of 2 detached dwellings - Refused 02.05.1979

82/00302 - Erection of 1 bungalow on land adjacent to 111 Frome Road - Refused and subsequently dismissed on appeal

03/00553/OUT - Erection of 3 dwellings - Withdrawn

04/01250/FUL - Demolition of 2 existing dwellings and erection of 16 dwellings with associated access, parking, landscaping and other works - Withdrawn

## KEY PLANNING ISSUES

The main issues with this application are: -

- Policy issues including the planning history of the site, and the principle and density of residential development;
- Highway considerations;
- Design and amenity considerations;
- The demolition of 113 Frome Road;
- Contributions.

## PLANNING OFFICER COMMENTS

### Policy Issues

Reference has been made among the many points of objection, to the planning history of this land and previous refusals of planning permission. While planning history is a matter of consideration, Government advice makes it clear that decisions should be based primarily on the current Development Plan unless material considerations dictate otherwise.

The previous planning refusals on this site in 1979 and 1982 were taken more than 20 years before the adoption of the current District Plan in 2004. They were not on the general point of principle, but specifically on the grounds of: -

- An unsatisfactory form of backland development;
- Inadequate access onto the Frome Road.

With regard to the basic principle of development on the site, the land is now included within the town boundary limit, the current land use is residential garden land, and within the definition of such land in PPG3, constitutes brownfield development. Although the site maybe described as backland development, Policy H1 of the current District Plan recognises that this form of development is not always inappropriate, and given the existing settlement pattern could not, in this case, now be used as a reason for refusal. - the principle of housing development is therefore acceptable.

With regard to density, the total area of this site including the access road measures approximately 0.55 hectare, which results of an overall density of 29 dwellings per hectare, slightly below the PPG guidelines of 30 to 50 units. However, in this particular case, the long access effectively reduces the "developable" part of the site to approximately 0.488 of a hectare, which equates to a density of approximately 32. While this is at the lower end of advice by Government, paragraph 56 of PPG3 requires that new development should not be viewed in isolation but "must be informed by the wider context".

The context of this site is one located between existing residential development at a density of approximately 35 dwellings per hectare and the open grounds of the adjoining school site where a significantly higher density would not be appropriate.

### Highway Considerations

While previous refusals on this site have incorporated highway reasons, those earlier schemes were based on the intensification of use of the existing sub-standard track. The current scheme proposes the construction of a new estate road and the Highway Authority now raises no objection to either the principle or detailing of this application. Previous concerns over the inadequate standard of the access road, the visibility at its junction with Frome Road, the internal layout of the development, and aspects of ownership and control over the proposed means of access have been addressed and the development is now considered acceptable in highway terms.

The sub-standard lane is now to be replaced by a 4.8 metre wide road with separate footpath provision to both sides and constructed to adoptable standards. The increased width would provide improved facilities for vehicles associated with 97 to 137 to access and exit the Frome Road at the same time, to pass each other on the access road itself, and to emerge from the rear access lanes into the new estate road in greater safety. The internal layout details are now satisfactory, and parking levels at 32 spaces for 16 dwellings are commensurate with Government advice in PPG3 and PPG13.

All previous concerns have therefore been addressed and raise no basis for a continued refusal on highway grounds.

### Design and Amenity Considerations

To comply with the requirement of Policies H1 and H24 in the District Plan, development should generally be in keeping with the character and appearance of the surrounding area, not result in the loss of an open space or visual gap important for amenities purposes, and provide for a high quality design and layout which delivers a range and mix of dwelling types and sizes. Within this framework, the proposal can be assessed as follows: -

- Although the site is currently "open", this particularly benefit is limited to the immediate surrounding properties and its development could not be seen to result in the loss of a wider "amenity" area.
- Two-storey development is in keeping with the surrounding residential properties which are exclusively two-storey in height;
- The development proposes a mix of dwelling types and sizes with 4 two-bed units and 6 each of three and four bedroom units, in a combination of terrace, semi-detached, link detached and detached units;
- The submitted schedule proposes the use of 2 multi-brick types and concrete tiles across the development, which if of an appropriate colour, are entirely in keeping with existing properties;

- Appropriate conditions including submission of samples would ensure the use of materials which are in keeping with the overall character of the area;
- The internal layout based on a cul-de-sac arrangement, allows for the majority of dwellings to front onto the main access providing high levels of security and visibility over shared space and commensurate with "Secure by Design" principles;
- Existing rear gardens to frontage properties along Frome Road are in excess of 25 metres; together with the rear access lanes, any new dwellings will be located a minimum of 30 metres from these existing dwellings to retain appropriate levels of amenity and privacy for existing residents.
- Concern has been expressed over the lack of landscaping incorporated in the development, and the possible loss/changes to existing boundary screens as part of the overall scheme. Such matters can be addressed through appropriate planning conditions including the retention of existing hedgerows and natural screening;
- Despite observations about the design of this development being out of keeping with the predominately 1940's style of property in this part of Frome Road, the Local Authority's remit with regard to design is limited to ensuring "good or inclusive design" (PPS1). An insistence on a particular architectural style in this particular locality which is not within a Conservation Area or other designated townscape area, would not be reasonable.

On balance, therefore, this development meets design and amenity considerations required by both the provisions of the District Plan and Government Guidance.

#### Demolition of 113 Frome Road

This aspect of the development is dealt with more fully in a separate report to application 06/01053/FUL which follows this Committee item.

However, in summary, the proposal requires the demolition of 113 Frome Road, the northern half of a pair of traditional hipped roof semi-detached properties fronting onto the main road. A Structural Report has been submitted which concludes that "the stability of number 115 will not be affected by the removal of number 113", and additional plans show how the remaining "detached" unit is to be treated. The end result is somewhat unfortunate in design terms with the formation of a new gabled roof contrasting with the existing hipped roof of the standing property.

While this resultant design is, in itself, unsatisfactory, the following Committee report makes it clear that: -

- a) The demolition of this building does not, in itself, require planning permission;
- b) The Local Authority's "control" over the resulting development is limited to the methodology of the demolition and does not encompass control over the end design;
- c) This aspect of the development could proceed independently of the development of the land to the rear.

In a supporting letter, the applicants have stated that they have "previously discussed the option of squaring-off the roof of number 115 but we cannot reach agreement with the owners of that property". This contrasts with a more recent letter dated 21 April from the owners of number 115 who themselves suggest this as a design solution. However, for the reasons given above, this aspect of the development could not be used as a means of refusing this substantive part of this development.

#### Contributions

##### Affordable Housing

Since the scheme falls below the urban threshold for affordable housing, there is no requirement for a relevant contribution.

## Education

A contribution towards the provision of 3 secondary school places has been requested and agreed.

## Public Open Space

In accordance with Policy R4, this development requires a contribution towards public open space provision. In this particular case, and in line with the Council's current approach towards open space, a contribution towards the enhancement and maintenance of offsite facilities is being sought, rather than onsite provision.

## CONCLUSION

While the development of this backland site has been refused in the past, both changes in the policy framework and details of the scheme now require a full reassessment of the principle of development.

Despite a significant amount of local objection, this scheme now meets both policy and design objectives, would secure an appropriate and efficient redevelopment of a brownfield site and will deliver benefits in terms of contributions towards open space and education provision. The Highway Authority has no objection to the proposed access arrangement either in principle or detail, and matters of land ownership while of concern to local residents, would appear to have been in accordance with the required planning procedure.

This scheme is therefore recommended for permission.

## MATTERS FOR RESOLUTION

With regard to the Members' request for further consultation with the Highway Authority over contributions towards traffic calming, this has been referred to the County Council for comment - a response is anticipated in time to report to the meeting.

With regard to suggested improvements to the existing private access ways, and details of the boundary treatment abutting these roads, the developer has confirmed that a response on both aspects will be available in time to report to the meeting.

Finally, while questions of land ownership are not planning matters, and cannot form the basis of any decision, the developer intends to further address those particular concerns which were the subject of some debate by the previous Planning Committee.

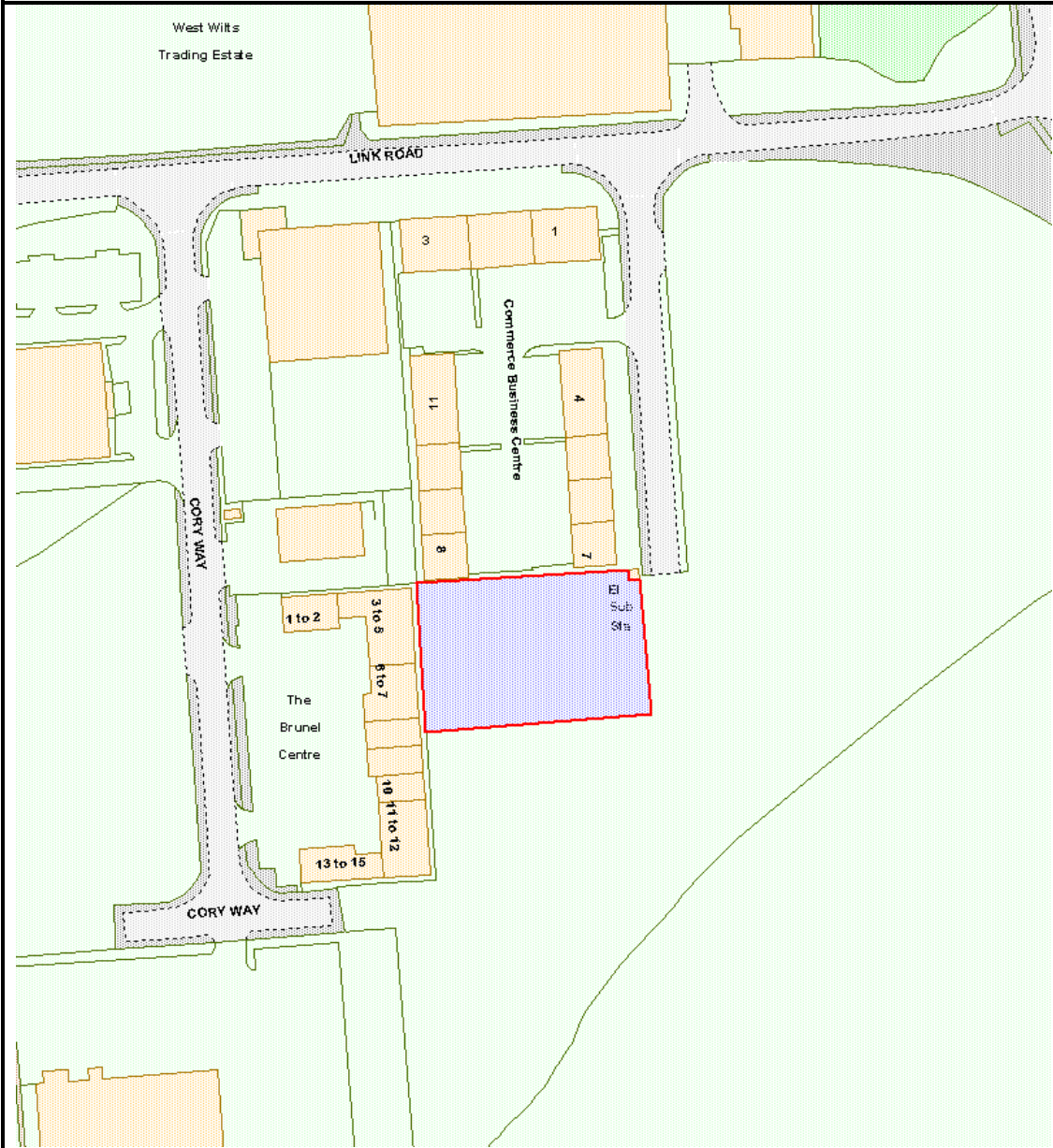
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 02

APPLICATION NO: 05/00677/FUL

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



NOT TO SCALE

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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](http://www.westwiltshire.gov.uk)

SLA: 100022961

**02 Application: 05/00677/FUL**

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

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

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 Policy E2 of the West Wiltshire District Plan - 1st Alteration states that proposals for employment development will be permitted provided that they provide safe and convenient connection to existing and planned pedestrian, cycle and public transport networks, the highway and, where appropriate, rail facilities, without creating transport problems. The proposed development would result in a material increase in traffic movements through the sub-standard junction of Link Road and Hawkeridge Road to the detriment of the safety and convenience of users of the highway. The proposed development is, therefore, contrary to this policy.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application was originally brought before the Planning Committee on 27 October 2005, when Members resolved to permit the application, subject to the prior agreement of a Legal Agreement for the sum of £15,000 for a highway contribution for the junction improvements of the Link Road with Hawkeridge Road. At that time the applicants had agreed in principle to pay the commuted sum. However, since then the applicant has written into state: -

"As I know you are aware, my clients are dissatisfied with the unilateral manner in which the policy (ie the highways financial requirement) has been adopted. They purchased the site shortly before the policy was adopted and they were unable therefore to take the cost into their commercial or viability appraisal. My clients have very carefully considered their position. In the current climate and as a direct result of this cost, they are unable to proceed with the scheme."

The report before Members now is that considered in October 2005, plus the explanation from the Highway Authority to justify the financial contribution.

The report in October 2005 stated: -

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

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

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

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

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

#### CONSULTATION REPLIES:

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

#### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: "No objection subject to imposition of relevant conditions and a Section 106 Agreement to secure highways improvements.

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

In light of the applicant's refusal to pay the requested financial contribution, the Highway Authority was asked to fully explain their stance. They stated: -"Thank you for your letter of the 31st May 2006. The Hawkeridge Road / Link Road junction is substandard in terms of geometry and available visibility which has previously been identified. This has been recognised and accepted by your Members resulting in a highway reason for refusal on W04.1512 - 'The proposed development would result in a material increase in traffic movements through the sub-standard junction of Link Road and Hawkeridge Road to the detriment of the safety and convenience of users of the highway. The proposed development would be contrary to policy E2 of the West Wiltshire District Plan First Alteration 2004.'



"At present, there is no certainty of a Westbury By-pass, when a longer-term solution to the shortcomings of this junction would be addressed, and the pattern of movements is likely to change with the provision of a Brook Lane link from Northacre Industrial Park and possible restrictions to lorry movements on The Ham.

"Given Circular O5/2005 where pooled contributions can be secured, and with the increase in use of the junction that will be generated by new developments it is considered that these should contribute to up-grading of the junction in the short to medium term until the by-pass is built. Traffic signals are considered to be the best option.

"Again your Members accepted this approach to mitigate the deficiencies in the junction, when resolving to grant permission on W05/0677 subject to a S106 Agreement to secure a £15,000 contribution to such an improvement, and so was considered to be necessary and relevant to the development."

- ENVIRONMENT AGENCY: No objections subject to the imposition of conditions.

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

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

#### INTERNAL WWDC CONSULTATIONS

- POLICY AND CONSERVATION: No objection.

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

- ENVIRONMENTAL HEALTH: No comments received.

- ECONOMIC DEVELOPMENT: No comments received.

#### PUBLICITY RESPONSES

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

#### RELEVANT PLANNING HISTORY

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

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

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

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

Land to the north of the site: -

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

## RELEVANT PLANNING POLICY

### Wiltshire Structure Plan 2011

|     |   |
|-----|---|
| DP1 | Priorities for sustainable development              |
| DP5 | Town centres, district centres and employment areas |
| T6  | Demand management                                   |
| C5  | The water environment                               |

### West Wiltshire District Plan - 1st Alteration 2004

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

### National Guidance

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

## KEY PLANNING ISSUES

The Planning Committee considered this application in October 2005, recommending permission subject to a Legal Agreement requiring £15,000 for a financial contribution towards junction improvements for the Link Road and Hawkeridge Road junction. As the applicant has stated that with this cost they are unable to proceed with the scheme, the key planning issue now is the reconsideration of the application without this contribution.

## PLANNING OFFICER COMMENTS

The officer comments in the previous report were as follows: -

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

1. The proposal, by virtue of its car parking arrangements, is unacceptable as it does not provide sufficient room to enable the number of cars shown to be manoeuvred safely and effectively. The proposal is, therefore, considered detrimental to highway safety.

2. The proposal, by virtue of its lack of lorry parking and turning facilities, is unacceptable, as it does not provide sufficient room to accommodate such vehicles on site. The proposal is, therefore, considered detrimental to highway safety.

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

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

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

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

Since the Committee considered this report in October, the applicant has reconsidered their position and advised that they are unable to proceed with such a cost. Any contribution secured by a S106 must be necessary, relevant to the site and to the development. In this case, the Highway Authority have submitted that the increase in traffic generated by this development would be via a substandard junction. Consultations from this and other similar developments would be used to upgrade the junction until a bypass is built. They therefore recommended that the Highway Authority have informed this Council that if the applicant does not pay the contribution, the application should be refused on highways safety grounds, as there would be a material increase of the sub-standard junction. Consequently, the proposal is now considered contrary to Policy E2 of the West Wiltshire District Plan - 1st Alteration which requires safe and convenient connection to the highway network without creating transport problems.

## CONCLUSION

As the applicant has refused to undertake the Legal Agreement to contribute towards the junction improvements, the proposal is now considered contrary to Development Plan policy as it creates highways safety concerns, and is, therefore, now recommended for refusal.

## APPLICATION DETAILS

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

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

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

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

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

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"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."

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- POLICY AND CONSERVATION: No objection.

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

- ENVIRONMENTAL HEALTH: No comments received.

- ECONOMIC DEVELOPMENT: No comments received.

## PUBLICITY RESPONSES

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

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Land to the north of the site: -

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

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2011

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

West Wiltshire District Plan - 1st Alteration 2004

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

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

## PLANNING OFFICER COMMENTS

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

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

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

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

## CONCLUSION

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



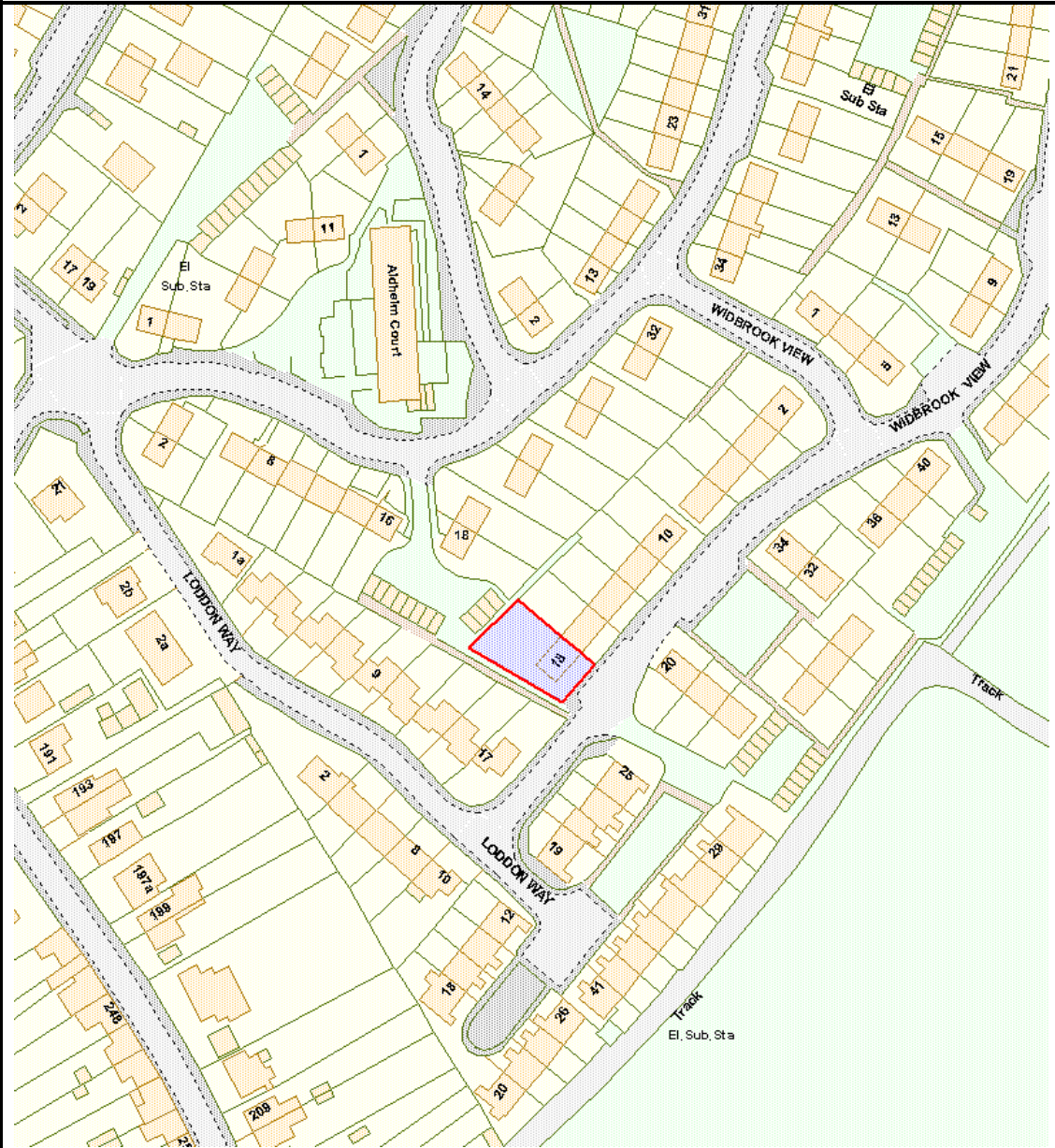
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 03

APPLICATION NO: 06/00899/FUL

LOCATION: 18 Widbrook View Bradford On Avon Wiltshire BA15 1HH



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961



**03 Application: 06/00899/FUL**

**Site Address: 18 Widbrook View Bradford On Avon Wiltshire BA15 1HH**

Parish: Bradford On Avon Ward: Bradford On Avon South

Grid Reference 383377 160038

Application Type: Full Plan

Development: Erection of 1.8 metre high close board fence and gate

Applicant Details: West Wiltshire Housing Society  
Bryer Ash Business Park Bradford Road Trowbridge Wiltshire  
BA14 8RT

Agent Details:

Case Officer: Mr David Cox

Date Received: 16.03.2006

Expiry Date: 11.05.2006

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

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

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

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is brought back to committee after it was deferred on 1 June 2005 meeting. This was to allow for the plans to be revised so the side fence only extended up to the rear wall of the dwelling. This amendment to the plan has now been made. The original objection was made by Bradford on Avon Town Council.

This is an application for the erection of a 1.8 metre tall close-boarded fence on the side and rear elevation of 18 Widbrook View, Bradford on Avon.

An approximately 1-metre tall open wire meshed fence currently defines the side garden that is adjacent to a public footpath that links Widbrook view to Southville Road. The back gardens of 11-17 define the other side of the footpath and these properties have approximately 1.4 -1.6 metre tall fencing. The rear boundary is defined by an approximately 1.4 metre tall fence, part of which is also adjacent to the public footpath and is attached to a row of detached garages. Adjacent to the opening of the path onto Widbrook View there is a lamppost.

The fence would have concrete posts every three metres and would run from the rear boundary of the property, behind the row of garages around to and in line with the rear wall of the dwelling, as requested by the Occupier of number 18 Widbrook View.

### CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: The Town Council has no objection if the fence ends in line with the back of the house as the resident actually wants but it should not continue to the pavement in Widbrook View.

### STATUTORY CONSULTATIONS:

- HIGHWAY AUTHORITY: No objection.

### PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter and site notice. One letter was received.

- The fence would be totally out of character to the plan of the bungalows, which are open plan style.
- If the proposed fencing is for security why does it have to be at that height?
- Has the height of the fence been measured from the pathway or the garden level (which has been raised)? If the garden level has been raised the fencing would be more than 1.8 metres high.
- The pathway is used constantly especially by elderly people. If a fence was erected this would darken the walkway of an uneven path making it quite unsafe and dangerous. An additional light will be required for the safety of users.

### RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004  
C31A - Design  
C38 - Nuisance

SPG - House Alterations and Extensions

### RELEVANT PLANNING HISTORY

None

## KEY PLANNING ISSUES

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

## PLANNING OFFICER COMMENTS

The fence would replace an open wire meshed fence that fails to adequately secure the side and rear of this property. This proposal would ensure security for the property by being at a height of 1.8 metres (5' 9").

The letter of objection raises a number of issues. It is considered that the fence would not harm the visual amenity of the area. The materials to be employed in the construction of the fence can be controlled by condition.

The entrance to the footpath is already enclosed by the rear garden fence of No 17, which additionally is closer to the main road than where the proposed fence was originally. The revised plans have moved the fence further back to be in line with the rear wall of the dwelling. Therefore when looking from Lodden Way from the south, the proposed fence would not be visible as it would be screened by the existing fence of No 17 and by the host building itself when viewed from the north.

There is a lamppost, which should ensure that sufficient light is provided for users. The path is considered to be in reasonable condition so the application is not contrary to policy C38 of the Local Plan. Therefore the letter of objection and the Town Councils objection cannot be supported.

## CONCLUSION

For the above reasons the application should be granted planning permission.

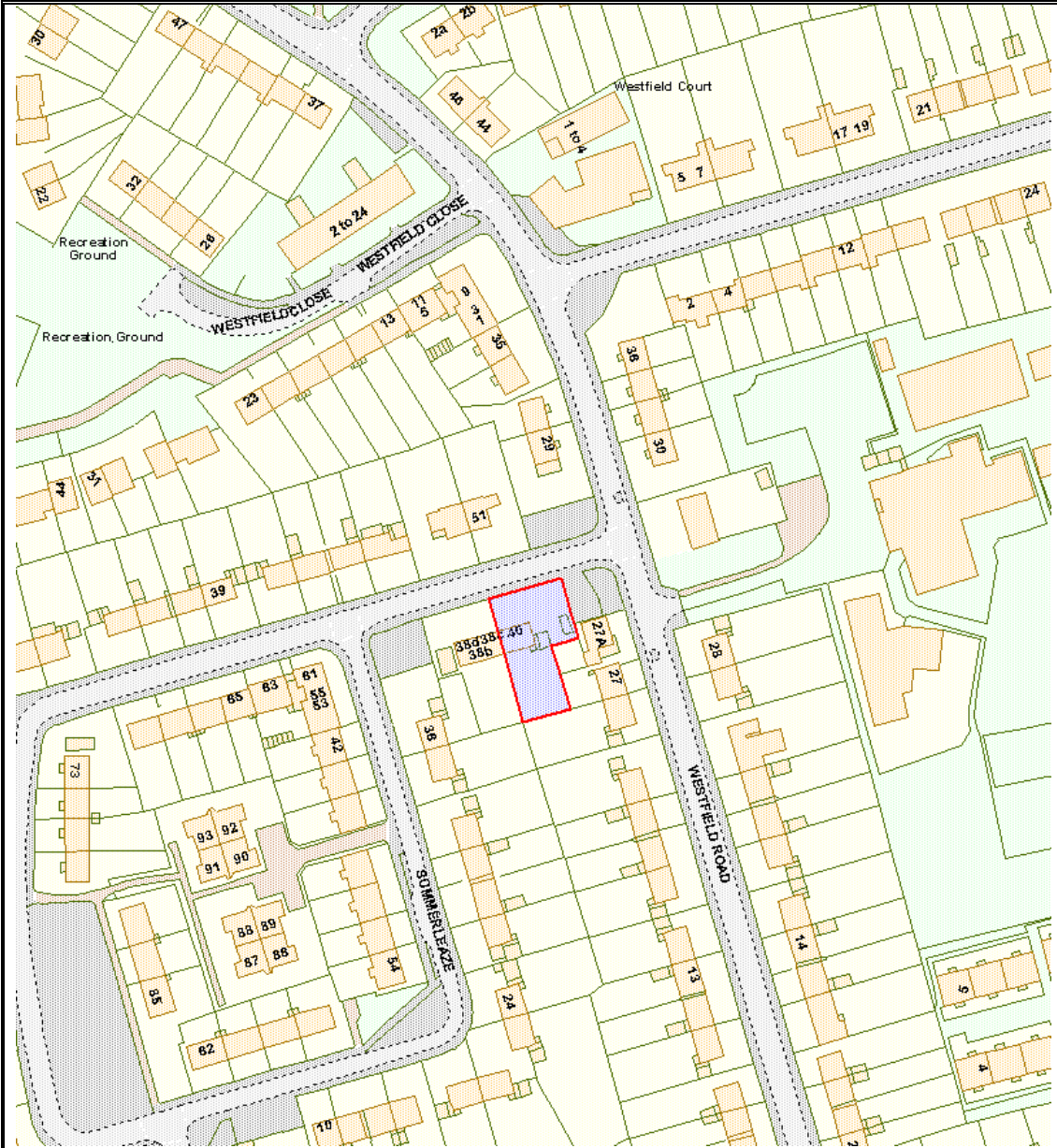
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 04

APPLICATION NO: 06/01436/FUL

LOCATION: 40 Summerleaze Trowbridge Wiltshire BA14 9HZ



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**04 Application: 06/01436/FUL**

**Site Address: 40 Summerleaze Trowbridge Wiltshire BA14 9HZ**

Parish: Trowbridge Ward: John Of Gaunt  
Grid Reference 384188 156907  
Application Type: Full Plan  
Development: Conversion/extension to dwelling to form four flats  
Applicant Details: Mr P Morris  
11 Manton Close Trowbridge Wiltshire BA14 0RZ  
Agent Details: Mr E C Stockley  
40 Clarendon Avenue Trowbridge Wilts BA14 7BN  
Case Officer: Mr Mark Reynolds  
Date Received: 05.05.2006 Expiry Date: 30.06.2006

**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.

- 3 The windows at first floor level in the south elevation of the extension hereby permitted shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

- 4 The development hereby permitted shall not be occupied until 6 parking spaces have been provided within the curtilage of the site.

REASON: In the interests of highway safety.

- 5 Before the development is occupied, the parking spaces shall be properly consolidated and surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.
- REASON: In the interests of highway safety.
- 6 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.
- 7 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- REASON: In the interests of amenity and road safety.
- 8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: To provide a satisfactory landscaped setting for the development.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- REASON: To ensure the appearance of the development is satisfactory.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.
- 11 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.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application was deferred from the previous planning committee of the 22nd June 2006 for further investigation of the impact which the proposed extension and associated fenestration would have upon neighbouring amenity in particular of 27a Westfield Road.

This application was brought to committee originally because Trowbridge Town Council objects to the application and Officers recommend permission.

This is a full planning application for the conversion and extension of an existing dwelling to form four flats. The existing dwelling No.40 is to be converted into two flats and an extension would be attached to No.40 which would create a further two flats. A central staircase would be installed to gain access to each of the flats. The application site measures 539 sq.m. It is proposed that parking would be at the front of the dwellings and six car parking spaces would be provided. An existing garage and single storey extension would be demolished as part of this proposal. The proposed extension to the building would measure 10m in width, 6m in depth with a projecting gable at the front increasing the depth to 7.2m. The proposed extension to the building would be 7.5m in height to ridge level matching the height of the host dwelling. The garden area would be split into four separate parcels.

The existing property forms part of what was previously a semi-detached pair but is now a terrace of properties occupying a corner plot at a road junction within this post war residential estate.

### **CONSULTATION REPLIES**

#### **TROWBRIDGE TOWN COUNCIL**

'Object on the grounds that it affects the street scene and the character of the area and lowers the quality of the housing stock'.

#### **STATUTORY CONSULTEES**

##### **HIGHWAY AUTHORITY**

No objections subject to conditions

##### **WESSEX WATER**

No objections

#### **PUBLICITY RESPONSES**

The revised plans are currently being advertised by letters to the neighbouring properties and any comments will be detailed on the late list.

#### **PLANNING POLICY**

Wiltshire Structure Plan 2016

DP7 Housing in towns and main settlements

T5 Parking

West Wiltshire District Plan 1st Alteration (2004)  
H1 - Further Housing Development within Towns  
H16 - Flat conversion  
H24 - New housing design  
C31a - Design  
C32 - Landscaping  
C38 - Nuisance  
T10 - Car parking

PPS 1 - Delivering Sustainable Development  
PPG 3 - Housing

#### RELEVANT PLANNING HISTORY

None on the site however the adjoining property No.38 was granted planning permission which has been implemented for a two storey extension to and conversion of the building to form four flats - Ref: 04/00520/FUL - Permission 3.6.04

#### KEY PLANNING ISSUES

The issues to consider in this case are policy issues, car parking, neighbouring amenity, design and planning history.

#### PLANNING OFFICER COMMENTS

In this case the planning history of the adjoining site is a material planning consideration. The adjoining property was granted planning permission Ref: 04/00520/FUL and has extended in a very similar format to that proposed here to create four flats.

There have been revised plans received for this application since it was presented at the planning committee on the 22.6.06. These revised plans indicate that a high level window would be incorporated within the east elevation at first floor level of the development servicing a bedroom rather than the average height window previously proposed. This window would be placed at its base 1.5m above first floor level. This in conjunction with the fact that the neighbouring property to the east 27a Westfield Road has a window at a reduced height compared to the proposed bedroom window should mitigate the potential for direct overlooking occurring to the neighbouring property which exhibits what appears to be a bedroom window facing the application site. The agent has proposed a window of 900mm by 500mm, which is the minimum opening size to be compliant with building regulations.

Further investigation has been undertaken regarding the impact of the positioning of the extension on the neighbouring property No.27a Westfield Road. This neighbouring dwelling is located approximately 2m from the end wall of the proposed extension. The extension would be positioned overlapping and directly opposite to No.27a for the southernmost 2m of the proposed extension the remainder would be positioned to the north of No.27a. In view of this there maybe some impact on this neighbouring property in terms of daylight and sunlight to a first floor window. This window is however set in from the edge of No.27 by in excess of 1m and any impact would not be sufficient to recommend refusal of this application.

Both national and local policy is to make the best use of urban land for new housing and the sub-division and extension of existing dwellings to create flat developments can enhance the range and increase the housing stock. The most recent Housing Needs survey highlighted the requirement for smaller dwelling units in West Wiltshire to meet identified needs, and in principle therefore, there is no general objection to such proposals.

Policy H16 of the adopted District Plan permits the conversion of properties into flats providing that they do not result in the over intensive sub-division of properties, are not detrimental to the appearance of the building or the character of the area, have adequate parking provision and amenity space, and are otherwise not detrimental to the amenity of the neighbouring residents.



With reference to these particular criteria, the following are considered relevant:-

- The character of the surrounding area is mostly that of semi-detached and terraced properties in a comparatively low density pattern of development. However it should be noted that planning application 04/00520/FUL was permitted for a very similar proposal for an extension and conversion to four flats at Land adjoining 38 Summerleaze which is adjacent to the application site. Further planning permission was granted for a similar development involving the extension and conversion of an existing dwelling into four flats. at 49 Summerleaze on the opposite side of the road. The current proposal would result in a density of 74 dwellings per hectare which would represent an efficient use of land. Given the planning history of these adjacent sites the proposal is not considered to harm the character of the surrounding area.

- The proposed 2-bedroomed units are a comfortable conversion of the existing, and although an extension is incorporated as part of the overall proposal, the existing dwelling is capable of conversion into self contained units.

- The principle of an extension, although large, is not unacceptable in this particular situation where the side garden is large measuring in excess of 11m in width.

- The position of this particular property in relation to the corner makes for a potentially difficult arrangement with regard to overlooking of rear gardens along the return frontage. This has been addressed by first floor windows in the "extension" being high level and obscurely glazed to retain a degree privacy to existing residents. Likewise a high level window would be incorporated in the east elevation of the development to avoid overlooking occurring between the proposed first floor window and an existing first floor window at No.27a Westfield Road.

- The proposed layout of the flats within the existing property will retain bedroom accommodation against the party wall to reduce noise and maintain existing amenities.

- The proposed extension does not conform with the principles of the recently adopted design guide in that it is certainly not subservient to the host building, it is not set back from the frontage. However, in terms of design, the development reads more as an extension to the existing terrace mirroring the form of the rest of the terrace and a subservient extension in this position would appear incongruous.

- Car parking has been provided in the front garden. In an area where there is on-street parking, the provision of 1.5 spaces per dwelling is not unacceptable and while the visual loss of a traditional front garden to parking is not to be welcomed, it is a pattern of development which exists elsewhere. Additionally the Highway Authority has raised no objection on parking grounds.

- It is acknowledged that the sub-division of the rear garden into 4 separate areas will result in an intensification not obviously characteristic of the area. However in the current development climate, garden size is increasingly less of a planning issue and certainly could not be used as a reason for refusal in the event that all other factors were considered acceptable.

The Town Council have raised concerns that the proposal would lower the quality of the housing stock in the area. Whilst this concern is noted the current proposal would act to increase the volume and range of housing stock within the Studley Green area and it is considered that this proposal would increase the quality and variety of the housing stock. The Town Council also object on the grounds that it would affect the character of the area and the street scene. The proposed extension would however mimic the extension at No.38 and the proposal is considered to be in keeping with the area.

## CONCLUSION

The revised proposal accords with the development plan and no planning objections are raised.

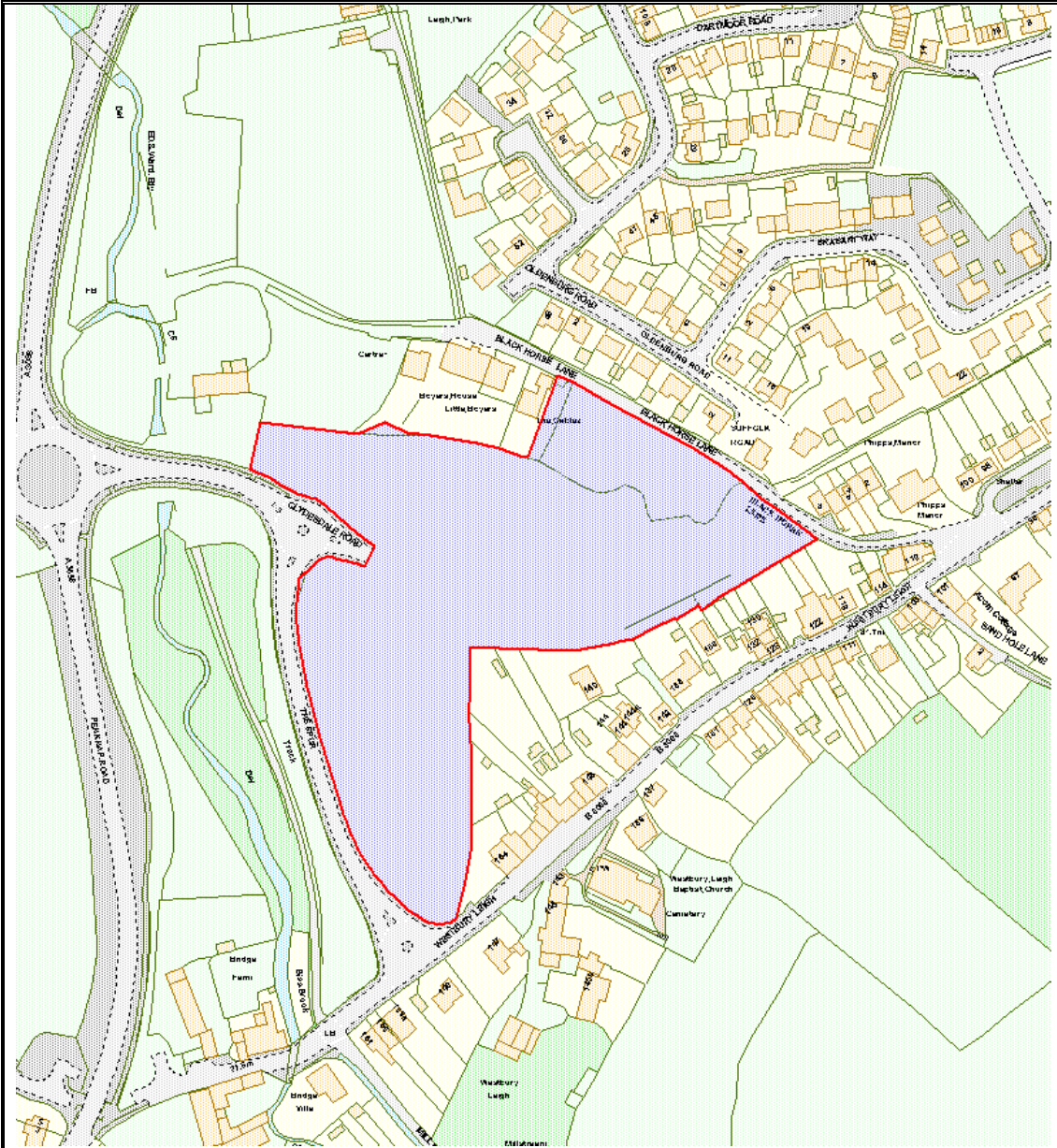
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 05

APPLICATION NO: 05/01654/FUL

LOCATION: Area R14 Westbury Leigh Westbury Wiltshire



NOT TO SCALE

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SLA: 100022961



- 5 Policy C38 of the West Wiltshire District Plan - 1st Alteration requires new development not to detract from the amenities enjoyed by, or cause nuisance to, neighbouring properties and uses. The proposal, by reason of the proximity of some of the units to existing neighbouring properties, is considered detrimental to their amenity. In particular, no information has been submitted to demonstrate that the proposal will not be detrimental to existing properties as regards the changes in ground levels across the site. The absence of any such information means that the full impact of the proposal on the amenity of neighbouring properties cannot be fully assessed. The proposal is, therefore, considered contrary to this policy.
- 6 Policy C40 of the West Wiltshire District Plan - 1st Alteration protects trees of visual amenity value, and requires new planting schemes on sites bordering the open countryside. The proposal would site new development close to protected trees and others of amenity value, which would be to the detriment of their health, and cause a reduction of light and create nuisance to the occupiers of the proposed dwellings, and thereby cause pressure for their removal. Furthermore, the proposal also does not provide any planting along the boundaries with the open countryside, which forms a hard and stark visual transition between the built development and the open countryside. The proposal, is therefore, considered contrary to this policy.
- 7 Policy R4 of the West Wiltshire District Plan - 1st Alteration requires development proposals of 10 or more dwellings to provide an appropriate provision for public open space. The proposal has provided an area of public open space which is considered to be below the level of provision required by the development of this site and the wider Westbury Leigh development. The proposal, is therefore, contrary to this policy.
- 8 Policy S1 of the West Wiltshire District Plan - 1st Alteration requires residential development which gives rise to the need for additional educational provision, to provide a planning obligation securing it. The proposal generates a need for both additional primary and secondary school places. The proposals as submitted make no provision for a contribution.
- 9 Policy C33 of the West Wiltshire District Plan - 1st Alteration requires new housing development of 50 or more dwellings to make provision for a recycling station unless adequate and convenient provision already exists in the locality. Policy H13 requires a recycling mini-bank station to make recycling convenient for the local community. No information has been submitted to show where, if any provision, should be provided, nor has any alternative provision been identified, so the proposal is considered contrary to these policies.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This is a full application for the erection of 68 dwellings, associated public open space, road infrastructure and works to Black Horse Lane, at land to the south of Westbury Leigh. The site measures approximately 2.1 hectares, and is currently laid to rough grass, with isolated mature trees within it. It is bounded to the north by Black Horse Lane and the residential properties along it; to the south and east by the ribbon residential development along Westbury Leigh; and to the west by the new estate distributor, beyond which lies Biss Brook and its wooded floodplain. The site rises in a north-easterly direction, and the properties along Westbury Leigh are at a higher level, looking down into the site. There are a number of protected trees within and on the boundary of the site, and to the northern boundary lies the Grade II Boyer's House and its separately Listed Grade II garden wall.

The proposal is for 68 dwellings located either side of a new road which would link the junction 12 roundabout to Oldenburg Road and the new residential development to the north of it. The road would require the demolition of part of the Listed garden wall. The housing proposed is a mix of flats, detached, semi-detached, and terraced, two and three-storey properties, providing two, three and four-bedroomed properties. Of the 68 dwellings, 19 would be affordable homes, providing 15, two-bedroomed houses and 4, three-bedroomed houses. These units would be grouped together in the northern most corner of the site. An area of approximately 0.425 hectares of public open space would be provided to the south of Boyer's House: the protected trees in this area would be retained within it, and supplemented by additional planting.

The application was submitted with the following supporting documents: -

- A Planning Statement;
- A Design Statement;
- A Protected Species Report; and
- during the processing of the application, an Arboricultural Report.

Summarising each in turn, the Planning Statement concludes that "it is proposed to provide a range of house types comprising two, three and four-bedroomed accommodation, incorporating a mix of both open market and affordable housing, to reflect the character of the surrounding development in Leigh Park." In addition, this application provides two and three-bedroomed affordable homes, with one-bedroomed flats to be provided on a site near the Local Centre.

The Design Statement states that the proposal is in accordance with PPG3 in terms of the mix of units and density (ie 49 dwellings per hectare), the overlooking of areas public open space, and the use of similar materials used elsewhere in Westbury Leigh.

The Protected Species Report recommends that although no protected species were found on the site at the time of survey (ie 26 January 2005), "A reptile survey should be conducted..... before development proceeds", "measures should be taken to avoid clearing vegetation during the peak nesting season (March to July inclusive)", and "any crown-lifting or other tree surgery type work conducted on trees noted as having the potential to harbour bats should be preceded by an assessment of the likely impact on bats and possibly a detailed bat survey."

An Arboricultural Report was submitted during the processing of the application, showing the work needed and protection of the existing trees on site.

The site lies within the H13 residential policy area, within the town policy limit, and within an area of High Archaeological Interest (Policy C15).

#### CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: state: - "Members objected to this application on the following grounds: -

1. No vegetation survey to show which trees are to be removed - particular concern over 2 trees with TPO's on Plots 10 and 11, which appear to overshadow the proposed buildings.
2. Drawing number 99133.101 has no scale.
3. Poor visibility splay onto Black Horse Lane."

- DILTON MARSH PARISH COUNCIL: Were consulted at their request. They state: -

"The council strongly objected as follows:

1. The applicant has made no reference to the Secretary of State re the green field directive.
2. The applicant has not undertaken an Environmental Impact Study.
3. The developing of this site was not included in the original discussions and subsequent outline plan approval of June 1996.
4. This application appears to conflict with the application to give access to the Romsey, Management site.

5. There is a strong possibility of Anthrax contamination on the site as this site includes the original storage point for hides when first delivered to Case and Son leather works.
6. The Outline Plan stated that there would be no residential development south of Black Horse Lane.
7. March 1998 the outline plan was given permission.
8. This council has consistently flagged up problems of heavy traffic on the B3099 and A3098 due to the increase of traffic from Leigh Park.
10. The Parish Council is determined to preserve the rural buffer to its greatest extent.
11. The design of the properties is not in keeping with being built on the rural fringe of Dilton Marsh or Westbury Leigh.
12. No allowance has been made for the bridle ways which cross this land and are used on a regular basis."

## STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - "The principle of the development has been accepted, due to its inclusion in the Master Plan of the Leigh Park development, although this area was not specifically included within the original outline planning permission.

"There were preliminary discussions with the applicants and your Case Officers on the form of access roads and development, and I had raised concerns over the layout not conforming to an acceptable adoptable layout. The submitted scheme does not address any of my concerns and I set out below the main issues:-

1. Frontage development to the new access road and the existing link between J11 and would be likely to encourage parking on the highway, with consequent danger and inconvenience to all road users. There is no boundary treatment to prevent direct access to the fronts of the dwellings to discourage this practice.
2. The principle of a transitional road (as defined in the WCC Design Guide) is to provide a step in the road hierarchy between higher category roads and residential roads, and should have no direct access to them. Furthermore, shared surface roads would not be permitted direct from this type of road.
3. If, however, it was accepted that frontage development were to be accepted, the road layout should meet the criteria of a 20mph zone with entrance pillars at the entrance to the new road at J12. The road layout should be designed to include bends in the alignment to reduce traffic speeds, rather than the introduction of features as currently shown. The traffic calming measures proposed are not considered suitable to meet the aims of a 20mph zone, and would conflict with the proposed vehicular accesses in the vicinity. No gateway features have been included in the layout.
4. The access road layouts serving Plots 34-43 and 51-62 would not conform to an adoptable layout, and having regard to the number of dwellings served, I would require that these roads are adopted. Appropriate service margins of 2m width will be required for both access roads and a turning head would be required for the access road serving Plots 34-43.
5. Pedestrian intervisibility splays based on co-ordinates of 2.4m by 2.4m behind the back of the footway would be required for a number of the private accesses.
6. All driveways shall be a minimum distance of 5.5m between the back of the footway/service strip and the front of garage doors.
7. Two parking spaces should be provided for all dwellings, in accordance with the County Council's parking standards.
8. Driveways to individual dwellings onto the transitional road should have on site turning facilities.



9. The visibility splays for the new road junctions onto the transitional road would only be acceptable as 2.4m by 33m if the road layout could be viewed as complying with a 20mph-zone layout.

10. The proposed detail for the alterations to Black Horse Lane, indicated on Drawing No.P297/1, have been approved, in principle, but the layout shown on Drawing NO.99.133.101 does not accurately reflect this arrangement. Insufficient width to Black Horse Lane has been provided at the boundaries of Plots 63, 55-56.

"Having regard to the above, I feel bound to offer a holding objection to the application, and would welcome the opportunity to meet with the applicants and your Case Officer to discuss alterations to the layout to achieve an acceptable highway layout.

"For your information, any permission issued on the site should include appropriate conditions to ensure that the alterations to Black Horse Lane are not commenced until such time as the road link to J12 has been constructed to a suitable standard for public use.

"In order to provide adequate access to public transport facilities, the provision of a bus stop and shelter on the transitional road should be incorporated into the layout, which will be able to serve residents of this phase of development, the adjoining Area R1 and Westbury Leigh to the south east.

"As the development falls outside of the original outline consent for the Leigh Park site, I feel that it is appropriate to request a significant contribution towards the funding for the road bridge over the railway line, adjacent to Public Open Space 8 and J5, as shown on the Master Plan.

"Similarly, due to the impact of additional traffic on the junction of Eden Vale Road and Leigh Road, a contribution towards improvements to the junction will also be sought."

- ENVIRONMENT AGENCY: State: - "The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:"

- \* A contaminated land assessment;
- \* Chemical storage; and
- \* Informatives concerning prevention of water pollution."

- WESSEX WATER: State: - "We have the following comments:

- \* Water Supply - Modelling may be required to confirm the adequacy of the water supply network.
- \* Foul Sewerage - The existing foul sewer has been diverted around the site as part of new infrastructure works, but has yet to be fully re-adopted. The system is adequate for the proposed 68 dwellings.
- \* Surface Water Drainage - New surface water sewers have been installed in the main infrastructure roads as part of a Section 104 Agreement. The sewers are adequate.
- \* Adoption of Sewers - We have not received on-site drainage details from the applicant. However, the proposed site layout suggests that there is little potential for adoption of sewers."

- LIBRARIES AND HERITAGE: State: - "Nothing of archaeological interest is likely to be affected by the above proposal and I therefore have no objections to make."

- CHIEF EDUCATION OFFICER: States: - "Thank you for your letter of 17 August 2005 enclosing a copy of the above detailed application and supporting documentation. We note that this area does not appear to be covered by the original S106 agreement with Persimmon, relating to the Leigh Park development. As such, we have therefore carried out an assessment of the likely need for additional school places that the proposal will generate.

"Our figures are based upon the proposed 68 dwellings and indicate that 21 primary and 15 secondary age pupils will need places. Neither the designated primary (Westbury Leigh CE), nor the designated secondary (Matravers), can accommodate these additional pupils within existing capacities. Both schools are forecast to reach full capacity in 2007. In view of this, we would require developer contributions which are the DfES published cost multipliers for the provision of pupil places in this Authority. These are currently £8870 per primary and £13929 per secondary school place, and updated annually for each financial year. All contributions to be secured by way of a S106 agreement, subject to BCIS indexation and appropriately bonded."

- WILTSHIRE WILDLIFE TRUST: Have not responded.

- COUNTY PLANNING: Have not responded.

- ENGLISH NATURE: State: - "We endorse the recommendations set out in Section 7 of the Extended Phase 1 Habitat & Protected Species Report for bats in trees, reptiles and breeding birds. We have no objections to this development providing the recommendations in this section are adhered to and set out in conditions."

#### INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: Stated originally that: -

"Conclusions: - The proposal site falls within the area identified for housing under the Leigh Park / Westbury Leigh master plan. Consequently, I welcome the site coming forward for residential development at this time.

"Additionally, I welcome the contribution that the proposal will make towards meeting affordable housing and recreation open space need. Whilst the proposal provides some contribution towards the transportation needs of Leigh Park, in terms of link roads and pedestrian routes, it significantly fails to provide an identifiable contribution towards the completion of the Leigh Park distributor road network. Such a contribution should be over and above the contribution agreed through the original permission. I consider it reasonable for this new application to contribute towards the completion of the distributor road network. An appropriate contribution should address the issue of bridging, or tunnelling under the Westbury avoiding line route to provide access through the Policy H14 housing allocation; Land at Station Road, Westbury. Permission should not be granted until an agreed position can be reached on this issue."

The Planning Policy Section was asked to clarify their comments as regards the distributor road and the public open space.

They stated: - "The levels of POS provision across the wider Leigh Park allocation were discussed in detail during the course of the 1st Alteration District Plan Inquiry (2002). During this process the District Council and Persimmon Homes reached an agreed position on POS provision. This identified existing and committed POS, and additional POS (the latter associated with extra housing sites (including R14) proposed by Persimmon). The level of POS provision identified for R14 (shown on as Area 4) is 0.59 ha. My own calculations, based on digital data suggest a POS area of approximately 0.46 ha. It is unclear why a reduced level of POS has been proposed. Consequently, I request that further information, including a detailed breakdown of the POS running total for the wider Leigh Park allocation, be supplied.

"In terms of the distributor road contribution the position is as follows. Area R14 is a new residential development site that once completed, will round off the greater Leigh Park residential development site. However, and here is the rub, Area R14 does not form part of the original Leigh Park Master Plan Area. As such, Area R14 is essentially a new, fresh site that has come forward during the development process post outline permission for the original Leigh Park Master Plan Area. Consequently, it would be quite reasonable for the District Council to seek a contribution for the completion of the wider Leigh Park distributor road network, as clearly R14 will have a transportation impact that requires the completion of the road. It is worth identifying that as a new housing development R14 will have an additional transportation impact, which will be over and above that originally calculated for the Leigh Park Master Plan Area. It is also worth noting that



R14 could have been promoted for development by a different housing developer (ie someone other than Persimmon Homes). Simply because Persimmon Homes are already contributing to the delivery of the bridge across the railway line (the Westbury Avoiding Line - a highway improvement triggered by the original Leigh Park Master Plan Area application), does not exclude them from providing a contribution towards the completion of the distributor road network - as required by both the original master plan application and the additional Area R14 development."

- HOUSING: State: - "I confirm that there is clear demonstrable need for affordable housing in Westbury Leigh and therefore up to 30% affordable housing should be sought from this application - to be delivered as detailed in the Council's Affordable Housing SPG - ie without public subsidy."

"In principal we are comfortable with the R14 planning application and the social housing homes and it does meet our requirement. However, we have made a number of comments to Persimmons which they are currently considering and this may result in a number of amendments being made to the site plan."

- HERITAGE DEVELOPMENT OFFICER: Has not responded.

- SCIENTIFIC OFFICER: States: - "I am not aware of any reason to raise any objection to this application or to request any planning conditions be attached to any permission.

"I would suggest that the following note to the applicant is attached to any permission granted. Whilst West Wiltshire District Council Environmental Protection Department is not aware of any deleterious materials or conditions at the site, it is the developer's responsibility to ensure that the final condition of the development and ground conditions are fit for the end use of the site. The developer should be vigilant for any deleterious materials or ground conditions and is responsible for taking appropriate actions should any latent deleterious materials be encountered."

LANDSCAPE OFFICER: states that "Where valuable and protected trees are present on development sites and have the potential to be proposed for removal, or likely to be damaged by development proposals" the following needs to be addressed:-

- Proposals should "reflect best practice contained within BS 5837: (2005)- Trees in relation to construction - Recommendations. This is especially important to guide the early formation of the development footprint.

- "Trees that are currently protected by a TPO and proposed for removal will require a replacement tree of the same species to be planted in the same location unless otherwise agreed, in which case the existing TPO will require modification. (TPO trees not contained within the development site are not referenced or referred to)

- "is satisfied that the report has generally made an accurate and fair assessment of the trees on site, subject to the following important points and exceptions:-

- The preparation of the tree report and the timing of the tree survey and subsequent evaluation was conducted after the development footprint had been established, and the future of each tree on site already determined.

\* the consultant has not categorised or included an amenity assessment for the following trees referenced as: TB Ash & T110 Ash. The Tree & Landscape Officer would not object to the felling of 'TB Ash' due to its poor condition. However it is the Tree Officers view that T110 is a valuable amenity tree which has a good future, and worth retention if possible (see below).

\* The trees referenced G108 within the report, are identified incorrectly. These two trees are Malus var. (Apple) and not Crataegus (Hawthorn) as indicated.

\* The consultant has included provisional 'Root Protection Areas' and 'Amenity Clearance Zones' on his 'Arboricultural Constraints Plan'. The building foot prints contained within the development proposal as shown in Drawing No. 99.133.101 do not respect the indicated 'Provisional' Root Protection Areas within the report (evident for trees referenced: T203, T204, T211 & T212).

- "recommend that the ownership of some trees growing on the site boundary at the end of private gardens be clearly established well in advance of any tree work. Trees with canopies extending into the development site have been included within the report. These trees are generally in a poor condition. This is especially apparent for T203 Horse Chestnut and T205 Lime.

- "T204 Beech is a good amenity tree, but this tree will become more susceptible to wind throw and mechanical failure following the necessary removal of dead/dying T205 Lime. The close proximity of the Lime tree to the Beech tree and the misshapen crown development and unbalanced weight distribution of the main trunk compounds the risk of potential mechanical failure of this Beech tree. With reluctance, it is concluded that this tree is not appropriate for retention within, or bordering, the residential development site, especially given the close proximity of the proposed development footprint.
- "The young Walnut tree, referenced: TA, has the potential to become a nuisance to the occupiers of the proposed new adjacent dwelling house as the tree matures. This is because the proposed development building footprint has not allowed sufficient space for this existing tree to grow to maturity. Crown reduction pruning will be required on a regular basis and issues of building subsidence may also develop in the future connected with this trees roots if proposals do not reflect the presence of this tree.
- "The Lime tree referenced as T211 has the ability to grow higher, the proposed development footprint does not allow sufficient or safe clearance for this tree. The Willow will have potential to cause damage to the proposed adjacent garage as shown on drawing 99.133.101.
- "Site Trees. The tree officer agrees with the Consultants assessment for these trees; T106 Beech (TPO-T.9) & T105 Beech (TPO - T.10).
- T107 Walnut (TPO-T.1) This is a good amenity tree, but there may be some safety issues to resolve or agree prior to Council Adoption of this tree within the POS."
- Although a provisional 'Tree Protection Plan' is appended to the report it is recommended that the submission and approval of the actual 'Tree Protection Plan' be conditioned with consent, and should and be submitted, agreed in writing and installed on site, before any development, including temporary construction access, storage compounds etc. is commenced.

## PUBLICITY RESPONSES

The application has been advertised with a Public Notice, and neighbour notifications have been undertaken. Eleven responses and one petition have been received making the following comments: -

- Westbury Leigh will lose its village character;
- Loss of wildlife, but increase in the number of rats;
- Disruption of footpath network, and increase in number of roads to cross;
- Loss of part of the Listed wall;
- The development will effectively join Dilton Marsh with Westbury Leigh;
- The facilities and infrastructure in Westbury do not keep pace with the massive increase in population;
- Westbury and Westbury Leigh are losing their character and are being surrounded by new development;
- The site was once a sand quarry, and will cause structural problems;
- The properties along Westbury Leigh have retaining walls to their gardens, which cannot be undermined;
- The area is within a flood plain and is susceptible to flooding;
- No section or finished floor level information has been provided, so there will be issues of stability and overlooking;
- Three-storey development is not in keeping with the character of Westbury Leigh;
- The development is very close to protected trees;
- Detrimental to the setting of the Listed Buildings in Westbury Leigh;
- Concerns about the name of the development;
- The proposal will increase the illumination of the area, and the noise experienced by existing residents;
- There are a number of Badger setts in the area;
- Objection to the closing off of Black Horse Lane to vehicular traffic;
- Objection to the delegated procedures for determining planning applications;
- Persimmon Homes do not own all of the site;
- Increased volume of traffic, resulting in noise pollution; and
- A petition signed by 59 people objecting to the loss of a green field, the buffer zone, the increase of noise and disturbance, and detrimental to the character of Westbury Leigh.

## RELEVANT PLANNING POLICY

### Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable housing
- T5 Cycling and walking
- T6 Demand management
- T8 Transport provision for new developments
- C1 Nature conservation
- C5 The water environment
- HE2 Other sites of archaeological or historic interest
- HE7 Conservation Areas and Listed Buildings
- RLT1 Recreation, sport & leisure

### West Wiltshire District Plan - 1st Alteration 2004

- C7 Protected species
- C15 Archaeological Assessment
- C27 Listed Buildings
- C28 Alterations and extensions to Listed Buildings
- C31A Design
- C32 Landscaping
- C33 Recycling
- C34A Resource consumption and reduction
- C37 Contaminated Land
- C38 Nuisance
- C40 Tree Planting
- R4 Open space in new housing developments
- R11 Footpaths and rights of way
- H2 Affordable housing
- H13 Leigh Park, Westbury
- H24 New housing design
- T4 New distributor roads
- T9 Bus services
- T10 Car parking
- T11 Cycleways
- T12 Footpaths and bridleways
- S1 Education
- U1 Infrastructure
- I1A Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas
- I1 Implementation

### Supplementary Planning Guidance

Open Space Provision in New Housing Developments (Adopted August 2004)

Residential Design Guide (Adopted June 2004)

Affordable Housing (Adopted August 2005)

### National Guidance

- PPS1 Delivering Sustainable Development
- PPG3 Housing
- PPPS9 Biodiversity and Geological Conservation
- PPG13 Transport
- PPG15 Planning and the Historic Environment
- PPG17 Planning for Open Space, Sport and Recreation
- PPG25 Development and Flood Risk

Circular 05/05 - Planning Obligations  
Circular 06/98 - Affordable Housing  
Circular 11/95 - The Use of Conditions in Planning Permissions

#### RELEVANT PLANNING HISTORY

87/01012/OUT - New distributor roads and residential and industrial development - Withdrawn 18.05.1988

88/00932/OUT - Residential development - Withdrawn 03.11.1988

88/01343/OUT - Residential development, provision of public open space, commercial and community facilities, highways and associated development - DETR - decision made by DCLG not West Wiltshire District Council - 24.05.1989

88/01344/OUT - Residential development, provision of open space, commercial and community facilities, highways and associated development - Withdrawn 15.05.1998

95/00943/OUT - Residential development including affordable homes, distributor roads and link roads, District Centre, including new community uses and comprising A1, A2, A3, D1 and D2 uses, primary school extension, public open space, B1 employment - Permission 16.03.1998

97/00127/OUT - - Residential development including affordable homes, distributor roads and link roads, District Centre, including new community uses and comprising A1, A2, A3, D1 and D2 uses, primary school extension, public open space, B1 employment - Withdrawn 03.11.1999

01/01361/S73 - Application under S73 to continue development without complying with Condition 16 of 95/00943 and Condition 18 of 01/00021 (delete the word "ancillary" to allow general residential development in the District Centre) - Withdrawn 23.10.2002

01/01362/S73 - Application under S73 to continue development without complying with Condition 16 of 95/00943 and Condition 18 of 01/00021 (delete the word "ancillary" to allow general residential development in the District Centre) - Withdrawn 03.05.2002

#### KEY PLANNING ISSUES

This application raises the following planning matters: -

- Non-determination appeal;
- Principle of the development;
- Design;
- Impact on Listed Buildings;
- Highways safety and contributions;
- Amenity;
- The water environment;
- Protected species and wildlife;
- Protected trees;
- Public open space contributions;
- Affordable housing provision;
- Education contribution; and
- Recycling and resource consumption.

## PLANNING OFFICER COMMENTS

The application was registered on 28 July 2005, and has since been subject to negotiation. The applicant has now lodged an appeal for non-determination, and has asked for an inquiry, to which the Planning Inspectorate have agreed. A preliminary statement of the Council's case needs to be submitted by 18 July 2006, so this report must be considered in order to decide what the Committee would have decided had they been in a position to do so. This will then be used as the basis of the Council's case in the appeal.

### Principle of the Development

This site is an additional residential site identified in the Inspector's report to the Local Plan Inquiry, which was subsequently identified as part of the Policy H13 allocation for housing in the adopted West Wiltshire District Plan - First Alteration 2004. It is not included within the outline permission covering much of the rest of the Westbury Leigh area, and is, therefore, an additional site included within the H13 policy area. Within the Inspector's report, the area was identified as providing a housing yield of 45 units, and that its delivery would include additional affordable housing and public open space provision. In addition a contribution to the Leigh Park distributor road would also be required. The current proposal for 68 dwellings, therefore, is acceptable in principle. The Planning Policy Section have stated that the net density of the scheme is approximately 31 dwellings per hectare, which falls within the range suggested by PPG3. Consequently, the principle of residential development of this site has been established through the District Plan process.

### Design and Impact on Listed Buildings

Turning now to the details of the scheme, District Plan policy and PPG3 require development to have a mix of sizes and types of dwellings, that overlook public areas, do not dominate the area, which complement the characteristics of the locality, and which accommodate all means of transport. Policies C31A and H24, plus the supporting Supplementary Planning Guidance attempt to ensure that new development is integrated into its local environment. The proposed development uses the new housing types that have been accepted on the rest of the Westbury Leigh site. However, in this particular location, the proposal lies directly behind the ribbon development of Westbury Leigh village, which is characterised by old terraced properties fronting the street. In addition Boyer's House and its garden wall, and number 164 Westbury Leigh are Grade II Listed buildings. Although the setting of Boyer's House has been partially protected by locating public open space to the front, the location of new dwellings close to number 164 is considered detrimental to its setting and the streetscene. This forms the first proposed reason for refusal.

The garden wall to Boyer's House is also a Grade II Listed building, and the proposed development treats it as a boundary for some of the affordable housing properties. The application also requires its partial demolition to provide for the linking distributor road. The proposal has not been supported with any details as to the amount of demolition involved, or any details of reinstatement or making good, nor does it provide any details as to how the wall will form part of the site boundary. In addition, at the time of writing this report no Listed Building Consent application has been provided for the works. Consequently, the lack of information forms a further reason for refusal.

### Highway Matters

Government Guidance and Development Plan policy require new residential developments to overlook public areas and have road layouts which are determined by the layout of buildings. The proposal has followed the line of the road which was approved under outline permission 95/00943/OUT. However, the Highway Authority has objected to the proposal in that it raises a number of highway safety concerns. These include the layout encouraging parking on the highway; direct access onto a transitional road, including these from shared surfaces; if this is to

be the case, the road should be designed so as to reduce traffic speeds; the provision of pedestrian intervisibility splays are insufficient; minimum lengths for driveways are insufficient; 2 car parking spaces per dwelling should be provided; and sub-standard visibility splays for the new road junctions. These issues have not been addressed and form a further reason for refusal.

Policies H13 and T4 require the provision of a distributor road linking Station Road with the A3098. The Highway Authority and the Planning Policy Section have requested that this development makes a contribution towards the funding for the road bridge over the railway line. The applicant has refused to provide such a contribution, arguing that it is not justified. However, the Planning Policy Section states that "In terms of the distributor road contribution the position is as follows. Area R14 is a new residential development site that once completed, will round off the greater Leigh Park residential development site. However, Area R14 does not form part of the original Leigh Park Master Plan Area. As such, Area R14 is essentially a new, fresh site that has come forward during the development process post outline permission for the original Leigh Park Master Plan Area. Consequently, it would be quite reasonable for the District Council to seek a contribution for the completion of the wider Leigh Park distributor road network, as clearly R14 will have a transportation impact that requires the completion of the road. It is worth identifying that as a new housing development R14 will have an additional transportation impact, which will be over and above that originally calculated for the Leigh Park Master Plan Area. It is also worth noting that R14 could have been promoted for development by a different housing developer (ie someone other than Persimmon Homes). Simply because Persimmon Homes are already contributing to the delivery of the bridge across the railway line (the Westbury Avoiding Line - a highway improvement triggered by the original Leigh Park Master Plan Area application), does not exclude them from providing a contribution towards the completion of the distributor road network - as required by both the original master plan application and the additional Area R14 development." In addition to this contribution the Highway Authority have requested contributions towards junction improvements for Eden Vale Road and Leigh Road. Consequently, the lack of contribution to relevant highway improvements forms a further reason for refusal.

#### Amenity Issues

The site slopes upwards towards the eastern boundary of the site, and many of the gardens neighbouring it to the south have boundaries delineated by retaining walls. The application has not been supported with any sectional drawings to establish the level of the proposed dwellings. Combined with the proximity of some of the houses to the existing dwellings, the application raises concerns as to loss of amenity. At the closest point, there is an 8-metre distance between the existing properties and proposed. This is not considered acceptable in terms of Policy C38 of the West Wiltshire District Plan - 1st Alteration, whereby new development should not detract from the amenity of neighbouring properties and uses. Combined with the absence of sectional details, this is considered contrary to this policy.

#### Protected Trees

There are a number of protected trees in and around the site, and in addition to these there are other trees, particularly on the site boundary, which are worthy of retention. During the processing of the application, the applicant submitted an Arboricultural Report, which highlighted root protection areas and amenity of the trees. The report has been considered by the Council's Landscape Officer, and concern has been raised as regards the proximity of the proposed development to some of the trees. This is especially so for those on the eastern boundary of the site. In addition, several of these trees are not within the control of the applicant. The canopies of the trees have been surveyed by the applicant, and in several cases the proposed development is less than 10 metres from the trunks of the trees. Consequently, the health and well-being of the trees is considered to be at risk from the proposal, which forms another reason for refusal.

The site is also allocated in the West Wiltshire District Plan - First Alteration 2004 for boundary landscaping under Policy C40. The site would form the edge to the built-up area of Westbury Leigh, and consequently the visual transition between this and the open countryside is of great importance, particularly when viewed from the higher ground to the south and east. The applicant has been asked to address this matter but no revised plans have been forthcoming.

Consequently, the proposal is considered contrary to this policy as it does not attempt to soften the visual impact of the new housing.

### The Water Environment

To the west of the site lies the Biss Brook. Neighbours have highlighted that the site suffers from flooding. Consultations with both the Environment Agency and Wessex Water have raised no objections to this proposal in terms of flooding risk. Subject to conditions concerning contaminated land, chemical storage, foul and surface water drainage, plus informatives concerning water pollution prevention measures and there being little potential for the adoption of any sewers, no objection to the proposal can be substantiated on these grounds.

### Protected Species

The application was supported by an Ecological Survey, which did not find any evidence of protected species. English Nature are satisfied that the survey is acceptable, and that any permission should include conditions for further survey and mitigation measures. This could be conditioned.

### Archaeology

The site lies within an Area of Archaeological Interest. The County Archaeologists have been consulted and raise no objections to this proposal.

### Public Open Space Contributions

The application has been revised in site area during its processing to show a reduced area of public open space. This area would be located to the south of Boyer's House, and has been located here by the applicant to protect the setting of this Grade II Listed Building, and the protected trees within it. The revised area covers approximately 0.425 hectares. Policy H13 requires public open space provision within the Westbury Leigh development, and Policy R4 of the West Wiltshire District Plan - 1st Alteration requires all development proposal of 10 or more dwellings to make appropriate provision for public open space at a standard of 2.43 hectares per 1,000 population. The supporting SPG for this policy provides further guidance as to the implementation of this policy. During consultation with the Planning Policy Section, the provision was highlighted as falling below the required level of provision of 0.59 hectare. Consequently, this lack of provision is at odds with the Inspector's recommendation for 7.31 hectares across the whole of Westbury Leigh: R14 therefore, does not comply with the level of provision provided by both its own site requirements, and that referred to by the Inspector pro rata over the wider Westbury Leigh area. Although a justification for both the amount and type of provision has been requested, none has been forthcoming.

### Affordable Housing Provision

Policy H13 of the West Wiltshire District Plan - First Alteration 2004 requires provision of an appropriate level of affordable housing for the development. Policy H2 of the West Wiltshire District Plan - 1st Alteration requires sites of more than 25 dwellings or 1 hectare or more, to provide up to 30% affordable housing provision. The proposal includes 19 affordable homes: 15 two-bedroomed houses, and 4 three-bedroomed ones. The housing mix, design, and provision of the affordable housing units have been accepted by the Council's Housing Services team, so no objection to the scheme is raised as regards this aspect.

## Education Contribution

Policy S1 of the West Wiltshire District Plan - 1st Alteration requires a planning obligation to be provided by the developer where the residential development gives rise to the need for additional education provision. The Education Authority, Wiltshire County Council, have identified a need based on the requirement for 71 primary and 15 secondary age pupils needing places. As neither the designated primary or secondary schools can accommodate these increases, a financial contribution of £8,870 per primary and £13,929 per secondary place has been requested. The applicant has refused to provide this contribution, so this forms a further reason for refusal.

## Other Matters

Policy H13 requires the provision of a recycling mini-bank station to make recycling convenient to the local community. Policy C33 of the West Wiltshire District Plan - 1st Alteration requires residential development of over 50 dwellings or more to provide a recycling station of approximately 10 square metres, unless adequate and convenient provision already exists in the locality. The Council is actively pursuing recycling, and the absence of such a facility and/or the demonstration of any nearby ones, is contrary to this policy.

## CONCLUSION

As currently submitted there are a number of issues that are considered to be contrary to Development Plan policy. Negotiations with the applicant have not produced any of the required amendments, revisions, and additional justification, hence the application would have been recommended for refusal if the Local Planning Authority had been in a position to determine it.





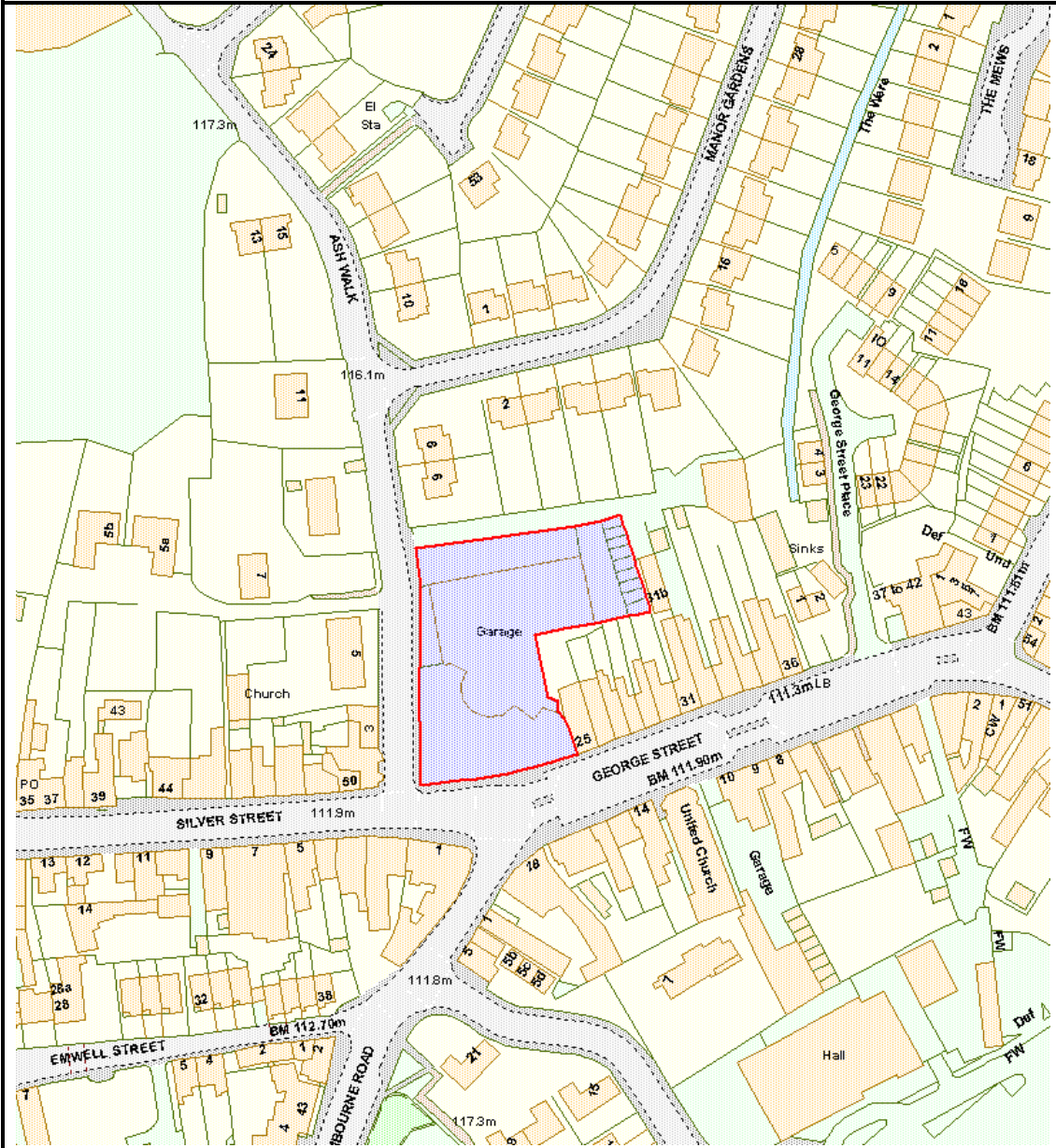
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 06

APPLICATION NO: 06/01205/FUL

LOCATION: Octagon Garage 21 George Street Warminster  
Wiltshire BA12 8QB



NOT TO SCALE

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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**06 Application: 06/01205/FUL**

**Site Address: Octagon Garage 21 George Street Warminster Wiltshire BA12 8QB**

Parish: Warminster Ward: Warminster West

Grid Reference 387127 145178

Application Type: Full Plan

Development: Redevelopment of site for 23 open market flats

Applicant Details: McCarthy And Stone (Developments) Ltd  
The Planning Bureau Ltd 26-32 Oxford Road Bournemouth Dorset  
BH8 8EZ

Agent Details: The Planning Bureau  
26-32 Oxford Road Bournemouth Dorset BH8 8EZ

Case Officer: Mrs Christine Caistor

Date Received: 13.04.2006 Expiry Date: 13.07.2006

**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 any planning objections have been overcome by conditions.**

**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 Notwithstanding the proposed details of materials, a full and revised schedule of materials and samples to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

REASON: To ensure that the development harmonises with its setting

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C17, C18, C27 and C31A

- 3 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Such details shall include a clear demarcation between the public highway and private land. The 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 - Policy C31A.

4 Notwithstanding the submitted landscape plan, no development shall take place until full details of the soft landscape has been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved plans.

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

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

5 All planting, seeding or turfing comprised in the submitted 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 five years from the completion of the development die, or 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 landscape setting for the development.

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

6 The existing boundary walls around the site shall be retained.

REASON: To ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

7 Details of the design, external appearance and finish of all new and repaired walls, including the external boundary walls to the site, railing, fences, gates and other means of enclosure shall be submitted to and approved by the Local Planning Authority prior to their construction or repair. The works shall then only be carried out in accordance with those approved details.

REASON: To ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

8 Notwithstanding the submitted elevations, details of the proportions of the proposed window openings in the Ash Walk and George Street elevations to reflect an appropriate historic hierarchy in these prominent facades shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The work shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with adjoining listed buildings and in the interest of preserving the character and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17, C18 and C27.

9 Before any work starts on site details of the openings and finishes for the openings fronting Ash Walk which serve the undercroft car park area shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

REASON: In order to ensure the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C28.

- 10 Notwithstanding the submitted plans, the bedroom windows in the north facing elevation in units 20 & 23 shall be removed or high level and revised details of that elevation shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The work shall be carried out in accordance with the approved details.

REASON: In the interests of the amenity of adjoining properties

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

- 11 All windows in the Ash Walk and George Street elevations shall be of softwood timber with an appropriate painted finish.

REASON: To ensure that the character and appearance of the Conservation Area is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17 and C18.

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

REASON: To protect the archaeological heritage of the area.

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

- 13 The vehicular and pedestrian accesses shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority.

REASON: In the interest of highway safety.

- 14 Notwithstanding the submitted landscape plan, the development shall provide for 27 parking spaces as shown in plan ref OM01-1298-05. The parking spaces shall be retained for so long as the development remains on site.

REASON: In the interest of highway safety.

- 15 No work shall commence on site until details of works to widen the footpath to the north of the access onto Ash Walk have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the work has been completed in accordance with the approved details.

REASON: To improve the visibility of the access to the site in the interests of highway safety.

- 16 The work shall not commence on site until a scheme of footway improvement has been submitted to and approved in writing by the Local Planning Authority. No dwelling can be occupied until such works have been completed in accordance with the approved details.

REASON: In the interests of highway safety.

- 17 No work shall commence on site until details of a secure cycle storage facility has been submitted and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

REASON: In order to provide a more sustainable mode of transport.

- 18 The gates to the pedestrian access to George Street shall be set back a minimum distance of 175mm from the back edge of the footway and made to open inwards only.

REASON: In the interest of highway safety.

- 19 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the public highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of highway safety.

- 20 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before development commences.

REASON: To prevent pollution of the water environment.

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

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

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

Site investigation works shall be carried out in line with the main procedural requirements of BS 10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

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

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

- 22 The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

REASON: To prevent pollution of the water environment.

- 23 No work shall commence on site until the applicants have entered into a planning agreement under S106 of the Town & County Planning Act 1990 (as amended) to secure a financial contribution in lieu of:

1. off-site open space in accordance with Policy R4 of the West Wiltshire District Plan - 1st Alteration 2004 and the Council's adopted Supplementary Planning Guidance;
2. educational provision to provide for 7 additional primary school places.

REASON: The development generates the demand for public open space which cannot be provided on site and additional demand for primary school places which cannot be provided at the designated school for the area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies R4 & S1.

**Note(s) to Applicant:**

- 1 Further to Condition 3, traditional local materials in keeping with the character of the Conservation Area will be expected.
- 2 Surface water runoff should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDs). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavement, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water runoff from a site. The Council is keen to encourage the use of such sustainable drainage systems and the applicant is advised to contact Wessex Water and/or The Environment Agency to discuss proposals for the drainage of this site.
- 3 The applicant is advised to contact Wessex Water with regard to the following items: -  
  
Agreement to a point of connection onto the existing water supply.  
  
The exact location of the existing sewer across the site and confirmation of easement clearances, potential diversions and adoptions.  
  
The possible installation of a separate highway drain to connect with the existing system.

**COMMITTEE REPORT****APPLICATION DETAILS**

This is one of two applications submitted for the same site but for different numbers and types of dwellings. This application proposed the erection of 23 open market flats on the site of the now vacant garage and car sales site.

The application proposes the demolition of the existing garage and the erection of a linear block extending virtually the entire depth of the site. It proposes a mixture of 3 no. 1 bed, 14 no. 2 bed and 6 no. 3 bed flats in a three storey building with additional lower ground floor. 27 on site parking spaces would also be provided. The building would be constructed in a mixture of red and buff brick, reconstituted Cotswold stone under slate grey and double Roman concrete tiles.

The site is an L-shaped, sloping area of land situated at the junction of George Street and Ash Walk. It measures 0.36 hectares, with a frontage onto George Street of approximately 41 metres and longer return frontage along Ash Walk of 65 metres. It is currently occupied by a single storey garage and showroom on the rear (northern) part of the site with the main frontage given over to an associated car display area. The site is accessed directly by three vehicular points of access - one at each corner of the George Street frontage, and one along the rear boundary of the site onto Ash Walk.

The site is located within the Warminster Conservation Area, and adjacent to and opposite a significant number of Grade II Listed buildings. The application is accompanied by a Planning Statement, Design Solution, an Historic Analysis and a Contextual Analysis. It is both a prominent and sensitive site within the street context.

**CONSULTATION REPLIES:****- WARMINSTER TOWN COUNCIL:**

The Committee interprets open market flats as being open for anyone to purchase, some having more than 1 vehicle would become a parking problem. This development would not mean affordable houses, which are badly needed in this town. It is a move by the developer to circumvent obligations to supply affordable housing. They recommend refusal on the 23 flats as they are not certain what the developer proposes to develop and whatever it is should be to the whole of the site and not split up. Also there are not sufficient parking provisions.

## STATUTORY CONSULTATIONS

### - HIGHWAY AUTHORITY:

This application needs to be treated differently to the sheltered accommodation proposal. The applicants acknowledge that sheltered housing generates very little traffic whereas open markets apartments would generate substantially more - especially during peak hours. The visibility splay to the north along Ash walk is substandard but can be improved by realigning the kerb to make a wider footway thus improving the visibility of drivers leaving the site and also for those travelling south along Ash walk towards the site.

Normally would expect to see provision for 35 parking spaces at a ratio of 1.5 per dwelling. In the circumstances would be satisfied with the ratio of 1.2 spaces per unit and some contributions to sustainable and alternative means of transport such as a s footway improvements, secure cycle parking within the site and a contribution to Warminster cycle network.

The highway officer has confirmed orally that 27 parking spaces is acceptable and a method of demarcation between the public highway and private land will be required.

### - ENVIRONMENT AGENCY:

No objection in principle but recommend conditions to require details of the foul and surface water disposal; a contamination investigation and report; and storage facilities for oils, fuels or chemicals to be submitted and approved in writing. They also include informative regarding the preferred use of a SUDS system and bunding around oil storage facilities.

### - ENGLISH HERITAGE:

The application can be determined in accordance with national and local policies

### - ENGLISH NATURE

No comments received

### - EDUCATION AUTHORITY:

Assessment indicates that a case exists at primary level where 7 places will be needed. Designated school for the area will not be able to accommodate additional children within the existing capacity and therefore require contribution of £10372 per place (£72604)

### - COUNTY ARCHAEOLOGIST

The proposed development area is partially within an area of Saxon settlement and within the 12 century settlement area. Developer has advised in an earlier application for this site of the difficulties in conducting an archaeological evaluation before determination, because of the operational garage on the site. Because of the special circumstances it was suggested that an evaluation could be undertaken by way of a condition. Recommend that this is the most appropriate way forward.

### WESSEX WATER

The development is in a foul sewer area and the developer will need to agree a point of connection onto the system. There are no existing public/separate surface water sewers in the vicinity of the site and the developer should investigate alternative methods for the satisfactory disposal of surface water. They also include informatives regarding the position of public water and foul sewer locations, the need to protect the integrity of the Wessex Systems and the need agree connections with Wessex..



## INTERNAL WWDC CONSULTATIONS

### - PLANNING POLICY:

Recommendation: Acceptable in policy terms, subject to satisfactory resolution of design and open space matters.

The site is an existing commercial site, located within the secondary retail frontage within Warminster town centre commercial area. Changes of use will generally be permitted in such locations provided that the primary commercial function of the centres is maintained. Information supporting the loss of employment floorspace in this location was supplied by the applicant and this was previously considered acceptable.

The development of this site requires the provision of open space in accordance with adopted District Plan policy R4 and the Council's open space SPG. The scheme does not propose the provision of open space on-site but that the applicants may offer a commuted sum for provision off-site.

The site is a prominent site within the conservation area and adjacent to important listed buildings. I refer you to the Council's Conservation Officer to comment on this application with regard to impact on the listed building, conservation area and general design matters.

### - ENVIRONMENTAL HEALTH:

No comments received

### - ECONOMIC DEVELOPMENT:

Do not support this development, it would add to the areas of weakness highlighted in the annual West Wiltshire Economic profile 2002 that could cause a problem in the future, eg. For slow economic growth - West Wiltshire has the slowest employment growth in the county and the highest level of long term unemployment.

Decline in manufacturing industry - The biggest decline in employment has been in manufacturing. There is a need to make sure that current employment sites are used to ensure sufficient diversification of the sector.

Small and Medium sized businesses (SMEs) account for 99.3% of all firms in West Wiltshire, with an employment share of 67.5%. They therefore contribute significantly to the economy. The establishment of new firms provides an important source of job creation, small firms are the greatest single source of new jobs at all points of the economic cycle. The entry of new firms into an industry stimulates productivity because of increased competitiveness. Therefore there is a need to ensure the right climate for this sector exists by providing adequate supply of commercial property such as this particular site, for this market.

The Retail Impact Assessment included in the Trowbridge Regeneration Economic Impact Assessment found that for commercial floorspace in Warminster:

"Vacancies levels are low, particularly so for retail with no vacant space available in January 2003. At the same time there was just 1,800 sqm of available industrial space and 200sqm of office space. Availability generally decreased for all types of space between 2002 and 2003".

The majority of enquiries for commercial property received by Great Western Enterprise, in 2002-03 specifically for West Wiltshire, was for smaller units of less than 5,000sq.ft. With demand for office space also favouring smaller units, particularly of the 0-500 sq.ft size band such as this particular site would offer.

### - LEISURE AND RECREATION MANAGER

No comments received

## NON-STATUTORY CONSULTATIONS

None

## PUBLICITY RESPONSES

Neighbour notices were sent to nearby properties and site notices displayed on site.

1 letter of objection has been received on all or some of the following grounds  
three storey building will result in overlooking and loss of daylight  
Increased traffic from access onto Ash Walk will endanger highway safety  
Insufficient on site parking

## RELEVANT PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

DP1 Priorities for sustainable development  
DP7 Housing in towns and main settlements  
DP9 Reuse of land and buildings  
HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004

H1 Further housing development within towns  
H2 Affordable housing within towns and villages  
H24 Housing Design  
E5 Loss of employment floorspace  
C14 Archaeological field evaluation  
C17 Conservation Areas  
C18 New development in Conservation Areas  
C22 Demolition in Conservation Areas  
C20 Change of use in Conservation Areas  
C27 Listed Buildings  
C31A Design  
C38 Nuisance  
T10 Parking  
SP5 Secondary Retail Frontages  
I1 Implementation

PPS1 Delivering Sustainable Development  
PPG3 Housing  
PPG6 Retail  
PPG15 Planning and the Historic Environment  
PPG16 Archaeology and Planning

## RELEVANT PLANNING HISTORY

There is considerable planning history relating to the development and use of this site as a garage and showrooms; this is not directly relevant to the current proposal. The most relevant to this application are:

05/00068/FUL - 38 Sheltered apartments - Appeal against non determination pending

05/00067/CON - Demolition of existing buildings to facilitate the redevelopment of the site for Category 2 sheltered apartments - Undetermined.

06/01344/FUL 38 Sheltered apartments - Undetermined

## KEY PLANNING ISSUES

The key issues in determining this application are the planning history, planning policy, highway safety, and parking, residential amenity and provision of associated facilities.

## PLANNING OFFICER COMMENTS

### Planning history and policy

This application has been submitted alongside another application for 38 sheltered apartments and managers flat on the same site. That application is still pending at the time of writing this report. It follows an identical application submitted last year which was recommended for approval subject to a financial contribution in lieu of affordable housing, but is now the subject of an appeal against the non determination which is programmed to be heard at a public inquiry on 1st August this year.

The application the subject of this report is specifically for 23 open market flats. However, the previous history is a material consideration in this application

### Planning policy

In view of the history of the site, the principle of demolition of the existing buildings, loss of employment site, use of the site for residential purposes and the design of the building have therefore been accepted.

As part of the previous application the applicants submitted a statement identifying those employment sites in Warminster which currently provide approximately 14% of the required Structure Plan provision for the district. At the average rate of completions over the past few years, this will afford an availability of supply for at least the next 20 years. The application site itself provides less than 1% of the Structure Plan provision for the town and Octagon Motors are "looking to relocate in the area and retain all staff".

Despite the comments from the Economic Development Officer, a change of use on this particular site is considered acceptable from the policy point of view. This view has been endorsed by the policy comments in connection with this proposal.

The density of the development would be 27 dwellings on 0.36hectares of land which equates to 64 dwellings per hectare. This is slightly above the Government guidance of 30-50 dwellings per hectare normally referring to houses. This is a flatted development on a town centre site where the densities are often higher. Furthermore the previous scheme, accepted in principle proposes 38 units albeit for sheltered accommodation.

The earliest use and associated buildings on the site are purported to be for the Castle Inn, a coaching inn probably operating from the 18th Century. The general character and appearance of this part of the Conservation Area is therefore a mix of dwelling houses, and buildings generally associated with residential living that were of relatively high status when first constructed, but now carry a slightly faded air of neglected grandeur. The existing garage, despite the number of years it has been in existence, is very much at odds with the general character of the surrounding area.

In addition to this Conservation Area context, the site is immediately adjoined by Grade II Listed buildings - the formal 3-storey St George's terrace to the east; the 2-storey detached "villa style" Christian Science Church opposite; numbers 1 and 3 Ash Walk which are slightly elevated two and a half storey cottages which wrap around the junction with Silver Street. There are also a significant number of listed buildings on both sides of Silver Street and the opposite side of George Street.

Within this historic context, any proposed development would be required "to preserve or enhance the character, appearance of the Conservation Area" (C18) and shall not "adversely affect the character or setting of any Listed Building" (C27). The design elements of this scheme have primarily sought to address the conservation and Listed Building context and have been covered in the previous section. These also relate to the visual amenity aspects of the development which, on balance, are considered to enhance the character and appearance of this part of the Conservation Area. The building proposed in this application is very similar externally to the previous one accepted in principle and supported at the time by the Council's Conservation Officer. Part of the ground floor in the northern wing on Ash walk will be used as undercroft parking bays which has resulted in a minor change to the ground floor elevation

#### Highway safety, and parking

The application proposes to provide 27 on site parking spaces. This equates to just under 1.2 spaces per dwelling. In order to comply with the Government policy to reduce car usage, parking standards are now applied as a maximum. Furthermore, a development's proximity to town centre facilities and other modes of transport also have to be taken into account. The level of on site parking is therefore acceptable in this case. The Highway Authority have also asked for improvements to the footway and an on site secure cycle store. This has been put to the applicants to which a reply is awaited but it can be secured by condition.

In addition, some work is required to widen the footpath on the northern side of the access road with Ash Walk to improve visibility. This work would be entirely within the highway and again can be secured by condition.

#### Residential amenity

With regard to residential amenity, the previous use was for a garage which would have generated a significant amount of noise and traffic. The change to residential would be a quieter use even considering the vehicular movements. The access road to the proposed site already serves as a rear access to properties fronting George Street. Therefore the main issue is considered to be that of privacy. The site is surrounded by residential properties in Ash Walk and George Street with private gardens which flank the north and east boundaries. In general, distances between windows and adjoining properties were considered to be acceptable in the previous application and there is little difference in the relationship of the building to the surrounding properties in this application. There is a degree of natural screening along these particular boundaries which mitigate the impact of the proposal.

Some concern has however, been expressed by officers about a north facing first floor window which could overlook the garden of no 2 Ash Walk. The applicants have suggested using an obscure glazed window as it is a secondary window. However this window serves a bedroom where obscure glazing is not recommended. A more appropriate solution would be to delete the window or insert a high level one. Whilst this may have some impact on the design of this elevation, it would be situated towards the rear of the building and would have any significant impact on the external appearance of the building as a whole.

#### Other associated facilities

Policy R4 requires developments of 10 or more dwellings to provide for public open space. In some cases this can be in the form of a financial contribution to off site facilities. With a relatively small site such as this in a town centre location, this would appear to be the better option whereby a contribution can be used to improve nearby facilities in Warminster. The applicants have agreed to this in principle.

Policy S1 seeks a financial contribution from residential developments towards education where a need has been identified. The Education Authority have advised that a case exists at primary level where 7 places will be needed at the designated school for the area and therefore require contribution of £10372 per place (£72604). This is acceptable to the application.

Policy I2 seeks a contribution for an artistic objective. However, the applicant has stated that this will not be acceptable. Whilst this policy has the same status as the other policies in the District Plan, the site is relatively small and it would appear to be unreasonable to refuse an application solely on the applicants refusal to enter into such an undertaking.

Policy H2, which seeks to secure some affordable housing does not apply in this case. The proposed development is below the threshold of 25 dwellings in the towns. However, if planning permission is granted for this development, the permission will run with the land. Each application must be considered on the planning merits of its case. In the event that this applicant or any another developer seeks to build a scheme in the future with more than 25 dwellings the appropriate policy will be applied.

Archaeological research identifies this site as being partially within an area of Saxon settlement and within the 12th Century settlement area of the town. The County Archaeologist acknowledged the difficulties in conducting an evaluation while the garage business is still in operation, is prepared for this to be covered by an appropriate planning condition.

## CONCLUSION

The site is located within the town limits where residential development is acceptable in principle. The loss of employment use has been accepted in the previous application as has the demolition of the existing building. The design of the building is very similar to approved in principle by the previous application which was also considered suitable for the conservation area and historic surroundings. There are some details which require further attention such as highway works and window treatments but these can be achieved by condition. With the exception of the art contribution the applicants have agreed in principle to financial contributions towards education and open space. The application is therefore recommended for permission.

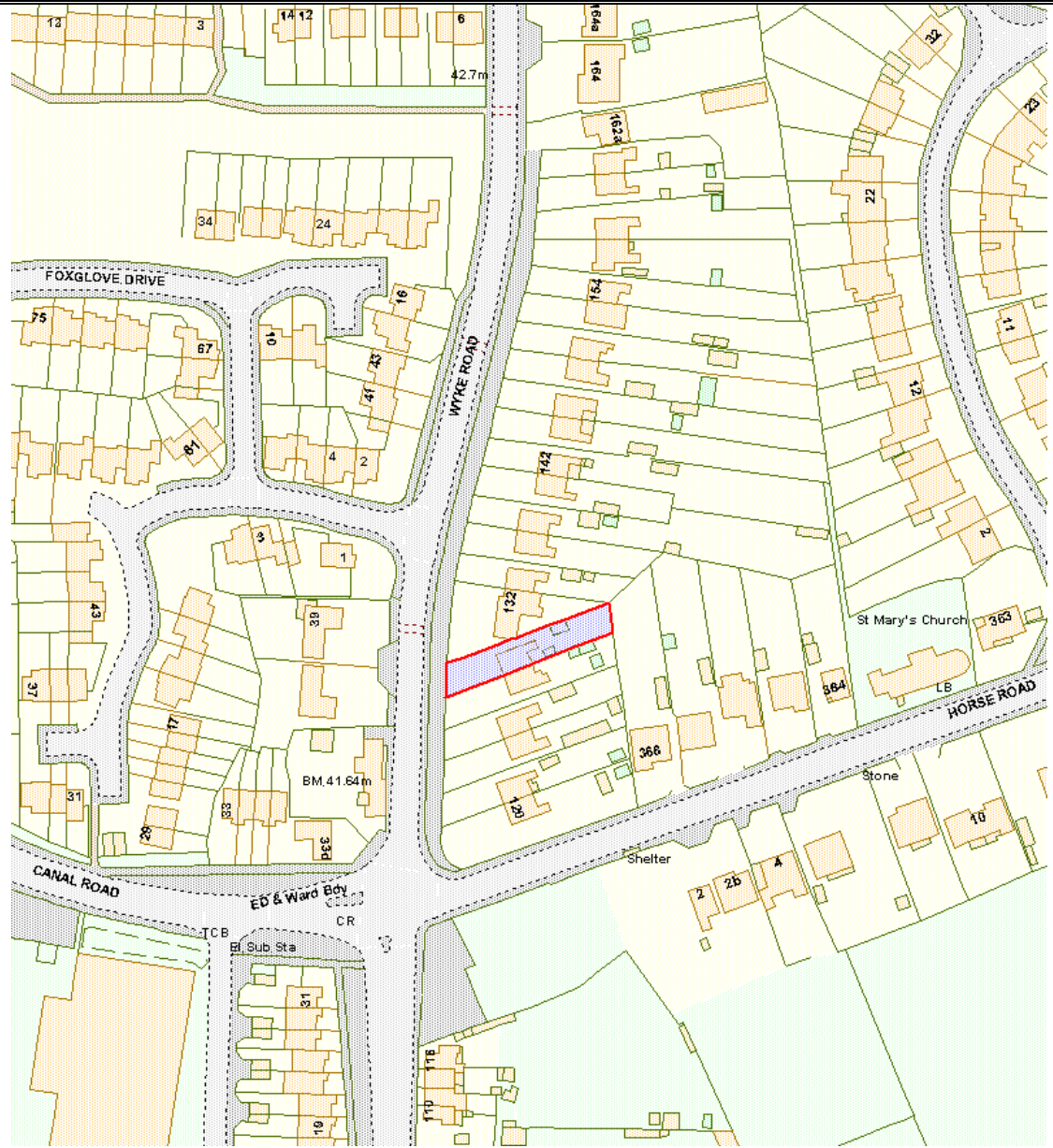
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 07

APPLICATION NO: 06/01668/FUL

LOCATION: 130 Wyke Road Hilberton Wiltshire BA14 7NT



NOT TO SCALE

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SLA: 100022961

**07 Application: 06/01668/FUL**

**Site Address: 130 Wyke Road Hilperton Wiltshire BA14 7NT**

Parish: Hilperton Ward: Paxcroft

Grid Reference 386197 159693

Application Type: Full Plan

Development: Extension to dwelling

Applicant Details: D Wickham  
130 Wyke Road Hilperton Wiltshire BA14 7NT

Agent Details:

Case Officer: Ms Jane Robinson

Date Received: 25.05.2006 Expiry Date: 20.07.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 The development hereby permitted shall begin 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 Committee because the Parish Council objects contrary to Officers recommendation.

This is a revised application for the construction of a single storey extension off the northern elevation of the property, which would be 6.8 metres long, 1.9 metres to 4.4 metres at the widest point and 3.3 metres in height at the ridge.

It would extend half the depth of the building on the northern elevation and would project beyond the front elevation of the property by 0.9 metres (from the bay window), forming a porch to the front.

A conservatory is proposed off the eastern elevation of the property to the rear. It would be 3.1 metres long, with a 0.8 metre dwarf brick wall, 3.1 metres wide and 3 metres in height at the ridge.

The property is enclosed to the north, east and south with 1.8 metre fences rising to 2 metres in places.

The host building is a 1930s semi-detached dwelling, built from red brick and grey rendering, under a concrete tiled roof. There is a single storey timber structure extending the length of the northern elevation and beyond, which forms a workshop.

### **CONSULTATION REPLIES:**

Hilperston Parish Council objects to this application on the following grounds:

1. Over-development of the site
2. The extension, by reason of its form and scale would affect and be detrimental to the street scene

### **PUBLICITY RESPONSES:**

This application was advertised by way of neighbour notification letter. No comments have been received.

### **RELEVANT PLANNING POLICY:**

The West Wiltshire District Plan 1st Alteration (2004)  
C31A - Design  
C38 - Nuisance

The Supplementary Planning Guidance (House Alterations and Extensions) 2004

### **RELEVANT PLANNING HISTORY**

91/01427/FUL - Single storey extension - Permission - 16/1/92  
06/00855/FUL - Single storey extension and conservatory - Refusal - 8/5/06

### **KEY PLANNING ISSUES**

The main considerations relating to this application are the impact of the development on the host building, the amenity of the occupiers of the neighbouring properties, the street scene and whether the current proposals overcome the previous reasons for refusal.



## PLANNING OFFICER COMMENTS

The existing timber workshop off the northern elevation of the property would need to be demolished in order to accommodate the proposal.

This revised application has removed a disabled door proposed within the porch area, which would have increased its overall width and the length of its projection towards the street scene to the front.

The overall design of this proposal has been significantly improved by omitting the once very shallow roofline over the porch, which appeared out of scale and prominent in the street scene.

The revised dimensions of the porch would provide a small, sympathetic addition in scale with the existing house, which would not detract from the street scene. Furthermore, this side extension and porch would have a more subservient nature, than previously proposed.

It would also be set back from the highway by 17 metres, a sufficient enough distance not to cause significant harm viewed from a public vantage point.

Obviously, any side extension to a semi-detached property, unless mirrored on the neighbouring property, could change the overall symmetry and balance of the unit in the street scene. However, the proposal is of a well proportioned scale, would not be significantly harmful to the host building and single storey extensions are a characteristic of the surrounding area.

The symmetry and balance of the building would not be detrimentally affected, as the projection of the extension from the north and west elevations has been considerably reduced since the previous application. Together with the substantial distance of the extension from the highway and position in relation to the bay window, any unbalancing affects would be significantly minimised.

The side extension would not significantly harm the amenity of the occupiers of the neighbouring property to the north, as it would be single storey, would have a hipped roof and any potential impact would be minimised by the existing boundary treatments.

The proposed conservatory is of a well-proportioned scale to the property, would use matching materials, would respect the host building and would be positioned away from the neighbouring boundary by 0.5 metres.

The proposed single storey conservatory would not significantly affect the amenity of the neighbouring occupiers to the south.

It is considered that the proposals would not constitute overdevelopment of this site, as indicated by the Parish Council because this is a large plot, with an elongated garden to the rear and set back from the highway at the front.

## CONCLUSION

The proposal is in accordance with the development plans and supplementary planning guidance on design. It would cause no loss of amenity to occupiers of the neighbouring dwellings and would be of suitable scale and design for the host dwelling and the surrounding area.

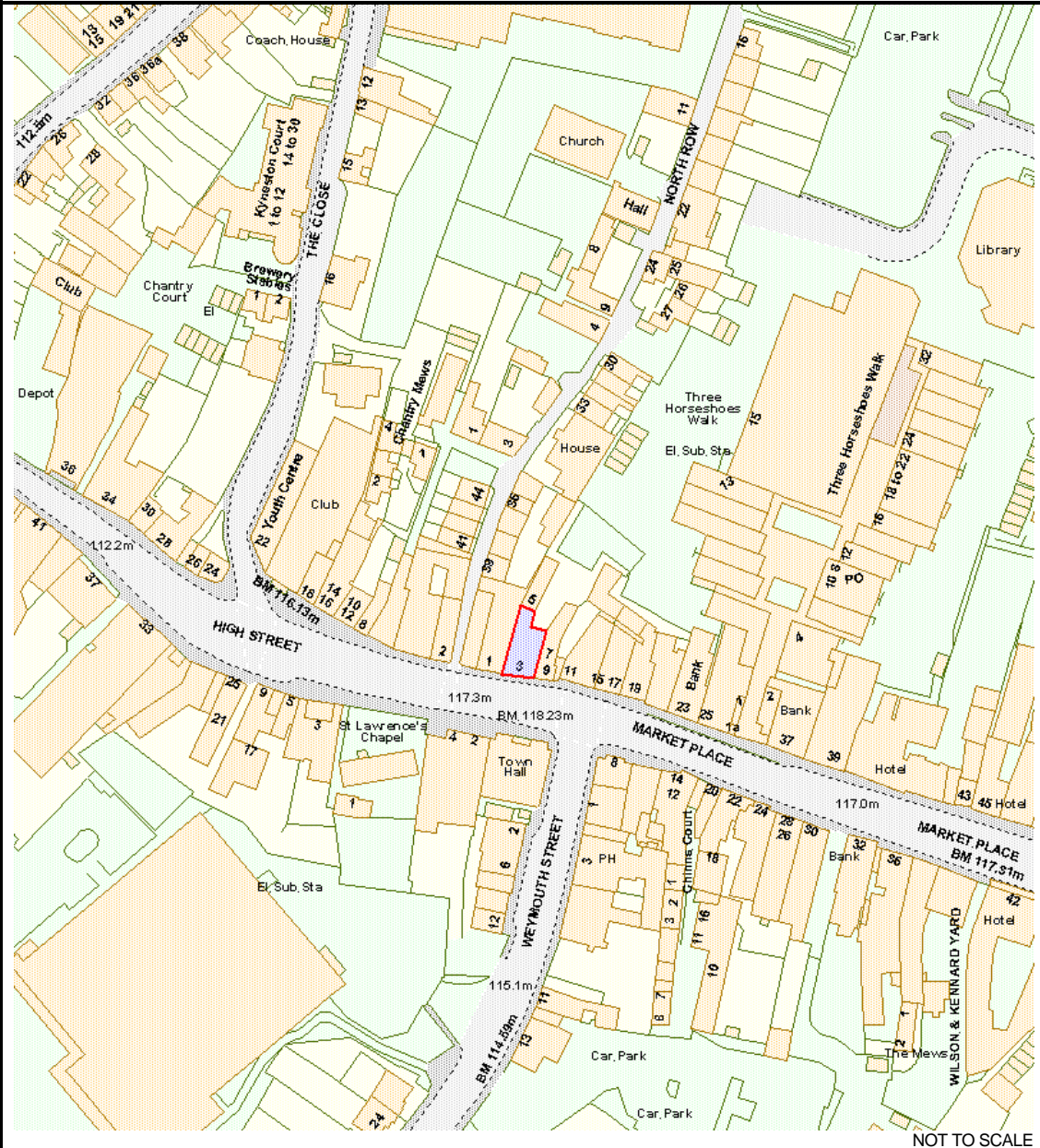
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 08

APPLICATION NO: 06/01664/ADV

LOCATION: Bristol And West 3 Market Place Warminster  
Wiltshire BA12 9AY



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SLA: 100022961

**08 Application: 06/01664/ADV**

**Site Address: Bristol And West 3 Market Place Warminster Wiltshire BA12 9AY**

Parish: Warminster Ward: Warminster East  
Grid Reference 387421 145109  
Application Type: Advertisement  
Development: Shop fascia sign  
Applicant Details: Britannia Building Society  
Britannia House Cheadle Road Leek Staffordshire Moorlands  
ST13 5RG  
Agent Details: Eve White  
Astley Signs 273 Dukesway TVTE Gateshead Tyne And Wear  
Case Officer: Mr David Cox  
Date Received: 24.05.2006 Expiry Date: 19.07.2006

**REASON(S) FOR CONSENT:**

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

**RECOMMENDATION: Consent**

**Condition(s):**

1 The advertisement shall not be illuminated outside the hours of 0800 and 2300

REASON: In the interests of amenity.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C24.

**COMMITTEE REPORT**

**APPLICATION DETAILS**

This application is brought to committee because Warminster Town Council object and your Officers recommend approval.

This is an advertisement application at 3 Market Street, Warminster. The site is within the Warminster Conservation Area. The proposal is to replace the Bristol and West sign with a Britannia Building Society sign. It would have a trough light facing downwards and would extend across the length of the sign. It would have a static light that would be less than 300 cadellas in strength. The sign would also have internal lighting illuminating the lettering only. There would also be a projecting sign located in the same position as the existing projecting sign.

The street scene is made up of a range of shop fascia signs including a William Hill sign that also has an external trough light at No 11-13 Market Place. This application was permitted in application 05/02465/ADV.

#### CONSULTATION REPLIES:

##### WARMINSTER TOWN COUNCIL

Objection because: "The illumination is contrary to policy."

#### STATUTORY CONSULTATIONS:

##### HIGHWAY AUTHORITY

No comments received yet.

#### PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter and site notice. No comments were received.

#### PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C24 - Advertisements

C31a - Design

C38 - Nuisance

#### RELEVANT PLANNING HISTORY

05/02495/ADV - Two externally illuminated signs - PER - 29.11.05 at 11-13 Market Place, Warminster

#### KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy. In this case does the application have an impact on the visual amenity of the Warminster Conservation Area and on Highway Safety.

#### PLANNING OFFICER COMMENTS

Policy C24 of the Local Plan states that applications for advertisements will be considered with regard to the interests of amenity and public safety. The size, form and location of advertisements will therefore be required to: respect the appearance of a building or the visual character of the local environment and; avoid distracting or confusing passers-by thereby impeding the safe operation of any form of traffic movement.

The proposed advertisements would replace a relatively similar modern fascia sign and projecting sign. The proposed fascia sign would have an appropriate colour and design. The proposed projected sign would be located in the same position as the existing projecting sign and would be hung from a single bracket and would be externally illuminated from above. Both of these signs would therefore preserve and enhance the visual amenities of the conservation area. Additionally as there is a similar sign arrangement on the nearby William Hill unit at 11-13 Market Place, which is, only two units down from the application site to refuse the application would be unreasonable. Therefore as the application complies with Policy C24 the Town Councils objection cannot be supported, as it does not state anywhere in policy that illumination itself is wrong. However, in the interests of visual amenities a condition should be made to limit the hours the light can be turned on. Therefore it is proposed that the light shall only be illuminated between 0800 to 2300 hours.

The Highway Authority comments have not yet been received and will added on the late list. In application 05/02495/ADV the Highway Authority made reference that the light source should not be visible to users of the Highway. However, it was considered in that application that a condition was not necessary as the drawings indicated that the illumination would be direct to the signs only. This application also has the illumination pointing directly at the signs. Therefore it is considered that the application would again comply with Policy C24 of the Local Plan.

## CONCLUSION

For the above reasons the application is recommended for consent.



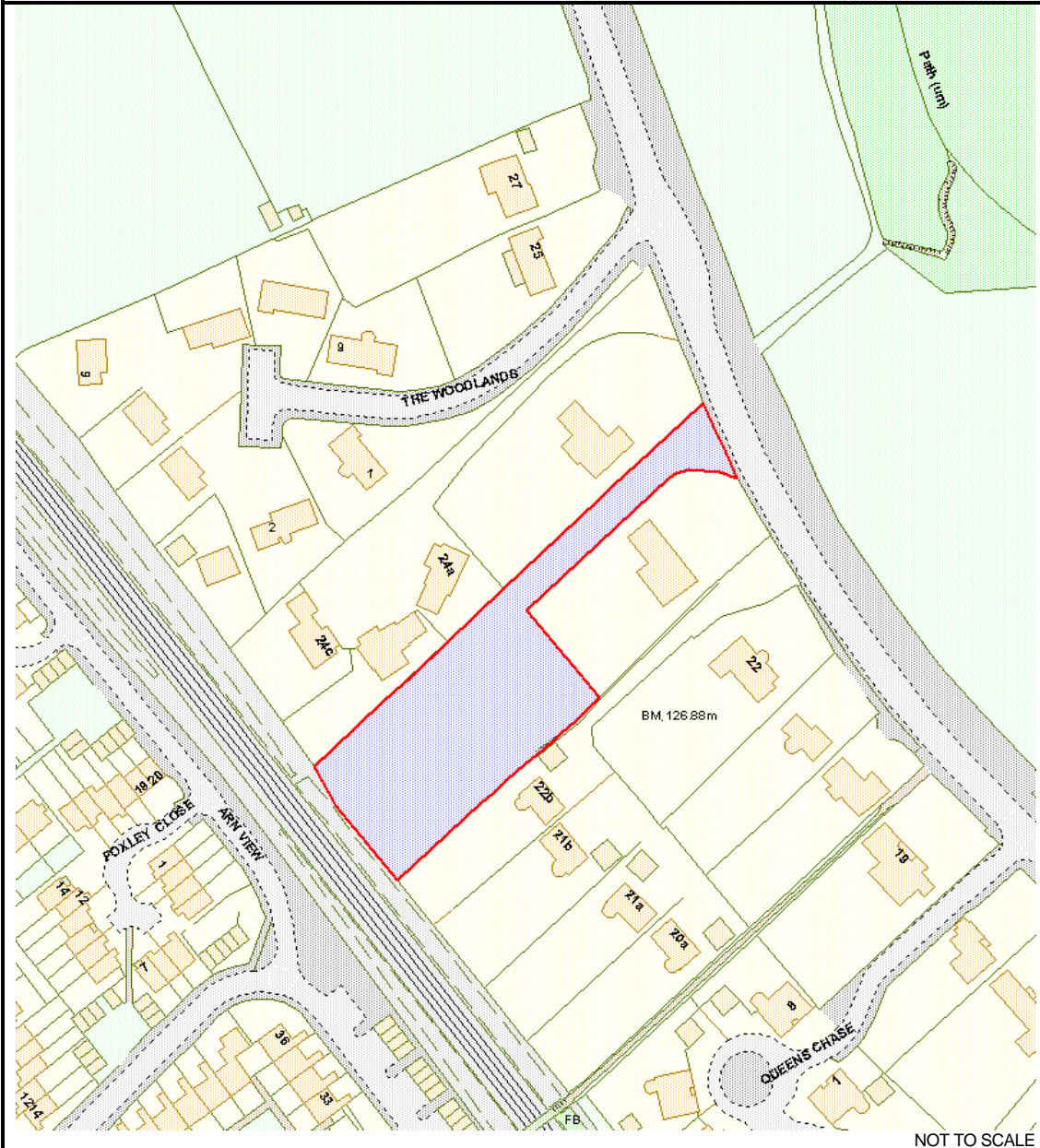
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 09

APPLICATION NO: 06/00726/FUL

LOCATION: Land Rear Of 23 Westbury Road Warminster  
Wiltshire



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SLA: 100022961

**09 Application: 06/00726/FUL**

**Site Address: Land Rear Of 23 Westbury Road Warminster Wiltshire**

Parish: Warminster Ward: Warminster West  
Grid Reference 387191 146017  
Application Type: Full Plan  
Development: Construction of five dwellings  
Applicant Details: Mr D Knowlson  
C/o Barrie Taylor Associates 39 Silver Street Warminster Wilts  
BA12 8PT  
Agent Details: Barrie Taylor Associates  
39 Silver Street Warminster Wilts BA12 8PT  
Case Officer: Mrs Judith Dale  
Date Received: 06.03.2006 Expiry Date: 01.05.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 The development hereby permitted shall begin 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 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres out side the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

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

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

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

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

- 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 boundary treatments indicated on the approved plans shall be completed prior to the occupation of the dwellings to which they relate.

REASON: In the interests of the appearance of the street scene.

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

- 6 The first floor window in the east elevation of Plot 3 shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.

REASON: In the interests of amenity and privacy.

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

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

REASON: In the interests of amenity and privacy.

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

- 8 The development hereby approved shall not be occupied until two parking spaces per dwelling have been provided within the curtilage of the site.

REASON: In the interests of highway safety.



9 A recessed entrance having a minimum width of 4.5 metres shall be constructed 4.5 metres back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

10 The gradient of the access for the first 4.5 metres shall not exceed 1 in 15.

REASON: In the interests of highway safety.

11 Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge and lines drawn between a point 2.0 metres back from the carriageway edge along the centre line of the access and points on the carriageway edge 120 metres from and on both sides of the centre line of the access, shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level, and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

12 The access road shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

13 Before the development hereby permitted is commenced, full details of the gradient of the proposed access drive shall be submitted to and approved in writing by the Local Planning Authority. The work shall be implemented in accordance with the approved details.

REASON: In the interests of highway safety.

14 No works (including site preparation) or development shall take place on the site until a detailed mitigation strategy for the protection of the Slow Worm population on the site has been submitted to and approved in writing by the Local Planning Authority. Development shall then only be carried out in accordance with the approved strategy.

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

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

15 During the course of the development, the site shall be carefully surveyed to determine whether Bats or Barn Owls are present. If any sign of Bats or Barn Owls is discovered during the development, work shall cease immediately and English Nature shall be consulted further.

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

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

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

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

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

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

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

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

- 18 The development hereby permitted shall not begin until a noise impact assessment and scheme for protecting the proposed dwellings and their curtilages from noise from the adjacent railway has been submitted to and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is first occupied, unless an alternative period is agreed in writing by the Local Planning Authority.

REASON: In order to safeguard the amenity of future occupiers of the proposed dwellings.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C36.

**Note(s) to Applicant:**

- 1 The applicant is advised to consult with Wessex Water on agreement to a point of connection with Wessex infrastructure, the provision of three-metre easement widths on either side of its apparatus and the protection of Wessex infrastructure crossing the site.
- 2 For the avoidance of doubt, the proposed 1.8 metre high close-boarded fence indicated along the south-eastern boundary of the site shall extend along the rear boundaries of Plots 1 and 2.
- 3 The applicant is advised that the hours of operation during the course of development and construction shall take due account of the proximity of existing residential properties.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because Warminster Town Council objects to the proposals contrary to Officers' recommendation.

This is a detailed application for the erection of five dwellings on land to the rear of 23 Westbury Road. The site is a 0.31-hectare backland plot, formerly comprising the rear half of the garden of the frontage property but now in separate ownership. Its rear boundary abuts the railway line; both side boundaries abut existing backland development which has taken place in recent years. The site is rectangular in shape, slopes downwards from the road frontage and is heavily treed with mature specimens.

The proposal is for the creation of a new private access drive alongside the frontage property, and the erection of one detached 4-bedroomed dwelling and two pairs of 3-bedroomed properties in an L-shaped arrangement around the head of the drive. All five units are two-storey in terms of accommodation but effectively one and a half storey in height, and individually designed as a group of dwellings "which have historical reference to the manner of the development of a large house with coach house".

The pallet of material is stone and render under plain clay tiles.

The application is accompanied by two Design Statements, one relating to the form of development, and the other to the landscaping details. A Protective Species survey was subsequently submitted to address issues raised by English Nature.

## CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Recommendation of refusal on the grounds of overdevelopment; the width of the drive for five properties with no passing spaces; concern over the accuracy of the plans with regard to neighbouring properties; additional sewerage being pumped into the main drain.

## STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections subject to conditions relating to the provision of two parking spaces per dwelling; details of the access road; visibility splays; and the surfacing of the access road.

- WESSEX WATER: No objections subject to agreement to a point of connection to Wessex infrastructure; the provision of three-metre easement width on either side of its apparatus; the protection of Wessex infrastructure crossing the site.

- ENGLISH NATURE: Comments that further information is required on any protected species which may be present on the site and any mitigation measures which may be necessary as a consequence. A recommendation is also made that Wiltshire Wildlife Trust is consulted with regard to the nearby Warminster Verge County Wildlife Site.

- WILTSHIRE WILDLIFE TRUST: No comment received.

## INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: No comment received.

- LANDSCAPE OFFICER: No comment received.

## PUBLICITY RESPONSES

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

- Additional traffic generation with increased potential for accidents;
- Inaccuracies on the submitted drawings with regard to house numbering and distances to properties;
- Noise and pollution nuisance from the proposed access drive;
- Insufficient information on the details of the proposed access drive;
- Alternative access routes should be explored more fully;
- The specifications of boundary fencing is not clear;
- The existing speed limit along Westbury Road should be reduced to 30mph.

In addition two letters of comment have been received, not specifically objecting to the scheme, but seeking reassurance on acceptable means of boundary screening to ensure privacy; the retention of those trees shown as being retained on the plans; appropriate hours of building works; the early removal of those trees whose rooting systems may be undermined by proposed foundations.

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP4 Housing and employment proposals
- DP9 Reuse of land and buildings

## West Wiltshire District Plan - 1st Alteration 2004

|      |  |
|------|--|
| H1   | Further housing development within towns |
| H24  | New housing design                       |
| C31A | Design                                   |
| C32  | Landscaping                              |
| C38  | Nuisance                                 |
| I1   | Implementation                           |

PPS1 Delivering Sustainable Development

PPG3 Housing

### RELEVANT PLANNING HISTORY

05/01537/FUL - Three dwellings each with carports - Withdrawn 20.02.2006

### KEY PLANNING ISSUES

The key issues raised by this application are: -

- The principle of residential development including density;
- Highway and access considerations;
- Design and amenity considerations;
- Landscaping and nature conservation.

### PLANNING OFFICER COMMENTS

#### Planning Principle

The site is located within the town policy limits where the principle of housing development is acceptable subject to satisfactory detailed criteria, adequate and convenient servicing and infrastructure, and the development not resulting in the loss of important open space or visual gap or constituting inappropriate backland development.

Clearly the site involves backland development, but as referred to in the application details, a similar pattern of development already exists on the sites immediately adjoining.

The site is technically brownfield land and as such, its reuse is encouraged in preference to the development of greenfield sites.

With regard to density, the "developable" part of the site is appropriate 0.25 a hectare, resulting in a proposed density of approximately 20 dwellings per hectare. This is clearly below the recommended figure of 30 to 50 in PPG3 and in that sense, is "unacceptable". However, the following points are considered particularly relevant: -

1. The development as proposed is served by private drive, which, by definition, serves a maximum of five dwellings. In the event that a higher number of dwellings were to be constructed on the site, a formal, adoptable estate road would be required to serve the development which:

- a) would require a total width in excess of that within the ownership of the site;
- b) would have a potentially greater impact on existing levels of amenity;
- c) would prejudice the retention of a Beech tree at the front of the site currently of some amenity value.

2. While PPG3 advises minimum densities for new development, paragraph 56 makes it clear in that new housing schemes should not be viewed in isolation, but must be informed "by the wider context" - the wider context in this case, is of pre-PPG3 development which is at even lower densities than that currently being proposed.

3. Since the rear of the site actually abuts the railway line, the developable part of the site is further limited by the obvious need to site new dwellings a reasonable distance from this boundary for acoustic reasons.

4. There are a large number of mature trees on the site and the intention is for as many as possible to be retained to serve both amenity and wildlife interests.

In respect of the previous application for the construction of three dwellings on this site (05/01537/FUL) which was subsequently withdrawn, the Planning Policy comment was that the site should deliver 7 to 8 dwellings and that with a revised layout and form of development, this could be achieved. While no comment has been received in connection with this current application, it is considered that for the reasons given above, this higher number is unlikely to be achieved, and even if it is, would prejudice other planning objectives. On balance therefore, a total of five units is considered appropriate in this particular case.

#### Highways and Access Considerations

The Highway Authority raises no objection to either the principle or detail of the proposed private drive to serve this development, subject to appropriate conditions. Concerns raised by neighbours over the speed of traffic passing along Westbury Road and the ultimate slope of the driveway have been referred to the County Council for comment and the following response has been received: -

- There is a considerable slope from the highway into the site. A condition was recommended stating that the gradient of the access for the first 4.5 metres should not exceed 1 in 15. As the access will be sloping away from the highway there will no problem with surface water or loose materials spilling onto the highway.
- In view of the concerns from the neighbour, I suggest the applicant submits a detailed plan showing the gradient of the access.
- I am not aware of any plans to lower the speed limit of this section of Westbury Road. However, the comments have been passed to our Traffic Department for their attention."

#### Design and Amenity Considerations

Both the concept and detailing of the development are considered to be appropriate within the context of the site and surrounding area, and in accordance with District Plan policies for new housing development.

This steeply sloping land has required a site specific design and layout, reflected in individual house types designed to accommodate changes in land levels. The shape of the site and the location of existing backland properties comparatively close to the site boundaries has required particular attention to detail to maintain privacy levels. Each dwelling has been designed to overlook its own private space, and to minimise overlooking of others, and the use of one and half storey dwellings with ridgelines lower than eight metres further reduces their visual impact.

Each unit will be provided with two parking spaces, in a combination of carports and open spaces, and the layout shows adequate space within each defined boundary for further casual parking.

Policy H24 requires a "mix of dwelling sizes and types combined to create visual interest and a varied streetscene". While it could be argued that the scheme is limited to only 3 and 4-bedroomed units in this particular case, a wider mix could only be realistically achieved in a higher density scheme.

The proposed choice of materials is plain clay tiles, stone dust render and reconstructed stone detailing. Whilst surrounding development is predominately red brick, and the officer's preference would be for the use of similar materials, the site is not within a Conservation Area, nor highly visible in the streetscene and could not be realistically insisted upon.

## Landscape and Nature Conservation

The submitted landscaping scheme shows the removal of a number of trees within the body of the site, but some limited replacement planting where appropriate and substantial new hedge planting along the "external" boundary of the access road and along the rear boundary of the frontage property.

While the loss of any trees is to be regretted, none are covered by Tree Preservation Orders and their removal (which is currently not restricted) has to be weighed against the benefits of making a more efficient use of a brownfield site.

With regard to the ecological aspects of the development, the recently submitted survey has identified Slow Worms to be present on the site. Suggested mitigation measures are for the translocation of the population to a permanent area in the southwest corner of the site to "to be set aside in perpetuity as a reptile area and ..... jointly owned as a whole by all householders."

This report has been forwarded to English Nature for their comment and it is anticipated that these will be received in time to report to the meeting.

## CONCLUSION

The site lies within the town boundary of Warminster where the principle of development of this brownfield site is acceptable subject to appropriate details. The particular circumstances of the site are considered to justify the lower density and considerable effort has been made to design a site specific development in keeping with its surroundings, but which maintains as far as it is possible, the amenity of existing properties. Within the density limitations, the scheme will make a more efficient use of the site, and is considered to result in a scheme which meets the policies and objectives of the District Plan.



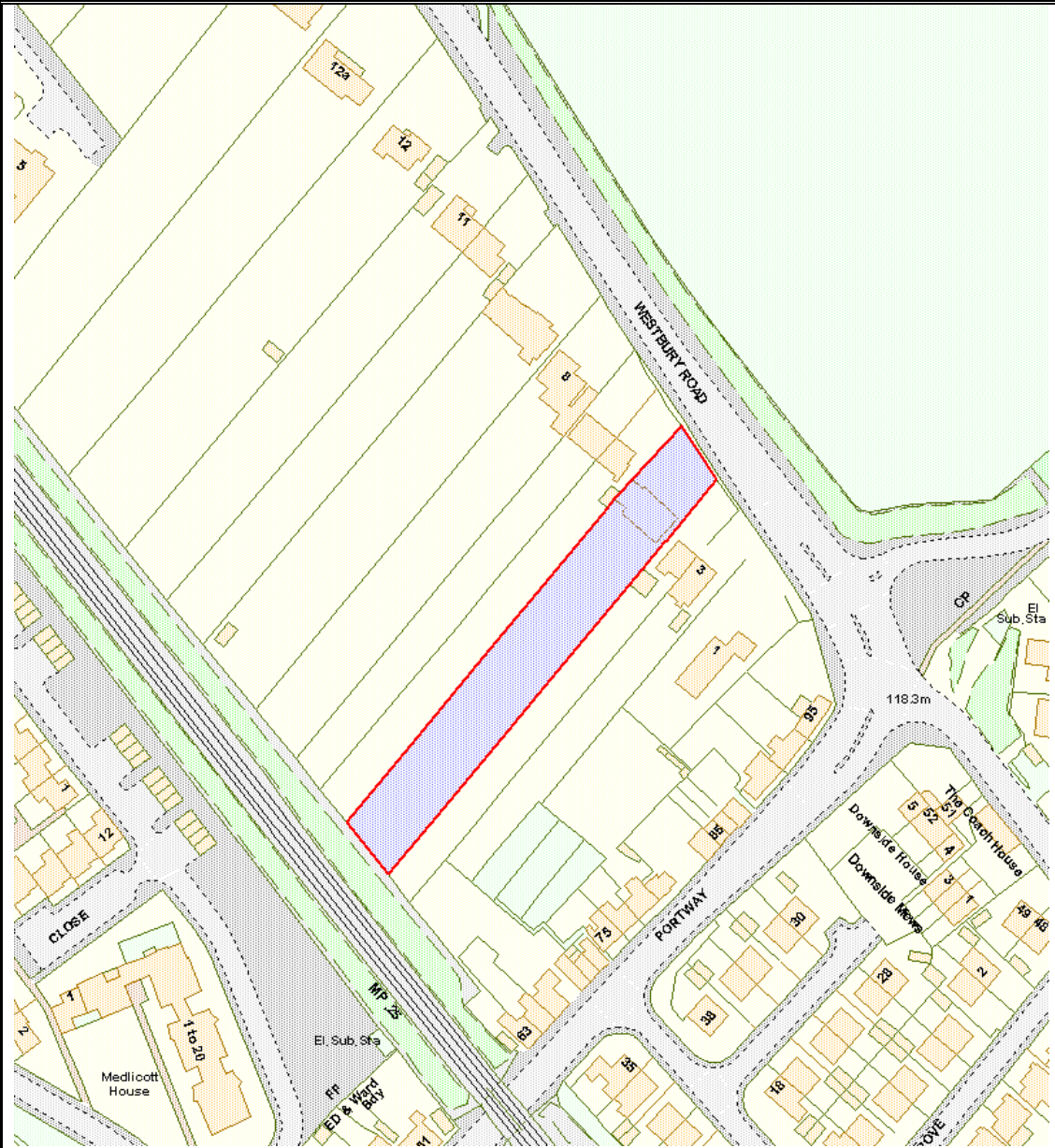
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 10

APPLICATION NO: 06/00806/FUL

LOCATION: 5 Westbury Road Warminster Wiltshire BA12 0AN



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[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961



**10 Application: 06/00806/FUL**

**Site Address: 5 Westbury Road Warminster Wiltshire BA12 0AN**

Parish: Warminster Ward: Warminster West  
Grid Reference 387541 145695  
Application Type: Full Plan  
Development: Extensions and alterations  
Applicant Details: Mrs L Ashton  
5 Westbury Road Warminster Wiltshire BA12 0AN  
Agent Details: Mr Peter Grist  
Furlong House East Street Warminster Wilts BA12 9BZ  
Case Officer: Mr David Cox  
Date Received: 09.03.2006 Expiry Date: 04.05.2006

**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.

- 3 The capacity of the nursery shall remain at 45 children.

REASON: Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner if the number of children increases.

- 4 The accommodation to be provided within the development shall remain as permanent ancillary accommodation to the principal dwelling and shall be occupied only by persons of the same household or staff of the Barney Lodge Day Nursery School. There shall be no subdivision of this single planning unit. The unit shall also not be sold or let as separate accommodation.

REASON: In the interests of Highway Safety and in the interests of proper planning in the area.

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is brought to Committee because Warminster Town Council recommend refusal and your Officers recommend approval.

This is an application for rear extensions at 5 Westbury Road, Warminster. The ground floor of this 2-storey property is used as a day nursery currently for 45 children. The first floor of the extension splits its rooms between residential accommodation, office rooms and a staff room. The driveway of No 5 is located approximately 70 metres from the corner of Westbury Road. The nursery has a 5 metre wide driveway and provides parking for 6 to 8 cars with a small turning area. This section of road has a 40mph speed limit. The road is quite wide for a single carriageway and there are no parking restrictions or road markings on the road to prevent on road car parking.

The application site is located in a residential area where each property is located on a staggered building line within generous plots. Each of the properties enjoy large, deep rear gardens.

The extension would be made up of two main elements. The first would be the extension of the existing single storey projecting rear section. The garden is set on two levels with the host building set above that of the rear garden. There is a retaining wall that provides support for the change in ground levels. The ground floor extension would extend over this change in ground level up to where the existing retaining wall is.

The second element would be the first floor extension of the main building with two separate hipped roofs to match the existing hipped roof rear section of the host building. There would also be a conservatory located between the existing two and single storey sections of the host building.

### CONSULTATION REPLIES:

#### WARMINSTER TOWN COUNCIL

##### Object:

"This property is operating as a Nursery School and as such the application should be considered as an extension to a business and not to a private property. One extension has already been added some 2-3 years ago. The nursery does create a traffic hazard as children are delivered to and collected from school. The property is near a sharp corner in the road and cars park along Westbury Road causing a problem for neighbouring properties."

### STATUTORY CONSULTATIONS:

#### HIGHWAY AUTHORITY

##### Objection:

"A previous application (W94/1409) was recommended for refusal due to insufficient parking and the resulting displacement of cars onto the highway. The proposed accommodation, additional rooms and extension this application is concerned with will result in a further increase to the number of cars visiting the site which has no space to provide further parking.

Therefore the application should be refused because adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner."

#### ENVIRONMENTAL HEALTH

No objection

## PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter. One representation was received objecting to the proposal on the following grounds:

- The property will be over-developed. The proposed extensions will extend the footprint of the property even further, probably over double the original footprint of the property.
- Since the property became a business in 1989 traffic has become an increasing issue. Cars park of the road, turn in drives and reverse out into the road.
- The volume of traffic has been increased as the nursery caters for up to 45 children each day (although we do not know when the restriction from 24 to 45 was made).

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design  
C38 - Nuisance

SPG - House Alterations and Extensions

## RELEVANT PLANNING HISTORY

88/02072/FUL - Change of use of ground floor from residential to day nursery school - PER - 10.01.1989

94/01409/FUL - Single storey classroom extension incorporating two WC's - PER - 24.01.1995

## KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with development plan policy and whether there are any material considerations to outweigh the policy. In this case the main points for concern with regard to this proposal is road safety and the effect on the amenity of adjoining properties.

## PLANNING OFFICER COMMENTS

The 1988 application allowed for a nursery to have a capacity of 24 children. There were no highway objections and it was found that there were no reasonable or justifiable planning objections in relation to neighbouring amenity.

The 1994 application for the extension of the property was recommended for refusal but was allowed at Committee. The Highway Authority had recommended that adequate parking provision could not be made on the site in a satisfactory manner. Additionally the proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users. No mention was made to pupil numbers or was any condition made to limit them.

Therefore the existing 45-pupil capacity has not been in breach of any condition.

The Highway Authority has objected that the proposal would still encourage the parking of vehicles on the public highway. However this is based on the presumption that the extensions would result in a further increase of cars visiting the site. The Highway Authority were specifically asked whether a 45 capacity was acceptable on site as an existing use as well as being proposed. No comment was made by them regarding whether the existing use of the nursery for 45 children was unacceptable. Therefore a condition can be made to limit the number of spaces to 45 so that there will be no further increase in capacity. As the Highway Authority has no objection to the existing level of car parking this would be acceptable.

Environmental Health has also no objection in relation to noise. Therefore the neighbours and Town Council's objections in relation to highway safety and the effect on neighbouring amenity cannot be supported. Additionally the condition to limit capacity will ensure that no further nuisance is caused to neighbouring amenity.

The proposal is also acceptable in terms of its size, scale, form and design and would relate to the existing host building. The first floor extensions would maintain the balance and symmetry of the host building. The single storey extension would result in a very long rear section but as it would not be visible from the street scene no adverse harm would be caused. The single storey rear extension would also not cause any overshadowing of the neighbouring amenity of No 4. This is because No 4 has a large garage outbuilding upon which any overshadowing would occur.

## CONCLUSION

For the above reasons the application should be granted planning permission subject to conditions.



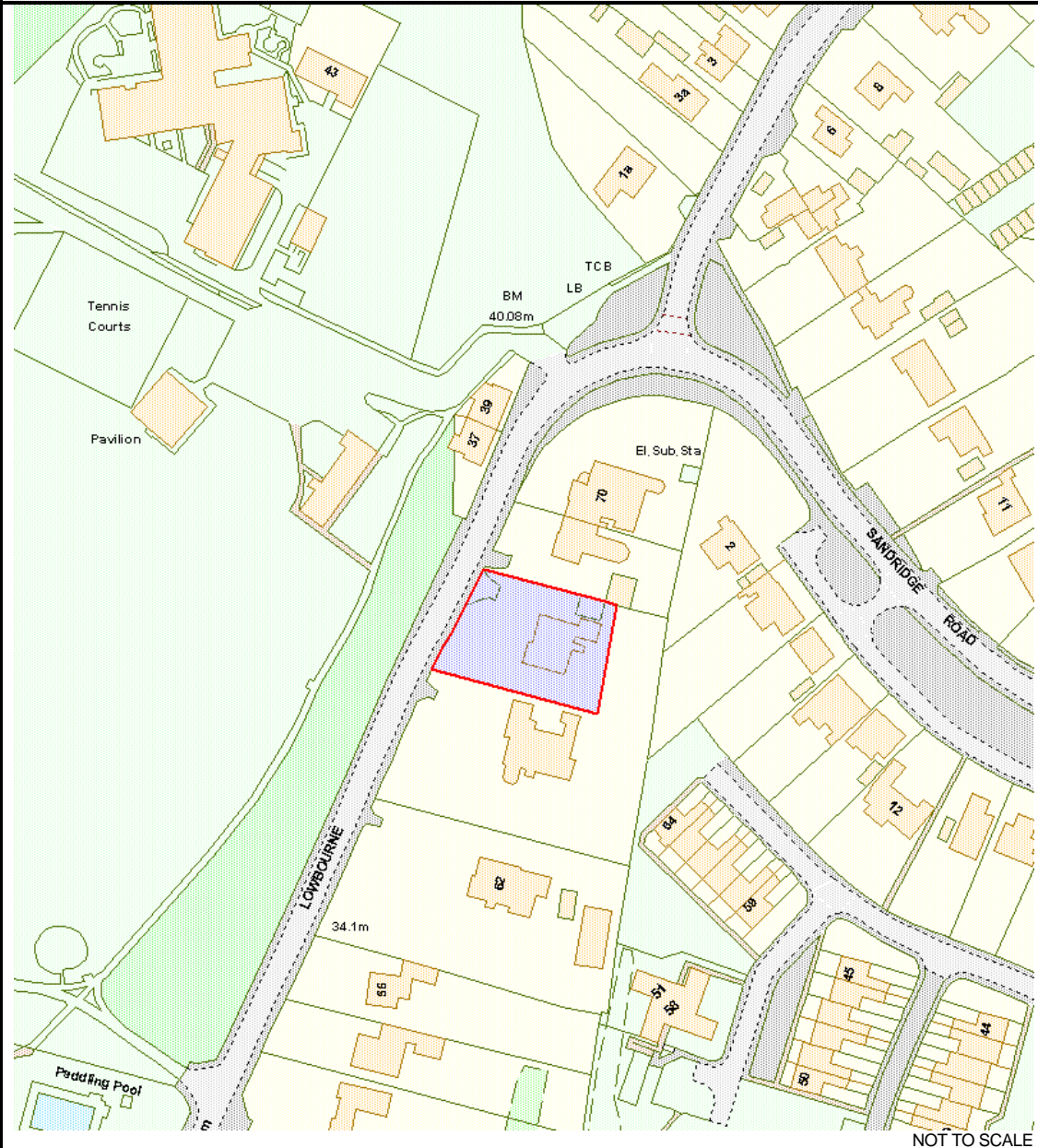
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 11

APPLICATION NO: 06/00778/FUL

LOCATION: Highfield 66 Lowbourne Melksham Wiltshire SN12 7ED



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SLA: 100022961

**11 Application: 06/00778/FUL**

**Site Address: Highfield 66 Lowbourn Melksham Wiltshire SN12 7ED**

Parish: Melksham (Town) Ward: Melksham North  
Grid Reference 390827 164188  
Application Type: Full Plan  
Development: Conversion of existing building into six flats; side extensions to give two additional flats and four maisonettes  
Applicant Details: Urban Elite Developments Limited  
Chequers Corner Lancaster Road Bowerhill Melksham Wiltshire  
Agent Details: Mr J J Sample  
Parham Bungalow Parham Lane Market Lavington Devizes Wilts  
Case Officer: Miss Nicola Rogers  
Date Received: 09.03.2006 Expiry Date: 08.06.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

REASON: In the interests of highway safety.

6 There shall be no entrance gates erected.

REASON: In the interests of Highway Safety

7 The gradient of the drive shall not exceed 1 in 12

REASON: In the interests of highway safety

8 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.

9 The flats hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction of visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

10 Details of storage areas for wheeled refuse bins and cycles, shall be submitted to and approved in writing by the Local Planning Authority, including elevations and details of materials. The approved storage areas shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the appearance of the street scene.

**Note(s) to Applicant:**

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



# COMMITTEE REPORT

## APPLICATION DETAILS

This application is presented to the Planning Committee as Melksham Town Council object to the application and your Officers recommend permission.

This is a full planning application for the extension of this large detached property to facilitate its conversion to eight flats and four maisonettes, 1 one bedroom unit and 11 two bedroom units are included. The extensions to this property would consist of a 'wing' either side of the property measuring approximately 6 metres in width.

The property is positioned approximately 21 metres back from the road in an elevated position, access is currently gained from the northern edge of the site. The character of the neighbouring residential properties is large houses set in the centre of their plots, also in elevated positions.

## CONSULTATION REPLIES:

- TOWN COUNCIL: objected to the application on the following reasons:
- Increase in parking on the main road
- Increased access to the site on a blind corner
- Overdevelopment and not in keeping with street scene
- Extensions would detract from main building
- Insufficient amenity space

## STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: The layout submitted is in accordance with that supplied to this office for comment prior to the submission of the planning application. No objections are raised.

## PUBLICITY RESPONSES

The application was advertised as being major development, and the neighbouring properties were notified. One letter of objection has been received the following points are raised:

- Increased access to the site on a blind corner
- Insufficient parking
- Design of the extensions
- Excessive density

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan  
DP7 - Housing in towns and main settlements

West Wiltshire District Plan 1st Alteration 2004  
C31a - Design  
C38 - Nuisance  
H1 - Further housing in towns  
H16 - Flat conversions

PPS1 Delivering sustainable development  
PPG3 Housing

## RELEVANT PLANNING HISTORY

86/00976/FUL - Conversion to form 10 bed space residential home plus housekeeper's accommodation (permission 30/9/86)

## KEY PLANNING ISSUES

The main issues in this case are the effect of the proposed extensions on the street scene and appearance of the host building and if the conversion of the building to flats is in accordance with policy H16 of the West Wiltshire District Plan 1st Alteration 2004.

## PLANNING OFFICERS COMMENTS

The plot of land is within the town policy limits of Melksham and as such new development would be subject to the criteria in policy H1 of the West Wiltshire District Plan 1st Alteration. The development of the site for housing is acceptable in policy terms if it meets these criteria. The application site is considered in planning terms to contribute to the District's pool of previously developed (brownfield) land. Guidance in PPG 3 (Housing) encourages Local Planning Authorities to consider further appropriate infill development within existing urban areas, in order to make the best use of land. The site is in very close proximity to the town centre and is in a sustainable location.

The proposed development is at a density of 77 dwellings per hectare, which is above the density range recommended in PPG3 (between 30 and 50 dwellings per hectare net), however, it is a development of flats located in a central location and represents an efficient use of the land.

The proposed extensions to this property would almost double the width of the frontage creating a large and dominant building in this location. The ridge line of the proposed extensions would be 0.4 metres lower than the ridge of the existing building and the eaves level of the proposed extensions would be 1.35 metres lower than those on the main house. The extensions are designed to be distinct from the original house by being constructed in different materials and with lower eaves, and achieve a subservient appearance. In this location, characterised by large detached dwellings, an extended property would not appear out of place, indeed the two properties to the north are joined and extended to create an appearance of a very large dwelling.

Policy H16 of the West Wiltshire District Plan 1st Alteration 2004 gives a number of circumstances in which the conversion of a building into flats would not be acceptable. These are each examined below:

### Reasonable sub-division.

The main section of this building, without extensions, is proposed to be divided into six flats, each extended 'wing' would contain one flat and two maisonettes. Each unit would contain one or two bedrooms, a bathroom and a good sized living and kitchen area, floor areas range from 45 to 61 square metres. This level of sub-division would not be over intensive as all the flats are of reasonable size. The policy does not preclude extending a property to facilitate more units, and the additional units provided in the 'wings' are also of a reasonable size.

### Outward appearance and local character.

The effect of the proposal on the street scene and character of the area is examined in the first paragraph of the Officers Comments section. The addition of the extensions would not be detrimental to the street scene as examined above. The proposal includes the addition of four small dormer windows on the front elevation and eight on the rear. These features are not particularly characteristic of the immediately surrounding area, but are not harmful to the character of this mixed residential area and would not be detrimental to the street scene in this location. The dormer windows are modest in size and are relatively small features in the roof slope, they generally respond to the form of the building and serve to add interest to what would otherwise be a particularly large roof slope on the 'wing' sections.

Access and car parking.

The proposal includes alterations to the access and parking arrangements on the site. The existing access is located towards the northern edge of the site and is a wide driveway up the slope to the property. The proposal would seek to move this access to the centre of the site incorporating visibility splays across the whole site frontage. A large parking area is provided at the front of the site, twelve parking spaces are provided in total, which represents one parking space per unit. The Highway Authority is satisfied with this access arrangement and parking provision, and conditions are recommended to ensure this access and parking is adequate.

The Town Council is concerned that insufficient parking is provided and this will encourage parking of vehicles on the road at this point. As this site is located within a suitable distance of the town centre and in a sustainable location, the Highway Authority have agreed that provision of one parking space per unit is adequate in this case. In the interests of sustainability and encouraging sustainable means of transport, two external cycle stores, and an internal storage area is provided for the residents. Double yellow lines extend across the frontage of the site and for some distance along this road, therefore no additional parking would be available on the road.

The Town Council is also concerned that the proximity of the site to the corner junction with Forest Road and Sandridge Road may result in exacerbated traffic problems in this area. However, visibility splays are provided across the whole site frontage and traffic calming measures are in place at this junction. The site is some 75 metres from this junction, and no additional traffic problems would be experienced as a result of this development.

Amenity space around the building.

The plot in which the property is located is approximately 1145 square metres in area, the property is located towards the rear of the plot and the front area is allocated for the parking. The rear amenity space is approximately 10 metres in depth across the entire rear elevation of the property, it is directly accessed by two of the flats from the rear, and the rest are able to gain access from the side. For a block of 12 flats it is important to have a communal garden area for the amenity of the residents. This area of approximately 270 square metres is sufficient to accommodate the needs of residents. The area is currently in a poor state and will need to be properly landscaped to meet the needs of the future residents, this will be secured by way of conditions, but is shown as being landscaped for the purposes of this application. Two small areas of patio are provided, two drying areas, numerous raised beds and seating areas are identified. This space is communal and would be sufficient for use by the occupiers of twelve units.

Amenity of neighbours.

There are no windows proposed on either side elevation of the extended property and the rear windows would not overlook the neighbours to the rear, which are located at a distance of approximately 60 metres from the rear elevation of the property. No loss of amenity would be suffered by any neighbouring residents.

## CONCLUSION

The proposal to convert this building is acceptable under the criteria of policy H16 of the West Wiltshire District Plan 1st Alteration 2004 and the proposed extensions would not detract from the appearance of the host building or the street scene.



**12 Application: 06/01216/FUL**

**Site Address: Land Adjacent 38 Queensway Warminster Wiltshire**

Parish: Warminster Ward: Warminster East  
Grid Reference 388768 144561  
Application Type: Full Plan  
Development: Conversion/extension of existing end terrace dwelling to form two flats and two 2 bed dwellings  
Applicant Details: D S Windows  
21 Whitehays South West Wilts Trading Estate Westbury Wiltshire BA13 4JT  
Agent Details: Mr E C Stockley  
40 Clarendon Avenue Trowbridge Wilts BA14 7BN  
Case Officer: Mr Mark Reynolds  
Date Received: 18.04.2006 Expiry Date: 13.06.2006

**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.

- 3 The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m and which shall be kept free of obstruction above a height of 600mm.

REASON: In the interests of highway safety.

- 4 The driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

5 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.

6 The parking spaces shown on the approved plan shall be provided concurrently with the development to which they relate. The area allocated for parking shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

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

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

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

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

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

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

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

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

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

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

**Note(s) to Applicant:**

1 The applicant is advised to contact Wessex Water to discuss diversion of the foul sewer crossing the site. The applicant is also advised that Wessex Water normally require a minimum three metre easement width on either side of its apparatus, for the purposes of maintenance and repair.

## COMMITTEE REPORT

### APPLICATION DETAILS

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

This is a full planning application for the conversion and extension of an end of terrace dwelling to create two 2-bed flats and two 2-bed dwellings.

The existing building is currently a single three bed dwelling forming 38 Queensway, Warminster. The application site is located within a residential street of Warminster and the site itself would comprise 0.058 Ha. It is proposed that parking would be at the front of the dwelling and that eight car parking spaces would be provided. An existing flat roofed detached garage would be demolished as part of this proposal. The proposed extension would measure 10m in width by 6m in depth and it would stand 7m in height to ridge level.

This is a revised proposal following the refusal to grant planning permission for conversion and extension to provide five flats Ref: 06/00481/FUL. The revised proposal steps back the attached extension from the building frontage by 2m and two large front extensions previously proposed have been omitted with three modest porches included instead.

### CONSULTATION REPLIES

#### WARMINSTER TOWN COUNCIL

Comment that the application should be refused on the following grounds:

- Overdevelopment of the site
- Would have an adverse impact on neighbouring properties
- Lack of privacy from overlooking windows
- Road safety for children to and from school and playing in the area
- Car parking problems would be exacerbated with more traffic using the road
- An adverse impact on amenities regarding parking and would cause great difficulty for the local services trying to gain access.

The committee feel that District Council should go back to Wessex Water and outline the problems that will arise with regard to the drains/sewers in the vicinity.

### STATUTORY CONSULTTEES

#### HIGHWAY AUTHORITY

No objections subject to conditions

#### WESSEX WATER

No objections

### PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties ten letters were received raising the following objections:

- Sewerage overloading of main sewer and drainage problems
- Parking/road safety problems
- Off-street car parking will result in a loss of on street-car parking
- Pedestrian safety
- Access for emergency vehicles
- Block light to No.37

- Overdevelopment of the site
- Planning history of the site
- Planning process reform - greater consultation with the public
- Proposal could become six flats
- Overlooking
- Public right of way adjacent to the site
- Extension out of keeping with bungalows in the area

## PLANNING POLICY

Wiltshire Structure Plan 2016

DP7 Housing in towns and main settlements

T5 Parking

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further Housing Development within Towns

H16 - Flat conversion

H24 - New housing design

C15 - Archaeological assessment

C31a - Design

C32 - Landscaping

C38 - Nuisance

T10 - Car parking

PPS 1 - Delivering Sustainable Development

PPG 3 - Housing

Supplementary Planning Guidance - Household Alterations and Extensions

SPD - Residential Design Guide

## RELEVANT PLANNING HISTORY

04/01792/FUL - Erection of a pair of two bedroom starter homes - Withdrawn 07.01.2005

06/00481/FUL - Conversion/extension of existing end terrace dwelling to form five flats - Refused 06.04.2006

## KEY PLANNING ISSUES

The issues to consider in this case are planning history, policy issues, car parking, neighbouring amenity and design.

## PLANNING OFFICER COMMENTS

The planning history of the site is relevant in determining this application. An application was refused Ref: 06/00481/FUL in April 2006. This previous application included large front extensions which were considered out of keeping and uncharacteristic of the local area in size, design or form. A further reason for refusal was based upon the likelihood that the proposal would result in cars being parked on the public highway. This application needs therefore to overcome these reasons for refusal.

Both national and local policy is to encourage the best use of urban land for new housing and the sub-division and extension of existing dwellings to create flat developments can enhance the range and increase the housing stock.

Policy H16 of the adopted District Plan permits the conversion of properties into flats providing that they do not result in the over intensive sub-division of properties, are not detrimental to the appearance of the building or the character of the area, have adequate parking provision and amenity space, and are otherwise not detrimental to the amenity of the neighbouring residents.



With reference to these particular criteria, the following are considered relevant:-

The proposal to create four dwellings would result in a density of 69 dwellings per hectare which would represent an efficient use of land and would not be considered to represent overdevelopment in this case.

The character of the surrounding area is mostly that of terraced and semi-detached properties in a moderately dense form of development. Dwellings in the area often occupy the full width of their plots with reasonable sized front and rear gardens. The proposed extension would attach to the end of a row of 10 terraced properties it would be stepped back from the frontage which is considered acceptable given that the existing terrace exhibits several steps in its layout. Properties in the area tend only to have modest front extensions which appear to originally be simple open porch canopies. This revised proposal would introduce more modest porch features with simple mono-pitched roofs which would be more sympathetic to the character of the area than the previously proposed large front extensions.

It was previously considered that the width of the proposed extension at 10m would be considerably wider than the existing dwelling and neighbouring dwellings in the terrace of properties. This level of extension would act to unbalance this terrace of properties and would not relate well to the existing spatial pattern of development in the street. The revised proposal has however by incorporating two porches one at either end of the extension and by setting the extension back from the frontage acted to break up the frontage of the building to avoid creating the appearance of one long dwelling which would be considerably wider than neighbouring properties. The revised proposal is therefore considered to accord with Policies H1, C31a and H16 of the West Wiltshire District Plan 1st Alteration 2004.

By setting the extension back from the frontage it is possible to create eight car parking spaces which is consistent with the recommendations of the Highway Authority who have raised no objection to the proposal. Objections have been received regarding the fact that this proposal will displace cars to the highway. Given however that eight spaces will be provided this is considered adequate to avoid the displacement of cars onto the public highway. Concern has been raised that a loss of on-street car parking would result. The road is however only approximately 4m wide and on-street car parking is difficult without mounting the kerb. Given the proximity of the development to the hammer head turning point, parking at this position in front of the application site would be difficult without obstructing vehicles.

Concerns have been raised regarding pedestrian safety in the street, these concerns are noted however it should be noted that an existing vehicular access exists at the western edge of the site. Further the Highway Authority have not objected to the proposal given the amendments to the parking arrangement which have been discussed with the highway engineer which enable improved intervisibility with the footpath to the west of the site.

Neighbouring amenity has been raised as a source of objection in several letters received on the application. This proposal would be located some 22m from the property to the south No.24 Rock lane. This gap is considered sufficient to avoid overlooking occurring between dwellings. There are no windows above ground floor level to be inserted in the west elevation of the proposed extension. The two windows which are proposed at ground floor level would not serve habitable rooms and the proposal should not result in a loss of privacy. Whilst the proposed flats would be located approximately 10.5m from a bungalow at No.37 the proposed extension would be positioned to the south of the bungalow and the proposal should not overbear or overshadow this neighbouring dwelling.

Objections have been received stating that mains sewers cross the site. The agent is aware of this and has provided details of a sewer diversion. The issue of drainage has been looked at by Wessex Water and they have raised no objections to the proposal. This issue will further be looked at in more detail by the Building Control department.

A restrictive covenant exists on the land and this has been raised as an issue. This is not, however, a planning consideration in this case.

An objection has been received regarding access for emergency vehicles. However, the Highway Authority have been consulted and have not objected to the proposal. Furthermore given that the proposed extension and conversion is unlikely to result in increased parking on the road this proposal should not make access for emergency vehicles any more difficult than would currently be the case.

A neighbour has noted that there exists a public right of way adjacent to the site. There is a path of which the Council was aware when considering the application but it is not designated as a public right of way.

A neighbour has also reported that the proposal could result in six flats. The creation of any further dwellings would however require express planning consent.

The application site is located within an Area of Higher Archaeological Potential but the site does not exceed an area of 1 hectare and an archaeological survey would not therefore be required.

Comments have been received regarding the need for greater two way consultation in terms of finding suitable sites for development other than green field sites. These comments are not however directly relevant in this case given that the proposal site forms a side garden which can be defined as a brown field site.

## CONCLUSION

The proposal accords with the development plan and the previous reasons for refusal have been overcome.



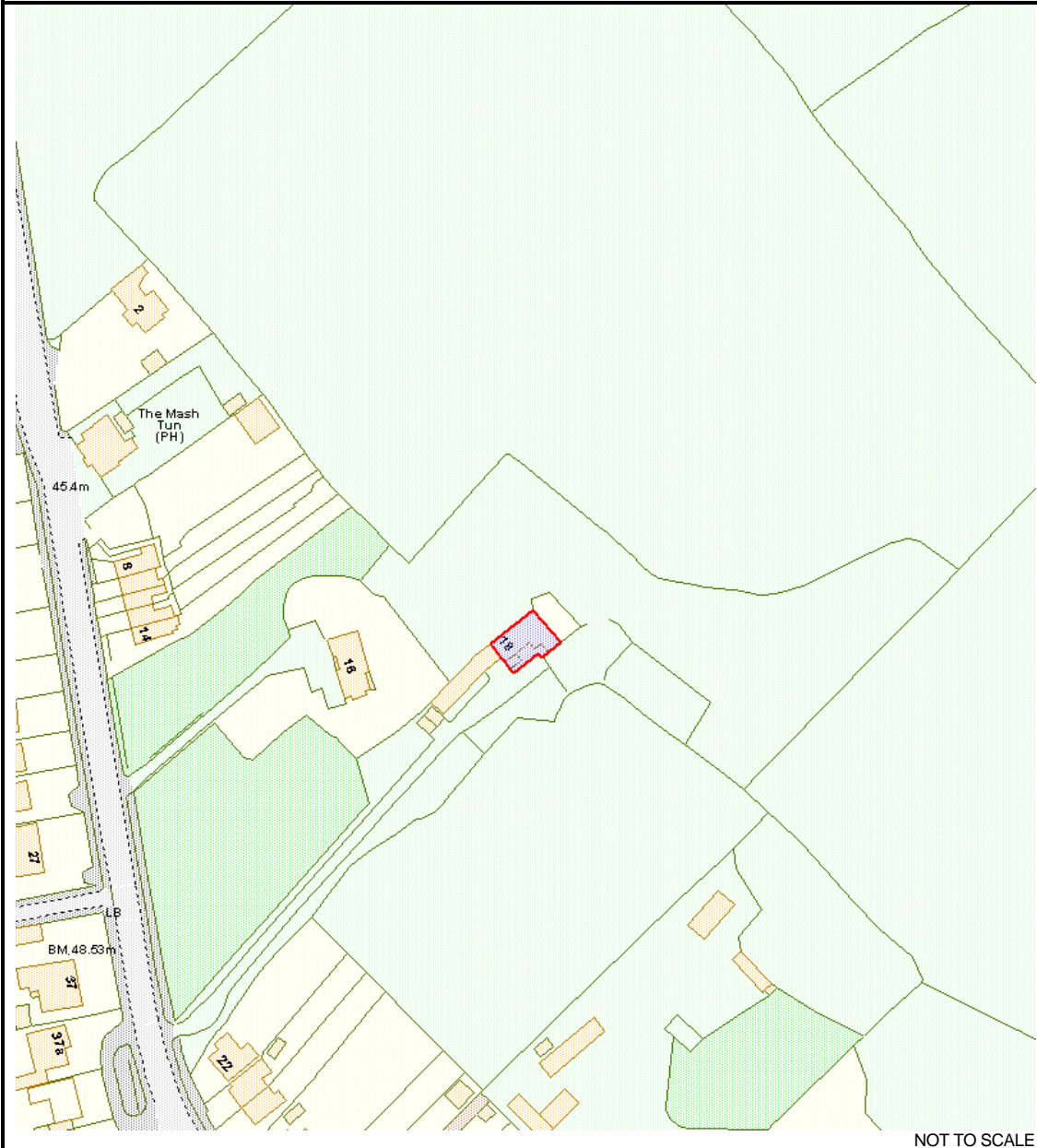
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 13

APPLICATION NO: 06/01320/FUL

LOCATION: Woodmarsh Farm 18 Woodmarsh North Bradley  
Wiltshire



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SLA: 100022961

**13 Application: 06/01320/FUL**

**Site Address: Woodmarsh Farm 18 Woodmarsh North Bradley Wiltshire**

Parish: North Bradley Ward: Dilton Marsh  
Grid Reference 385690 155596  
Application Type: Full Plan  
Development: Land drainage works  
Applicant Details: Mrs S K Brown  
7 Watts Farm Peppercorn Orchard Great Hinton Trowbridge BA14  
6DB  
Agent Details: Cousins Thomas Rose  
10 Church Walk Trowbridge Wilts BA14 8DX  
Case Officer: Mr Matthew Perks  
Date Received: 26.04.2006 Expiry Date: 21.06.2006

**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 An ecological survey, investigating and recording details of all protected species and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. The survey shall include an investigation of the ditch to the north-eastern boundary of the site that will be utilised for the discharge of drainage waters.

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

POLICY: West Wiltshire District Plan - Policy C7.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is referred to Committee because the North Bradley Parish Council objects and officers recommend permission.

This is a full planning application for land drainage works at Woodmarsh Farm, 18 Woodmarsh.

The application is retrospective. The site is located to the east of Woodmarsh. The property slopes generally from south to a lower level at the north, and the drainage system would divert flows around the one dwelling centrally located on site to an existing ditch on the north eastern

boundary of the site. A soakaway is proposed to the east of the dwelling. A pond is proposed approximately 40m to the north of the dwelling. The overall length of the drainage system would be roughly 280m. Stone surrounded 300mm perforated pipe would be used to create these land drains.

The applicant states that the works are proposed to alleviate existing localised flooding around and in the vicinity of Woodmarsh Farmhouse.

#### CONSULTATION REPLIES:

- NORTH BRADLEY PARISH COUNCIL: "This application was not approved as in the opinion of the Parish Council the size of the land drainage is far in excess of what is required, and in their opinion advice should be sought from the Ministry of Agriculture in connection with this scheme. Worries were also expressed about the discharge into the ditch as it is felt that the Environment Agency should also be consulted with regard to the possibility of flooding. The whole scheme was objected to by the Parish Council."

#### STATUTORY CONSULTATIONS

- ENVIRONMENT AGENCY: "The Environment Agency does not wish to provide any comment regarding the above planning application."

- ENGLISH NATURE: "The occurrence of protected species in the existing water bodies on this site is a possibility, but since the works will not affect these bodies of water we have no comments to make regarding this planning application."

- WILTSHIRE WILDLIFE TRUST: Holding objection. The Biological Records Centre does not hold records of protected species in the immediate area, but there is the potential for impacts on a pond and ditches. A survey is recommended for evidence of protected species to establish whether or not there is a presence of species, especially great crested newts or water voles, and to recommend a mitigation strategy if necessary.

#### PUBLICITY RESPONSES

Neighbours were notified of the proposal. No comments were received.

#### RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C1 Protection of the rural landscape and environment  
U4 Groundwater protection

#### RELEVANT PLANNING HISTORY

00/00702/FUL: Replacement farmhouse: Permission: 03.08.2000. This application is relevant in that it relates to the dwelling that is the subject of the drainage protection measures. The application included a condition requiring a landscaping scheme that is currently being addressed by Council's compliance officers to fully regularise development on the site. Recent developments include the submission of plans that include replacement planting, as well as the placing of Tree Protection Orders on protection worthy trees on the site.

## KEY PLANNING ISSUES

The primary issue with this case relates to the impact of the drainage system on the local environment.

## PLANNING OFFICER COMMENTS

The drainage system is proposed as a protective measure against localised flooding at Woodmarsh Farmhouse. Impacts of the proposal would centre on the consequences of the directing water to discharge into the existing drainage ditch to the north of the property. The Environment Agency has considered the plans and does not wish to provide any comment. Although the works commenced without authorisation, it is considered that the existence of land drains carrying naturally occurring water to the drainage ditch would not result in pollution to existing watercourses or harm the agricultural potential of the site.

English Nature has not made any comment or suggestions in respect of the works. The Wiltshire Wildlife Trust has however identified a need to establish whether or not there are protected species present that may be affected by routing the flow into the ditch. Although the application is retrospective a survey is considered appropriate where there may well be species affected and there may be mitigating measures that should be put into place once the system is functional.

## CONCLUSION

The application should be granted permission subject to a condition regarding a protected species survey.



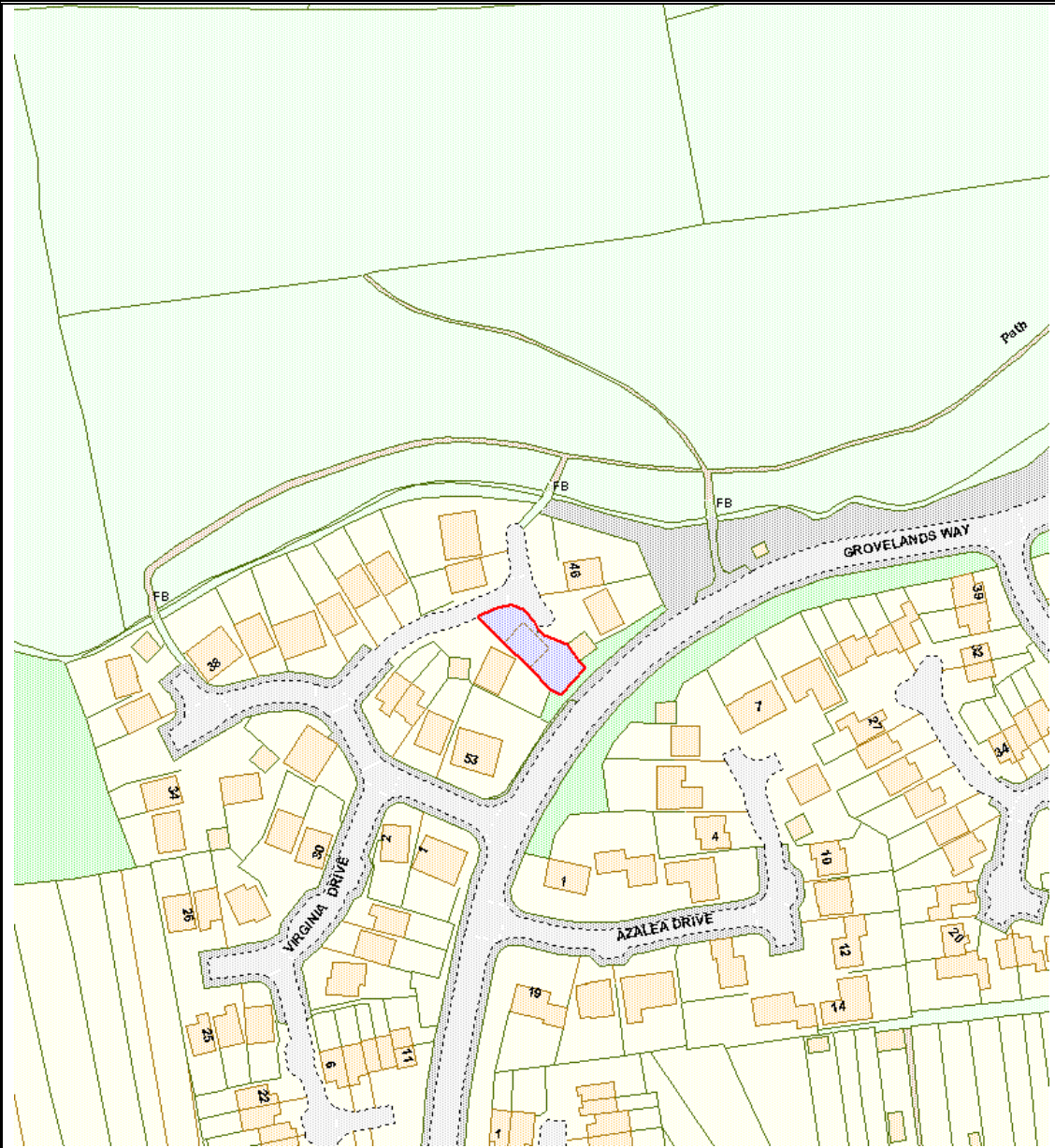
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 14

APPLICATION NO: 06/01327/FUL

LOCATION: 48 Virginia Drive Warminster Wiltshire BA12 8RR



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SLA: 100022961



**14 Application: 06/01327/FUL**

**Site Address: 48 Virginia Drive Warminster Wiltshire BA12 8RR**

Parish: Warminster Ward: Warminster West

Grid Reference 386117 145164

Application Type: Full Plan

Development: Timber single garage

Applicant Details: Mr H E Birdseye  
48 Virginia Drive Warminster Wiltshire BA12 8RR

Agent Details:

Case Officer: Mr Donncha Murphy

Date Received: 26.04.2006 Expiry Date: 21.06.2006

**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 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.

## COMMITTEE REPORT

### APPLICATION DETAILS:

This application is brought to Committee because Warminster Town Council objects contrary to your officer's recommendation.

This is a full planning application for the erection of a timber garage to the rear of the dwelling. The proposed garage would be located in the rear garden and would measure 4.15 metres in width by 5.2 metres in length by 2.6 metres in height with a pitched roof. The development would have a metal up and over door 4 metres wide and 2 metres high.

The host dwelling is a two-storey detached dwelling located at the end of a residential estate of similar dwellings. It has an enclosed garden to the rear, which is surrounded by a two-metre high fence/ wall. There is an existing garage/ shed in the rear garden, which would be removed in order to accommodate the proposed new garage.

### CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Objection on the grounds that they feel that this garage would fill the back garden and be over development of the site. Also added this further comment 'If the District Council are minded to grant this, a condition not to use this for commercial purposes should be included'.

### PUBLICITY RESPONSES

Neighbours were notified to which there has been no response.

### RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31A Design

C38 Nuisance

SPG Planning Design Guidance (House alterations and extensions)

### RELEVANT PLANNING HISTORY

None

### KEY PLANNING ISSUES

The main issues to consider regarding this application is the potential impact on the host dwelling and neighbouring amenity.

### PLANNING OFFICER COMMENTS

The design of the proposal and its impact on the neighbouring properties must first be considered. The proposed garage would be located in the rear garden of the property. There is an existing garage/shed similar in design to that proposed already in place. However the proposed development is larger in size. The existing rear garden is partly covered in concrete slabs, which would be removed as part of the proposal. This would result in lowering the height of the proposed garage so that it is approximately level with the height of the existing garage. However the length of the garage would be increased by approximately 2.5 metres.

There are neighbouring properties to the north east and to the west. Any impact on the neighbouring property to the northwest would be mitigated by the location of the neighbour's double garage, which is located on the boundary between the two properties.

Furthermore by virtue of the distance between the neighbouring property to the west and the proposed development there would be no adverse impact on the neighbouring amenity. Moreover the location of a two metre high fence on the boundary to the west would mitigate any possible impact. Therefore it is considered that the proposal would conform to policy C38 of the West Wiltshire District Plan 1st amendment 2004 which aims to protect residential amenity.

The materials used in the development would be similar to those used in the existing garage. In addition the design of the development would be very similar. As the proposed extension would be approximately the same height as the existing it would only be partially visible from the street scene. Therefore the proposal would comply with policy C31A of the West Wiltshire District Plan 1st Alteration 2004.

This is a domestic garage and there is no suggestion that it would be used for any other purpose. A formal application for change of use would be required if it were to be used for commercial purposes.

## CONCLUSION

The proposals would not constitute over development of the site as the dwelling has a relatively large garage. There would be no adverse impact on the neighbouring properties, the host building and the neighbouring amenity as result of this development.

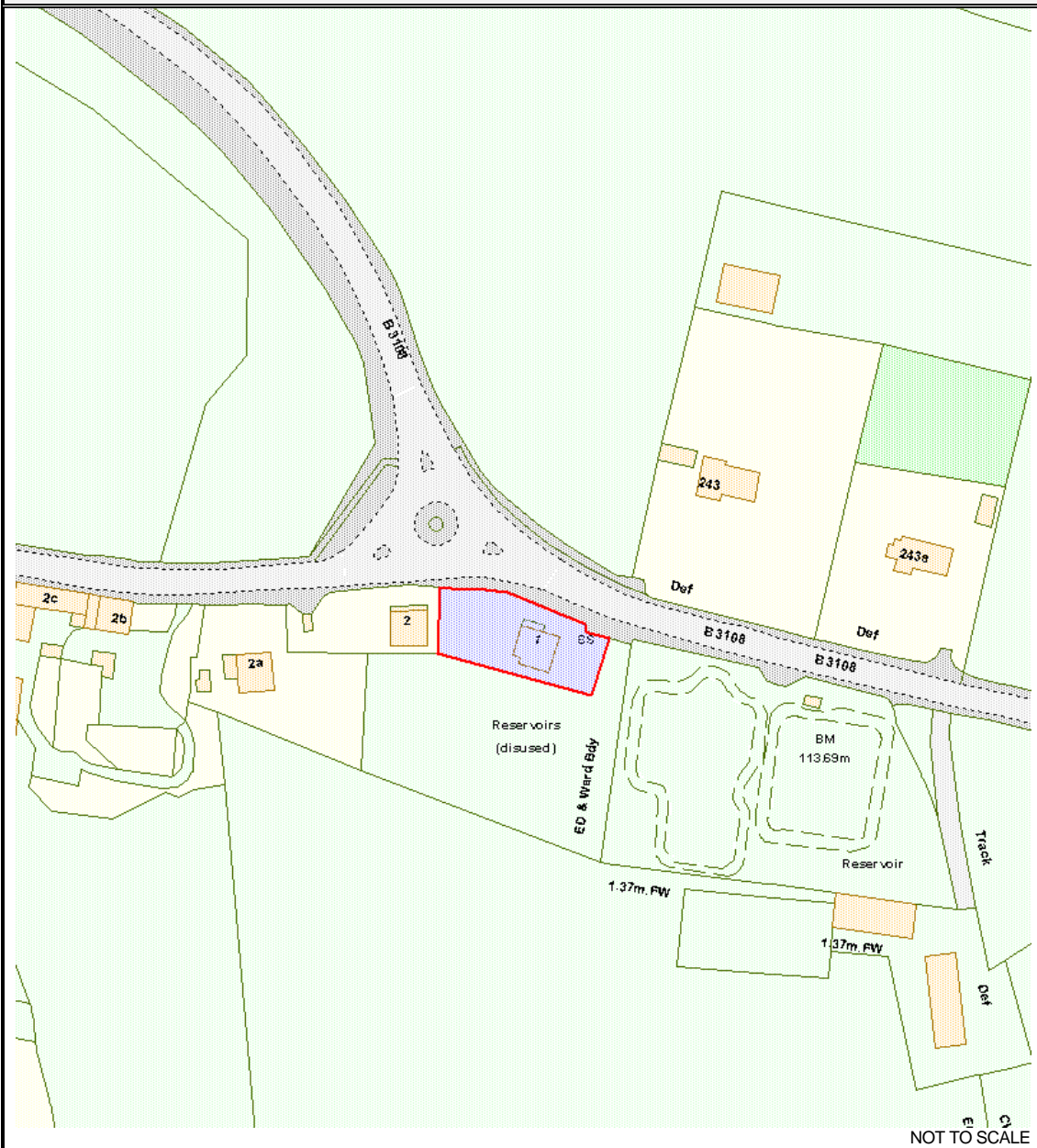
# PLANNING COMMITTEE

13 July 2006

ITEM NO: 15

APPLICATION NO: 06/01355/FUL

LOCATION: 1 Bradford Road Winsley Wiltshire BA15 2HL



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SLA: 100022961

**15 Application: 06/01355/FUL**

**Site Address: 1 Bradford Road Winsley Wiltshire BA15 2HL**

Parish: Winsley Ward: Manor Vale

Grid Reference 380940 161175

Application Type: Full Plan

Development: Demolition of existing detached single storey house, with replacement of 2 storey detached, 3 bedroom dwelling

Applicant Details: Miss Betty Pall  
1 Bradford Road Winsley Wiltshire BA15 2HL

Agent Details: Nick Shipp Architects  
FAO William Green Haugh Winsley Bath BA15 2JD

Case Officer: Miss Julia Evans

Date Received: 27.04.2006 Expiry Date: 22.06.2006

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposed development by reason of its height, mass, size, scale, design and form would result in a new dwelling materially larger than the dwelling to be replaced. This represents inappropriate development in the Western Wiltshire Green Belt, which is by definition harmful and would also not maintain the openness of the Green Belt. No very special circumstances have been demonstrated to outweigh the presumption against inappropriate development in the Green Belt. This proposal is contrary to Policy GB2 of the West Wiltshire District Plan 1st Alteration, Policy DP12 of the Wiltshire Structure Plan 2011 and the advice contained within Planning Policy Guidance Note 2 (Green Belts).
- 2 The proposed development by reason of its height, mass, size, scale, design, form and prominent position would result in a more contrived and substantial property which would harm the rural character of the area, contrary to Policies C1 and C31 a of the West Wiltshire District Plan 1st Alteration 2004.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application has been called in for the consideration of the Planning Committee by Councillor Cunliffe-Jones in the interests of public debate.

This is a full application for the demolition of the existing detached single storey bungalow, and the erection of a replacement two-storey detached, 3-bedroomed house at 1 Bradford Road, Winsley. Number 1 lies at the eastern edge of the village in the open countryside, adjacent to the Winsley by-pass roundabout on the southern side of the B3108. The existing dwelling is a single storey bungalow, lying within a level garden. The total site measures approximately 805 square metres. The existing vehicular access to the site is on the eastern edge of the property. The residential properties on the southern side of the B3108 consist of two bungalows with rooms in the roof (numbers 2 and 2A), and to the east of the site lies a covered reservoir. The whole of the site lies within the Western Wiltshire Green Belt and the Cotswold Area of Outstanding Natural Beauty.

The proposed replacement dwelling would be a two-storey house, located in approximately the same position as the existing bungalow. It would be set down below existing ground level by approximately 30cm. It would be constructed of Bath stone faced blocks, and natural hardwood cladding to the walls, with natural slate to the roof.

The application is a resubmission of one that was refused in November 2005 (ref: 05/02366/FUL) for Green Belt and design issues. A Supporting Statement has been provided by the applicant which concludes that the house is only a 11% cubic metre increase over the size of the existing bungalow, and that the design is sympathetic to its surroundings. A Structural Report has also been provided stating that the works required to the bungalow are uneconomic and that it should be demolished and the plot redeveloped.

#### CONSULTATION REPLIES:

- WINSLEY PARISH COUNCIL: "Resolved to make no objection in respect of the above mentioned planning application."

#### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - "The driveway on the submitted plan does not allow for two cars to park and turn within the site, enclosed is a sketch showing how this could be achieved if the applicant wishes to consider it. However I would not insist on an amendment to the plans as the application is for the replacement of the existing dwelling.

"Therefore, I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted: -

- \* The hanging of any entrance gates shall be so as to open away from the highway; and
- \* The driveway, parking and turning areas shall be properly consolidated and surfaced.

- WESSEX WATER: State: - No objection subject to the provision of further information at detailed design stage.

#### PUBLICITY RESPONSES

The application has been advertised with a Departure Site Notice, and neighbour notifications have been undertaken. No responses have been received.

#### RELEVANT PLANNING POLICY

##### Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP9 Reuse of land and buildings
- DP12 Western Wiltshire Green Belt
- T6 Demand management
- C5 The water environment
- C8 Areas of Outstanding Natural Beauty

##### Wiltshire Structure Plan 2016

- GB2 Control of development in the Green Belt
- C1 Countryside Protection
- C2 Areas of Outstanding Natural Beauty
- C31A Design
- C32 Landscaping
- C38 Nuisance

H19 Development in the open countryside  
H20 Replacement dwellings  
T10 Car parking  
I1A Foul water disposal  
U2 Surface water disposal  
U4 Groundwater Source Protection Areas

SPG Residential Design Guide

National Guidance

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

## RELEVANT PLANNING HISTORY

84/00777/FUL - Vehicular access with parking and turning area - Permission 31.07.1984

05/02366/FUL - Demolition of existing detached single storey house, with replacement of two-storey detached, 3-bedroomed dwelling - Refused 28.11.2005

## KEY PLANNING ISSUES

This application raises the following planning matters: -

- Impact on the Western Wiltshire Green Belt;
- Impact on the Cotswolds Area of Outstanding Natural Beauty (AONB) and open countryside;
- Parking and highways matters;
- Protection of the water environment, and
- Amenity.

## PLANNING OFFICER COMMENTS

This application is a resubmission of a similar scheme to one refused planning permission in November 2005. The reasons for refusal with application 05/02366/FUL were: -

"1. The proposed development by reason of its height, mass, size, scale, design and form would result in a new dwelling materially larger than the dwelling to be replaced. This represents inappropriate development in the Western Wiltshire Green Belt, which is by definition harmful and would also not maintain the openness of the Green Belt. No very special circumstances have been demonstrated to clearly outweigh the presumption against inappropriate development in the Green Belt. This proposal is contrary to Policy GB2 of the West Wiltshire District Plan 1st Alteration, Policy DP12 of the Wiltshire Structure Plan 2011 and the advice contained within Planning Policy Guidance Note 2 (Green Belts).

"2. The proposed development by reason of its height, mass, size, scale, design, form and prominent position would result in a more contrived and substantial property which would harm the rural character of the area, contrary to Policies C1 and C31 a of the West Wiltshire District Plan 1st Alteration 2004."

The current application has sought to address these reasons by "significantly" reducing the "height, mass, size and scale" of the proposed house, and having a "contemporary (design) scheme, which addresses this site with an under-stated building that is set back on the existing building line."

Dealing with the impact of the proposal on the Green Belt first, the key consideration is whether the proposal constitutes inappropriate development in the Western Wiltshire Green Belt, and if so, whether there are any very special circumstances to clearly outweigh the presumption against inappropriate development. Policy GB2 of the West Wiltshire District Plan - 1st Alteration reflects the Government Guidance in PPG2 in that it states that "in the Western Wiltshire Green Belt, approval will not be given except in very special circumstances, for development other than..... (v) the replacement of existing dwellings provided the new dwelling is not materially larger than the dwellings to be replaced." The existing dwelling on the site is a bungalow, but the replacement dwelling is a two-storey house. Notwithstanding the reduction in the size of the proposal from the previous refusal, the current one is still considered to be materially larger than the existing dwelling, thereby it is contrary to National and Development Plan policy. The provision of a two-storey dwelling rather than a single-storey one is substantially different in shape and appearance. To accommodate a first floor the ridgeline of the proposed property is 0.6 metres higher than the existing bungalow, and even being set down below the existing ground level, the height and roof shape increases the bulk of the proposal, so this is considered harmful to the openness of the Green Belt, and therefore is inappropriate development.

In addition to the increased height of the building, the proposed house is significantly different to the bungalow in terms of its form and bulk. The proposal has a much larger shape than the existing dwelling, so again this is considered harmful to the openness of the Green Belt, and is therefore inappropriate development.

To address the previous Green Belt reasons for refusal, the applicant has stated that there is a volume increase of 10.8% over the existing house, and that its redesign has reduced volume and bulk, as well as setting the house 300mm down below ground level. However, this does not address the fundamental objection to this proposal in terms of its impact on the Green Belt: notwithstanding these measures, the height, mass, size, scale, design and form are still considered to result in a dwelling materially larger than that being replaced, and this is contrary to both GB policy and the replacement dwellings policy, H20.

The applicant has provided a Structural Report which concludes that the existing bungalow needs works undertaken on it which would necessitate its gutting, and that the costs of these would be uneconomic. This is not considered to be very special circumstances to override the harm to the Green Belt: the structural failings of the existing building do not validate a replacement dwelling that is contrary to this important policy.

The site lies within the Cotswolds AONB, and is in a prominent location within the landscape. The material change in form of the existing bungalow to a house is considered to be detrimental to the open character of the landscape. The low-form of the bungalow is significantly less obtrusive than the proposed house, and as proposed would form a dominant residential form in this transitional location. Consequently, the proposal is considered harmful to this nationally important landscape. However, as the impact of the scheme on the AONB was not included with the previous reason for refusal, it is now not possible to include it in a reason for refusal this time. There is not a significant difference in design to warrant a different reason from the previous refusal. However, the previous one was refused for its harm to the rural character of the area, so this reason has been repeated.

Parking, highways and drainage matters could be addressed by condition, and the countryside location of the proposal raises no amenity issues. Consequently, no objections are raised on these grounds.

## CONCLUSION

Notwithstanding the revisions to this scheme from the previous application, the current proposal has not overcome the previous reasons for refusal.