

# PLANNING COMMITTEE

## 7 DECEMBER 2006

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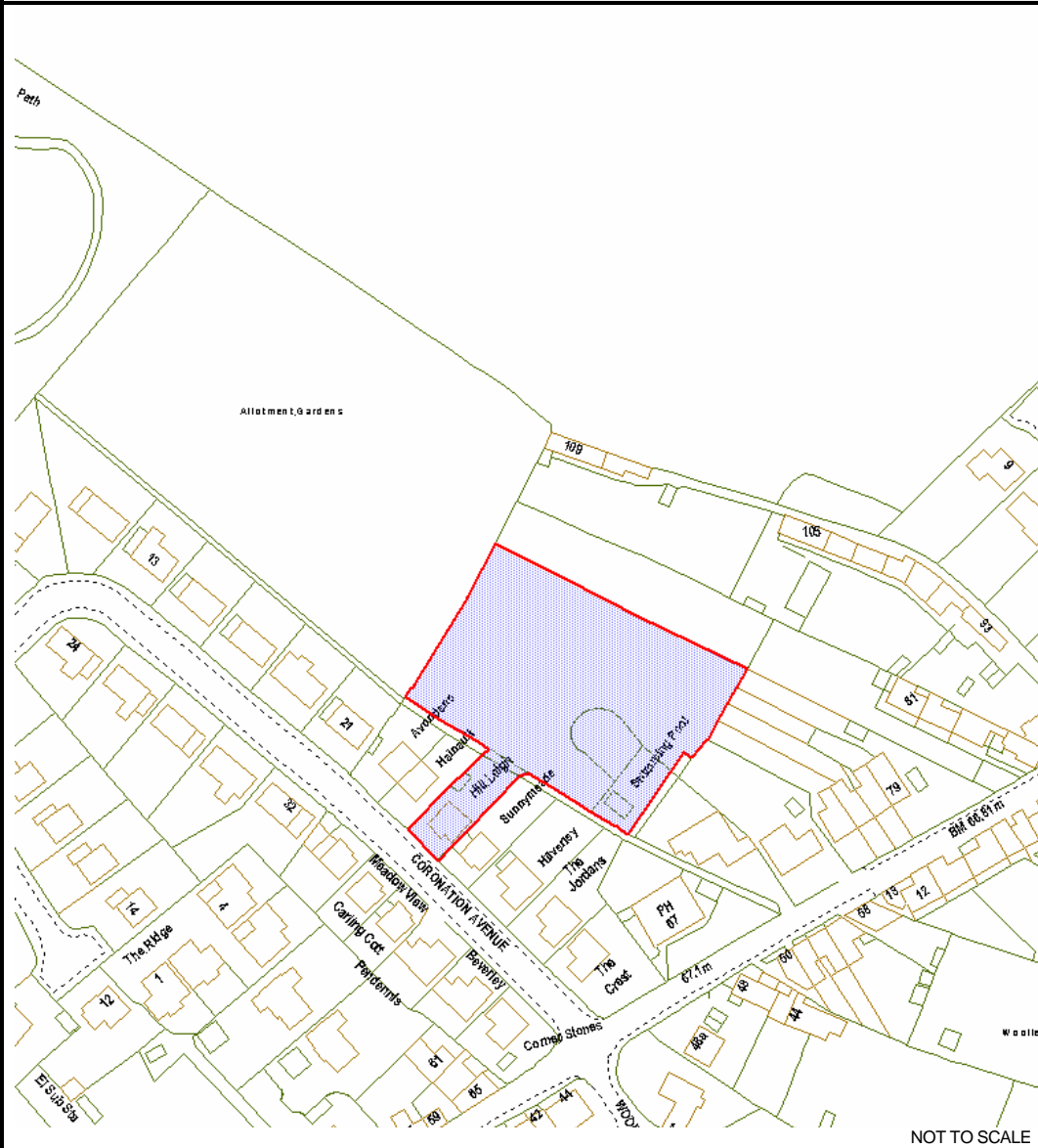
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 01

APPLICATION NO: 06/02441/FUL

LOCATION: Land Rear Of 69 Woolley Street Bradford On Avon  
Wiltshire



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

SLA: 100022961

**01 Application: 06/02441/FUL**

**Site Address: Land Rear Of 69 Woolley Street Bradford On Avon Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon North  
Grid Reference 383304 161332  
Application Type: Full Plan  
Development: Demolition of Hill Leigh and erection of 9 no. 2, 3 and 4 bed dwellings and associated parking  
Applicant Details: Beswick Homes  
C/o 2-4 Wood Street Swindon Wiltshire SN1 4AB  
Agent Details: Ian Sullivan Architectural Design Limited  
2-4 Wood Street Swindon Wiltshire SN1 4AB  
Case Officer: Mr Peter Westbury  
Date Received: 08.08.2006 Expiry Date: 03.10.2006

**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.

- 3 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.

- 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 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.

- 6 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

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

REASON: In the interests of Highway safety.

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

REASON: In the interests of Highway Safety.

**Note(s) to Applicant:**

- 1 The applicant is reminded to seek the advice of Natural England in respect of any development that may affect species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats \_c) Regulations 1994 and the Protection of Badgers Act 1992.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because Bradford on Avon Town Council object and your Officers recommend permission.

This is an application for full planning permission for the erection of 9 dwellings and associated parking and landscaping on land to the rear of 69 Woolley Street, Bradford on Avon.

The application site is rectangular in shape that has previously been used as an orchard. It is bounded by residential development to the west, a Public House and residential development to the south, recreational land and open countryside to the north and east. It is located within a Conservation Area. The site is also within the Town Policy Limits for Bradford on Avon.

There are trees on the northwest and northeast sides that are the subject of a Tree Preservation Order. There are also 4 fruit trees within the site that any scheme for this site would be required to replace to an acceptable standard.

Access to the site will be achieved by the demolition of Hill Leigh, a detached dwelling on the eastern side of Coronation Avenue. This property is not within the Conservation Area and therefore does not require Conservation Area Consent for its demolition.

The proposed housing on the site would comprise of a mixture 5 three-bedroomed dwellings, 2 four-bedroom dwellings and 2 two-bedroom dwellings.

The scheme has been revised in order to address issues surrounding highways, design, layout and landscaping.

#### CONSULTATION REPLIES:

##### - BRADFORD ON AVON TOWN COUNCIL: Object

Recommends refusal as this backland proposal by reason of its overall design, density and layout is not in keeping with the characteristics of the surrounding area and does not preserve or enhance the character of the Conservation Area and disrupts the character of Coronation Avenue: this contrary to policies H1 and C18 in particular.

"This site is outside the built-up area of the town and close to the Green Belt boundary. It is an orchard within the Bradford on Avon No 2 Conservation Area. The site is greenfield with no existing highway access. Its trees are an important part of the setting of the edge of the town. Overall density in the locality is relatively low with generous gardens for many of the surrounding houses.

The proposal is a "backland" development. It requires the building of an access road and footways onto Coronation Avenue a quiet residential road outside the Conservation Area. It requires the demolition of one of a coherent group of interesting 1930's stone houses worthy of inclusion in the Conservation Area. Indeed this road is the only material addition proposed by the Town Council and other community interests for inclusion to the Conservation Area in the North of the Town.

The LPA is particularly asked to be rigorous in the application of their obligation to "preserve or enhance the conservation" area. This is a higher obligation than, for example, causing little damage to the area. The acid test here is simple. Does the proposed development improve the area? The impact on the street scene and amenity of the residents of Coronation Avenue are also crucial matters.

The Town Council notes that the proposer makes much of their consultation with officers of the LPA but this seems to have been the limit of the discharge of their community consultation obligations. They have not consulted with the Town Council or made serious attempts to accommodate many of its soundly based points raised in response to earlier submissions.

The Town Council recommends that there is no disposal of this matter without a site visit by members of the WWDC planning committee to the area. We feel this is important to appreciate neighbourhood impact".

- "Whilst the design of the houses and their terrace form is a significant improvement on previous submissions. The density is also too high. The area tradition is for less bulky or "broken line" terraces. Again, this appears to be an attempt to build as many houses as possible on the limited land available. A scheme of considerably higher quality respecting its surroundings and making a positive contribution to the Conservation Area, and other surrounding area, is required.

- There is little greenspace in this proposal. Car parking dominates the congested layout. The use of fishbone pattern brickwork in the excessive paved area adds to an impression of suburban rather than village development.
- The proposal would result in the destruction of an orchard, important to the garden and green character of the area, and a wildlife habitat. Inadequate space is provided to ensure the long-term protection and future growth of trees on the site, especially those subject to TPOs.
- The proposed would further exacerbate the existing severe and recognised pedestrian safety issues relating to the Woolley Street area, including its unsafe junction with Coronation Avenue.
- Due to the blind nature of the access road caused by high hedges it will be difficult for motorists to notice pedestrians crossing on the footpath to Sladesbrook, many of whom are young.
- 1.8 wooden fences are not a characteristic of the area.
- No specification has been submitted showing materials for the windows and doors and their detailing.
- The Wiltshire and Swindon Structure Plan 2016 Adopted 1.4.06 Housing background paper in Section 11.2 of this paper sets out "That West Wiltshire District represented a "special case", because it was the only District in which the existing housing supply was considered to be more than sufficient to accommodate the number of dwellings required for the Plan period to 2016."
- Neither the County Structure Plan or District Plan seeks this form of development in Bradford on Avon. The development would make no contribution."

#### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to the imposition of conditions.
- ENVIRONMENT AGENCY: No objections subject to standard drainage advice.
- ENGLISH NATURE: No comments received
- WESSEX WATER: No objection

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

#### INTERNAL WWDC CONSULTATIONS

- URBAN DESIGN AND CONSERVATION ASSISTANT

No objection

The advice of the Council's Urban Design and Conservation Assistant is to support the application for the following reasons:

"This scheme has to reconcile the character and layout of development which lies within the Conservation Area, the existing site characteristics and the more modern qualities of Coronation Avenue."

This is achieved successfully by:

- A singular terrace at right angles to Woolley Street
- Architecturally the design of the properties reflects the character of the locality.
- The scheme retains the majority of the boundary wall, and does not prejudice the existing footpath.
- The design has reduced the impact of highway works and includes a well landscaped wall parking area, which respects the nature of the site and its surroundings.
- "Efforts have been made to retain a green courtyard to the front of buildings as well as the existing mature trees which bound the site, thus retaining the setting of the Conservation Area and the wooded backdrop to the surrounding streets."

Overall the conclusion is that the proposal will "certainly change the site, but not to the detriment to the character of the Conservation Area or the wider characteristics of the locality and consequently, with relevant conditions, accords with the Council's policies.

## NON-STATUTORY CONSULTATIONS

### - BRADFORD ON AVON PRESERVATION TRUST

"This development is proposed in a Conservation Area with a very special character based on small terraced cottages with distinctive layouts set around gardens and orchards. As a result of a recent survey of the area by the Conservation Officer it has been proposed to extend the Conservation Area to include another open area of garden and orchard at 49 Woolley Street.

The proposal to place the terrace in the middle of the site with parking to the front and high wooden fences to the rear is completely alien to the predominantly house/garden pattern of Woolley Conservation Area. The proposed positioning of the terrace will result in damage to tree roots of TPO trees and there is the threat of loss of habitat for protected species of bats and owls.

This Trust suggests that this proposal does not conserve or enhance the character or appearance of the Conservation Area. (PPG15 and C17 & C18 Local Plan.

The layout and form of the proposed development does not retain or respect the open space aspect of this part of the Conservation Area. Design Policy C31a or H1 Contrary to Policy HE7 of the Wiltshire Structure Plan 2011.

Hill Leigh is in a group of houses proposed for inclusion in the Conservation Area. Demolition of this house would spoil the group.

The Trust has concerns about pedestrian safety and poor access from the site onto Coronation Avenue. There are often cars parked on this road and satisfactory visibility would be questionable from the site.

The Trust recommends refusal of this application".

### - FRIENDS OF WOOLLEY

Object on the following grounds:

- Proposal neither preserves nor enhances the character or appearance of the Conservation Area, as required by national and adopted local policy (PPG15)
- Does not respect or enhance landscape and townscape features
- Does not protect existing trees on the site
- Does not secure the long term protection of the trees along the northern boundaries of the site, as required by the TPO placed on them
- Pays scant attention to the up to date Structure Plan policy.

A further representation was received underlining this objection and stating that the proposal is contrary to Conservation Area policies of the District Plan.

## PUBLICITY RESPONSES

34 representations were received, each objecting to the proposal on the following grounds:

- Overdevelopment of the site
- Poor access to the site.
- Concern about pedestrian safety
- Proposal would totally disrupt Coronation Avenue
- People need open spaces
- Loss of a dwelling would ruin the character of Coronation Avenue
- Proposal would require additional car parking
- Loss of privacy
- Detrimental impact on the character of the Conservation Area
- Loss of a vital and substantial part of the "mosaic of open orchards and gardens that is a key characteristic of the Conservation Area, and which forms the setting to the surrounding historic linear terraces of cottages"
- Loss of the traditional and historic house/ path/ garden pattern of development which predominates in the Woolley Conservation Area.
- Loss of an important open area in the Conservation Area.
- Demolition of existing lean to would damage TPO trees.
- Loss of "tranquillity in the area"
- Does not preserve or enhance the character or appearance of the Conservation Area, as required by national and adopted local policy (PPG15 and policies C17 and C18 in the WWDC Adopted Local Plan).
- Does not respect or enhance landscape and townscape features and views or the historic layout and spatial characteristics of the surrounding area as required by Design policy C31a or H1.
- Does not protect existing trees nor include appropriate new planting and boundary treatments are uncharacteristic. This is contrary to Policy C32.
- Does not secure the long-term protection of the protected trees along the northern boundaries of the site, as required by the TPO on them.
- The proposed access would have a substantial visual impact on the local environment contrary to Policy C31a paragraph 2D.
- Increased noise
- Unsympathetic character and design
- Increased pollution
- Loss of sycamore, walnut and ash trees which are covered by TPO.
- The site's surrounding walling should be listed
- All trees on the site should be the subject of a TPO.
- Layout not in character with the surrounding area

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

HE7 - Conservation Areas

DP1 - Priorities for Sustainable Development

DP3 - Development Strategy

DP7 - Housing Development at Towns and Main Settlements

DP9 - Development of Previously Developed Land

West Wiltshire District Plan - 1st Alteration 2004

C17 - Conservation Areas

C18 - New Development in Conservation Areas

C31a - Design

C32 - Landscaping

C38 - Nuisance

H1 - Further Development Within Towns

H24 - New Housing Design

T10 - Car Parking



PPS1 - Delivering Sustainable Development (Jan 2005)  
Planning System - General Principles (Jan 2005)  
PPG3 - Housing  
PPG15 - Planning and the Historic Environment

SPG - Design Principles

## RELEVANT PLANNING HISTORY

05/01304/FUL - Demolition of Hill Leigh and erection of 14 three-bedroom dwellings and associated parking - Refused (24/08/05) for the following reason:

"The layout and form of the proposed development would not retain or respect the open space aspect of this part of the Conservation Area nor would the proposed replacements for the 4 fruit trees retain the linear form of the existing trees. Therefore the proposal would be harmful to the special character and appearance of the Conservation Area contrary to Policy HE7 of the Wiltshire Structure Plan 2011, Policies C17, C18, C31a and C32 of the West Wiltshire District Plan 1st Alteration 2004 and advice given in PPG15."

## KEY PLANNING ISSUES

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act, the key planning issue in the determination of this application is whether the proposal complies with Development Plan policy, whether there are any material considerations to outweigh compliance with policy and has this proposal overcome the previous reason for refusal.

## PLANNING OFFICER COMMENTS

Principle of Residential Development and Impact on the Conservation Area

Policy H1 of the District Plan states that proposals for housing development within the built-up area of Bradford on Avon (as defined on the Proposals Map) will be permitted provided that they do not conflict with any other Structure or District Plan Policies. This site is within and bounded by the town policy limit of Bradford on Avon and residential development is therefore acceptable in principle.

As this site is located within the Bradford on Avon No.2 Conservation Area, key Development Plan policies are those relating to Conservation Areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on Local Planning Authorities, to pay special attention to the "desirability of preserving or enhancing the character or appearance of that area".

The West Wiltshire District Plan Policy C17 states that the special character or appearance of the designated Conservation Areas and their setting in West Wiltshire will be preserved and enhanced. This is consistent with the legal requirement of the Local Planning Authority as set out in PPG15.

Policy C18 states that proposals for new development in a Conservation Area will be permitted only if the following criteria are met.

- a. The development will preserve or enhance the character of the Conservation Area;
- b. The plot layout, scale, form and detailed designs are characteristic of the area;
- c. Historically important boundaries and street patterns, trees, walls, railings and other means of enclosure which contribute to the area's character are retained;
- d. Open spaces and views into, out of and within the area, which are important to its character are protected;
- e. Materials and colours which blend with their setting are used. Traditional local materials will be expected, except in locations away from public view.

The character of the Conservation Area in this location is of open land. As noted in the Officer's report on Application 05/013040/FUL historically the site was part of a larger area of allotment gardens. The conclusion for this earlier application was that the proposal would not retain this openness and accordingly should be resisted. In submitting revised proposals for the site, the density of development on the site has been reduced and the applicant has amended the design to, in their words, echo "the form and character of the most attractive terraces within the Conservation Area". The Applicant has sought to address the issue of openness by including areas of landscaping within the scheme and softening the hard landscaped areas through the use of grasscrete.

As a result, the advice of the Council's Urban Design and Conservation Assistant is in support of the proposal stating that it will not be to the detriment of the character of the Conservation Area or the wider characteristics of the locality.

With regard to the layout, scale and form, this proposal has a reduced density of development and, by including a design which echoes the residential development in Woolley Street, the proposal is broadly consistent with the character of the area. This consistency will be further increased by the use of a palette of materials to match development in Woolley Street. A suitable condition to achieve this is recommended.

There are no historically important boundaries on the site.

In respect of the openness of this part of the Conservation Area, the application proposal has been amended so that more of the site will remain open. The concerns of the objectors that the proposal will result in the loss of an important open area are noted. However, on balance the Applicants statement that the proposed terrace has been placed much closer to the southern boundary of the site and footpath so enabling a much greater proportion of the area to remain open and undeveloped, is supported. The incorporation of gardens to the rear of the proposed dwellings coupled with the use of grasscrete will assist in ensuring that the overall open character of this site is retained.

The materials to be employed in this development will match existing residential development in Woolley Street. This can be secured by the imposition of relevant conditions.

The conclusion reached therefore is that the proposed development would preserve the character and appearance of the Conservation Area.

### Design

The siting, layout and design of the proposed development is considered to be acceptable. The advice of the Council's Urban Design and Conservation Officer is that the scheme takes account of the character of the locality and in particular that of the Conservation Area.

The design and layout of the proposal are traditional, in scale with and would respect the appearance of the surrounding area. The detailing is not unsympathetic and therefore is acceptable within a scheme of new residential development such as this.

The proposal is therefore regarded as being consistent with Policy C31a.

### Landscaping

The trees on the site which are the subject of a tree preservation order are retained. The mature hedgerow which separates the application site from the footpath to the rear of properties in Coronation Avenue will, with the exception of the portion required to be removed to facilitate the access road, be retained. As the proposal is for less than 25 dwellings on a site with an area of less than a hectare, there is no requirement to provide affordable housing.

The proposal is therefore consistent with Policy C32.

### Highway Considerations:

In respect of highway considerations, there has been no support from the Highway Authority that the proposed site access from Coronation Avenue created by the demolition of one house, will be unsafe. Indeed the Highways Authority raise no objection to the proposed access.

There is equally no support for the view that nine additional dwellings in this locality will add to any traffic congestion in the area.

The 4 fruit trees would be replaced by 5 semi-mature trees, four of which follow the linear form of the existing trees.

### CONCLUSION

For these reasons the application would preserve and enhance the character and appearance of the Conservation Area, does not detract from the surrounding area and overcomes the previous reason for refusal. It is therefore recommended for permission.

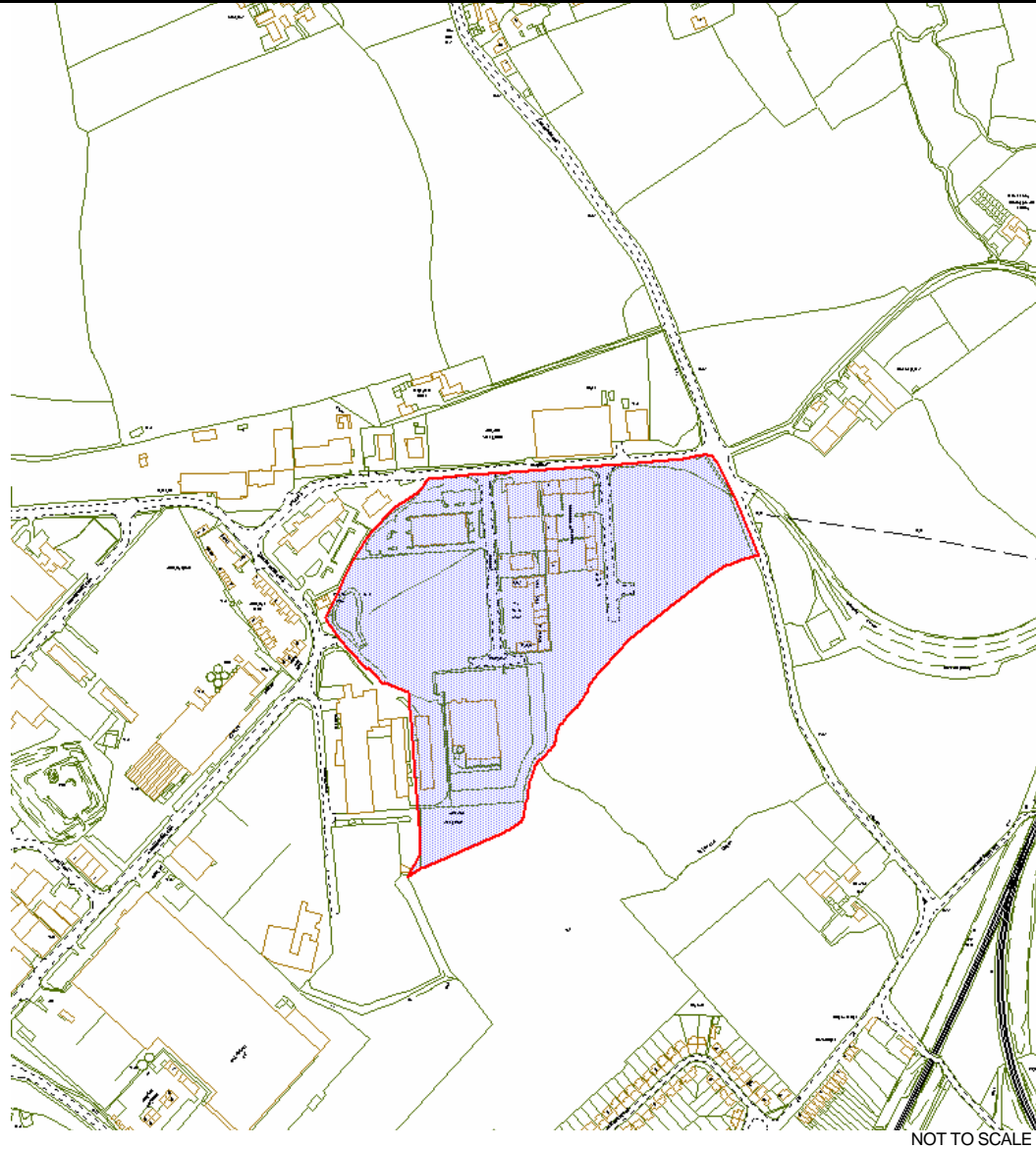
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 02

APPLICATION NO: 05/01290/FUL

LOCATION: Land South Of Link Road And East Of Quartermaster Road West Wilts Trading Estate Heywood Wiltshire



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

SLA: 100022961

**02 Application: 05/01290/FUL**

**Site Address: Land South Of Link Road And East Of Quartermaster Road  
West Wilts Trading Estate Heywood Wiltshire**

Parish: Heywood Ward: Ethandune  
Grid Reference 386119 153039  
Application Type: Full Plan  
Development: Section 73 application to continue to develop the site in accordance with outline planning permission W94/01431 without complying with the time limit for submission of reserved matters  
Applicant Details: Legal And General Property Ltd  
C/o The JTS Partnership Number One The Drive Freat Warley Brentwood  
Agent Details: The JTS Partnership  
Number One The Drive Freat Warley Brentwood Essex  
Case Officer: Miss Julia Evans  
Date Received: 28.06.2005 Expiry Date: 27.09.2005

**REASON(S) FOR PERMISSION:**

**The proposal conforms to the Development Plan and there have been no material changes in circumstances since the outline permission was granted in 1995.**

**RECOMMENDATION: Permission**

**Condition(s):**

1 Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

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

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

4 To ensure a satisfactory landscaped setting for the development, the site shall be landscaped in accordance with a landscaping scheme which shall be subject to the prior approval of the Local Planning Authority. The approved scheme shall be implemented in the first appropriate planting season using trees and shrubs of approved species and height and

maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced to the satisfaction of the Local Planning Authority and maintained for a further period of five years.

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

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

- 5 Each phase of the development as now or subsequently agreed with the Local Planning Authority and hereby permitted shall be carried out and completed in its entirety, in accordance with the attached and certified approved plans and those the subject of subsequent approval, before the occupation of the last unit in that phase.

REASON: To enable the Local Planning Authority to ensure that each phase of the development when carried out is complete and incorporates every appropriate and necessary ancillary feature.

- 6 To ensure adequate parking and servicing provision is available at the time the use is commenced, the parking and servicing areas indicated on the approved plans together with the means of access thereto shall be constructed and made available for use before the premises are occupied.

REASON: In the interests of highway safety.

- 7 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.

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

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

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

- 9 Before the commencement of any works on site, details of the measures taken to protect the pond shall be submitted and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with these approved details.

REASON: To protect the pond and its associated wildlife.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C6A.

**Note(s) to Applicant:**

- 1 The proposed development is situated within 250 metres of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate remediate against the possibility of gas mitigation affecting the development of the site.
- 2 You are advised to contact Wessex Water to agree points of connection and protection of their apparatus.

## COMMITTEE REPORT

### APPLICATION DETAILS

This application has been brought to Planning Committee because Heywood Parish Council have objected to the proposal contrary to officer's recommendation.

This is a Section 73 application for the extension of the time limit for the submission of reserved matters on three parcels of land to the south of the Link Road and east of Quartermaster Road, in the West Wilts Trading Estate. The three areas of land lie off Commerce Close, Cory Way and Broadway East, and are currently undeveloped areas within the Trading Estate. Together these areas measure approximately 4.41 hectares in size.

The applicant states: - "We are instructed by our clients, Legal & General Property Limited, to submit an application under Section 73 of The Town and Country Planning Act (1990), to continue to develop the above site, for Class B1, B2 or B8 development, in accordance with outline planning permission W94/1431 (dated 24 January 1995), but without complying with the time limit for the submission of reserved matters. The limit for the submission of reserved matters is incorporated into the permission by virtue of Section 92 (a) & (b) (i) & (ii) of the Act.

"Planning permission W94/1431 grants permission for the development of the site for Class B1, B2 or B8 development. The majority of the land has since been developed in accordance with this permission, but a number of plots, as shown on Plan No. JTS/3261/1 (edged in red, blue and yellow).

"The permission has clearly been implemented, and this remains extant, however, the time period for the further submission of reserved matters in respect of the, remaining, undeveloped plots has expired. This application, therefore, seeks to lift that time limit so that the remainder of the land can be developed, in accordance with the terms of this permission. In determining this application, we invite the Council to impose a new condition requiring the further submission of reserved matters within three years."

The 94/01431/OUT planning permission was for Class B1, B2 and B8 development on an area of approximately 9 hectares of land. It was subject to four conditions:

- 01 - Submission of reserved matters;
- 02 - A landscaping scheme;
- 03 - Phasing; and
- 04 - Parking and servicing.

Since this time, reserved matters and full applications have been submitted on parts of the site. The purpose of this Section 73 application is, therefore, to replace the currently expired time limit for the submission of reserved matters, and impose a new condition requiring the further submission of reserved matters within three years.

### CONSULTATION REPLIES:

- HEYWOOD PARISH COUNCIL: Object. "While the development of these sites per se is acceptable, the business they will generate will result in a material increase in traffic movements. These movements would aggravate the existing difficulties caused by inappropriate use of Storridge Road and The Ham by traffic from the West Wilts' Trading Estate and Northacre Park. Accordingly, the Parish Council objects to this application; on highway grounds. This objection can be overcome if the Applicant makes an appropriate contribution towards highway works necessary to give priority to traffic from the West Wilts Trading Estate at the Link Road/Hawkeridge Road junction.

"The South side of the entrance to the Trading Estate is protected by a narrow band of hedge and trees which, without some form of additional, landscaping would not provide adequate cover to mask premises constructed close to Hawkeridge Road thereby causing harm to the countryside.

The provision of contiguous screening to match the height and depth of that on the North side of the Link Road entrance to the Trading Estate should be a condition of permission."

## STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - "The Highway Authority requested improvements to the junction of Link Road with Hawkeridge Road as part of the original outline application, which were not included as a condition to the permission issued. These improvement works are still considered to be appropriate and necessary for the safe use of the junction.

"The current application seeks to extend the time limit for the submission of reserved matters, which would appear to be in direct conflict with current national policy, which seeks to prevent renewals and extensions to planning permissions.

"Having regard to the above, I would recommend that this application be refused and a fresh application sought, at which point I will be requesting an appropriate condition to secure the junction visibility improvements."

"The Hawkeridge Road 1 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 -

Further explanation and justification has been requested from the Highways Authority and they state: "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 05/2005 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.

"I can see no reason to depart from this approach on both the applications to which you refer W05/00677/FUL AND W05/01290/FUL. In the absence of contributions to mitigate the deficiencies in the junction the above quoted reason for refusal would be appropriate and would be defended at appeal if necessary."

Since this response the Highway Authority have been asked to provide specific guidance on the amount of contribution required. No response has been forthcoming.

- ENVIRONMENT AGENCY: State: "The Agency has no objections to the proposal but wishes to make the following comments: -

"We will require further information regarding the pond, as shown on plan JTS/3261/B.

"We understand that the pond is existing. Is it to be retained and if so what is it to be used for?

"If it is intended to fill the pond in, this must not be carried out until a survey has been undertaken to assess the pond for its animal and plant life.



The proposed development is situated within 250 metres of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site."

- WESSEX WATER: State: - "The above proposal is not located within a Wessex Water sewered area.

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

"Turning to water supply, according to our records, there is a public water main crossing the site. Please find enclosed a copy of our supply records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

"It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

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

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

- 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."

#### INTERNAL WWDC CONSULTATIONS

- LEGAL SECTION: Conclude "On the facts of your scenario, I understand that reserved matters for certain parts of the site were not made in time, although development was commenced within the necessary time limits. However, following the decision in R v Secretary of State for the Environment Ex p Corby BC, it is clear that S73 does not exclude applications in respect of conditions on outline permissions requiring the submission of reserved matters for approval within a specified period (S92(2)(b)). The effect of failing to meet that deadline is that submission of reserved matters is deemed not to be in accordance with the condition rather than the whole permission being regarded as lapsed. It is therefore possible for an application to be made under S73 to impose a different condition, extending the time for submission of reserved matters for approval"

- SCIENTIFIC OFFICER: Has not responded.

- ENVIRONMENTAL HEALTH: Have not responded.

- ECONOMIC DEVELOPMENT: Have not responded.

#### PUBLICITY RESPONSES

The site has been advertised with three Public Notice Site Notices, and neighbour notifications have been undertaken. No responses have been received.

## RELEVANT PLANNING POLICY

### Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP5 Town centres, district centres and employment areas
- T5 Cycling and walking
- T6 Demand management
- C1 Nature conservation
- C5 The water environment

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

- C6A Landscape features
- C31A Design
- C32 Landscaping
- C35 Light pollution
- C36 Noise
- C37 Contaminated Land
- C38 Nuisance
- E2 Employment policy areas
- T9 Bus services
- T10 Car parking
- T11 Cycleways
- U1 Infrastructure
- I1A Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas

### National Guidance

- PPS1 Delivering Sustainable Development
- PPG4 Industrial and commercial development in small firms
- PPG13 Transport

Circular 11/95 - The Use of Conditions in Planning Conditions

Circular 05/2005 - Planning Obligations

## RELEVANT PLANNING HISTORY

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

89/01400/FUL - Roads and sewers to serve Phase 1 - Permission 02.12.1991

94/01067/OUT - Industrial development (Class B2) Renewal - Permission 20.10.1991

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

96/01193/REM - Road to facilitate industrial development - Approved 14.10.1996

98/00862/FUL - Development of a sub-station for the Avon Rubber Mixing Facility - Permission 27.07.1998

98/00984/FUL - Variation of condition 98/00170 to allow construction of attenuation pond/tank within two months of works commencing - Permission 14.10.1998

99/01809/REM - New service road - Approval 14.01.2000

02/00246/FUL - Erection of 2.4 metre high palisade security fencing and hardstanding around car storage area - Withdrawn 19.03.2002

04/01512/FUL - Industrial units for B1, B2 and B8 use - Refused 31.03.2005

04/02256/FUL - Courtyard of single and two-storey business units (Use Classes B1, B2 and B8) - Refused 22.02.2005

05/00677/FUL - Courtyard of single and two-storey business units (Use Classes B1, B2 and B8) - Legal Agreement required.

## KEY PLANNING ISSUES

The key planning issues in this application are: -

- Whether a Section 73 application is legally the appropriate means for extending the time period for the submission of reserved matters; and
- Whether there has been any material change in planning circumstances since the outline consent was granted in January 1995.

## PLANNING OFFICER COMMENTS

### Section 73 Applications

When applications for outline permission are granted they are subject to a condition which requires the approval of reserved matters to be submitted within 3 years of the date of the outline permission. However, for large sites developed on a plot by plot basis, this time scale is not always practical and the 3 years can expire before the whole site is approved in detail. In these circumstances the legislation allowed for an application can be submitted under section 73 of the Town and Country Planning Act 1990 to allow development of the site to continue without complying with the condition. This, if granted, would have effectively extended the life of the outline permission.

The Planning & Compulsory Purchase Act 2004 effectively removes the ability to extend the life of an outline planning permission by way of a Section 72 application but this only applies to outline permissions granted after the 24 August 2004 and would not therefore apply in this instance.

This is one such application to allow reserved matters applications to be submitted for the remainder of the site under the extant outline consent (94/01431/OUT) even though the time period for their submission has expired. The applicant has requested a further three years for the submission of reserved matters.

There has, however, been some lengthy legal debate on whether an application under Section 73 is the most appropriate means in this case for extending the time period for the submission of details, because case law is to some extent contradictory. The importance of this issue has implications on the Council's ability to impose additional requirements for this site or whether it must stay within the limitations of the original outline permission.

Section 92 of the Town & Country Planning Act 1990 states that applications for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission. Any application for approval of reserved matters which is made after the date by which the conditions require it to be made, could be treated as not made in accordance with the terms of the permission.

The outline application 94/01431/OUT was granted consent on 24 January 1995. Reserved matters had not been received across the whole of the outline site area within the prescribed period and your officers raised the question as to whether an application to extend the outline permission was within the statutory time limits. However, legal advice obtained from the Council's Legal and Democratic Services Manager, states:

"Section 73 does not exclude applications in respect of conditions on outline permissions requiring the submission of reserved matters for approval within a specified period (S92(2)(b)). The effect of failing to meet that deadline is that submission of reserved matters is deemed not to be in accordance with the condition rather than the whole permission being regarded as lapsed. It is therefore possible for an application to be made under Section 73 to impose a different condition, extending the time for submission of reserved matters for approval." The issue therefore rests on the question of whether there is an extant outline permission.

In this case, most of the site has been developed in accordance with the outline permission and the remainder is therefore extant. The current application merely seeks to vary the condition to allow extra time for the remainder of the reserved matters applications to be submitted. The Council's Legal Department advises that in this case an application can be made under Section 73 to impose a different condition, extending the time for submission of reserved matters for approval.

#### Material Change in Circumstances

The other issue in this case is whether there has been any material change in planning circumstances since the proposal was permitted in 1995. If planning permission is granted, it would effectively renew the outline permission for another three years.

Section 73 of the Act provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue. However, Circular 11/95 advises that as a general rule, applications for renewing a permission should only be refused where there has been a material change in planning circumstances that would merit a different decision.

The 1994 outline application was permitted for Class B1, B2 and B8 development subject to conditions. The site was identified for employment land in the then Draft District Plan. Since then, this allocation has been rolled forward twice and now appears as policy E2 in the adopted West Wiltshire District Plan - 1st Alteration, 2004. As the Development Plan is a material consideration in the processing of this application, the principle of this land for employment uses is established and the renewal of the outline is acceptable.

With regards to the highway issue, the Highway Authority have referred to their request on the original outline application for a condition requiring improvements to the junction at the Link Road and Hawkeridge Road. Policy E2 of the West Wiltshire District Plan - 1st Alteration permits employment uses on the allocated land subject to a number of caveats, including "iv 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". This criteria is very similar to the requirements in the previous development plan policy for the area.

In the original outline application, the Highway Authority required improvements to the junction of the Link Road and Hawkeridge Road. However, when considering the application, the Planning Committee at the time, took the view that the development would not generate significantly more volume of traffic and, given that the site was allocated for employment in the then draft District plan, came to the conclusion that permission should be granted. There was therefore no specific highway condition attached to the outline permission.

The Highway Authority is still of the opinion that these works are considered appropriate and necessary for the safe use of the junction. In view of the above history, the issue for consideration is whether there has been a material change in circumstances from those prevailing when the Local Planning Authority took the view not to impose such a condition. In principle, a condition can be attached requiring the junction improvements but case law would suggest that a condition which was more onerous than originally applied would be unreasonable. The Highway Authority have not put forward any information to suggest a significant change in traffic generation and your officers are not aware of any change in circumstances since the original outline decision. Despite several requests and reminders the Highway Authority have not specified the financial requirements they want under the Legal Agreement they have requested.

The applicant is aware that the original outline application is extant, but that the time limits for submitting reserved matters has expired. If this Section 73 application is allowed, reserved matters for the remaining three undeveloped sites can be submitted without any requirement for the junction.

In view of the Development Plan and earlier decision of this Council to permit the outline without a highway condition and the absence of any further instruction from the Highway Authority, it is the view of your officers that there are no significant material alterations to justify a refusal. Hence the time-extension for a further three years is acceptable.

In order to reflect the policy requirements under the current Adopted Development Plan, additional conditions have been attached to protect the pond and water environment.

#### CONCLUSION

There have been no significant material changes in circumstances on which to refuse this request for an extension to the time limit for the submission of reserved matters.

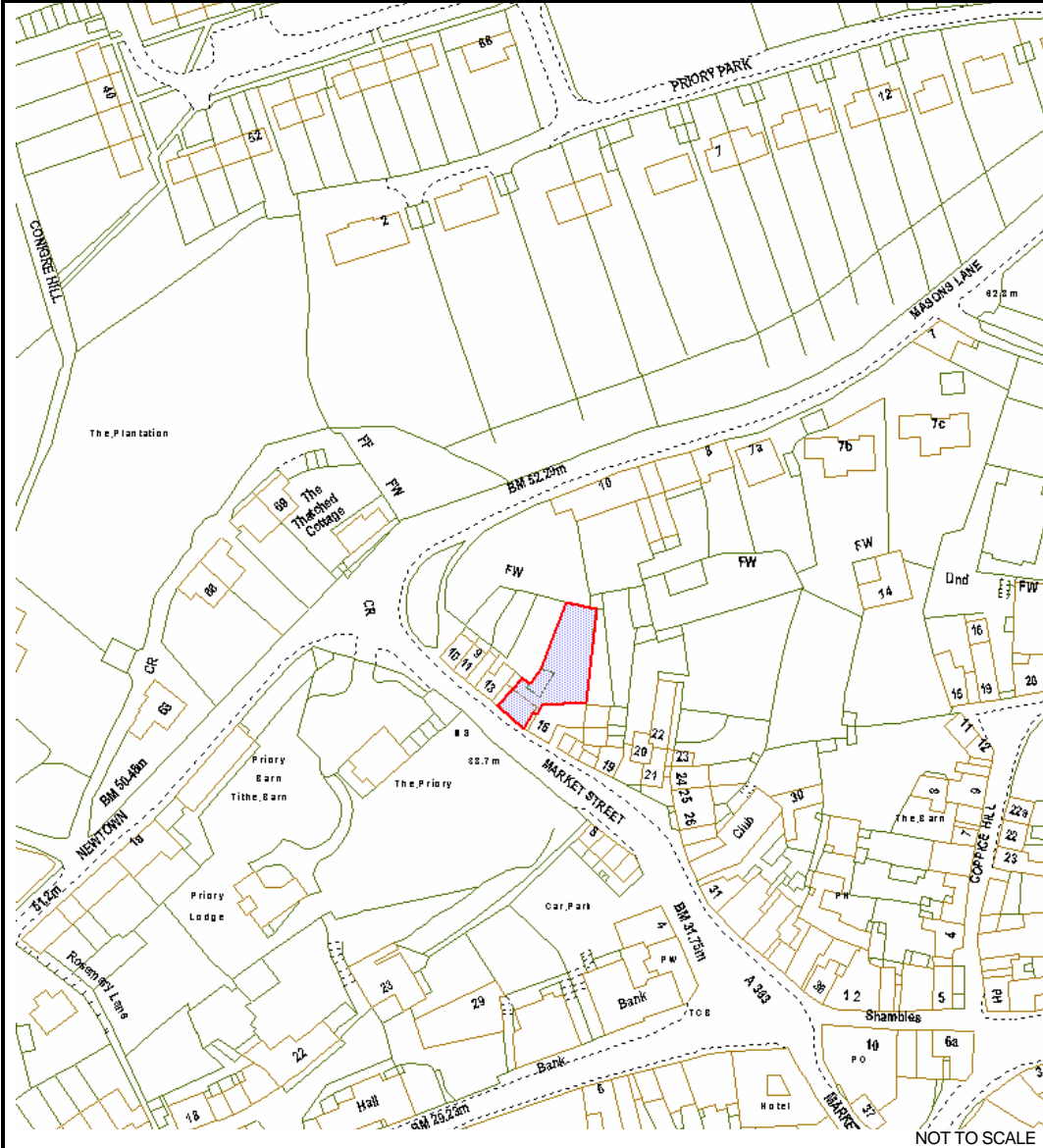
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 03

APPLICATION NO: 05/01375/FUL

LOCATION: F H Way 15 Market Street Bradford On Avon Wiltshire  
BA15 1LL



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www.westwiltshire.gov.uk

SLA: 100022961

**03 Application: 05/01375/FUL**

**Site Address: F H Way 15 Market Street Bradford On Avon Wiltshire BA15 1LL**

Parish: Bradford On Avon Ward: Bradford On Avon South  
Grid Reference 382548 161081  
Application Type: Full Plan  
Development: Change of use of upper storeys above shop to residential flat  
Applicant Details: Mr A H Steele  
9 Lowden Chippenham Wiltshire SN15 2BS  
Agent Details:  
Case Officer: Mr Russell Brown  
Date Received: 05.07.2005 Expiry Date: 30.08.2005

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the character and fabric of the building is protected.

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

- 3 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

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

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

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

5 The 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.

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

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

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

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application has been brought to Committee because the Town Council objects contrary to officer's recommendation.

This is a full planning application for the conversion and refurbishment of the upper two storeys of 15 Market Street, Bradford on Avon. The internal works will be dealt with under the corresponding listed building consent application.

The ground floor of the premises is currently a shop unit with store rooms on the upper floors. The proposal is to convert the store rooms to a residential unit. The premises have been vacant for some considerable time.

Two conservation style rooflights are proposed for the rear roofslope and the chimney would be reinstated.

The site is within the Conservation Area and an Area of Archaeological Interest. The site is also within the Town Policy Limits and the Town Centre Commercial Boundary.

The application has been revised as part of the planning process.

### CONSULTATION REPLIES:

#### BRADFORD ON AVON TOWN COUNCIL

Objection on grounds of: -

Inadequate drawings. There are no details of the fenestration or doorways, no elevation or across details etc. Quite inadequate for listed building in Conservation Area.



## STATUTORY CONSULTEES

### HIGHWAY AUTHORITY

No objections to car free proposal.

### WESSEX WATER

No objections subject to satisfactory disposal methods.

## INTERNAL WWDC CONSULTEES

### PLANNING POLICY

Acceptable in Policy terms.

## NON-STATUTORY CONSULTEES

### PUBLICITY

The application has been publicised by site notice and press advertisement and neighbours have been notified. No responses have been received.

### PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C15 - Areas of High Archaeological Interest

C17 - Conservation Area

C27 - Listed Buildings

C28 - Alterations to Listed Buildings

H1 - Town Policy Limits

SP1 - Town Centre Commercial Area

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PPG15 - Planning and the Historic Environment

### RELEVANT PLANNING HISTORY

05/01381/LBC - Conversion and refurbishment. Parallel listed building application - Pending.

### KEY PLANNING CONSIDERATIONS

The key issues in this application are the principle of the conversion to residential use and the effect of the proposal on the character and fabric of the listed building, the special character and appearance of the Conservation Area, the Archaeological Interest Area, highways matters and public amenities.

### PLANNING OFFICER COMMENTS

The principle of the change of use to a residential unit is acceptable as the retail unit on the ground floor would be retained. There would be no loss of retail use in this commercial area. The complete unit is vacant at the present time and the conversion of the upper floors residential would give a viable use to the building as a whole. Residential uses in upper floors within town centres is encouraged in order to maintain the vitality and viability of the town centre. This is also important with regard to the listed building for the ongoing maintenance of the building. The full use of the building is of substantial benefit for the historic environment and to the vitality of the area as a whole.

There is an existing dormer window in the front roofslope. The two proposed rooflights would be sited on the rear roofslope to provide light to the bedroom and the landing. These rooflights would not harm the character of the listed building as they would sit within the roof structure, flush with the rooftiles, and would not result in an adverse alteration to the character or appearance of the building.

The original chimney was removed and capped off some time ago. The chimney would be rebuilt in the style of the surrounding area. This would be in keeping with the property and the Conservation Area in which it is situated.

The special character and appearance of the Conservation Area would not be harmed. As these are the only proposal external works, nothing of archaeological significance would be affected.

The proposal is to be car free and no parking provision has been made for the residential unit. This is a sustainable town centre location with close links to public transport. There is no objection to a car free scheme in this area and this view is supported by the Highway Authority and your officers.

The proposed alterations would not result in any significant overlooking effect to neighbouring properties and therefore there would be no harm caused to the amenities of the public.

It is necessary to address the comments from the Town Council. The full relevant plans have been submitted, including cross sections and the rear elevation. The other elevations would not be altered. Details of the rooflights have been submitted and in addition, the joinery details, including all windows and doors, should be the subject of conditions. It is considered therefore that there is sufficient information on which to make an informed decision.

## CONCLUSION

The proposals would be beneficial to the character and fabric of the listed building which would be preserved and enhanced, as would the Conservation Area in which it is located. Furthermore, there would be no issues of amenity of neighbours and the vitality of this sustainable town centre location would be maintained and enhanced.



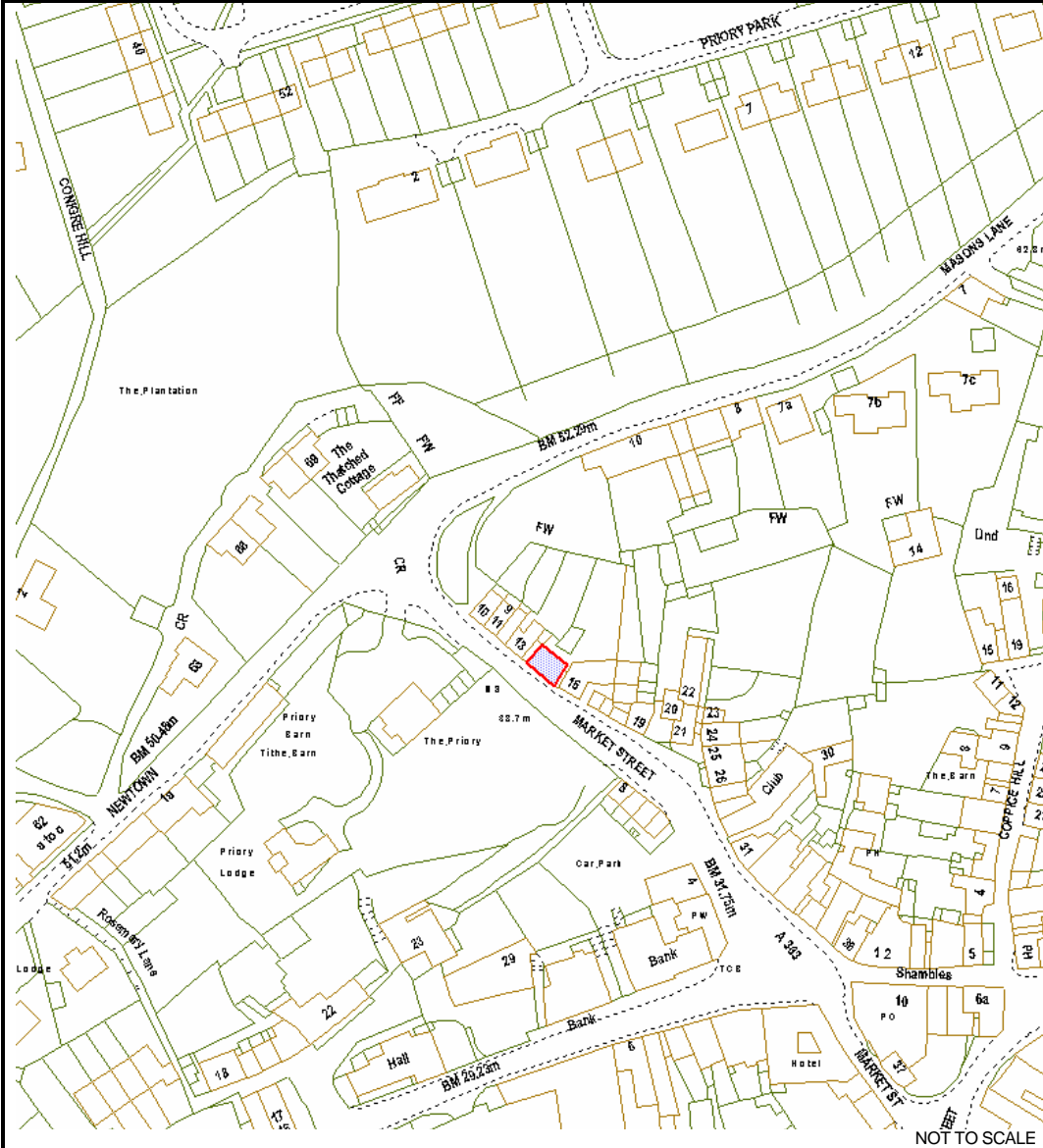
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 04

APPLICATION NO: 05/01381/LBC

LOCATION: F H Way 15 Market Street Bradford On Avon Wiltshire  
BA15 1LL



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

SLA: 100022961

**04 Application: 05/01381/LBC**

**Site Address: F H Way 15 Market Street Bradford On Avon Wiltshire BA15 1LL**

Parish: Bradford On Avon Ward: Bradford On Avon South  
Grid Reference 382548 161081  
Application Type: Listed building  
Development: Conversion and refurbishment of upper two storeys  
Applicant Details: Mr A H Steele  
9 Lowden Chippenham Wiltshire SN15 2BS  
Agent Details:  
Case Officer: Mr Russell Brown  
Date Received: 05.07.2005 Expiry Date: 30.08.2005

**REASON(S) FOR CONSENT:**

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

**RECOMMENDATION: Consent**

**Condition(s):**

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

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

- 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the character and fabric of the building is protected.

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

- 3 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

- 4 Details of all new or replacement internal doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 Details of all new or replacement rainwater goods, which shall be of cast iron or cast aluminium construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 6 Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 7 Details and scale drawings of the new stairs into the first floor, plus details of the floor treatments, shall be submitted to and approved by the Local Planning Authority prior to its installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 8 Full details of the internal finishes to existing walls and the fixing methods of new walls shall be submitted to and approved by the Local Planning Authority prior to its installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application has been brought to the Committee because the Town Council objects contrary to officer's recommendation.

This is a listed building consent application for the conversion and refurbishment of the upper two storeys and internal works to the ground floor of this property in Market Street, Bradford on Avon.

The ground floor of the premises is currently a shop unit with store rooms on the upper floors. The proposal is to convert the store rooms to a residential unit. The use of the building will be dealt with under the corresponding planning application.

The physical conversion works comprise the reinstatement of the stairs and rear entrance to serve as the access to the residential unit. On the first floor the two stud partition walls would be removed to create an open plan living area. The existing stairs would be used to access the second floor, where one further stud partition would be constructed to create a shower room.

Two conservation style rooflights are proposed for the rear roofslope and the chimney would be reinstated.

The works to the ground floor comprise the removal of the modern staircase and the installation of a staff toilet within stud partitioning. This would have an extractor fan venting through the rear wall of the property.

## CONSULTATION REPLIES

### BRADFORD ON AVON TOWN COUNCIL

Objection on ground of: -

"Inadequate drawings. There are no details of the fenestration or doorways, no elevation or across details etc. Quite inadequate for listed building in Conservation Area."

## PUBLICITY

The application has been publicised by site notice and press advertisement. No responses have been received.

## PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C27 - Listed Buildings

C28 - Alterations to Listed Buildings

PPS1 - Delivering Sustainable Development (Jan 2005)

Planning System - General Principles (Jan 2005)

PPG15 - Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

05/01375/FUL - Change of use and conversion of upper storeys to a residential unit - Pending.

## KEY PLANNING CONSIDERATIONS

The key issue in this application is the effect of the proposal on the character and fabric of the listed building.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## PLANNING OFFICER COMMENTS

The ground floor shop is an open plan area with only the front door as access. The installation of a toilet as proposed would not harm the integrity of the room in terms of fabric, proportions or character.

The removal of the modern staircase is a welcome alteration as the staircase is an open tread of non-traditional construction that harms the character of the listed building. In addition, the staircase rises on the first floor right in front of a fireplace which clearly indicates that the staircase is not in an historic position.

The access to the first floor would be returned to what is believed to be its original position, with an external door with 4 internal steps into the room.

The existing partitions in the first floor are modern and unsympathetic as they divide the space lengthways to create an awkward corridor arrangement and a second partition across the width has been placed right against a main window. This arrangement is detrimental to the character of the listed building. The proposal to remove these partitions and return the space to an open plan area with its original access is welcomed as a benefit to the listed building as it would restore much of the character of this part of the building.

The access to the attic would be via the existing historic staircase from first to second floor. There is an existing dormer window in the front roofslope. The two proposed rooflights would be sited in the rear roofslope to provide light to the bedroom and the landing. These rooflights would not harm the character of the listed building as they would sit within the roof structure flush with the rooftiles and would not result in an adverse alteration to the appearance of the building.

The existing partition would remain and a further partition would be used to create a shower room. This would not significantly affect the integrity of the character of this part of the building as it is the attic rather than a principle room.

The original chimney was removed and capped off some time ago. The chimney would be rebuilt in the style of the surrounding area which would be in keeping with the property and the surrounding area.

It is necessary to address the comments from the Town Council. The full relevant plans have been submitted, including cross sections and the rear elevation. The other elevations would not be altered. Details of the rooflights have been submitted and in addition, the joinery details, including all windows and doors, should be the subject of conditions.

## CONCLUSION

The proposals would be beneficial to the character and fabric of the listed building which would be preserved and enhanced.





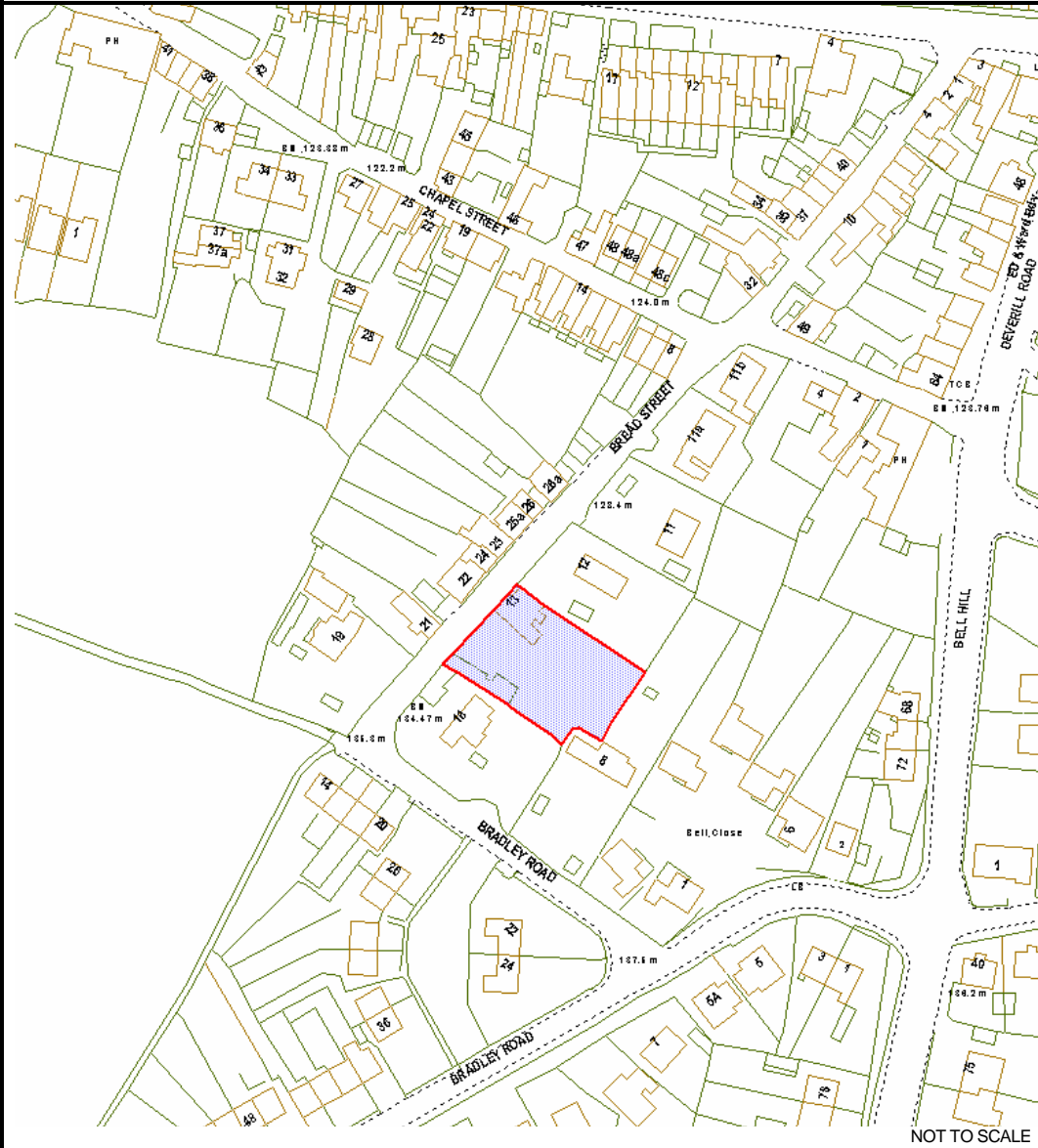
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 05

APPLICATION NO: 06/00779/FUL

LOCATION: Land Adjoining 13 Bread Street Warminster Wiltshire



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

SLA: 100022961

**05 Application: 06/00779/FUL**

**Site Address: Land Adjoining 13 Bread Street Warminster Wiltshire**

Parish: Warminster Ward: Warminster West  
Grid Reference 386758 144179  
Application Type: Full Plan  
Development: 3 new dwellings  
Applicant Details: Mrs B Hall  
C/o Middleton And Upsall Eastgate House 94 East Street  
Warminster Wiltshire  
Agent Details: Barrie Taylor Associates  
39 Silver Street Warminster Wilts BA12 8PT  
Case Officer: Mrs Judith Dale  
Date Received: 09.03.2006 Expiry Date: 04.05.2006

**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 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 Prior to the commencement of any works on site in connection with the development hereby permitted, details of the proposed slab levels of the buildings and final ridge heights in relation to the existing and proposed levels of the site and surrounding land shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be constructed in accordance with these approved details.

REASON: To ensure the details and appearance of the development is acceptable.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C31A and H24.

- 3 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.

- 4 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.

- 5 Notwithstanding the approved landscape plan 250-13B, and before any development is commenced on the site, the standard planting specification referred to in Appendix A together with proposed hedge planting details on the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority and implemented as part of the approved landscaping scheme.

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

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

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

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

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

- 7 Notwithstanding the submitted plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the design, materials and type of boundary treatment to be erected along the frontage and southern boundaries of the site. All approved boundary treatments shall be completed before the buildings are occupied.

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

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

- 8 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan (25050-11B) have been provided with no obstruction to visibility at or 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.

- 9 The existing wall along the common boundary with 16 Bread St shall be retained in connection with the development hereby granted permission.

REASON: In the interests of residential amenity

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

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

REASON: In the interests of highway safety.

- 11 The areas allocated for parking and turning 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 highway safety.

- 12 The car ports hereby approved shall be retained for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of highway safety.

- 13 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 first floor elevations of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

- 14 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class(es) A to E of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable.

**Note(s) to Applicant:**

- 1 The applicant is advised to consult with Wessex Water with regard to the satisfactory disposal of foul flows and for agreement to a point of connection with Wessex infrastructure.
- 2 The applicant is advised to consult with the Environment Agency regarding their guidelines for development within a Source Protection Zone.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

This is a detailed application for the erection of 3 dwellings on a 0.1-hectare garden site which lies on the east side of Bread Street. The site is rectangular in shape, and currently occupied by a small detached cottage with a separate garage/outbuilding, both abutting the site frontage. The front half of the site is level, with the rear part rising up steeply to achieve a 3 to 4 metres differential between the front and rear boundaries.

The current proposal is for the demolition of the garage/outbuilding and its replacement with a 2-bedroomed cottage, and the formation of a new centrally positioned vehicular access to serve a pair of semi-detached properties in the backland. Separate double and triple carports are to be built between the front and rear units, which together with 5 parking spaces will provide a total of 10 spaces for both new and existing units.

The application has been revised twice since its initial submission. The first amendment reduced the overall number of units from 4 to 3; the second reduced the size of Plot 3 from a 3-bedroomed to a 2-bedroomed unit and "removed" the front metre of the retained dwelling to accommodate the required visibility splays.

The application is accompanied by detailed Design Statement.

#### CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Original submission for 4 dwellings - Objection on the grounds of an increase on the number of vehicles turning into/out of a poor road with no pavements; concern about drainage which in the past has been a problem.

Revised submission for 3 dwellings - No objection, but comments made that the access should be of materials which could absorb waste water; possible overdevelopment of site.

Further revised submission - Objection on grounds that the site is liable to flooding and the scheme represents overdevelopment.

#### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Original submission for 4 dwellings - Recommendation of refusal on the following grounds: -

'The access does not achieve the visibility splays required for vehicle speeds not exceeding 20mph, if it were to be relocated to the centre of the site to maximise visibility to the north-east vehicle speeds would have to be less than 10mph for the available visibility splays to be acceptable.

The entrance to the site is not of adequate width to allow two cars to pass which is required to prevent obstruction to other users of Bread Street.

I recommend that this application be refused on highway grounds for the following reason(s):-

The site has insufficient frontage in both directions to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety.

The proposed development would be likely to encourage the waiting of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point.'

Revised submission for 3 dwellings - 'Whilst the new layout overcomes my objection to the inadequate width of the access I am still concerned by the inadequate visibility splays therefore I recommend that this application be refused on highway grounds for the following reasons(s): -

The site has insufficient frontage in both directions to enable an access to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety.'

Further revised submission - No highway objection subject to conditions relating to the provision and maintenance of visibility splays; the satisfactory disposal of surface water; parking and turning areas to be kept free.

- ENVIRONMENT AGENCY: No comment to make.

- WESSEX WATER: No objection subject to agreement to a point of connection onto the system for the satisfactory disposal of foul flows; any surface water discharge to be in line with the Environment Agency's guidelines for development within a source protection zone; agreement to a point of connection to Wessex infrastructure.

## INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: 'The site is located within a residential area within Warminster town policy limits. In principle, residential development is acceptable, subject to the satisfaction of detailed criteria. The revised proposals indicate a total development of 4 dwellings (including number 13 Bread Street) within a total site area of 0.1-hectare. The density will therefore be 41 dwellings per hectare, which is within the 30-50 dwellings per hectare density range in PPG3 considered appropriate for existing residential areas. The development provides sizes and types of dwellings which are appropriate given the surrounding townscape.

Policy recommendation: Acceptable in policy terms.'

- DRAINAGE ENGINEER: It is anticipated that comments will be available in time to report to the meeting.

## PUBLICITY RESPONSES

Neighbours were notified of the proposal and 7 letters of objection from 3 residents have been received on the following grounds: -

- Inadequacy of the proposed access due to limited visibility and the lack of turning space;
- Impact of the development on safety due to existing lack of footpaths and road-side parking;
- Increase in traffic and parking during construction;
- Inadequate onsite parking;
- Detrimental impact on the character and uniqueness of the area;
- Loss of privacy and overlooking of existing gardens;
- Overload on existing infrastructure and surfaces;
- Loss of light to existing properties;
- Loss of view;
- The "affordable" nature of the proposed dwellings would result in an increase in noise from cars, music, general activity, etc;
- Impact on wildlife;
- Together with other existing and proposed developments in the vicinity, there would be a potential increase of a further 10 dwellings in the area;
- Unacceptable removal of party-wall between existing and proposed development.

## RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

H1 Further housing development within towns  
H24 New housing design  
C31a Design  
C38 Nuisance  
T10 Car parking

SPG Residential Design Guide  
PPS1 Delivering Sustainable Development  
PPG3 Housing

## RELEVANT PLANNING HISTORY

None.

## KEY PLANNING ISSUES

The key issues raised by this application are considered to be: -

- The principle of residential development including density and the impact on the character of the area;
- Highway and access considerations;
- Design considerations;
- Impact on amenities of existing residential properties.

## PLANNING OFFICER COMMENTS

### Principle of Development

The site is within the built-up area of Warminster where the principle of infill development is acceptable providing: -

- Siting, layout and design considerations are satisfactory and in keeping with the character of the area;
- It would not result in inappropriate backland development;
- It would not result in the loss of an important open space or visual gap important for amenity reasons.

The proposed development of 3 additional dwellings on this garden site is generally considered to comply with these criteria:

- Although two of the units are to the rear of the site, the site is surrounded by residential development and backland schemes are not inappropriate;
- The existing layout of the built form at the front of the site will be largely retained;
- The existing "gap" in the centre of the site will be "retained" in the form of the proposed vehicular access;
- The overall density of 40 units per hectare is in line with PPG3 guidelines of 30-50 dwellings in urban areas and is, in fact, lower than the density recently approved on land to the east of number 16 Bread Street (05/01065/FUL).

With regard to the concept of "character" and whether or not this more intensive development is "in keeping", there is no doubt that although the site is not located within the Warminster Conservation Area, this part of Bread Street is an attractive part of the town with its own clearly defined character - the west side is characterised by smaller terraced cottages in long narrow plots and fronting directly onto the road; the east side is generally occupied by larger detached properties in more substantial plots with greater distances and space between dwellings.

There has been a recent appeal decision for an infill dwelling on the site immediately to the north of the current site which had been refused permission in October 2005 (05/01201/FUL). One of the reasons for refusal was that the development:

"Would result in the loss of a visual gap... which would be out of keeping and detrimental to the character and appearance of the area....".

However, in reference to this particular point, the Inspector stated:

"The Council is concerned that this would lead to the loss of an important visual gap between the buildings and would harm the character and appearance of the area. I do not agree. Whilst I appreciate there is a more open aspect to some of the properties on this side of the road, the existing garage and a line of evergreen trees negate any impression of openness.....

The buildings on this side of Bread Street have no consistent pattern or style".



While these comments relate to the adjoining site, they support the view that the character of this part of Bread St is not of such special merit that further development should not be allowed. In that case, the principle was one of replacing a detached garage with a modest dwelling; in this case, essentially the same principle applies on the front part of the application site where the existing detached garage is also to be replaced by a modest dwelling.

#### Highway and Access Considerations

The Highway Authority objected to the scheme as originally proposed due to the lack of appropriate visibility splays and the inadequate width of the proposed access. These matters have been subsequently addressed through the increase in width of the access road and the demolition of the front metre of the existing dwelling to enable the required visibility standards to be met. The Highway Authority now raises no objection to the revised scheme, while the proposed parking ratio of 2 spaces per dwelling adequately reflects current guidelines.

#### Design Considerations

As a direct reflection of its history, the area is predominately characterised by small and older cottage style properties and, as required by Policy C31a, this has been reflected in the form, scale and proportions of the proposed development. The retained dwelling, no 13 is, itself, a 2-bedroomed cottage, as are two of the proposed new dwellings; the third is a 3-bedroomed unit to ensure a variety and mix of dwelling sizes.

The erection of Plot 3 on part of the footprint of the existing garage retains the built form at the site frontage and reinforces the historic building pattern. This particular dwelling has also been designed to "turn the corner" into the development and to reflect its dual frontage, again as required by Policy H24.

The overt cottage concept has been carried through into the individual design of the units with modest footprints, ridge heights at approximately 7.5 m, chimney features and simple elevations and detailing. Materials are stated to be rendered elevations with reconstructed stone facings under clay tiled roofs, to match that of the existing retained dwelling.

The two car ports are of similar rendered construction under pitched clay tiled roofs with stained timber Y-shaped posts - their design is well integrated with the overall scheme and will help to minimise the visual impact of vehicles within the site.

Internal amenity space for both the existing and proposed dwellings is modest, but appropriate to the scale of the individual units. Privacy for the rear dwellings is ensured through a combination of boundary screening and relative site levels; gardens for the front units would be screened behind high boundaries and are visually "distanced" from the rear plots by the centrally positioned car ports.

#### Impact on existing residential amenity

With regard to the impact of the proposal on existing residential amenity, it is inevitable that an infill development within an established residential area will have some impact on surrounding properties. Policy C38 specifically addresses issues of loss of privacy or overlooking and detailed consideration has been given to overcoming these concerns which have been raised in letters of objection from neighbouring residents.

#### Impact on 16 Bread St(South)

Plot 3 has been redesigned and reduced in scale so that the 2-storey element of the dwelling is a minimum of 4 metres from the common boundary; a single storey element has been negotiated immediately adjoining the boundary to replicate the existing garage in this position and there is already a very large frontage garage structure in place at no 16 which would minimise its impact; first floor windows are positioned to avoid overlooking this property and to retain existing levels of privacy and a condition is recommended to control any future installation of windows at this height; initial concerns over the demolition of the existing party wall have been addressed and can be retained by an appropriate planning condition.

#### Impact on 21/22 Bread St (opposite)

Number 21 is a gable ended property directly opposite Plot 3 but has no windows in its front elevation; any overlooking of the front of number 22 would be oblique from a small bedroom only, and any suggested loss of privacy in the rear garden unlikely.

#### Impact on 12 Bread St (North)

Development along the proposed northern boundary would be limited to a car port and would be separated from the main dwelling itself by a large detached garage in that plot which was the subject of the recent appeal previously referred to (05/01201/FUL). The proposed units in the backland, by virtue of their siting and design, would result in no overlooking of the existing rear garden areas of this property.

#### Impact on 8 Bradley Rd (E)

This detached property is currently the subject of an application for its demolition and redevelopment with 4 detached dwellings and garages (06/02645/FUL). Notwithstanding the outcome of that application, this adjoining land is at a considerably higher level than the application site, which together with existing boundary screening some 6m away would minimise the impact of any first floor windows on the existing property.

#### CONCLUSION

Whilst this development represents a more intensive use than on other sites on this side of Bread Street, the principle of further development is not unacceptable unless there are other significant planning objectives which are likely to be prejudiced by the development. The site is not within the designated Conservation Area and while the general area clearly has its own "character", this was not upheld on appeal as being of particular special merit. Notwithstanding the view of the Inspector, the concept and detailing of the proposed scheme consciously reflects its surroundings to produce an attractive site-specific development entirely appropriate in this residential area.

The efficient redevelopment of the site is in line with PPG3, highway objections have been overcome, and revisions have been accommodated to address neighbouring residential concerns. The Town Council's concern over flooding of the site has been referred to the Council's Drainage Officer for specific comment, and is expected in time for the meeting. However, it is relevant that no drainage concerns were raised by external consultees during the processing of recent applications at nos 12 and 16 Bread St, while the Environment Agency, whose remit includes flooding, doesn't wish to comment on the application.

This application is therefore considered acceptable and is recommended for permission.



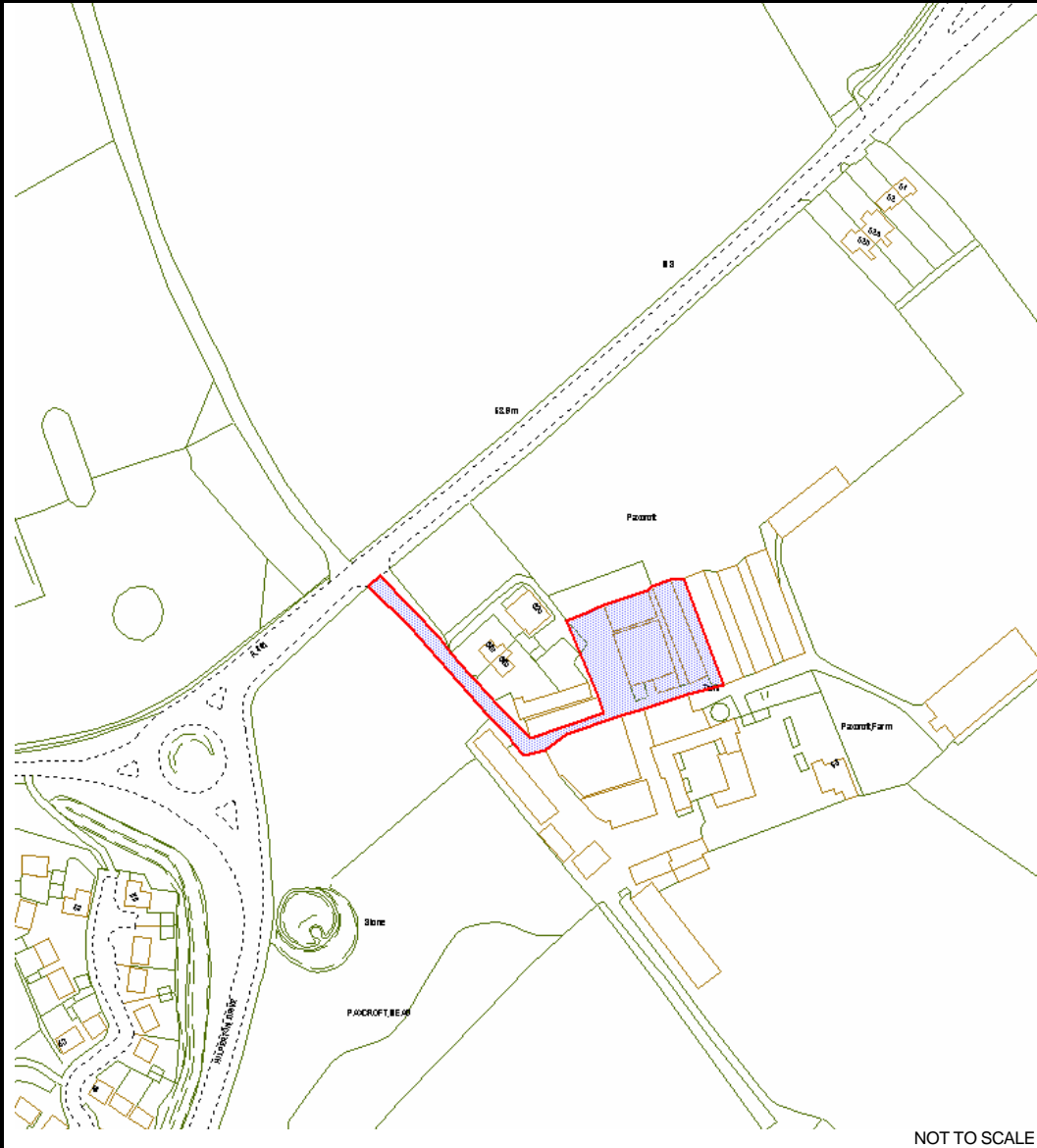
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 06

APPLICATION NO: 05/01092/FUL

LOCATION: Land North West Of Paxcroft Farm Paxcroft Hilperton  
Wiltshire



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

SLA: 100022961

**06 Application: 05/01092/FUL**

**Site Address: Land North West Of Paxcroft Farm Paxcroft Hilperton Wiltshire**

Parish: Hilperton Ward: Paxcroft  
Grid Reference 388328 159252  
Application Type: Full Plan  
Development: Change of use of grain stores and poultry houses to light industrial  
Applicant Details: Edward Oatley & Sons  
Paxcroft Farm Hilperton Trowbridge Wiltshire  
Agent Details: Mr Peter Grist  
Furlong House East Street Warminster Wilts BA12 9BZ  
Case Officer: Mrs Judith Dale  
Date Received: 08.06.2005 Expiry Date: 03.08.2005

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

- 1 The development hereby permitted shall begin 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 proposed development shall not be brought into use until the junction of the access onto the A361 has been improved to provide radii of 10m in accordance with Drawing No 2, received by the Local Planning Authority on 21 September 2006.

REASON: In the interests of highway safety

- 3 Before the development hereby permitted is occupied, the first 10m of the access road from the edge of carriageway into the site shall be properly surfaced in a consolidated 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.

- 4 The development hereby permitted shall not be occupied until a properly consolidated and surfaced turning space for vehicles has been constructed within the site to the satisfaction of the Local Planning Authority, in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times.

REASON: In the interests of highway safety.

- 5 The parking spaces shown on the approved plan shall be provided concurrently with the development to which they relate and subsequently maintained thereafter.

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

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

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

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

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

- 7 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.

- 8 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. These works shall include adequate drainage to prevent the discharge of surface water onto the highway.

REASON: To ensure that the development can be adequately drainage and in the interests of highway safety.

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

- 9 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

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

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

REASON: In the interests of the appearance of the site.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies E2, E4 & E6.

**Note(s) to Applicant:**

- 1 The applicant is advised to contact Wessex Water with regard to agreement to a point of connection to Wessex infrastructure, the satisfactory disposal of foul and surface water flows and the provision of easements widths around any Wessex infrastructure crossing the site.
- 2 The applicant is advised that this application relates to the change of use of these buildings only and that any alterations or other works involving development shall be the subject of a formal application for further planning permission.

**COMMITTEE REPORT**

## APPLICATION DETAILS

This application is brought to Committee because of the Parish Council's comments contrary to that of the Planning Officer.

This is a detailed application for the change of use of two grain stores and two poultry houses to light industrial use. It is, in effect, a resubmission of application 04/02204/FUL which was refused permission in January 2005 for the following reason:

'The application does not include sufficient information to enable a full and proper assessment of the proposal in terms of the scale and nature of the development, and details of existing and proposed traffic generation, parking and circulation arrangements. The proposal is therefore contrary to policies E6 and E7 of the West Wiltshire District Plan 1st Alteration 2004.'

These farm buildings, totalling approximately 1,220 square metres, are located in the centre of this farm complex sited to the south of the Devizes Road, and which together with other farm holdings in the area extends to some 500 acres.

The proposal is to convert all four buildings into non-specific light industrial use(s) as part of the future diversification plans for this farm holding. This diversification has been brought about by imminent changes in EEC legislation banning the the production of eggs from caged birds from 2012. Since this currently forms a major part of the farm's income, several of the existing buildings will become surplus to agricultural requirements and alternative uses are being sought.

Access to the buildings will be via the existing "widened" access onto Devizes Road, and parking for 28 vehicles has been identified in separate groupings around the four buildings to include provision for three disabled spaces.

The application was initially accompanied by a detailed planning statement, and has been subsequently supported by further supplementary information addressing both policy and highway issues.

## CONSULTATION REPLIES:

- HILPERTON PARISH COUNCIL: The Parish Council objects to this application for the same reasons as it did to the previous one submitted (and refused by the District Council), ie. an objection is made on highway safety grounds, as members of the Parish Council are concerned about a possible increase in traffic. However, if the Highway Authority is satisfied that there will be no problem regarding safety in this respect, the objection will be withdrawn. Another objection is made unless conditions are imposed regarding hours of operation, ie. there should be no movement of large commercial vehicles between the hours of 21.00 and 08.00.

## STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY:

- Original Comments: 'You will recall from my comments in respect of W04.2204 that insufficient information had been submitted with the application to enable me to provide a considered and comprehensive response. No further information has been submitted with the current proposal.'

I am concerned that the proposed use would generate an increase in traffic from the current point of access, close to the roundabout junction at Hilperton Drive.

Before commenting on this latest submission, I feel that a detailed Transport Assessment be submitted which details the traffic generation currently associated with the poultry houses, compared to that anticipated of the proposed light industrial use.

Further information regarding the car and lorry parking, together with appropriate turning facilities should also be submitted.

I am concerned that the site roads are narrow and may not be suitable for the type and level of traffic associated with the proposal. A comprehensive plan of the access roads to serve the site should be submitted, together with the parking areas for other existing users, in order to clarify the circulation of traffic on this site.'

- Additional Comments: 'The information supplied is not sufficient for the purposes of a Transport Assessment and should contain more detail on the traffic generation associated with the existing grain stores and poultry houses, together with data on the traffic likely to be generated by the light industrial use proposed. At the present time, it is difficult to weigh up the benefits/dis-benefits of the proposals compared to the current permitted use.'

The Transport Assessment will also need to look at the impact of the development on the access junction onto the A361 and the wider network.

With regard to the additional information requested for the parking and turning areas associated with the proposal, I will require details of the overall site which demonstrates how all vehicles are expected to access the buildings and the parking areas, as it is clear from the site that the accesses are narrow and would not generally allow for two vehicles to pass.

Furthermore, no provision has been shown on the plan for lorry parking and turning facilities, and I fail to see how this can be accommodated adjoining the buildings. Clarification of the parking and manoeuvring of such vehicles is therefore required.'

- Final Comments: 'Having visited the site and considered the additional information received I would raise no further highway objections to the use of the access and the turning within the site. The site currently accommodates the turning manoeuvres of an articulated vehicle and swept paths have been provided to demonstrate this. I am satisfied that the required parking numbers can be achieved.'

However, I note that on the previous application (ref: W99.1345) Amanda Hall required 6m radii at the junction onto the A361 (these were never created). The proposed change of use will result in an increase in use of the junction and, to achieve a safer point of access, I would expect radii of 10m which will allow an articulated lorry to negotiate the bend in a safe manner. Therefore, I recommend that a condition is applied to ensure that the junction radii are increased to 10m and that this area is drained and surfaced accordingly. I suggest the applicant submits a drawing showing the necessary works to the bell mouth for approval.'

A further plan has been submitted as requested and no highway objections are now raised.

- WESSEX WATER: No objection subject to agreement to points of connection onto Wessex systems for the satisfactory disposal of foul and surface water flows; the provision of a minimum, 3m easement width on either side of any apparatus crossing the site; agreement to a point of connection to Wessex infrastructure.

#### INTERNAL WWDC CONSULTATIONS

##### - PLANNING POLICY:

- Initial Comments: Farm diversification proposals are generally supported subject to the satisfaction of a number of criteria. In particular, the primary use of the holding must remain agricultural and the new use must not detract from the agricultural operation. In this case, the plans seem to indicate a significant reduction in the number of poultry houses and a similarly significant consolidation of light industrial and warehousing on site. I would like further justification of the proposals, in particular, demonstration that the primary use of the holding remains agricultural.



- Further Comments: The further information provided demonstrates that following the implementation of any permission, by 2012, agricultural production will relate to 83.7% of turnover, demonstrating that agricultural will remain the primary use of the holding.

On this basis, I am happy the proposals comply with the Development Plan policies relating to agricultural diversification.

- ENVIRONMENTAL HEALTH: No objection subject to conditions relating to the storage of fuels and chemicals on the site, the disposal of sewage, surface water drainage works and the burning of materials on the site.

## PUBLICITY RESPONSES

The application was advertised by site notice and in the local press and neighbours were notified - no letters of comment or objection have been received.

## RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C1 Development in the Countryside  
E6 Employment proposals in rural areas  
E7 Farm diversification  
E8 Rural conversion  
T10 Car parking  
C38 Nuisance

PPS7 Sustainable Development in Rural Areas

## RELEVANT PLANNING HISTORY

92/09000 - Agricultural store - Approved 27.01.92

92/00140 - Erection of new poultry house and alteration of another - Permitted 09.03.93

95/00005 - Agricultural building - Permitted 16.02.95

96/01587 - Grain store - Permitted 20.01.97

96/09037 - Grain store - Approved 03.12.96

98/00263 - Poultry house - Permitted 18.03.98

99/01345 - Change of use to storage (B8) - Permitted 16.03.00

04/02204/FUL - Change of use of grain stores and poultry house to light industrial - Refused 17.01.05

## KEY PLANNING ISSUES

The key issues raised by this application are considered to be:

- The compliance of the proposed change of use with policy
- The impact of the proposal on the character of the surrounding rural area and existing amenity
- Highway and access considerations

## PLANNING OFFICER COMMENTS

### Policy

Local Plan Policy permits and encourages the establishment of new businesses in rural areas, and farm diversification in general, subject to certain criteria - these include that the primary use of the holding must remain agricultural and that the new use must not detract from the agricultural operation; the use and operation of the site and buildings being compatible with the surrounding rural character of the area; no detriment to existing residential amenities; no significant highway problems.

The application has been supported by a planning statement, amplified by further supplementary information, confirming the changes in agricultural operations in this site over the past 15 years. Cereal production, egg production and pig breeding and rearing on the three local farms owned by this family farming company have already significantly declined in recent years, with the numbers employed falling from 24 full-time and 20 part-time staff in the early 1990s, to 5 full-time and 6 part-time staff in 2005. The proposed European ban on battery cages to be imposed on 1st January 2012 will further affect egg production on this site and for sound commercial reasons, decisions need to be made to plan for this eventuality. It seems likely that the move will be made to free range egg production instead, with the two affected buildings becoming redundant in 2007 and 2008. Since the move to free range poultry will, itself, depend on adequate funding, the rental income from these surplus buildings is a pre requisite to its success.

The reduction in caged bird numbers will also directly affect the need for cereal production for feed and the estimated 50% reduction will result in the two grain stores also being surplus for cereal storage.

The need to diversify on farm holdings is clearly acceptable within both national and local policy guidelines - in fact, in 2000, planning permission was granted for the change of use of three other surplus agricultural buildings on this same site for storage purposes (99/01345); permission was subsequently granted in 2003 for the conversion of one of these 'storage' buildings for light industrial use (02/01308). These three buildings are now occupied by five separate tenants providing an essential rental income to support the remaining agricultural enterprise.

Further information submitted by the applicant confirms that despite the proposed change of use of a further four buildings on this site, the primary generation of income and use of the holding will still remain clearly agricultural (87% agricultural: 13% industrial). As such, the proposal complies with the major requirement of Policy E7 and is therefore acceptable in principle.

### Impact on the Rural Character of the Area and Existing Amenity

With regard to the compatibility of the proposal on the surrounding rural character, the proposed buildings are located in the centre of this farm complex and are only distantly visible from public view. There are no changes proposed to the external appearance of the buildings, the access arrangements will remain unaltered other than the modification to the visibility splays, and the proposed parking is to be provided internally within the site.

With regard to the impact on existing residential amenity, all the nearby residential units are already within the ownership of the holding.

### Highway and Access Considerations

As referred to in the planning history on this site, permission was refused in January 2005 for this particular proposal on the grounds that insufficient information had been submitted on the proposed highway arrangements. Since these are material to the proper assessment of this scheme, this resubmitted application has included the requested information on current and proposed traffic levels, turning facilities within the site, and parking levels and arrangements. The Highway Authority now raises no objection to the proposal subject to the condition relating to the provision of a 10m junction radius where the existing access to the site emerges onto the A361.

This was, in fact, a requirement of permission 99/01345 for the change of use of three other poultry houses to storage on the site, but was never implemented as part of that proposal. The Highway Authority considers it to be an essential requirement in the light of the current proposal and recommends a condition accordingly.

## CONCLUSION

This application has been submitted in an effort to address the general policy and highway concerns raised by the previous application in November 2004, but which contained insufficient information for a proper assessment to be made of the proposal. This information has now been incorporated within the current application, from which it emerges that the development is acceptable in both areas.

In order for the core business of the holding to remain in farming in the face of changing legislation, further diversification will be necessary to ensure sufficient rental income from the surplus buildings to enable the unit to adapt to the changing agricultural framework. The balance of this diversification, however, remains acceptable and can therefore be supported on policy grounds.

Earlier highway concerns based primarily on lack of information have been addressed to the satisfaction of the Highway Authority, while the Environmental Health Officer has not raised any other objections on amenity grounds.

Members will note the comments of the Parish Council regarding hours of operation on the site, and its request that there should be a condition of approval attached to any permission limiting the movement of large commercial vehicles between the hours of 2100 and 0800 hours. On researching the planning history of the site, no such conditions have been imposed on any of the previous changes of use and there is no evidence to suggest that current operational levels are detrimental to existing amenity. The Environmental Health Officer has not requested a limitation to hours of operation and a condition imposed at this stage of development on the site would be difficult to justify on appeal.

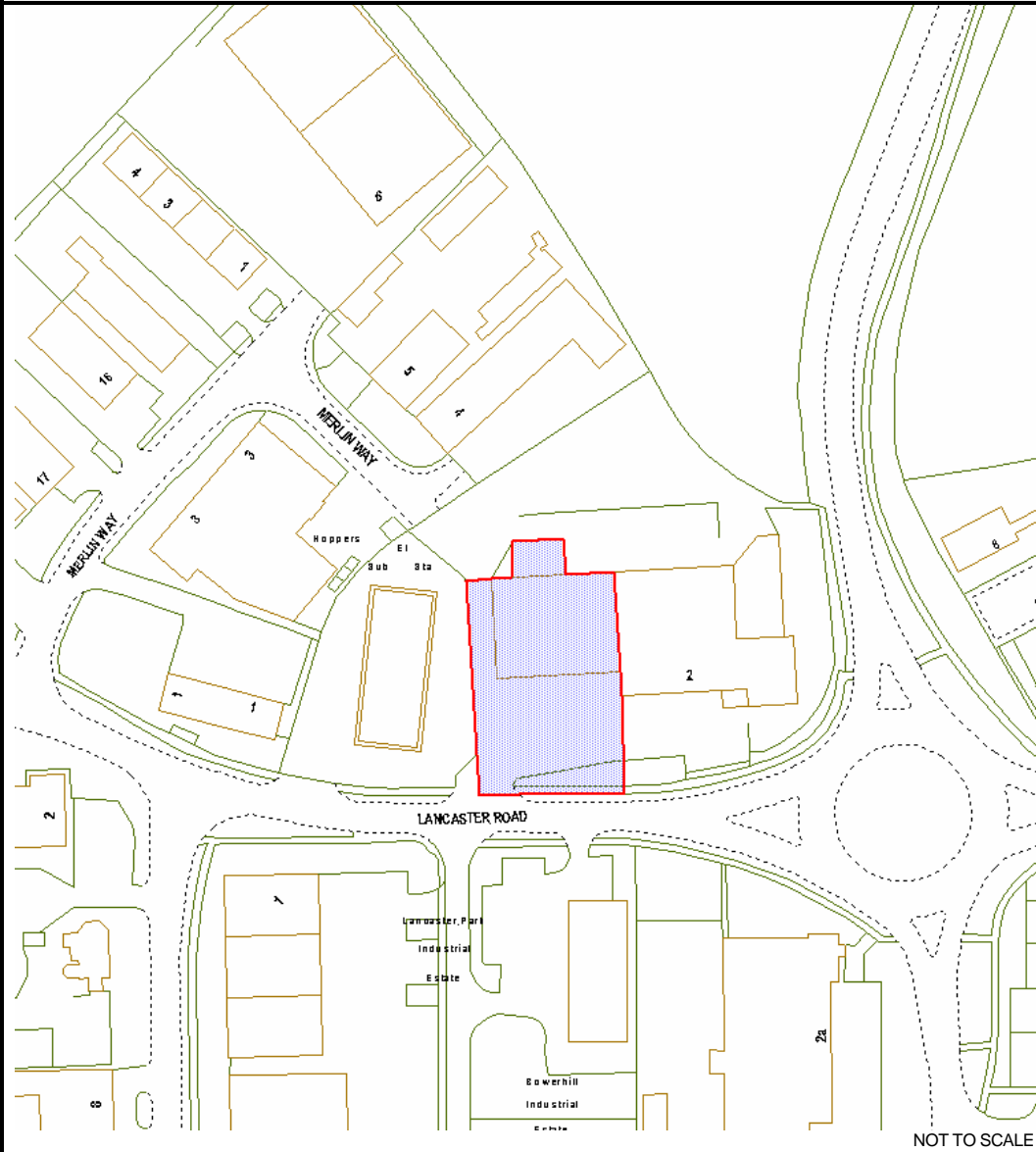
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 07

APPLICATION NO: 06/01228/FUL

LOCATION: Land South Of 7 Lancaster Road Bowerhill Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

**07 Application: 06/01228/FUL**

**Site Address: Land South Of 7 Lancaster Road Bowerhill Wiltshire**

Parish: Melksham Without Ward: Melksham Without  
Grid Reference 391080 162381  
Application Type: Full Plan  
Development: Proposed new bulk retail unit  
Applicant Details: R Jay  
Bedland Chequers Corner Lancaster Road Bowerill Melksham  
Agent Details: Mr J J Sample  
Parham Bungalow Parham Lane Market Lavington Devizes Wilts  
Case Officer: Mr Matthew Perks  
Date Received: 10.08.2006 Expiry Date: 05.10.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

- 2 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 Notwithstanding the submitted plans, prior to the commencement of development detailed plans of the parking areas, incorporating bays of not less than 4.8m x 2.4m with a minimum of 6m manoeuvring space to the rear, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority before development commences on site. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas and the individual marking of car parking spaces, as well as measures for the retention of the existing trees to the site frontage. All works referred to in this condition shall be completed, and the parking and servicing areas shall be available for use before the premises are occupied.

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

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

- 4 The range and type of goods sold from the development hereby permitted shall be restricted to the following: beds, bed headboards, bedframes, mattresses and sofas, and no other part of the premises shall be used for the sale of food, clothing, shoes, fashion goods, sporting goods or toys.

REASON: Because the application has been assessed on the basis of non-food bulky good sales and to avoid an undue effect on the vitality and viability of existing town/local centres.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies SP1 & SP3.

- 5 No outside storage or sales shall be permitted on site.

REASON: In the interests of amenity and highway safety.

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

- 6 Retail display floorspace shall be confined to that in the new building hereby approved, with the existing building on site to be used for warehousing only of the bedroom furniture associated with the outlet.

REASON: Because the application has been assessed on the basis of bulky good sales from the new building, and to avoid an undue effect on the vitality and viability of existing town/local centres.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies SP1 & SP3.

**Note(s) to Applicant:**

- 1 You are advised that prior to the commencement of development agreement in writing should have been concluded with Wessex Water in respect of the protection of the integrity of Wessex Water infrastructure.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because the Town Council recommends refusal contrary to the recommendation of officers.

This is a full planning application for a bulk retail unit at land to the south of 7 Lancaster Road, Bowerhill.

The application site is located within the Melksham Employment Policy Area at Bowerhill. An existing building on site is currently utilised for bulk retail, trading under the "Bedland" name. This building has become unsuited for the retail purpose and would revert to storage space according to the agent.

The proposal is for a building occupying a footprint of approximately 18m x 18m (324m<sup>2</sup>). The building would form an extension on the western side of the front elevation to the existing warehouse on the site. Materials would match the brick and cladding of the existing. The ridge height would align with that of the existing. A 7.5m loading ramp would serve the rear goods entrance to the building.

The proposal includes a revision to the layout of the hardstanding area fronting the building. The existing access off of Lancaster Road would be utilised, but a revised kerblineline to the parking area would provide for an 8.5m wide throughway between the new building and the kerb. Existing trees on the remaining kerb would be retained.

Supporting statements submitted includes a planning statement, a retail assessment and a transport assessment together with additional supporting documentation including sequential study of available appropriate commercial properties in central Melksham and a record of existing alternative bed outlets in and around the town.

The proposals have been revised as part of the consultation process.

## CONSULTATION

### MELKSHAM WITHOUT PARISH COUNCIL

Original plans:

"The Council strongly objects to the proposed new retail unit for the following reasons:

1. Any extension of the retail outlet at this site would threaten the viability of Melksham Town Centre and is contrary to current District Council Policy, which discourages out-of-town shopping units.
2. The proposed building is totally incongruous in the existing street scene, being brightly coloured, extremely ugly and in a prominent position at the gateway to the Bowerhill Industrial Estate where it would stick out 'like a sore thumb'
3. The materials of the proposed building do not in any way reflect the surrounding buildings which are brick built or partly brick built and in muted colours."

Revised Plans: No comment received.

## STATUTORY CONSULTATIONS

### HIGHWAY AUTHORITY

Initial plan: There was a pre-application enquiry on this and the principle of the development was agreed. However the parking spaces should measure a minimum of 4.8m in length with 6m behind each space to allow vehicles to manoeuvre.

Revised plan: No additional comments received.

### WESSEX WATER

No objection subject to an informative or condition relating to the protection of infrastructure crossing the site.

### STRATEGIC PLANNING AUTHORITY

No comments received.

## INTERNAL WWDC CONSULTATIONS

### PLANNING POLICY

Extract:

"Principle

The District Plan identifies both new and established areas for development as employment sites. Generally, policy seeks to encourage the development of new sites for recognised, mainstream employment uses (usually the B1, B2 and B8 use classes). Retail uses are normally discouraged in these areas as such uses are better located within town centre commercial area boundaries. However it is not unusual for bulk retail uses to be found within established employment policy areas. In this case it would appear that the retail use is (and always has been) the primary function on the site.

However, although the bulk retail use (sale of beds) is established on the site, it is appropriate and reasonable for the District Council to apply the sequential approach (as set out in PPS6) to reconcile the location of a retail use on this site. Some work has been carried out already. The level of detail and analysis is not sufficient. It is suggested that the applicant produce thorough evidence to demonstrate that the sequential approach has been applied. I would expect to see evidence that town centre, commercial are a boundary and more urban sites had been identified and considered. The applicant also needs to provide justification for the continuing need for this bulk retail use. In this respect a statement identifying alternative bed store provision within the locality will be useful.

#### Redevelopment of Bowerhill

It is very important for the District's identified employment sites and policy areas to remain fit-for-purpose. Ageing building stock and derelict sites can have a profoundly negative impact on the district's ability to compete for new employers. Maintaining and enhancing the district's economic vitality and viability is an important policy consideration. Consequently, opportunities for re-investment, such as this, which seek to redevelop sites that are nearing the end of their productive need to (be) valued as such.

#### Design

The Parish Council has expressed concern on the design of the proposed development. Whilst I appreciate their concern it should be noted that the proposal site is located within an employment policy (area) that is characterised by large shed/hangar structures. The design of such structures is purposefully utilitarian in order for these structures to have the potential to be used for a wide variety of employment uses. A more explicitly retail unit based design could have a negative impact upon the employment policy area - perhaps suggesting that retail uses are legitimate for this location. Consequently, I consider the proposed design to be appropriate for this location. Consequently, I consider the proposed design to be appropriate for this location.

#### Conclusions

The redevelopment of the existing bulk retail use provides an opportunity to establish if this is an appropriate location for this and whether there are any new opportunities for locating the use in a more accessible town centre commercial area boundary location. To enable this, a sequential approach assessment needs to be undertaken. I appreciate that some work has already been carried out but this is cursory and needs to be expanded upon with a greater emphasis upon analysis of available sites. Justification for the proposal, in terms of need, will also be extremely useful.

In other respects the redevelopment of this site is welcomed. In particular, I highlight the need (to) maintain and enhance the district's employment land stock. By doing so, the district will remain a viable location for both new and established employers.

The character and appearance of the proposed development is in overall keeping with the Bowerhill employment policy area and could easily lend itself to other employment uses should the current use cease."

#### ECONOMIC DEVELOPMENT

No comment received.

#### PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted.

One neighbouring property owner has responded:



Original Plans: The following comments and objections are made:

- Safety factors. Cars will be forced to park on the roadway;
- The claims that the existing building is unsuitable are disputed;
- The retail outlet would not be in the remit of the site;
- Inadequate parking, including that which would be required for staff;
- Parking provision is not drawn to scale on plans;
- Building materials are not appropriate on this site.

Revised Plans:

- Parking remains an issue;
- The sewerage line would be covered by the building, preventing access for repairs;
- No access to parts of the existing building that may need repair;

## PLANNING POLICY

West Wiltshire District Plan - 1st Alteration (June 2004)

E2 Employment Policy Area

SP3 Out of Centre Shopping

PPS1 Delivering Sustainable Development

PPS6 Planning for town centres.

## RELEVANT PLANNING HISTORY

99/01852/FUL - Change of use to bulky goods retail - Approved 31.01.2000

## KEY PLANNING ISSUES

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

## PLANNING OFFICER'S COMMENTS

The proposal would be an extension to an existing bulk goods retail unit in the Bowerhill employment policy area.

Policy E2 of the West Wiltshire District Plan 1st Alteration, 2004 states that:

" Proposals for employment development including extensions and changes of use on the sites shown on the Proposals Map, will be permitted provided that:

- (i) They do not create significant adverse impact on the appearance and character of their surroundings;
- (ii) They provide adequate services for the disposal of surface water without increase of flood risk to downstream riparian owners;
- (iii) They provide adequate water supplies, sewerage and sewage treatment, without adversely affecting the environment;
- (iv) 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;
- (v) They do not conflict with any other Structure Plan or District Plan 1st Alteration policies."

Policy SP3 of the West Wiltshire District Plan 1st Alteration, 2004 states that:

"New and extensions to existing edge of centre and out of centre shopping developments, including superstores, supermarkets and retail warehouses but excluding small neighbourhood shops, will only be permitted if all of the following criteria are met:

- A There is a need for the development;
- B There are no suitable and viable sites available within firstly, the defined Primary Retail Frontages and secondly, (for out of centre proposals) edge of centre locations;
- C The development does not, either by itself or together with other retail developments, harm the vitality or viability of nearby centres;
- D The development is of acceptable scale, materials and design and does not harm the local environment or residential amenity;
- E The development is sited to reduce the number and length of car journeys and is accessible by a choice of means of transport, including by foot, bicycle and public transport;

F The traffic generated by the proposal can be accommodated safely on the local highway network and sufficient car parking and servicing is provided."

PPS6 advises that Local Planning Authorities should require applicants to demonstrate:

- the need for development;
- that the development is of an appropriate scale ;
- that there are no more central sites for the development ;
- that there are no unacceptable impacts on existing centres; and
- that locations are accessible,

but also states that the level of detail and type of evidence and analysis required to address these considerations should be proportionate to the scale and nature of the proposal.

#### Need and sequential test

The trading operation has been in this locality since 1997, in the building that was previously a garage workshop. The existing structure was previously a garage workshop which the applicant states is not suited to the bulky furniture showroom purposes, hence the need for the new building. The old building would revert to storage for the outlet. There are two other suppliers of bulky furniture (principally beds) in the Melksham but to the western side of the town centre, both of which commenced trading subsequent to the outlet on the application site.

A sequential approach to identifying possible alternative sites has been taken in the supporting documentation. At the time the application was made, the former Kwik Save supermarket outlet is the one available site in Melksham. However there are similar issues to those applicable in the existing Bedland premises (e.g. arrangement of internal columns and floorspace arrangement) that make this site unsuitable. There is one other possible property in Bank Street, but this is currently occupied). Other available in-town premises are of standard retail size between 60 and 70m<sup>2</sup>. It is furthermore considered a sustainable option to have the outlet located in the proximity of the storage area. The sale of bulky goods is by nature often associated with employment areas in view of the size of structures and floor space requirements.

The Strategic Planning Authority did not wish to comment on the proposal.

#### Design

The comments of the Planning Policy section on the design of the building in original plans are relevant. The building would be sited within the employment policy area where buildings designed to accommodate a wide range of employment uses are appropriate. The applicant submitted revised plans that propose a building designed to appear as an extension to the existing building on site, and which is set back by 8.7m from the proposed new kerblines so that the building frontage would not be forward of the alignment of "Datum House" to the road frontage.

#### Traffic and parking considerations

The 15 parking spaces shown to the front of the building would be sufficient to meet policy requirements of 1 space per 35m<sup>2</sup> of non-food retail. There is furthermore additional parking to the north of the existing building. However, the comments of the highway authority are noted, and a plan accurately indicating the parking layout should be made a condition of any permission. There is sufficient space in which to accommodate a revised layout.

#### CONCLUSION

It is considered that the supporting documentation makes a credible case for the acceptability of the new building in terms of the relevant District Plan criteria and PPS6 guidelines. This proposal is for bulk retail and is an extension to an existing use. On balance the application should be permitted.



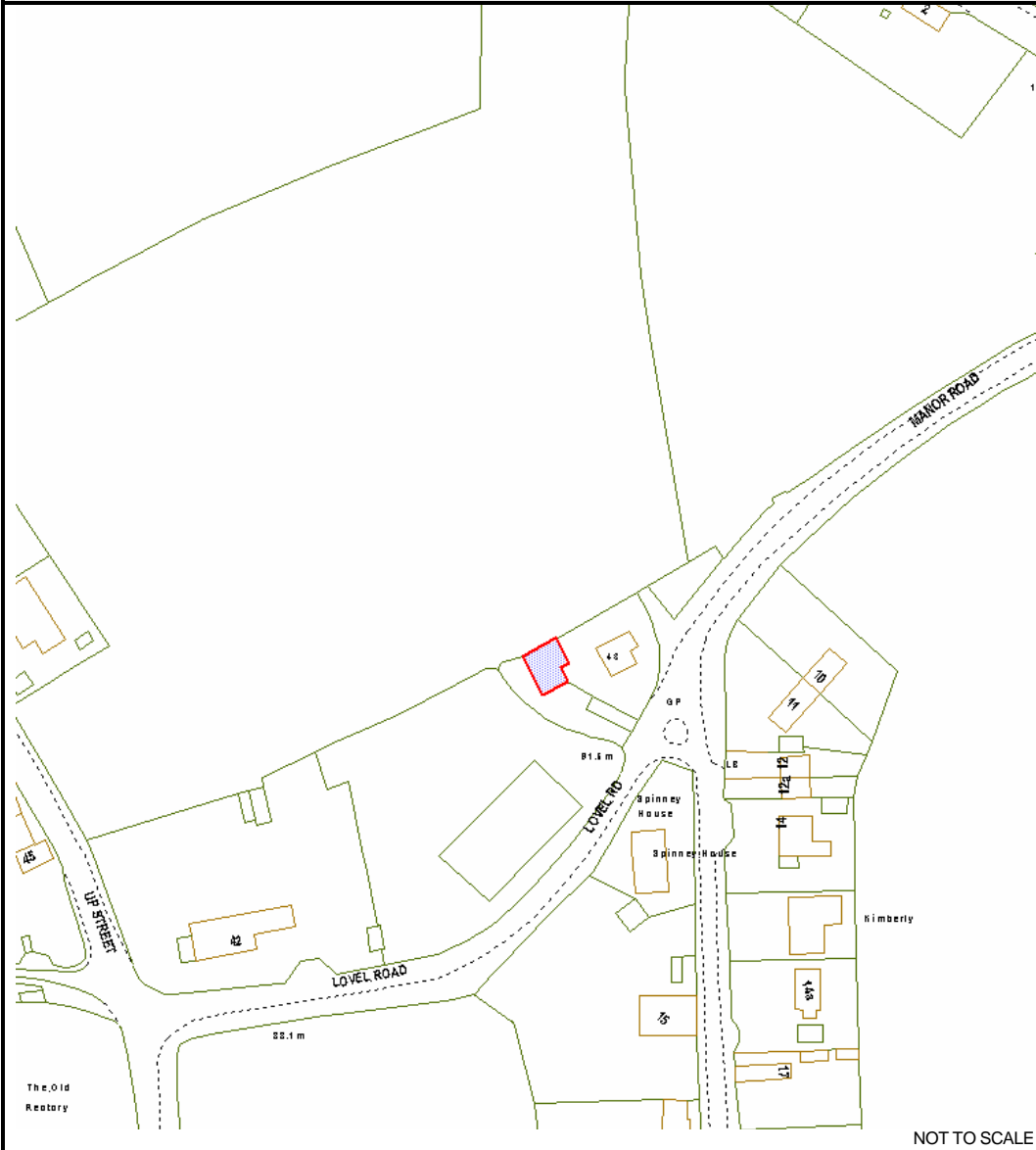
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 08

APPLICATION NO: 06/02374/LBC

LOCATION: The Coach House Lovel House 42 Lovel Road Upton  
Lovell Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

**08 Application: 06/02374/LBC**

**Site Address: The Coach House Level House 42 Level Road Upton Lovell Wiltshire**

Parish: Upton Lovell Ward: Mid Wylve Valley  
Grid Reference 394555 141046  
Application Type: Listed building  
Development: External and internal alterations  
Applicant Details: Mr And Mrs H Champion  
Lovell House Upton Lovell Wiltshire BA12 0JP  
Agent Details: Brimble Lea And Partners  
Wessex House High Street Gillingham Dorset SP8 4AG  
Case Officer: Mr Russell Brown  
Date Received: 01.08.2006 Expiry Date: 26.09.2006

**REASON(S) FOR CONSENT:**

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

**RECOMMENDATION: Consent**

**Condition(s):**

- 1 The works hereby authorised shall begin not later than three years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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: In order to protect the character and fabric of the listed building.

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

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

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

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

- 4 Details of the elevations of all new or replacement external windows, rooflights and doors including any glazing, at a scale of not less than 1:20, and sections through all frames, glazing bars and opening mechanisms, at a scale of not less than 1 :2, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 Details of all new or replacement extract ducts, vents, grilles, meter housings and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 6 Details of all new or replacement internal doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 7 All existing (roof tiles/bricks/stonework) shall be carefully dismantled, set aside and stored in a safe place for re-use in the works to the listed building.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.
- 8 Before any repointing of the external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval of the Local Planning Authority in writing.
- REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 9 Details of the existing roof structure, and proposals for its reconstruction including the retention where possible of existing members, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the roof. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.
- 10 Details of the construction of the new first floor shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to that part of the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the interruption of the fabric of the listed building is minimised.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

**Note(s) to Applicant:**

- 1 You are advised that planning permission is also be required for the conversion of this building to a residential annexe in the manner proposed. No works to implement this consent should be commenced until such time as planning permission has been granted.

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

This application has been brought to the Committee as the Parish Council objects contrary to officer's recommendation.

This is a listed building consent application to convert a Grade II curtilage listed coach house into a 3 bedroom residential annexe. The building is currently in domestic use as a garage/stores building and is at some distance from the principal dwelling Lovel House albeit within the same curtilage.

The coach house is a mixed brick structure with a slate roof and has the appearance of an old agricultural barn. The coach house forms part of the curtilage of Lovel House, a Grade II listed building. The site is separated from the main house by a stone wall to the west and south of the coach house. There is a gate through the wall linking the site to the main house. To the north of the coach house is a large area of agricultural land, forming part of the wider landscape. There is a residential property less than 10 metres to the east.

The proposals include renovations to the openings and replacing some of the existing windows with new softwood windows and the insertion of rooflights. The revised plans show that the window openings would be reused as existing. No existing window openings would be altered in terms of size or position.

The proposal also includes the construction of a new first floor at a lower level than the existing and the reinforcing of the roof structure.

The application has been revised several times in order to attempt to achieve an acceptable conversion scheme by reducing the impact of the rooflights and omitting the flue. The revisions have also included a door in the west facing glazed section to remove the need for use of the door into the agricultural field as an access.

The Parish Council have been fully reconsulted and the applicant has provided further clarification showing the ownership boundaries of the building.

**CONSULTATION REPLIES:****- UPTON LOVELL PARISH COUNCIL**

Notes that the revised plans have addressed the issue regarding the window owned by the neighbour and that the plans are now accurate. However the Parish Council maintain their objection on the below grounds:

- The proposed changes would create additional rooflights and remove and alter the existing first floor and introduce a domestic layout to the first floor which would result in a detrimental impact to the character of this Grade II curtilage building contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004
- The proposed rear door will open onto agricultural land - potential change of use
- Overdevelopment of this listed property - there are already 5 bedrooms in the main house
- Concern over highway safety even though it would not be a separate dwelling

## INTERNAL WWDC CONSULTATIONS

### - URBAN DESIGN AND CONSERVATION ASSISTANT

The proposal appears to involve less alterations to the building than that which was previously proposed and can be supported subject to appropriate conditions.

The comments received on the previous application were as follows:

This building has both a functional working character created by the ground floor layout and the remaining elements from its use as a stables and garage, but also a domestic character created by the style of doorways window designs and external materials used. Therefore, a residential use in principle could work, the important factors to consider are minimising the amount of changes, using the right materials and methods for repair, replacement or new features and retaining the working character of the building. The scheme needs to consider reusing existing openings and matching materials. Other issues relating to construction details and finishes may be dealt with by condition.

The current scheme addresses these points and reuses the existing openings.

## PUBLICITY

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

A letter has been received from the occupier of a neighbouring dwelling, making the following points:

- There is a shared internal brick wall - with ventilation gaps
- Drainage concerns and inaccurate plans
- The first floor alterations may affect part of the building owned by the neighbour
- Access onto agricultural land
- The barn is a long way from the main house

## PLANNING POLICY

Wiltshire Structure Plan 2011  
HE7 Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004  
C27 Listed Buildings  
C28 Alterations and Extensions to Listed Buildings

PPG1 General Policy and Principles  
PPG15 Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

04/01484/FUL - Conversion of existing coach house into 3 bedroomed dwelling - Refused  
14.09.2004

04/01712/LBC - Conversion of existing Coach House into 3 bedroomed dwelling - Refused  
25.10.2004

05/00856/FUL - Conversion of Coach House as residential annexe to Lovel House - Refused  
20.04.2006

05/00855/LBC - Conversion of Coach House as residential annexe to Lovel House - Refused  
20.04.2006 - Appeal pending.



## KEY ISSUES

The key issues in this application are the effect of the proposal on the character and fabric of the listed building, and whether the current proposals overcome the previous reason for refusal.

Since this is an application for listed building consent the only matters for consideration are the impact of the proposals on the character of the listed building and not the principle of the conversion to a residential annexe.

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## PLANNING OFFICER COMMENTS

### Planning history

The previous application was refused, contrary to your Officers recommendation of consent for the following reason:-

The proposal would create additional roof lights and steel flue, remove and alter the existing first floor and introduce a domestic layout to the first floor which would result in a detrimental impact to the character of this Grade II curtilage building contrary to Policies C27 and 28 of the West Wiltshire District Plan First Alteration 2004.

The current application differs from that previously refused and the proposals now under consideration are the result of negotiations with the applicant's agent in liaison with the Heritage Development Officer and the Council's Urban Design and Conservation Assistant.

The changes to the previous application include the omission of a wood burning stove and associated flue together with the insertion of conservation rooflights, of which one would be reduced in size. The previous proposal was for rooflights of a modern style without the central glazing bar. The current proposal is a significant improvement in these respects and overcomes that part of the reason for refusal.

The proposal utilises the existing openings and retains the existing features and form, for example, the diamond pattern glazing in the windows and reuse of the existing slates on the roof, all as previously proposed.

A structural report of the building was previously submitted and that report indicated that the building is capable of conversion subject to repair works to the roof structure when the proposed new floor is installed.

The existing first floor is in a poor state of repair and is not worthy of retention in itself. This floor is part of the reason why the building is in a generally poor state as it is causing the spread of the roof structure. The replacement of this floor would structurally strengthen the building. Even though this formed part of the reason for refusal of the previous application it is the opinion of your officers that this would improve the integrity of the whole structure and ensure the longevity of the building.

There are no changes to the first floor layout as previously considered by the Planning Committee. Notwithstanding the fact that this does not overcome the reason for refusal your officer's views are unchanged in that this would not be likely to harm the character of the building. The upper floor is two separate open spaces but these areas do not make any significant contribution to the overall character of the building which derives its character principally from its external appearance and status as a curtilage building. Therefore, your officers remain of the opinion that the internal sub-division as proposed would not result in any harm to the character of the listed building.

Whilst the current proposals do not overcome the previous reasons for refusal in all respects, the proposals are such that they will ensure the future preservation and maintenance of this important curtilage structure.

#### Character of the building

The building is a Grade II curtilage listed building and has the appearance of a detached coachhouse used for garaging and storage.

Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004 seek to protect the character, setting, form and features of architectural interest of listed buildings and to ensure that loss or damage to historic fabric is minimised. Any new details should be designed so as to match or be in keeping with, and respect, the character of the building and materials should match, or be sympathetic to, those of the existing building.

The proposals would preserve and enhance the character of this building together with the setting of the principle building.

#### Other matters

The door opening into the field is an existing feature, opening directly into the adjoining agricultural land which is also within the applicant's ownership.

The new door proposed on the west elevation would effectively result in this door no longer needing to be used, but in any case there would be no change in ownership and no changes to the existing land use.

This is an existing building and no extensions are proposed and consequently the proposals cannot be considered overdevelopment of the site.

Matters of highway safety cannot be considered in this application as this application has been made under the Planning (Listed Buildings and Conservation Areas) Act 1990 which does not include matters other than those affecting the historic environment, in this case the character of the listed building.

A parallel application for planning permission has not been resubmitted because the applicant's agent has taken the view that as ancillary guest accommodation without any extension to the building, planning permission is not required. This is not an opinion shared by your officers because it would create a self-contained dwelling unit even if only used as a guesthouse. This issue may well be clarified as part of the current appeal. It is considered appropriate in these circumstances to add an informative to the applicant to the effect that planning permission would also be required for the conversion of this building in the manner proposed.

#### CONCLUSION

The current proposals partially overcome the previous reason for refusal in that the steel flue has been omitted and the impact of the roof lights reduced.

However, the proposals would still result in the removal of the existing first floor structure and introduction of a domestic layout which formed part of that reason for refusal.

Your officers remain convinced that in their professional opinion the alterations to this building in the manner proposed, subject to the imposition of conditions, would not harm the character of the listed building.

Furthermore, the current scheme incorporates significant improvements the proposals and the scheme is therefore recommended for approval.



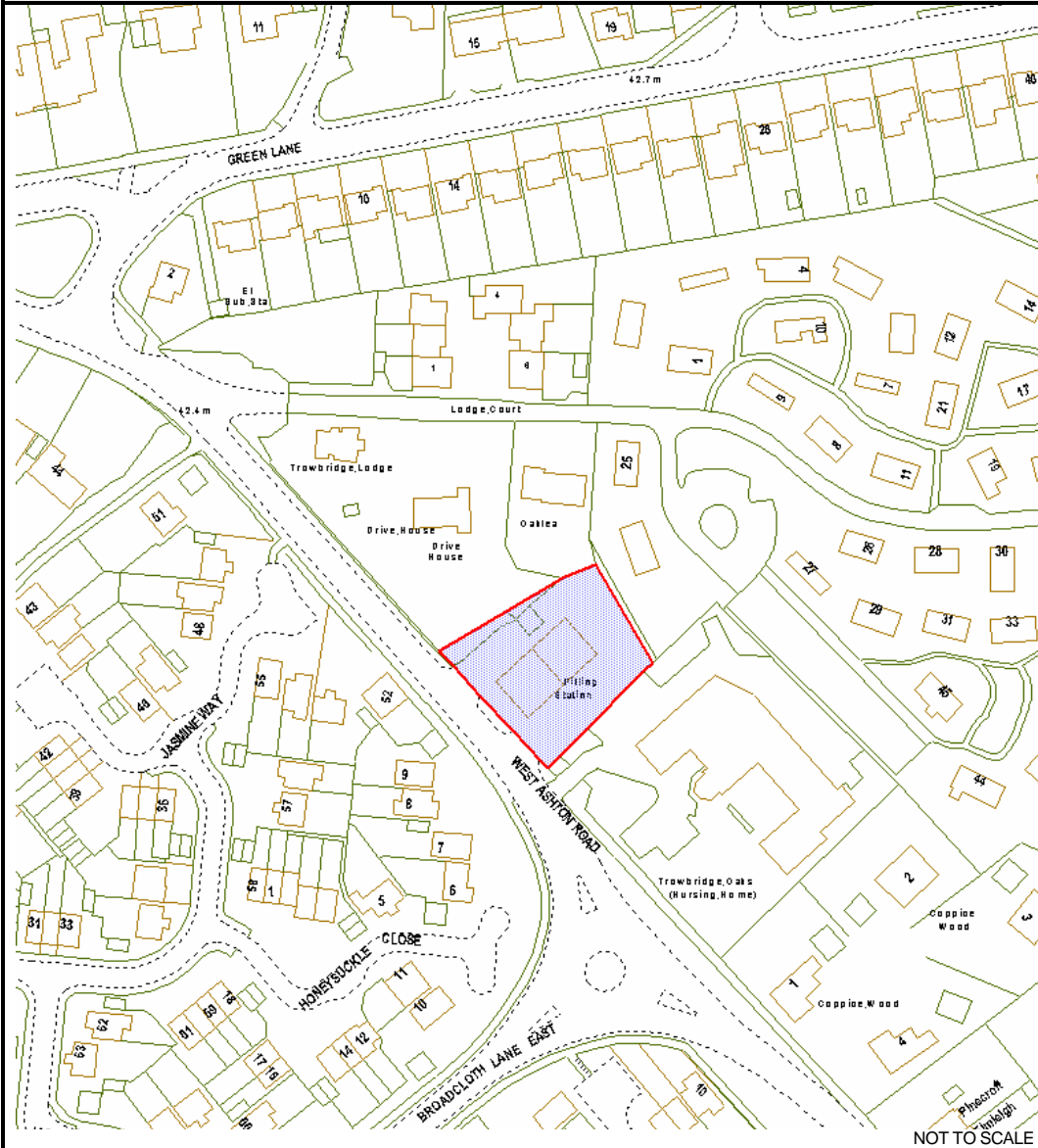
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 09

APPLICATION NO: 06/02426/FUL

LOCATION: Trowbridge Lodge Service Station West Ashton Road  
Trowbridge Wiltshire BA14 6DW



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SLA: 100022961

**09 Application: 06/02426/FUL**

**Site Address: Trowbridge Lodge Service Station West Ashton Road  
Trowbridge Wiltshire BA14 6DW**

Parish: Trowbridge Ward: Park  
Grid Reference 386534 157572  
Application Type: Full Plan  
Development: To retain translucent polycarbonate roofing over enclosed car wash  
Applicant Details: Douglas Seaton Ltd  
Abbey Business Centre Preston Road Yeovil BA20 2EN  
Agent Details: A Walden  
Cockspurs New Street Somerton Somerset TA11 7NS  
Case Officer: Mr David Cox  
Date Received: 07.08.2006 Expiry Date: 02.10.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**COMMITTEE REPORT**

APPLICATION DETAILS

This application is brought to committee at the request of Councillor Bryant and because the Town Council objects contrary to your officer's recommendation.

This is an application for the retention of a translucent polycarbonate roofing over an enclosed car wash at Trowbridge Lodge Service Station on West Ashton Road.

The car wash was approved in application 00/00121/FUL and is attached onto the side of the main shop of the petrol garage. The only condition imposed on the approval was for time restrictions on the use of the car wash. However the approved plans showed that the roof of the car wash would be felted and that the rear entrance would have a closing roller shutter door, closed when a car is being washed.

The car wash had generated complaints, which have been dealt with by the Council's enforcement team, and the rear door is now closed when cars are being washed. The enforcement section has confirmed that since the door has been closed, the complaints regarding the car wash have since ceased.

CONSULTATION REPLIES:

TROWBRIDGE TOWN COUNCIL

Objected on the grounds this was out of keeping and overbearing for the area.

## STATUTORY CONSULTATIONS:

### ENVIRONMENTAL HEALTH

No objection.

### PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter. One letter of objection was received.

- The original planning consent required the roof to be felted. The purpose of this was to absorb some of the noise generated by the car wash.

- The service station did not until visited by an enforcement officer bother to fit equipment to automatically shut the roller door when the unit was in operation (another planning requirement). The noise generated was excessive and we were not able to use our gardens during a good part of the summer. Now that this has been carried out the noise has been reduced, but this is still a nuisance.

- If a felt roof was fitted this would go some way to reducing the noise to an acceptable level.

### PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design

C38 - Nuisance

### RELEVANT PLANNING HISTORY

00/00121/FUL - Installation of automatic car wash - Approval 13.04.2000

There is recent planning history on the site for a separate jet wash on the opposite, southern, side of the site. This was approved on 10 January 2006 (05/02733/FUL).

### 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 instance it is whether the retention of the polycarbonate roof would cause an unreasonable level of noise nuisance to the occupiers of the neighbouring properties, and whether the design is acceptable.

### PLANNING OFFICER COMMENTS

Policy C38 states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses.

The Environmental Health Section was consulted on the proposal and presented with a copy of the neighbour's letter highlighting their concerns. They have indicated that they have no objection to the proposal.

The retention of the polycarbonate roof would not cause an unacceptable nuisance and is considered acceptable in these circumstances since a refusal on the basis of nuisance would be unsupported by Environmental Health. Furthermore, the distance from the car wash to the dwellings located on neighbouring sites is considered sufficient to prevent any nuisance from occurring to the occupiers of those dwellings, although it is accepted it may be possible to hear the sound of the car wash being used from garden areas closest to the facility.

The overall form and appearance of the building would be virtually changed. The roof is not visible from the street scene as it is flat and so has no impact on the visual appearance of the area. Furthermore, it is not an unusual finish on developments of this type which are often located in residential areas attached to filling stations.

#### CONCLUSION

The design of the roof is considered acceptable and there would be no unacceptable level of nuisance to local residents.

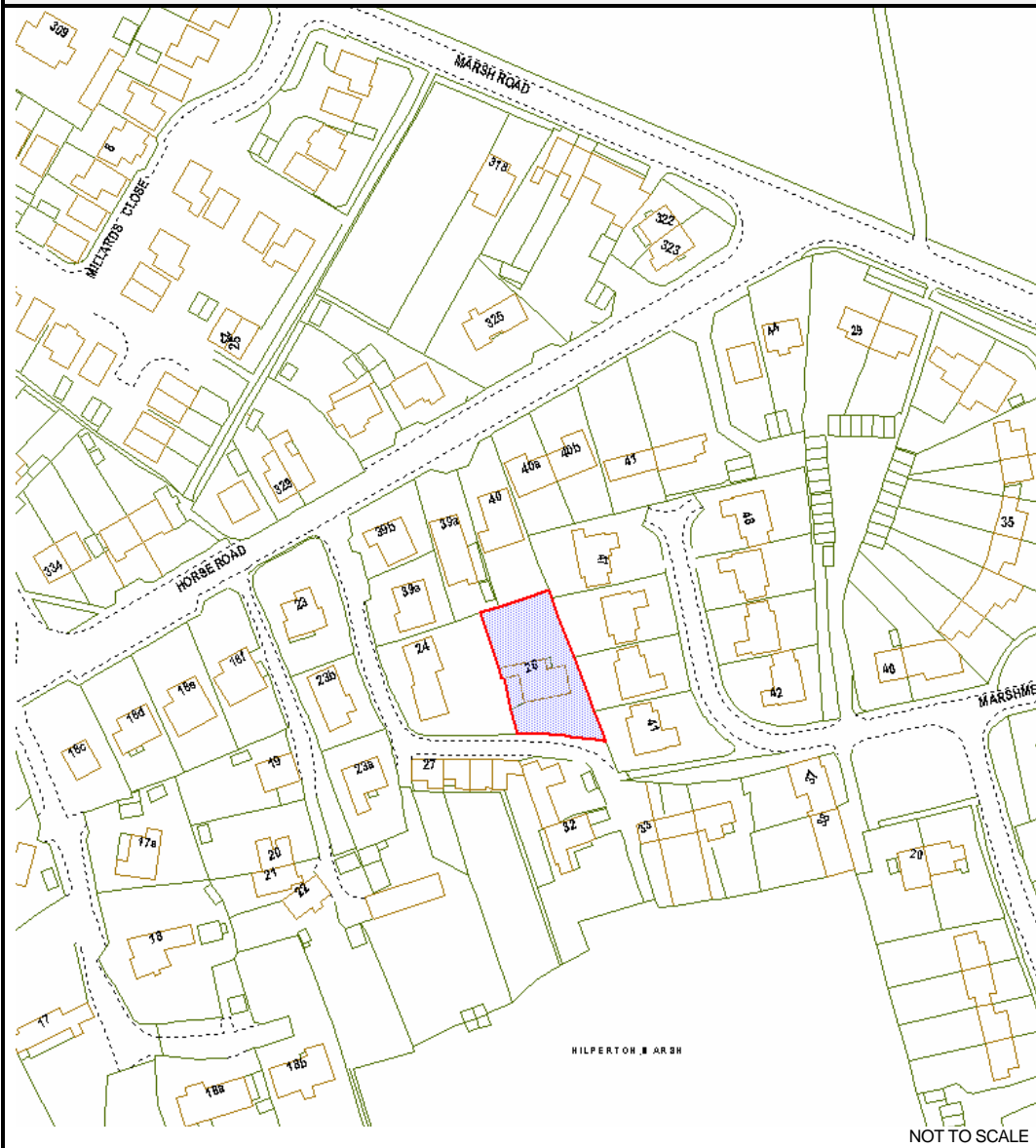
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 10

APPLICATION NO: 06/02679/FUL

LOCATION: 26 Horse Road Hilpertown Wiltshire BA14 7PF



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SLA: 100022961



**10 Application: 06/02679/FUL**

**Site Address: 26 Horse Road Hilperton Wiltshire BA14 7PF**

Parish: Hilperton Ward: Paxcroft  
Grid Reference 386736 159815  
Application Type: Full Plan  
Development: Replacement dwelling and garage  
Applicant Details: Mrs J Roberts  
26 Horse Road Hilperton Wiltshire BA14 7PF  
Agent Details: Mrs E Welch  
98 The Common Broughton Gifford Melksham Wilts  
Case Officer: Mr Mark Reynolds  
Date Received: 31.08.2006 Expiry Date: 26.10.2006

**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.

- 3 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.

- 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 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.

- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, no development falling within Schedule 2, Part 1, Class(es) B of the Order shall be carried out without the express planning permission of the Local Planning Authority.

REASON: The implementation of permitted development rights on this site would be unacceptable.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted in the roof of the dwelling hereby permitted.

REASON: In the interests of neighbouring amenity.

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

- 9 The garages hereby permitted shall be retained for the parking of vehicles only.

REASON: In the interests of highway safety

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to the Planning Committee because Hilperton Parish Council objects to the application unless a series of conditions are imposed, which officers cannot recommend.

This is a full planning application for a replacement dwelling and garage at 26 Horse Road, Hilperton. The existing dwelling is a woolaway bungalow which is to be demolished. It is proposed to replace the bungalow with a bungalow and a detached garage. The proposed bungalow would be L-shaped with a conservatory attachment it would measure 13.8m in length and 14m in width at its widest. The proposed dwelling would be 5.6m in height to ridge level sloping to 2.5m in height at eaves level. The proposed garage would be 7m in width and 6m in depth and it would stand 4.8m in height to ridge level.

The application site lies within a residential area of Hilpertown characterised predominantly by detached properties, many of which are single storey, although there is a short terrace of two storey cottages obliquely opposite. It is located close to the head of a short cul de sac on the south side of Horse Road, which serves a number of properties. In the vicinity of the application site, the road is tarmac but has no footpath.

## CONSULTATION REPLIES

### HILPERTON PARISH COUNCIL

The Parish Council objects to this application unless the following conditions are imposed:-  
A, In the interest of road safety, no access or egress should be allowed to and from the site during demolition or reconstruction work between the hours of 8:30am and 9:15am and between 2:45pm and 4pm. This is because the lane is used by children and parents going to and from Hilpertown school during term time.  
B, All vehicles should be parked on site and should not at any time block the lane.  
C, No surface water should be permitted to drain into the lane.

## STATUTORY CONSULTEES

### HIGHWAY AUTHORITY

No highway objection is raised

### WESSEX WATER

No objections

## PUBLICITY RESPONSES

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

- Demolition of existing building with high asbestos content
- Loss of privacy for Nos.43 and 45
- Design of the dwelling overbearing
- Design of the bungalow
- Safety of pedestrians on the lane
- Parking of vehicles on the lane
- Drainage

## PLANNING POLICY

Wiltshire Structure Plan 2016

DP7 Housing in towns and main settlements

T5 Parking

West Wiltshire District Plan 1st Alteration (2004)

H17 - Village Policy Limits

H24 - New housing design

C31a - Design

C32 - Landscaping

C38 - Nuisance

T10 - Car parking

U2 - Surface water disposal

PPS 1 - Delivering Sustainable Development

PPG 3 - Housing

## RELEVANT PLANNING HISTORY

None

## KEY PLANNING ISSUES

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

## PLANNING OFFICER COMMENTS

The application site is located within the Village Policy Limit for Hilperton, therefore the principle of further residential development is acceptable subject to a number of criteria contained in Policy H17 of the West Wiltshire District Plan 1st Alteration 2004. This policy allows for limited development provided that the development would be in keeping with the character, appearance and distinctive spatial form of the settlement and that the development can be satisfactorily serviced and would not create highway problems.

The proposal to replace the dwelling on site with a single dwelling would not affect the density of residential development at the site. The positioning of the replacement dwelling would be located on broadly the same footprint as the previous dwelling albeit that the new dwelling would be L-shaped. The proposal would not therefore alter or detract from the urban grain of the residential area. The scale of development proposed would be of a similar scale to that existing. The proposal to replace the bungalow with another bungalow would harmonise with the form and type of surrounding dwellings which are a mixture of bungalows and to the south modest two storey properties in a terrace. The proposed dwelling would be rendered with a concrete tiled roof. These construction materials are characteristic of developments along this lane and are considered acceptable.

A garage would be introduced in front of the dwelling this would however be positioned side gable onto the road. It is noted that the neighbouring property to the west No.24 Horse Road has a similarly sized double garage constructed in relatively close proximity to the road and this neighbouring garage is more prominent because it fronts onto the highway.

Concerns have been raised regarding the potential for a loss of privacy to occur as a result of this development. The proposed dwelling is however single storey and there exists boundary fencing enclosing the rear garden of the development which should ensure that the proposed dwelling does not overlook these properties. The dwelling is of a reasonable size for its plot and a gap has been retained at both the west and east sides of the dwelling so it is not considered that the proposal represents overdevelopment of the site or that the dwelling or garage would have an overbearing impact on neighbouring properties.

Issues of highway safety have been raised following consultations on the development. The Highway Authority have been consulted on the application and they have raised no objections to the scheme on highway safety grounds. The proposal incorporates a double garage which should allow adequate car parking to avoid cars being displaced onto the highway. The comments of a neighbour and the Parish Council are noted regarding a condition to stop cars parking on the road; this is not however considered enforceable nor necessary as parking in the lane is not restricted for other road users and is also provided on site.

A condition has been suggested to restrict the hours of access to the site by vehicular traffic during the demolition and construction works. Such a condition is not considered enforceable or reasonable as other vehicles would still be able to use the road at these times, and it would therefore not accord with the six tests for conditions outlined in planning circular 11/95. Alternatively, a condition to restrict construction hours would not only prolong the time taken to build the bungalow, but would not prevent parking on the road during those hours by construction workers, or by drivers of delivery vehicles arriving early and waiting for the site to 'open'.

An objection has been received regarding the potential presence of asbestos in the woolway bungalow. This is a matter for Building Control and an appropriate application to demolish the existing bungalow has already been made to that department. A representative from that department has visited the site and the demolition works would be monitored.

The Parish Council and a neighbour have raised concern that drainage from the proposal may flood the highway and neighbouring properties. This may be avoided by placing a condition on the permission requesting that provision is made for the disposal of surface water within the site.

No contribution to affordable housing is required as part of this application, since the proposal is merely seeking to build a replacement unit and there is no net increase in the total number of dwellings on the site.

## CONCLUSION

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

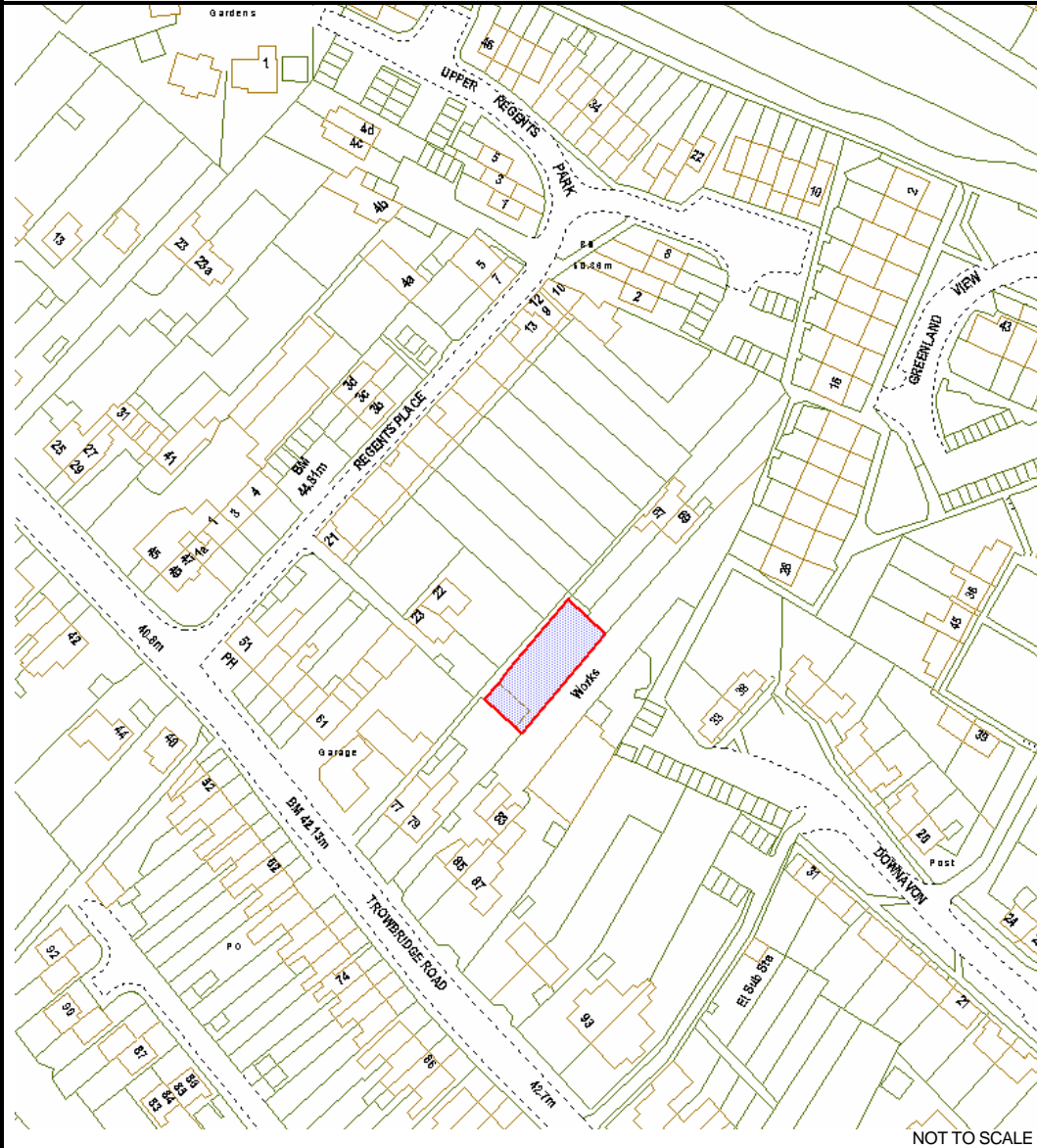
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 11

APPLICATION NO: 06/02805/FUL

LOCATION: 73 - 75 Trowbridge Road Bradford On Avon Wiltshire  
BA15 1EG



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SLA: 100022961

**11 Application: 06/02805/FUL**

**Site Address: 73 - 75 Trowbridge Road Bradford On Avon Wiltshire BA15 1EG**

Parish: Bradford On Avon Ward: Bradford On Avon South  
Grid Reference 382870 160454  
Application Type: Full Plan  
Development: Extensions to dwelling  
Applicant Details: M Osborn And H Maria  
73 - 75 Trowbridge Road Bradford On Avon Wiltshire BA15 1EG  
Agent Details: Gledhill Walker Architects  
F A O Ian Walker Attika Workspace Bath Brewery Tollbridge Road  
Bath  
Case Officer: Mr Donncha Murphy  
Date Received: 12.09.2006 Expiry Date: 07.11.2006

**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 as Bradford Town Council objects to the proposal contrary to the planning officer's recommendation.

This application proposes the demolition of the existing single storey extensions and erection of a one and a half storey side extension with a single storey element to the rear. The proposed side extension would be approximately 3.8 metres in width and 5.6 metres in length. It would be 6.5 metres in height to the ridge level with a pitched roof.

The proposed single storey rear extension would be attached to the proposed two-storey side extension. It would be 3.8 metres in width and 4.8 metres in length.

The extension would be constructed of timber and render finish under a natural slate gable roof with a catslide extension over the single storey extension.

The dwelling is a two-storey detached dwelling with a beige render finish. To the north east of the dwelling is a large enclosed garden. The property is located approximately 50 metres off Trowbridge Road, behind a row of houses. Access to the property is gained via a footpath leading from Trowbridge Road.

#### CONSULTATION REPLIES:

BRADFORD ON AVON TOWN COUNCIL: Object.

While the Town Council has no objection in principle to this extension of a property now in the conservation area, it considers the present design as inadequate and inappropriate to the host building with too many roof lights and using unsuitable materials. Any extensions in the conservation area should complement its host building.

BRADFORD ON AVON PRESERVATION TRUST:

The proposals for this extension to a property in a conservation area are inappropriate. Concern is expressed about the materials.

PUBLICITY RESPONSES: The proposal was advertised by site notice and letters to the neighbouring properties. No comments received.

#### PLANNING POLICY:

West Wilts District Plan 1st Alteration 2004

C17 - Conservation areas

C19- Alterations in Conservation areas

C22 - Demolition in Conservation areas

C31a - Design

C38- Nuisance

SPG - Planning Design Guidance (House alterations and extensions)

PPG- Planning and the Historic Environment

RELEVANT PLANNING HISTORY: None

KEY PLANNING ISSUES: The main issue to consider in this application is whether or not the proposed development would be to the detriment of the conservation area. The potential impact on the host dwelling and the neighbouring amenity must also be considered.

#### PLANNING OFFICER COMMENTS:

- Impact on the conservation area

Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.



The area in which this property is located has recently been designated as a conservation area. Proposals to alter an unlisted building in a conservation area will be permitted only where the alteration will preserve or enhance the character or appearance of the conservation area.

Policy C 19 of the West Wiltshire District Plan states that for any proposed alterations in a conservation area the design must be sympathetic to the scale, form and fenestration of the building. The alteration should retain features of the existing building which are important to the character of the area, use matching materials and characteristics of the local area.

The design of the proposed extension conforms to the guidelines set out in the Supplementary Planning Guidelines (House alterations and extensions) in that it would be a subservient element to the host dwelling.

Moreover the introduction of a traditional cat slide roof over the single storey rear extension would not be to the detriment of the conservation area.

The Town Council and Bradford on Avon Preservation Trust have expressed concern about the materials to be used in the proposed development. The use of timber cladding can be found in Bradford on Avon both in the conservation area and adjacent to conservation area. Timber is also a traditional material and its use on this site would not detract from the appearance of the host building or the conservation area. It would therefore conform to policy C19 of the West Wiltshire District Plan First Alteration 2004.

#### - Impact on the host dwelling

The materials to be used in the proposed extension would be untreated larch or western redwood cedar cladding on the southwest and southeast elevation. The ground floor walls of the side extension and the walls of the rear extension would have a rendered finish to match the existing. The roof slates would be natural to match the existing dwelling.

The proposed extension would be a subservient element to the host dwelling conforming to the guidelines set out in the Supplementary Planning Guidelines (SPG)- Planning Design Guidance (House alterations and extensions). Moreover the roofline of the proposed extension would match that of the existing dwelling in its style and design.

Although timber cladding is not commonly used in the neighbouring properties, the introduction of timber cladding to the south west and south east elevations would not have an adverse impact on the host dwelling. The finish of the timber and the slates used in the roof can be controlled by conditions to ensure that the development is not to the detriment of the host dwelling.

#### - Impact on the neighbouring amenity

The host dwelling is a detached dwelling set well back from any street frontage. The nearest dwelling to the south is approximately 19 metres away. The closest dwelling to the northwest is approximately 17 metres from the host dwelling and the nearest dwelling to the northeast is approximately 55 metres away from the proposed development.

Therefore there is sufficient distance between the proposed development and the neighbouring properties to eliminate any issues of overshadowing.

The application also proposes the introduction of two velux windows to the south west elevation of the proposed extension. The height of the windows ensures that there would be no issues of overlooking of the rear garden of the neighbour to the south west.

The introduction of the velux window to the south west elevation of the host dwelling would be permitted development. However as this window serves to give extra light to a staircase there would be no overlooking of the rear garden of the neighbouring property.

The proposed first floor window on the north east elevation of the extension would face directly onto the rear garden of the applicant ensuring that there would be no issues of overlooking of the neighbouring gardens.

Therefore by virtue of the size, design and location of the proposed development there would be no adverse impact on the neighbouring amenity conforming to policy C 38 of the West Wiltshire District Plan First Alteration 2004.

## CONCLUSION

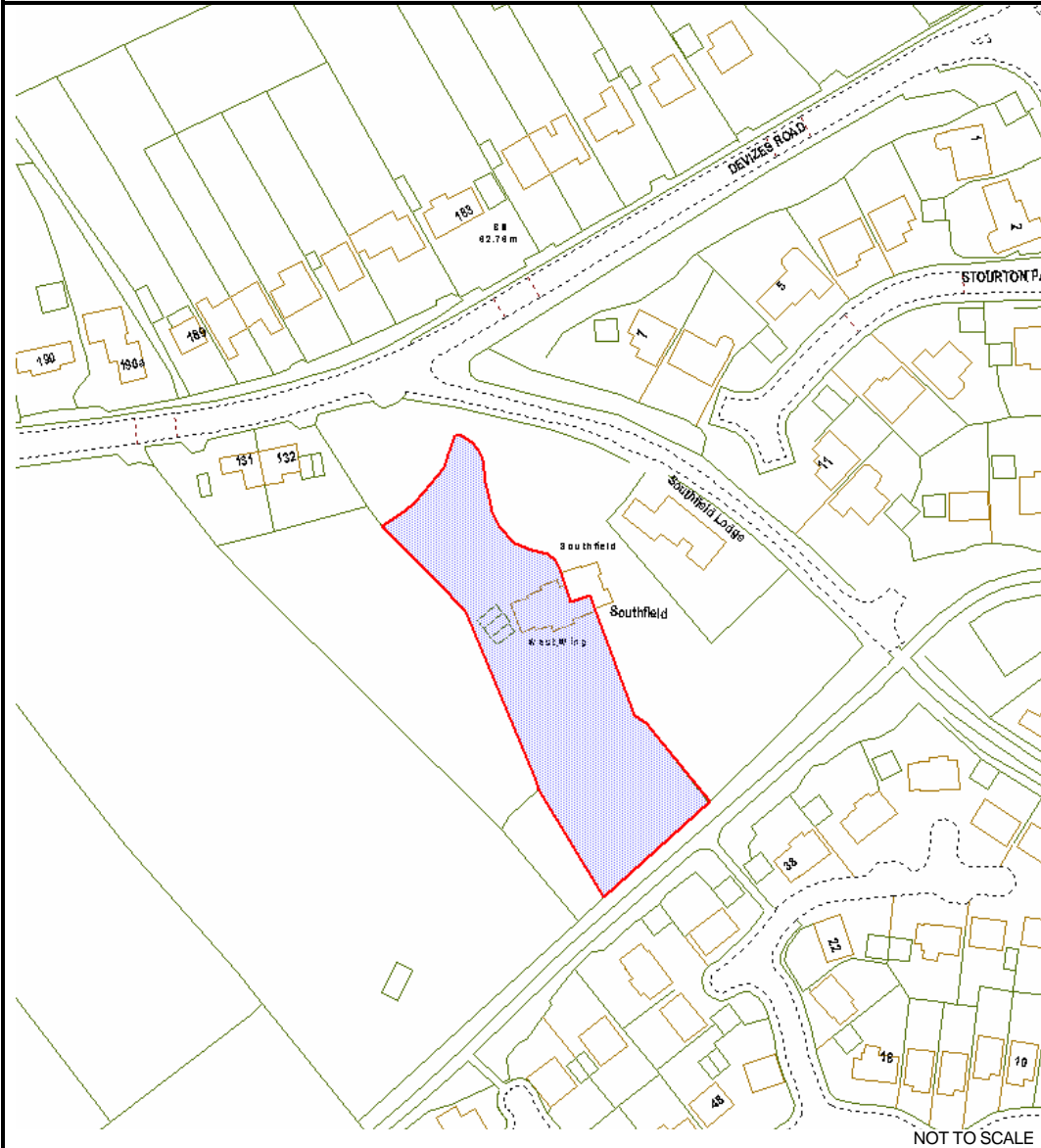
It is not considered that the proposed development would be to the detriment of the conservation area. Furthermore there would be no adverse impact on the host dwelling or the neighbouring amenity as a result of the development. It is therefore recommended for permission.



# PLANNING COMMITTEE

7 December 2006

**ITEM NO:** 12  
**APPLICATION NO:** 06/02869/FUL  
**LOCATION:** West Wing Southfield Devizes Road Hilperton  
Wiltshire BA14 7QJ



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SLA: 100022961

**12 Application: 06/02869/FUL**

**Site Address: West Wing Southfield Devizes Road Hilperton Wiltshire BA14 7QJ**

Parish: Hilperton Ward: Paxcroft  
Grid Reference 387729 158993  
Application Type: Full Plan  
Development: First floor and loft extension above existing ground floor and new double garage to replace existing shed  
Applicant Details: Mr And Mrs Shepherd  
Stamford House Southfields Devizes Road Hilperton Wiltshire  
Agent Details: C G Davies  
Little Solsbury House Gloucester Road Swainswick Bath BA1 8BJ  
Case Officer: Mr Donncha Murphy  
Date Received: 20.09.2006 Expiry Date: 15.11.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

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

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

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

**COMMITTEE REPORT**

**APPLICATION DETAILS:**

This application is brought to committee because the Parish Council has objected to the proposal contrary to the planning officer's recommendation.

This is a full application for a first floor and loft extension above the existing ground floor and a new double garage to replace the existing shed. The existing garage would have to be removed.

The existing dwelling is a two-storey semi-detached house within a large plot. It is located approximately 65 metres off the highway (Devizes Road) on the edge of the village bounded by residential units to the north, east and south and open countryside to the west.

#### CONSULTATION REPLIES:

##### HILPERTON PARISH COUNCIL:

The Parish Council objects to this application with regard to the proposed two velux lights on the north elevation, as it is felt they will be inappropriate and out of character with the street scene.

**PUBLICITY RESPONSES:** The proposal was advertised by letters to the neighbouring properties. No comments received.

#### PLANNING POLICY:

West Wilts District Plan 1st Alteration 2004

C31a - Design

C38- Nuisance

SPG - Planning Design Guidance (House alterations and extensions)

#### RELEVANT PLANNING HISTORY:

83/01130/FUL/ Single storey extension/ PER/ 22.11.1983

**KEY PLANNING ISSUES:** The main issues to consider regarding this application is the potential impact on the host dwelling and the neighbouring amenity.

#### PLANNING OFFICER COMMENTS:

There are two elements to this proposal. The proposed first floor extension and loft conversion and the proposed double garage extension.

##### 1) First floor extension and loft conversion

- Impact on the host dwelling

Any side extension should respect the host building in the street scene. Extra care should be given to extending semi-detached dwellings. In planning terms a pair of semi-detached houses is seen as one building. Unsympathetic side extensions can result in an unbalanced and unsymmetrical appearance, which can adversely affect the symmetry of the host building.

In general an extension to a semi-detached house should be a subservient element to the host building in it self and not upset the symmetry of the building as a whole. However the symmetry of this building has already been disturbed by the addition of a one and a half storey extension to the side of the adjoining dwelling. Although the proposed extension is not a subservient element to the host dwelling, its design, style and location it would not unduly upset the symmetry of the pair as a whole.

Furthermore because the host dwelling is located some distance from the street frontage this impact could not be sustained on appeal.

The SPG- Planning Design Guidance (House alterations and extensions) states that any extension should respect the host building and its setting in the street scene. A mixture of roof shapes and angles in one building can create a confused appearance. The design, angle and style of the original roof should be reflected in the roofline of the extension. The roofline of the proposed extension would feature a semi-hip, which would match that of the adjoining dwelling.

The Parish Council has objected to the proposed two velux lights on the north elevation, as it is felt they will be inappropriate and out of character with the street scene. The host dwelling is located approximately 65 metres from the nearest street, therefore mitigating any adverse impact on the street scene. Due to the distance of the host dwelling from the highway there would be no adverse impact on the street scene as a result of this proposal.

The materials used in the proposed extension would match those used in the host dwelling satisfying the guidelines set out in the SPG - Planning Design Guidance (House alterations and extensions) and policy C31a of the West Wiltshire District Plan 1st alteration 2004.

## 2) The proposed double garage

As with any other extension, garages should be designed in sympathy with the house, whether it is detached or attached. The materials used in the proposed garage extension would be plain roof tiles to match the existing dwelling. Moreover the external walls of the garage would be white painted render with red brick quoins and openings. Therefore the garage would be of similar design and use similar materials to the existing dwelling.

Due to the location of the garage off the highway there would be no increased risk to highway safety as a result of the proposal. The garage conforms to the relevant guidelines set out in the SPG- Planning Design Guidance (House alterations and extensions).

## CONCLUSION

The proposed development conforms to the relevant policies of the district plan and is therefore recommended for permission.

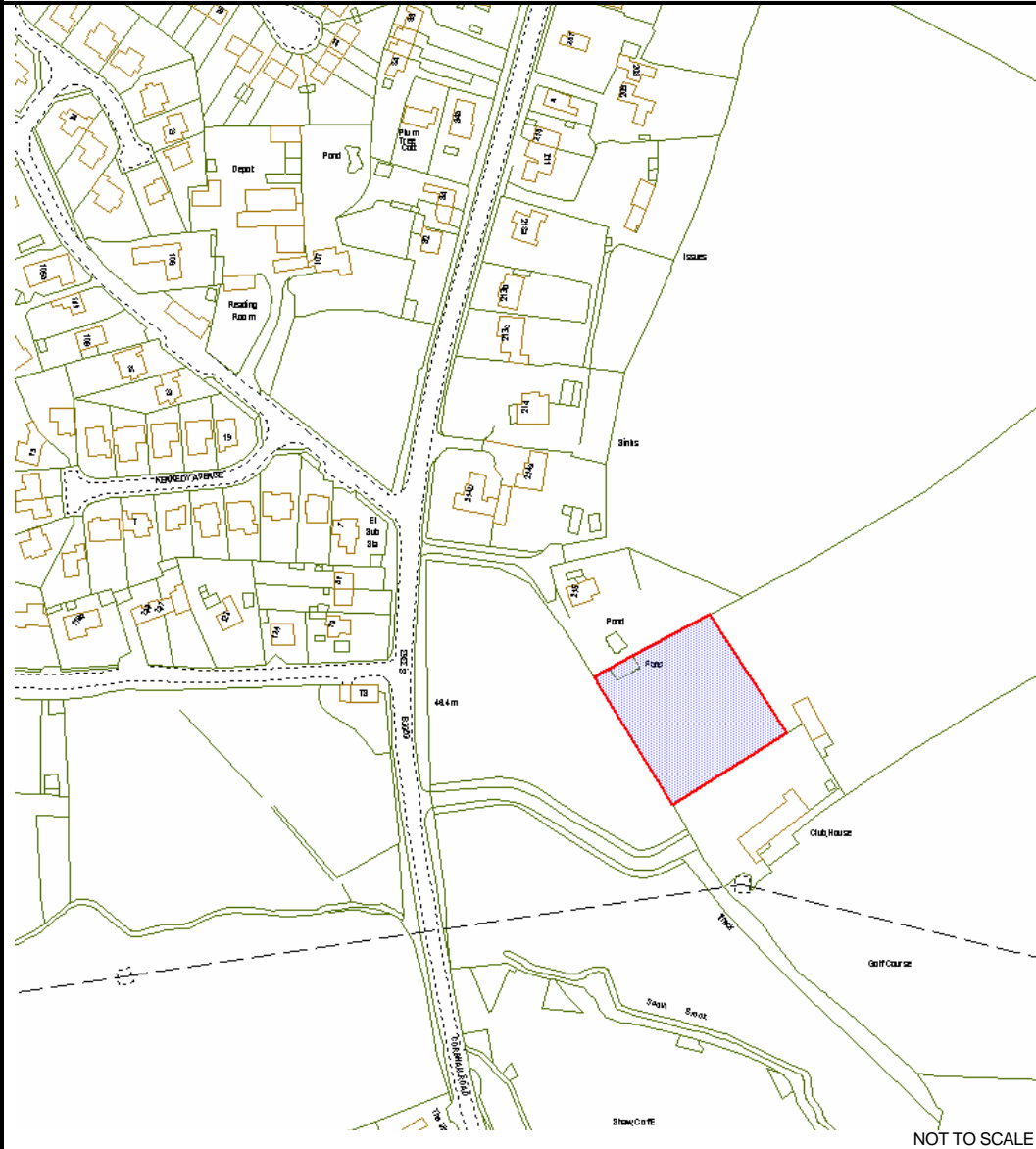
# PLANNING COMMITTEE

7 December 2006

ITEM NO: 13

APPLICATION NO: 06/02927/FUL

LOCATION: Land North West Of Whitley Golf Course Corsham Road Whitley Wiltshire



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SLA: 100022961



**13 Application: 06/02927/FUL**

**Site Address: Land North West Of Whitley Golf Course Corsham Road  
Whitley Wiltshire**

Parish: Melksham Without Ward: Atworth & Whitley  
Grid Reference 388874 165996  
Application Type: Full Plan  
Development: Single dwelling to form part of Whitley Golf Club  
Applicant Details: Whitley Golf Club  
Westlands Farm Westlands Lane Whitley Melksham Wiltshire  
Agent Details: CMS (Bath) Ltd  
51-53 High Street Corsham Wiltshire SN13 0EZ  
Case Officer: Mr Matthew Perks  
Date Received: 25.09.2006 Expiry Date: 20.11.2006

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposed new dwelling by reason of its location outside the Whitley Village Policy Limit, would be contrary to Policy DP14 of the Wiltshire Structure Plan 2016, Policy H19 of the West Wiltshire District Plan 1st Alteration 2004 and would be contrary to the guidance contained within PPG3 and PPS7, in that the proposed dwelling would be outside the defined settlement limits and is not justified as an exception to those policies and guidance.
- 2 Notwithstanding Refusal Reason 1 above, the proposed development, as a result of its low density at approximately 3 dwellings per ha, would represent an inefficient use of land contrary to the advice contained in government Planning Policy Guidance Note 3 (Housing).

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee at the request of Councillor Mudge, for the following reasons:

"a. The proposed bungalow is to be built, according to the owner, on land already included in the area of agricultural land which was approved for diversification. The dwelling is considered as a necessary addition to the golf complex for security and insurance purposes;

b. Although the land is outside the village limit and is not needed for agricultural or forestry (policy H19), this usage by the golf club ought to be included just as we have included horse liverys in the past.

c. Considerable community benefits will arise from the additional land which has been offered at no cost to the Melksham Without Parish Council on a 106 basis. These are contained in Melksham Without Parish Council minutes dated 19th October and ought to be included in the Officer's report to the Planning Committee."

Councillor Chivers also requested that the application be referred to Committee, but only in the event that the application was recommended for permission. This is not the recommendation.

This is an application for full planning permission for the erection of a single dwelling to form part of the Whitley Golf Club.

The application site is located to the north west of the existing club house, and is a rectangular portion of land some 3200m<sup>2</sup> in extent. Access would be provided via the private roadway to the club. The site lies outside of Whitley Village Policy Limits.

A design statement was submitted in support of the proposal. The statement inter alia provides a justification for the proposal on the grounds of providing security to the golf club. According to the report crime has become a major issue at the golf club, and the owner's son would occupy the dwelling to provide additional security. A schedule of vandalism events is included in the report. The proposal includes the tying of the dwelling to the golf club.

The applicant has submitted proposals for a land exchange for the purposes of providing a community amenity garden area of 2500m<sup>2</sup> in extent in the event that the proposal is granted permission.

## CONSULTATION

MELKSHAM WITHOUT PARISH COUNCIL: No objection.

"Melksham Without Parish Council has held a meeting with the owner of the land Bob Nicholas and had an initial look at the application. Although the proposed plans for the bungalow are essentially in open countryside it is understood that he would like to give something back to the local community in the form of land adjacent to this site. The Council understands that revised plans are to be submitted for an amenity garden adjacent to this site and would very much welcome this type of facility."

"No objection to the dwelling subject to it being a single storey construction similar to the Golf Club House and to the dwelling being tied to the Golf Club, with a condition that it can never be sold off separately from the business."

## STATUTORY CONSULTATIONS

### HIGHWAY AUTHORITY

No objection subject to the dwelling being tied to Whitley Golf club.

### WESSEX WATER

No objection subject to an informative.

### INTERNAL WWDC CONSULTATIONS

### PLANNING POLICY

Refusal recommended on the grounds of Policy H19 - new dwellings in the countryside.

### HOUSING

Unable to support applications outside of Village Policy Limits unless they are rural exception sites providing 100% affordable housing and are brought forward by a Registered Social Landlord.

### PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. 2 Responses were received. Objections are made on the following grounds:

- the development would be totally inappropriate for this location;
- proposal would set a precedent for further inappropriate development in the area.

## PLANNING POLICY

Wiltshire Structure Plan 2016

DP7 - Housing in Towns and Main Settlements  
DP14 - Control of development in the open countryside

West Wiltshire District Plan 1st Alteration, 2004

C1- Protection of the rural landscape and environment  
C38 - Effects of development on neighbouring properties  
H17 - Village Policy Limits  
H19 - Development in Open Countryside

PPS 7 - Sustainable Development in Rural Areas

## RELEVANT PLANNING HISTORY

92/00657/FUL: Change of use of agricultural land to golf course with access and clubhouse:  
Permission : 03/11/1992

## KEY PLANNING ISSUES

The primary consideration is whether or not the proposal conforms to Development Plan policy regarding new dwellings outside of town or village policy limit areas.

## PLANNING OFFICER'S COMMENTS

Policy H17 of the West Wiltshire District Plan, 1st Alteration 2004 identifies village policy limits for new infill housing development, controlling new dwellings in the open countryside. Policy H19 of the District Plan states that "(n)ew dwellings in the countryside and in settlements without Village Policy Limits will not be permitted unless justified in connection with the essential needs of agriculture or forestry." There is furthermore a presumption against new housing development not associated with agriculture or forestry within the open countryside in terms of Policy DP14 of the Wiltshire Structure Plan 2016. Government guidance in the form of PPG3 (housing) is also a consideration. PPG 3 guidelines advise that areas for new housing development should be subjected to a sequential test, where new housing should be primarily located within urban areas. This guidance also advises that efficient use should be made of land with a guideline of between 30 and 50 units per ha. In addition paragraph 9(ii) of Planning Policy Statement 7 states that local planning authorities should strictly control new house building in the countryside, away from established settlements or from areas allocated for housing in development plans.

In this case the application site is located outside the Whitley Village Policy Limit area, some 120m distant from the village policy limit boundary and on the opposite side of the B3353 Corsham Road. In policy terms therefore the site is located in the countryside and would not accord with the District Plan. Whilst acknowledging the issue of security to the golf club and the offer of an exchange of land, these factors would not outweigh considerations in terms of District Plan policy and National guidance and are particularly not considered sufficient justification for the dwelling in terms of PPS 7 criteria.

Furthermore, the development density of the site would be approximately 3.1 units per hectare, which would represent inefficient use of land in terms of PPG3 guidelines of 30 to 50 units per ha. There is also no guarantee of the continued existence of the golf course and, in the event of its closure, any tie of the dwelling to it would be rendered ineffective, leaving a permanent dwelling in the open countryside.

## CONCLUSION

The application site is located outside of the village policy limits for Whitley. In this case there are no material circumstances that outweigh policy considerations in respect of residential development in the open countryside and Government guidance on the need to restrict residential development to existing settlements and for the efficient use of land. The application should therefore be refused.

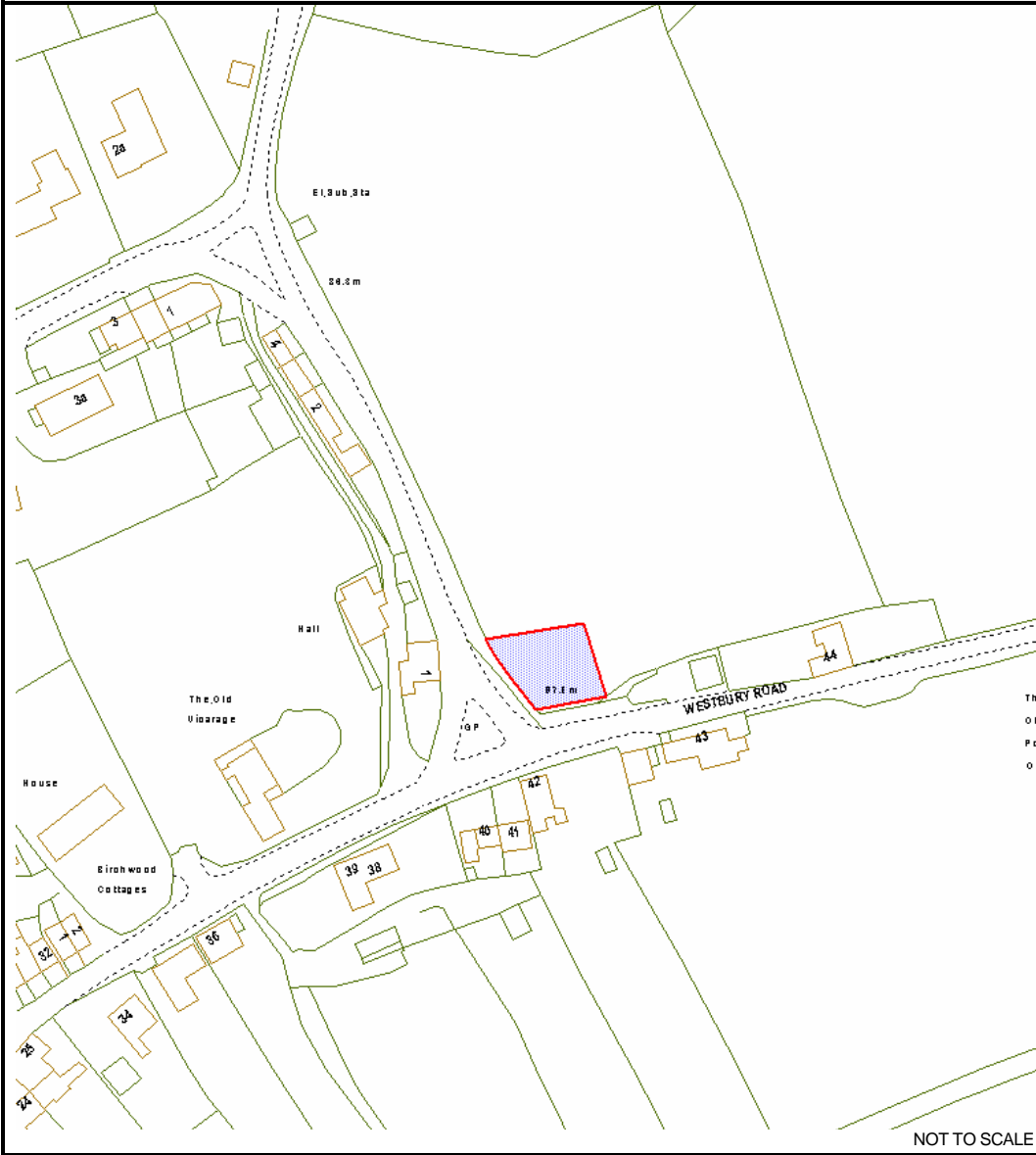
**PLANNING COMMITTEE**

**7 December 2006**

**ITEM NO: 14**

**APPLICATION NO: 06/03052/FUL**

**LOCATION: Land Opposite 1 Monastery Road Edington Wiltshire**



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SLA: 100022961

**14 Application: 06/03052/FUL**

**Site Address: Land Opposite 1 Monastery Road Edington Wiltshire**

Parish: Edington Ward: Ethandune  
Grid Reference 392696 153096  
Application Type: Full Plan  
Development: Construction of car park  
Applicant Details: Edington Parish Council  
Mr M R Wieck (clerk) Sandy Lane Cottage 12 Westbury Road  
Edington Westbury  
Agent Details:  
Case Officer: Mr James Taylor  
Date Received: 06.10.2006 Expiry Date: 01.12.2006

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposed hardstanding, access, and necessary visibility splays would erode the defined distinction between agricultural land and the built form of the village and would result in a significant loss of hedgerow which would be detrimental to the character and appearance of the Conservation Area, contrary to Policy C18 of the West Wiltshire District Plan 1st Alteration (2004) and HE7 of the Wiltshire and Swindon Structure Plan 2016.
- 2 The proposed change of use would introduce a form of development into the open countryside that would be detrimental to the clear distinction between the built form of the village and the open agricultural land, harming the rural character and appearance of this location; contrary to Policy C1 of the West Wiltshire District Plan 1st Alteration (2004).
- 3 The proposed hardstanding, access, and necessary visibility splays by reason of their scale, form, design and relationship with the surrounding area would result in a significant loss of important hedgerow, detrimental to the character and appearance of this special landscape area and its features; contrary to Policies C3, C6a and CF1 of the West Wiltshire District Plan 1st Alteration (2004).

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application has been brought to the planning committee at the request of Councillor Julie Swabey.

This is a full planning application by Edington Parish Council for the change of use of agricultural land to, and construction of, a car park on the edge of the rural village of Edington. The proposed car park would be used in connection with the Parish Hall which has no vehicular access, and parking for which is currently on street or on an existing lay-by which is situated where the proposed access is. The access would therefore be on the west side of the application site onto the junction of Westbury Road and Monastery Road. The proposed car park would have an access recessed by approximately 5 metres, 8 metres wide with galvanised metal gates.

The surface of the car park is proposed to be 200mm thick compacted aggregate, and it is proposed to enclose it on the north and east sides by post and rail fencing 1.2 metres high. The application nominally indicates parking for up to 17 vehicles over an area approximately 20 metres by 17 metres.

The application site is located outside the village policy limits and therefore must be considered as in open countryside. It forms part of a locally designated special landscape area, and is within the village Conservation Area. The site is currently part of an enclosed agricultural field with natural hedgerows to its south and west sides running adjacent to the highways.

#### CONSULTATION REPLIES:

- EDINGTON PARISH COUNCIL: No objection (NB: Parish's own application)

#### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Whilst the access to the proposed car park is close to the junction with Westbury Road, traffic speeds should be low as the bend is tight and there is existing lay-by close to this junction which is to be removed. Furthermore, there is a balance between the existing situation of parked cars on the highway and suitability of the new access.

I am aware that the trees and shrubs adjacent to the highway to the right of the proposed access have been cleared to achieve visibility from a 2m setback towards the bend. The achievable visibility should be maintained to provide a safe access at all times.

I therefore recommend that no highway objection be raised subject to condition(s) being attached to any permission granted.

#### INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: The introduction of development into this area, such as the proposed scheme, would destroy the hedged frontage and result in an encroachment of built form into the rural environment. This would be detrimental to the historically important layout and boundary that forms part of the special character and appearance of the Conservation Area.

The proposed car park would have a significant and adverse effect on the special character and appearance of the Conservation Area as it would be highly visible both from the western approach and the northern approach due to the visibility splays, metal gates and hard surfacing.

In addition, the parked vehicles themselves would constitute a visual intrusion into the special character and appearance of the Conservation Area, resulting in the rural ambience being lost in this important area.

For the above reasons the proposal would be detrimental to the special character and appearance of the Conservation Area.

#### PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. 11 letters and emails have been received in response to this application. 8 objecting to the proposal and 3 supporting the scheme.

Objections have been raised on the following grounds:

- Highway safety - including pedestrians
- Harm to rural character of the area / spatial form / conservation area
- Noise and disturbance
- Loss of hedgerow
- Discourages walking - Unsustainable principle
- Maintenance, fly tipping and opportunity for congregating youth / travellers
- May pave the way for housing in the future
- Insufficient visibility splay
- Unnecessary facility
- Not advertised in the monthly parish magazine

- Inadequate surface drainage
- Inadequate landscaping and means of enclosure not adequate for livestock
- Loss of hedgerow detrimental to wildlife
- Highway Authorities requirements for permission would be detrimental to rural conservation and countryside.

Support for the proposal made the following comments:

- Car park will alleviate on road parking
- Increase pedestrian safety

#### RELEVANT PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

- C9 Special Landscape Areas
- HE2 Other Sites of Archaeological or Historic Interest
- HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration (2004)

- C1 Countryside Protection
- C3 Special Landscape Areas
- C6a Landscape Features
- C15 Archaeological Assessment
- C17 Conservation Areas
- C18 New Development in Conservation Areas
- C31a Design
- C32 Landscaping
- C36 Noise
- C38 Nuisance
- CF1 General (Community Facilities and Services Aim)
- CF3 Villages and Rural Areas

- PPS1 Delivering Sustainable Development
- PPS7 Sustainable Development in Rural Areas
- PPG15 Planning and the Historic Environment

#### RELEVANT PLANNING HISTORY

79/00116/HIS - Extension of existing store and provision of parking space for plumbing and heating engineer - Refusal - 10.04.1979

#### KEY PLANNING ISSUES

Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

The main issues in this application are the potential impact on the character and appearance of this rural area, which has been designated locally for its special landscape character and its historic and architectural merit as a Conservation Area. In addition highway safety implications and community facility provision must be considered.

#### PLANNING OFFICER COMMENTS

The Countryside and Special Landscape Character

Policy C1 of the West Wiltshire District Plan 1st Alteration (2004) states that in order to maintain the quality and variety of the countryside, the water environment, the rural landscape and wildlife will be protected, conserved and enhanced through the control of development and positive planning measures. The proposed change of use would introduce the built environment into the countryside. A very large hard standing would be created for the parking of vehicles and this built form would compromise the quality of the countryside in this location as an incongruous feature in a rural environment. Therefore the proposal would be an encroachment into open countryside that is contrary to policy.

In addition the proposal is located in a designated special landscape area under Policy C3. The encroachment of the built environment into the open countryside would for the reasons outlined above be detrimental to the special landscape character of the area. Further it would create an uncharacteristic visual gap at the proposed access in a prominent location in the village which would further enhance the prominence of the proposal. Several of the objectors to the proposal have raised harm to the character of the rural area as their grounds for objection.

#### Conservation Area

It is noted that the proposal is in a prominent location within the village and would be very visible on approach from the north and west. It would be located within a defined Conservation Area, designated for its historic character and appearance. The Council's Heritage Development Officer has objected to the proposal and their views are reiterated by several of the letters of objection that have been received.

In addition the Heritage Officer notes that the parked vehicles themselves would constitute a visual intrusion into the Conservation Area resulting in the rural ambience being lost in this important area.

The hardstanding for parking of vehicles, access and the necessary splays to satisfy the highway safety considerations would lead to a significant loss of a well established hedgerow. The loss of these features would be detrimental to the character and appearance of the Conservation Area, out of keeping with the spatial characteristics of the locality and erode the well defined distinction between the agricultural and built forms in this part of the village and Conservation Area. This would be contrary to Policy C18 of the West Wiltshire District Plan 1st Alteration (2004) and Policy HE7 of the Wiltshire and Swindon Structure Plan 2016.

#### Highway Safety

It is noted that the proposed access to the car park is located very close to the junction between Monastery Road and Westbury Road. The Highway Authority has raised no objections to the proposal subject to conditions in regards to visibility splays. These conditions would require the applicants to create 90-metre long visibility splay to the north and 20 metres to the south up to the junction.

Furthermore these splays are likely to lead to a significant loss of hedgerow. The necessary alterations needed to create the access and maintain significant visibility splays to the north some 90 metres and to the south some 20 metres would be detrimental to the defining landscape features, notably a mature and well established hedgerow. This is contrary to Policy C6a of the West Wiltshire District Plan 1st Alteration (2004).

The Highway Authority has raised no objection to the proposal. Therefore highway safety has not been included as a reason for refusal.

#### Community Facility

Policy CF1 of the West Wiltshire District Plan 1st Alteration 2004 states that proposals for the development of land for community facilities will be permitted provided the proposals are acceptable and having regard to scale, siting design and other environmental considerations. However as demonstrated above it is considered the proposal would be detrimental to rural character, historic character and appearance of the Conservation Area, landscape features, and highway safety without imposition of conditions. Therefore due to the prominence of the site, its scale and incongruous design and materials it would be detrimental to the rural and historic character and appearance of the area.



## Noise, Nuisance and amenity

Several letters have raised concern regarding noise generation from traffic and possibility of people congregating on the site. It is not considered that the proposal is likely to cause an increase in traffic movements as the actual village hall and church would remain unchanged. Although there may be a more focused and intense level of traffic in this specific location as opposed to the existing on-road parking; it is not considered that this would have a sufficiently detrimental impact on the neighbouring properties to merit refusal.

## Archaeology

The County Archaeological team have taken interest in the site which is located within a defined area of archaeological potential under Policy C15 of the West Wiltshire District Plan 1st Alteration (2004). They have raised no objection to the proposals subject to the imposition of condition to ensure an archaeological watching brief.

## Planning History

It is noted that there is no recent history on the site. However in 1979 planning permission for the parking in relation to a plumbing business on this site was refused.

## Other material considerations

### - Inadequate surface drainage

The plans do not indicate the means of drainage for the proposal, however this could be dealt with via the use of appropriate conditions to ensure that discharge does not go onto the highway.

### - Inadequate landscaping and means of enclosure not adequate for livestock

The plans do indicate a notional means of enclosure, however this could be dealt with via the use of appropriate conditions to ensure that the site is suitable enclosed and landscaped to prevent conflict between adjoining land uses such as grazing animals.

## CONCLUSION

For the reasons outlined above it is considered that the application it is not in accordance with the development plan should be refused planning permission.