

Planning Applications

- (a) To receive and note the attached list of delegated decisions made since the last meeting (list herewith)
- (b) To determine planning applications received in accordance with the Committee's delegated powers (list herewith).

NOTES:

(i) LOCAL GOVERNMENT ACT 1972 – SECTION 100D

The background papers relating to the applications reported upon include not only relevant planning documents but also replies to consultations with other bodies and authorities, letters of representation from interested parties, previous planning decisions and source material otherwise referred to in the reports.

(ii) HUMAN RIGHTS ACT 1998

The human rights implications of the actions recommended in these reports have been considered and are acceptable and the checklist has been addressed.

PLANNING COMMITTEE

29 MARCH 2007

Planning Applications for Determination

Item No	Application No	Location	Parish	Page No
01	01/01971/OUT	Residential development and associated roads - Land Off Hackett Place Hilperton Wiltshire	Hilperton	01
02	07/00402/OUT	Residential development (outline) for the erection of five no. 3 bedroom dwellings (resubmission of 06/02719/OUT) - Garage Block Adjacent To 20 Poulton Bradford On Avon Wiltshire	Bradford On Avon	13
03	07/00570/FUL	Change of use from A1 to A2 (estate agent) - 84 Market Place Warminster Wiltshire BA12 9AW	Warminster	19
04	07/00032/FUL	Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services) - Victoria's 31 Silver Street Bradford On Avon Wiltshire BA15 1JX	Bradford On Avon	25
05	07/00405/LBC	Replacement shop signage, external paintwork, minor alterations and refurbishment - Victoria's 31 Silver Street Bradford On Avon Wiltshire BA15 1JX	Bradford On Avon	31
06	07/00397/OUT	Residential development (outline) for the erection of two dwellings (resubmission of 06/02725/OUT) - Garage Block Adjacent To 26 Widbrook View Bradford On Avon Wiltshire	Bradford On Avon	38
07	07/00411/OUT	Residential development (outline) for erection of two dwellings - Garage Block Adjacent To 36 Widbrook View Bradford On Avon Wiltshire	Bradford On Avon	43
08	07/00068/FUL	Erection of single storey extension - 24 Petticoat Lane Dilton Marsh Wiltshire BA13 4DG	Dilton Marsh	49
09	06/03528/OUT	Four dwellings and associated car parking - Land Adjacent 7 Southwick Road North Bradley Wiltshire	North Bradley	53
10	06/03561/OUT	New development of 7 new flats and 7 car parking spaces - Weymouth Street Car Park Weymouth Street Warminster Wiltshire	Warminster	65
11	07/00400/OUT	Residential development (outline) for the erection of three no. 2 bedroom dwellings (resubmission of 06/03340/OUT) - Garage Block Adjacent To 13 Highfield Road Bradford On Avon Wiltshire	Bradford On Avon	79
12	06/02993/FUL	Hard standing storage area for storing scaffold tubes and fittings. No buildings changed - Land Adjacent To Hawkeridge Mill Mill Lane Heywood Wiltshire	Heywood	85
13	06/03316/FUL	Conservatory to rear of property - 26 Dane Rise Winsley Wiltshire BA15 2NB	Winsley	93
14	07/00133/FUL	Single storey side extension - 1 Bellefield Crescent Trowbridge Wiltshire BA14 8SR	Trowbridge	98
15	07/00355/FUL	Residential development of three flats - Land Adjacent 20 Forest Road Melksham Wiltshire	Melksham (Town)	103

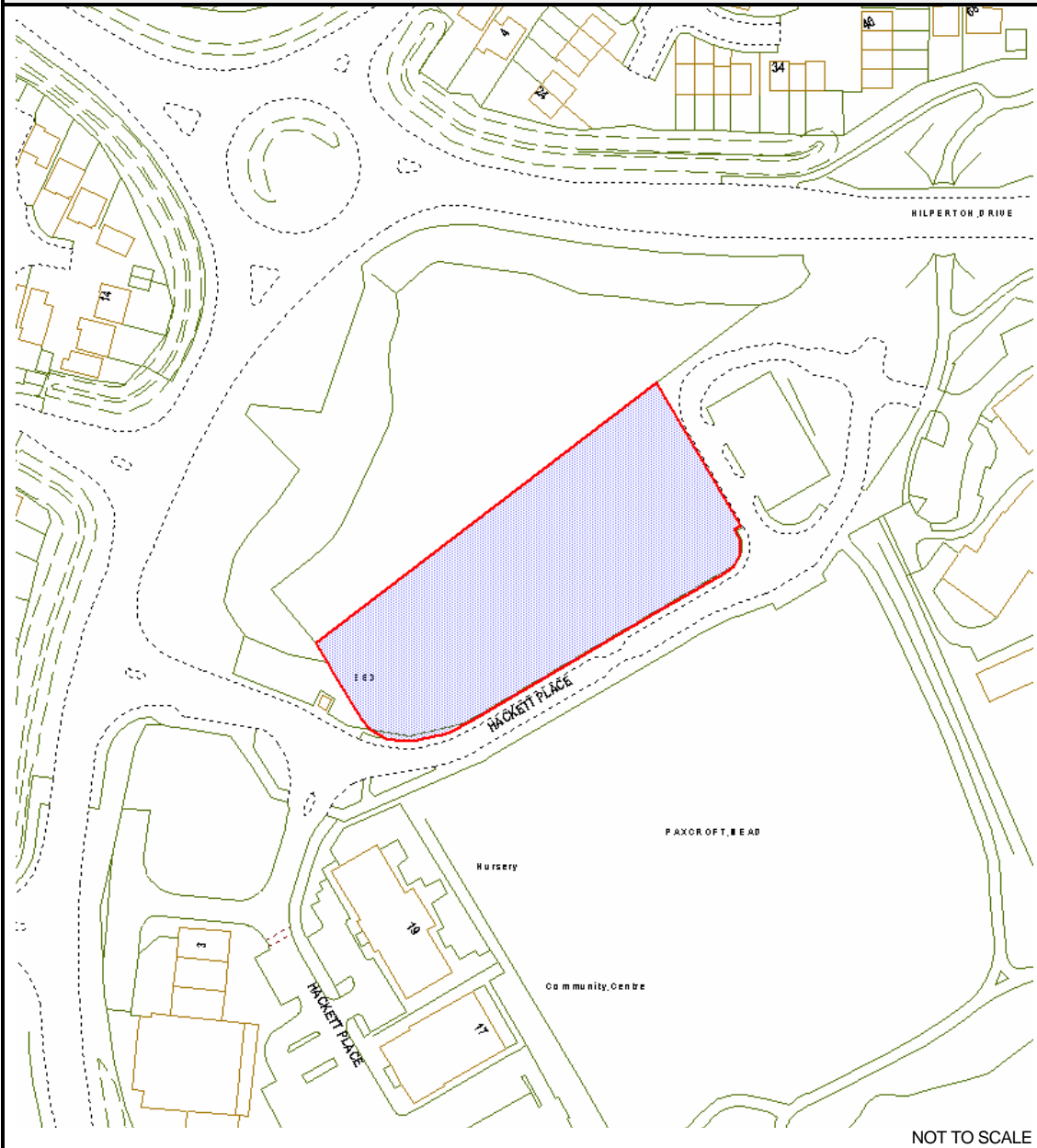
PLANNING COMMITTEE

29 March 2007

ITEM NO: 01

APPLICATION NO: 01/01971/OUT

LOCATION: Land Off Hackett Place Hilperton Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

01 Application: 01/01971/OUT

Site Address: Land Off Hackett Place Hilperton Wiltshire

Parish: Hilperton Ward: Paxcroft
Grid Reference 387395 158448
Application Type: Outline Plan
Development: Residential development and associated roads
Applicant Details: J J Gallagher And Heron Land Developments Ltd
C/o J J Gallagher Gallagher House 51 Bordesley Green
Birmingham B9 4QS
Agent Details: G L Hearn Planning
The Malt House Sydney Buildings Bath BA2 6BZ
Case Officer: Mrs Rosie MacGregor
Date Received: 05.12.2001 Expiry Date: 30.01.2002

JUSTIFICATION REASON:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a legal agreement/agreements to secure the following:

- 1) A financial contribution towards the provision of local public transport.**
- 2) A financial contribution to the provision of public art within the development.**
- 3) A financial contribution towards education needs in the area.**

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 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.

- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, and a buffer zone to the rear of the site of thick native planted scrub comprising native fruit and nut bearing species.

REASON: To provide a satisfactory landscaped setting for the development, to create an understorey to the woodland and screen the copse from the dwellings.

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 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.

- 8 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.

- 9 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.

- 10 Prior to the commencement of the development details of the proposed access arrangements, including the access road layout and construction, and access visibility, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development and the works shall be carried out strictly in accordance with the approved details.

REASON: In order to ensure adequate access arrangements and road safety, and to mitigate potential access obstruction on a route used to serve the local primary school.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

- 11 The existing bramble scrub on the site shall not be cleared, pruned or reinforced during the period 1 March to 31 August inclusive.

REASON: In the interests of natural species, their habitats and breeding birds which have statutory protection.

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

- 12 Prior to the commencement of the development a further survey for protected species, in particular badgers, shall be carried out to identify and record details of all protected species and their habitats likely to be affected by the development, together with mitigation measures, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out strictly in accordance with the approved mitigation scheme.

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

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

- 13 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.

- 14 The number of dwellings to be constructed pursuant to this permission shall be no more than 25 dwelling units.

REASON: In order to comply with the Development Plan because no affordable housing is proposed for which the threshold is 25 dwellings.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1 and H2.

Note(s) to Applicant:

- 1 You are advised that during construction pumps used for pumping water out of excavations should be sited well away from watercourse and surrounded by absorbent material to contain oil spillages and leaks. Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon provided to remove gross solids. The Environment Agency must be advised if a discharge to a water course is proposed. Storage for machines and pumps should be well away from any watercourses with the tanks bunded or surrounded by oil absorbent material.
- 2 The applicant is advised that as there are protected species on site they should contact Natural England before any work starts on site to ensure all the necessary licences have been obtained.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Parish Council objects contrary to your Officer's recommendation.

This is an outline planning application for a residential development on land at Hackett Place which forms part of the Paxcroft Mead development. All matters are reserved.

The site which has an area of approximately 0.49 hectares, is located on the north-western side of Hackett Place facing an area of public open space between the local centre and the Primary School.

The site was originally identified as part of the Local Centre land in 1988 in the outline planning permission for Paxcroft Mead. However, following subsequent revisions and variations to the Section 106 Agreement it was excluded from the local centre land.

It forms a relatively flat area of grassland, fenced off on its site frontage from the road with a timber fence. There is a copse of trees to the rear of and outside the site separating it from one of the main distributor road roundabouts. There is an Area of Public Open Space immediately in front of the site on the opposite side of the road.

The applicant's agent submitted a Planning Statement with the application and has subsequently submitted an up to date Ecological Report. A Sustainability Check List has also been submitted with the application.

The agent states that residential use of this site will contribute to a mix of uses overall in accordance with sustainability principles and PPS1. It will in his view provide increased security for the primary school, playing fields and local centre at all times including outside opening hours. Housing will also provide a sense of ownership of the area as residents will be concerned about the maintenance and management of their immediate environment.

The application has been the subject of numerous negotiations during the planning process. The site no longer forms part of the planning obligations relating to the provision of the Local Centre. The plan attached to the variation to the Section 106 agreement dated 14 February 2002, relating to the Paxcroft Mead Village Centre, defines the extent of the local centre and excludes the current application site. A decision was further delayed awaiting the outcome of consultations with local residents regarding the overall Paxcroft Mead local centre and possible alternative uses for the site.

The Central Area Committee on 30 May 2002 requested that consultations should take place with the local community with regard to possible alternative uses to residential for the land previously reserved for community use at Hackett Place. The questionnaire was sent to every household at Paxcroft Mead that was occupied at that time. Residents were given two options - build houses on it or retain it for community use. 83% said the land should be retained for community use and 60% of respondents put forward other suggestions which included a play area/park, family orientated pub with restaurant, sports facilities, medical facilities, church, library, cinema, park and ride, allotments or low cost housing. A second question asked if houses were built what type of houses would be most appropriate? 32% would have preferred larger family houses, 24% smaller town houses, 9% favoured flats. 46% put forward alternative suggestions such as sheltered housing for the elderly or people with special needs and low cost starter homes for first time buyers. The resolution from the Central Area Committee was that the results of the consultation exercise be noted.

A separate consultation exercise with statutory and non-statutory consultees has recently been carried out again in view of the length of time since the application was originally submitted to enable these consultees to revise their comments if necessary. It is these latest comments which are reported below unless otherwise stated.

CONSULTATION REPLIES:

- HILPERTON PARISH COUNCIL: On commenting originally "The Parish Council objects to this application. Gallaghers gave an undertaking to the Parish Council that there would be no development on this site for a period of five years and specifically we understand it was to be for community purposes and not residential. We therefore ask the District Council to turn this application down as any development of the site is premature."

The Parish Council subsequently wrote with further comments which were as follows: -

"The Parish Council has already objected strongly to this application. The developers gave an undertaking to the Parish Council that there would be no development on this site for a period of five years and specifically we understood it was to be for community purposes and not residential."

The Parish Council on commenting most recently stated: -

-"This outline planning application was again considered by the Parish Council and the objections remain the same, ie: the developers gave an undertaking to the Parish Council that there would be no development on this site for a period of five years and specifically it was understood that any development would be for community purposes and not residential. On 30 May 2002 the then Central Area Committee of the District Council, under agenda item 13, deferred consideration of amending the Section 106 agreement on the local centre surplus land until further consultation. The Parish Council has not yet been consulted either by the District Council or by the developer.

Whilst the Parish Council is not in favour of housing on this site, it should be pointed out that the applicant makes no provision for affordable housing. In addition, this part of Hackett Place leading to the school is unsuitable for residential development due to the already high volume of traffic."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objections subject to conditions and to the prior completion of a legal agreement requiring the developer to contribute £17,000 towards the provision of local public transport, for up to 23 houses on the site, plus an additional £750 for every house in excess of that number permitted through reserved matters applications.

- COUNTY EDUCATION OFFICER: When originally assessed in 2001 and 2002, a case for primary and secondary contributions was identified and quantified as per our then policy on S106 contributions, which was based upon a roof tax methodology. This was a considerable time ago, and our policy has been updated since. We have therefore re-assessed the application in line with current policy - the case for a secondary places contribution is no longer applicable but the primary case remains that the designated area school cannot accommodate the additional 8 pupils requiring places. Our requirement is therefore 8 x £10372 (being the current DfES capital building cost multiplier) = £82,976.

- ENVIRONMENT AGENCY: No objection in principle subject to conditions or informatives.

- NATURAL ENGLAND: No objections to the proposed development provided that the recommendations outlined in the Environmental Appraisal submitted on behalf of the applicant can be secured by appropriate legal agreement.

Conditions are recommended to cover nesting birds and badgers. A Natural England licence and method statement will be required with regard to badgers.

- DISTRICT ECOLOGIST: "The ecological appraisal outlines the results of an extended phase 1 survey conducted in November 2006 and includes, as an appendix, the badger mitigation report issued by CPM in December 2004.

From the badger survey work and my own visit to the site today, it appears badgers could be affected by the development in four ways:

1. Badgers may be disturbed during the construction period because some of the setts in the copse are within 30m of the development site.
2. There will be a loss of 1.5 ha of grassland foraging habitat.
3. Badger road casualties may occur if badgers are forced to cross Hackett Place to reach foraging grounds to the south. The existing badger tunnel which leads out of the southeast corner of the copse is currently unusable because it is flooded and partially blocked with rubbish. The absence of fencing to funnel badgers towards the tunnel also contributes to its lack of use.
4. Badgers may be disturbed by increased recreational pressure in the copse or conflict with homeowners and this could lead to the setts being abandoned altogether. This impact is of particular concern since there is already evidence that existing levels of recreation are having a detrimental effect on the use of the site.

The badger mitigation report provides some indication that these impacts can be mitigated successfully. However further information is required to give the planning authority sufficient confidence that the mitigation will be effective. Impacts of the construction period will be covered through the badger licence which is required in order to work within 30m of an active sett. For the remaining impacts 2-4 above, I would recommend applying conditions as along the following lines:

A. The applicant should submit an updated mitigation scheme for approval by the planning authority demonstrating the design, location and timing of measures that will be undertaken in order to:

- i. Provide safer access to the wider landscape south of Hackett Place, for example, through improvements to the south eastern badger tunnel and maintenance of existing fences along the A361.
- ii. Encourage badgers to use the south eastern tunnel
- iii. Minimise conflict between badgers and recreational use of the copse through planting and fencing

iv. Minimise potential conflict between new homeowners and badgers through design of lighting, fencing and soft landscaping.

The scheme must include details of the role that professional ecologists will take in ensuring that the works are implemented in accordance with the mitigation strategy.

The works will be carried out in accordance with the approved mitigation scheme.

B. If more than two years elapses before the start of the main construction works, the badger survey will be repeated and a report submitted to the planning authority for its approval.

I would concur with the appraisal conclusions that development is unlikely to give rise to significant effects on water voles, brown hares, bats and great crested newts.

There is a line of dense bramble scrub along the boundary between the development site and the copse. This is highly likely to support breeding birds. I would therefore recommend including a condition to prevent scrub clearance during the period 1st March to 31st August."

- COUNTY ARCHAEOLOGIST: Nothing of archaeological value is likely to be affected by the proposal and there are no objections.

INTERNAL WWDC CONSULTATIONS:

- HOUSING: Will not be seeking any contribution to affordable housing because of size of site which is unlikely to generate more than 25 dwellings and the Council has obtained its full allocation on other sites from this developer.

- ENVIRONMENTAL HEALTH: There is a history of foul sewers surcharging in the vicinity and it is recommended that conditions are applied requiring details of the disposal of sewerage.

- PLANNING POLICY: This proposal should be considered having regard to the approved outline permission, the approved masterplan and urban design guidelines.

The permission and masterplan seek to achieve a local centre, which provides a public house, doctors surgery, pre-school nursery, community centre, school and public open space in addition to the provision of supermarket, shops and parking.

Provided that the required retail and community facilities are to be provided within the local centre, an element of ancillary residential development on any surplus land is in accordance with Government Guidance and planning policies to provide a mixed development, and make the best use of available land, in accordance with the principles of sustainable development.

PUBLICITY RESPONSES

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

There have been 2 individual responses objecting to the proposals on the following grounds:

- This area should be retained for something constructive for the community such as a medical centre or play area.

- This is community land and would be a safe place for children to play.

- There should be swings and a hard surface for tennis and a football pitch.

A petition with 327 signatures has been received from the Paxcroft Action Group stating that this land should be retained for the community use, and attaching various sketches to indicate a skate board park, adventure playground, 2 tennis courts, swings, seesaw, slide and other play equipment.

RELEVANT PLANNING POLICY

RPG10/RPS10 Regional Planning Guidance for the South West

Wiltshire Structure Plan 2016

- DP3 Development Strategy
- DP7 Housing in Towns and Main Settlements
- DP8 Affordable housing

West Wiltshire District Plan - 1st Alteration 2004

- H1 Further Housing Development within towns
- H2 Affordable Housing within Towns and Villages
- H24 New Housing Design
- C7 Protected species
- C31a Design
- T10 Car parking
- R4 Public Open Space
- I1 Section 106 agreements
- I2 Public Art

Supplementary Planning Guidance - Residential Design Guide

- PPS1 Delivering Sustainable Development
- PPS3 Housing - to be implemented in April 2007
- PPG13 Transport

RELEVANT PLANNING HISTORY

88/01650/OUT - Residential development together with local centre, highway improvements and public open space - Approved 08.08.95

KEY PLANNING ISSUES

The main issues in this application are the principle of residential development, density and affordable housing, ecology, public open space and highways.

PLANNING OFFICER COMMENTS

Principle of Residential Development on the Site

Although the Local Plan does not specifically allocate this site for residential development the proposals would be acceptable within current planning policy as the site forms part of the Paxcroft Mead development and is in a sustainable location adjacent to shops, the local school, other community facilities, employment opportunities, cycle ways and local bus routes to connect with other public transport links.

The site was originally allocated as part of the Local Centre under the original legal agreement for the Paxcroft Mead development which required the provision of a variety of different facilities. This legal agreement was dated August 1995. The majority of Local Centre facilities have since been provided and these include shops, a local superstore and a community centre.

The legal agreement was amended in February 2004 and the site which is the subject of the current application was excluded from the area of land originally allocated for local centre facilities. The only facility specified by the original legal agreement and not yet provided is a health centre on the land adjoining the shops on which a public house was recently allowed on appeal. This is not a material consideration in determining this application.

The Parish Council is of the opinion that there was an undertaking that there would be no development on this site for a period of five years and specifically states that it was understood that any development would be for community purposes and not residential. It is of the view that this site is still covered by the Section 106 agreement as part of the local centre, but this is not the case for the reasons as stated above.

Although neighbours are also of the view that this is community land. This is not the case and there is no public access to the site.

An element of ancillary residential development on this surplus land would be in accordance with Government Guidance and planning policies to provide a mixed development that would make the best use of available land and would be in accordance with the principles of sustainable development.

Density of Development and Affordable Housing

Policy H2 of the West Wiltshire District Plan seeks to negotiate the provision of affordable housing on sites "of one hectare or more on sites containing more than 25 dwellings". This is an outline application for a site of less than 0.5 hectares. A density of 30 dwellings per hectare would result in a 14 - 15 dwellings. A higher density of 50 dwellings to the hectare which would be within the recognised limits and is considered acceptable on this site would result in 25 dwellings. It is therefore unlikely that the site could accommodate more than 25 dwellings.

The provision of affordable housing is not therefore a requirement of this site.

However, the applicant has suggested a condition to the effect that, if more than 25 dwellings are proposed in the future, the issue of affordable housing is revisited. It is difficult to see how this could be achieved effectively by condition without a legal agreement. The alternative would be a condition restricting the development to no more than 25 dwellings. This would not prevent any future developer from submitting a Reserved Matters application for 25 dwellings or less, or alternatively a full planning application if more houses are proposed.

Since this application is in outline form only, full design details, and final density can only be determined at the reserved matters stage. It is considered that a small development of housing in this location would be in character with the area.

Ecology

The applicants have commissioned surveys to show that any impact on protected species including badgers and the habitat of nesting birds can be successfully be dealt with by mitigation measures. Although Natural England has suggested a legal agreement your officers are satisfied that these matters can be controlled by condition.

There are some discrepancies between the recommendations of Natural England and the District Ecologist, but not to the extent that this would prevent conditional permission being granted and the conditions have been worded to ensure that there would be no harm to any protected species.

Highways

The views of the highway authority are supported and the applicant has agreed to enter into a legal agreement to secure a financial contribution towards the provision of local public transport.

Education

Wiltshire County Council has requested a financial contribution towards education needs in the area based on their current policy and using their current standard assessment procedure. They have identified that there is a requirement for primary school places. This is supported by your officers and can be secured as a financial contribution as part of a legal agreement.

Public Open space and the Arts

There is no requirement for a contribution to play equipment or public open space as this site formed part of the original outline permission for Paxcroft Mead which included large areas of public open space together with equipped play areas.

There is however, a requirement for a contribution to public art and this would form part of a legal agreement.

Other matters

Despite the questionnaire undertaken with local residents in 2002 there is no reason why the site should not be considered for residential development. Each application must be considered on its merits and it is considered that the proposals are acceptable within government guidance and council policy for new housing developments.

It is acknowledged that some local residents would prefer to see the site used for community use and have identified that it would be a suitable play area. Others have suggested sports facilities, but have not suggested how this could be funded, or even allotments.

This would not be a particularly safe area for children to play as at the present time it is relatively isolated outside school hours and there is a copse of trees immediately to the rear. Furthermore, there is an extensive area of public open space to the front which leads into the linear park adjoining the Paxcroft Brook.

The residential use of the site would not only provide some custodianship to this area but is ideally placed to provide some safeguarding of the school premises which are otherwise isolated, especially at weekends and in the evenings when the shops are closed.

The need for a doctors' surgery and public house are raised. These do not form part of this application but either one or the other is likely to be provided at a future date within the nearby local centre development, and have been the subject of considerable debate within both the Council and the community. There is a public house in Hilperton Village within relatively easy walking distance of the site, and there are surgeries at a short distance, including a hospital, in Trowbridge.

CONCLUSION

This application has been with the Council for some time and was being held in abeyance pending the outcome of various changes to the legal agreement and to a public consultation exercise relating to possible future uses for the site.

It would not be appropriate in these circumstances to delay a decision in principle any longer.

The use of the site for residential development would be appropriate in this location and the site is no longer identified as part of the local centre.

Conditional permission for the proposals currently under consideration cannot reasonably be withheld subject to the applicants entering into a Section 106 agreement to secure the contributions to public transport, education and public art as set out in the above recommendation.

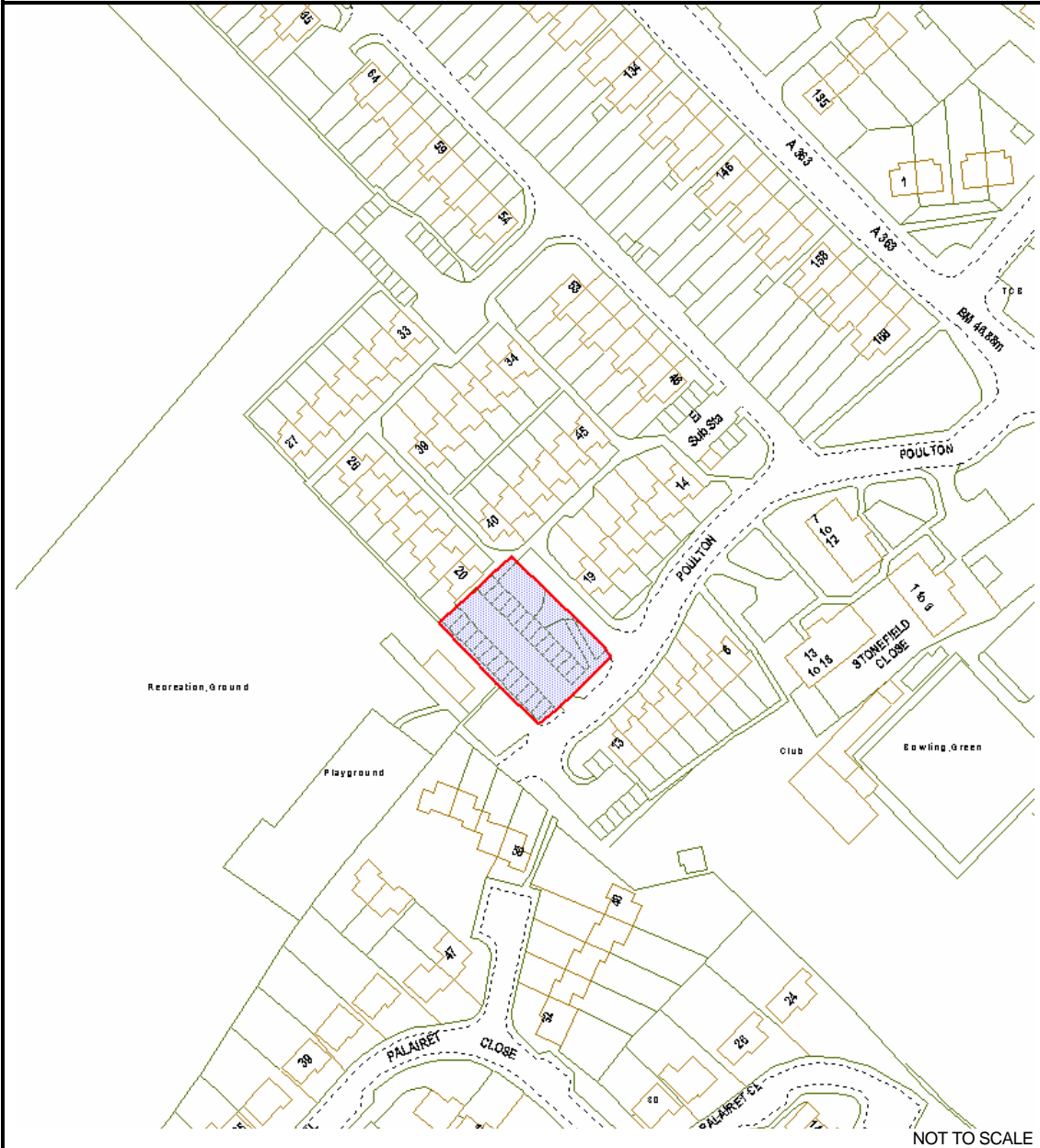
PLANNING COMMITTEE

29 March 2007

ITEM NO: 02

APPLICATION NO: 07/00402/OUT

LOCATION: Garage Block Adjacent To 20 Poulton Bradford On Avon Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

02 Application: 07/00402/OUT

Site Address: Garage Block Adjacent To 20 Poulton Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382914 160115
Application Type: Outline Plan
Development: Residential development (outline) for the erection of five no. 3 bedroom dwellings (resubmission of 06/02719/OUT)
Applicant Details: West Wiltshire Housing Society
C/o Willis And Co 30 The Causeway Chippenham Wiltshire SN15 3DB
Agent Details: Willis & Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Matthew Perks
Date Received: 05.02.2007 Expiry Date: 02.04.2007

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 either before the expiration of three 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, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Approval of the details of design, external appearance and landscaping ("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.

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

REASON: In the interests of highway safety.

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

- 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 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.

- 9 No work shall commence on site until footpath 26 (original route) has been stopped up, in accordance with details which have been submitted to the Local Planning Authority for approval, and fully implemented to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety.

Note(s) to Applicant:

- 1 The applicant is advised to contact the rights of way officer at the Local Planning Authority with regard to the correction of the anomaly in Footpath 26, and its re-routing.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Bradford On Avon Town Council recommends refusal and officers recommend Permission.

This is an application for outline planning permission for the erection of five x 3-bedroom dwellings on the garage block adjacent to 20 Poulton, Bradford On Avon. The proposal forms part of the PFI housing project. Siting and means of access are applied for at this stage. All other matters are reserved for consideration at a later date. The site is some 990m² in extent.

The dwellings would be within a single terrace, approximately aligned with a similar development immediately to the north of the site. The proposed dwellings would have two car parking spaces each, and would have private rear garden spaces of ±36m² in extent to the south western side of the building.

The site is currently occupied by two rows of garages comprising 26 garages and a courtyard. The site is within the Poulton Estate. Neighbouring properties are primarily terraced units of fairly modest proportions.

The application is a re-submission of a previous proposal (06/02719/OUT) which was withdrawn in order to address issues of a public right of way and parking.

CONSULTATION REPLIES:

BRADFORD ON AVON TOWN COUNCIL: Object.

"The Town Council recommends refusal until a satisfactory detailed application has been submitted."

STATUTORY CONSULTEES

HIGHWAY AUTHORITY: No objection.

The authority has no objections, but requested a revised plan showing an additional two parking spaces. The agent has provided this. There is an anomaly with an existing Right of Way, which is recorded as being routed through the site. This is to be rectified.

WESSEX WATER: No objections raised.

INTERNAL CONSULTEES

PLANNING POLICY: No objection.

"I am satisfied that the minor issues surrounding pedestrian accessibility/ public rights of way have been explored by the applicant. Acceptable in policy terms".

HOUSING SERVICES: No comment.

PUBLICITY RESPONSES:

Have not commented. Officers will seek the comments to report on the late list.

The proposal was advertised by public notice and letters to neighbours. No comments were received.

PLANNING POLICY

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

Imminent PPS 3 - Housing

KEY PLANNING ISSUES

The main issues in this case are whether the principle of a new dwelling on this land is in accordance with policy H1 of the West Wiltshire District Plan 1st Alteration 2004, and highway safety and neighbouring amenity considerations.

PLANNING OFFICER COMMENTS

The application site is located within the Town Policy Limit for Bradford On Avon therefore the principle of further residential development is acceptable subject to a number of criteria contained in Policy H1 of the West Wiltshire District Plan 1st Alteration 2004. This outline application includes all details of siting and access to the site. An illustrative plan showing a terraced double storey development that accords with neighbouring development has been submitted.

The proposal would give rise to development at a density and shape consistent with development surrounding properties. The illustrative plan indicates that rear garden spaces of adequate sizes could be provided, and that a development in accordance with the remainder of the street scene could be achieved.

The loss of garaging does not give rise to any highway authority objections, and no neighbour comments have been received on this issue. Parking would be on site, and two parking spaces to each dwelling are shown on the indicative plan. Additional parking for 9 vehicles would be provided to the south west of the site.

An anomaly has been identified with the existing routing of a right of way through the garages. The application provides an opportunity to rectify this problem.

The proposal would provide an additional five units of entry-level housing stock on a site which is appropriate for the development of terraced dwellings. The illustrative plan indicates that such a development could be achieved without harm to neighbouring amenity, and in accordance with surrounding development.

The proposal accords with Policy H1 of the West Wiltshire District Plan, 1st Alteration. Whilst acknowledging the Town Council objections on the grounds that the application is not detailed, this is an outline application which does not fall within a conservation or other area of special protected status. It would be incorrect and unlawful to withhold planning permission for an outline application which seeks to establish the principle of development, on the grounds that detailed information had not been provided. The application must be considered on the basis of the submitted plans, with appropriate conditions to ensure acceptable development at the time that a reserved matters application is received.

CONCLUSION

The proposal accords with planning policy and permission is recommended.

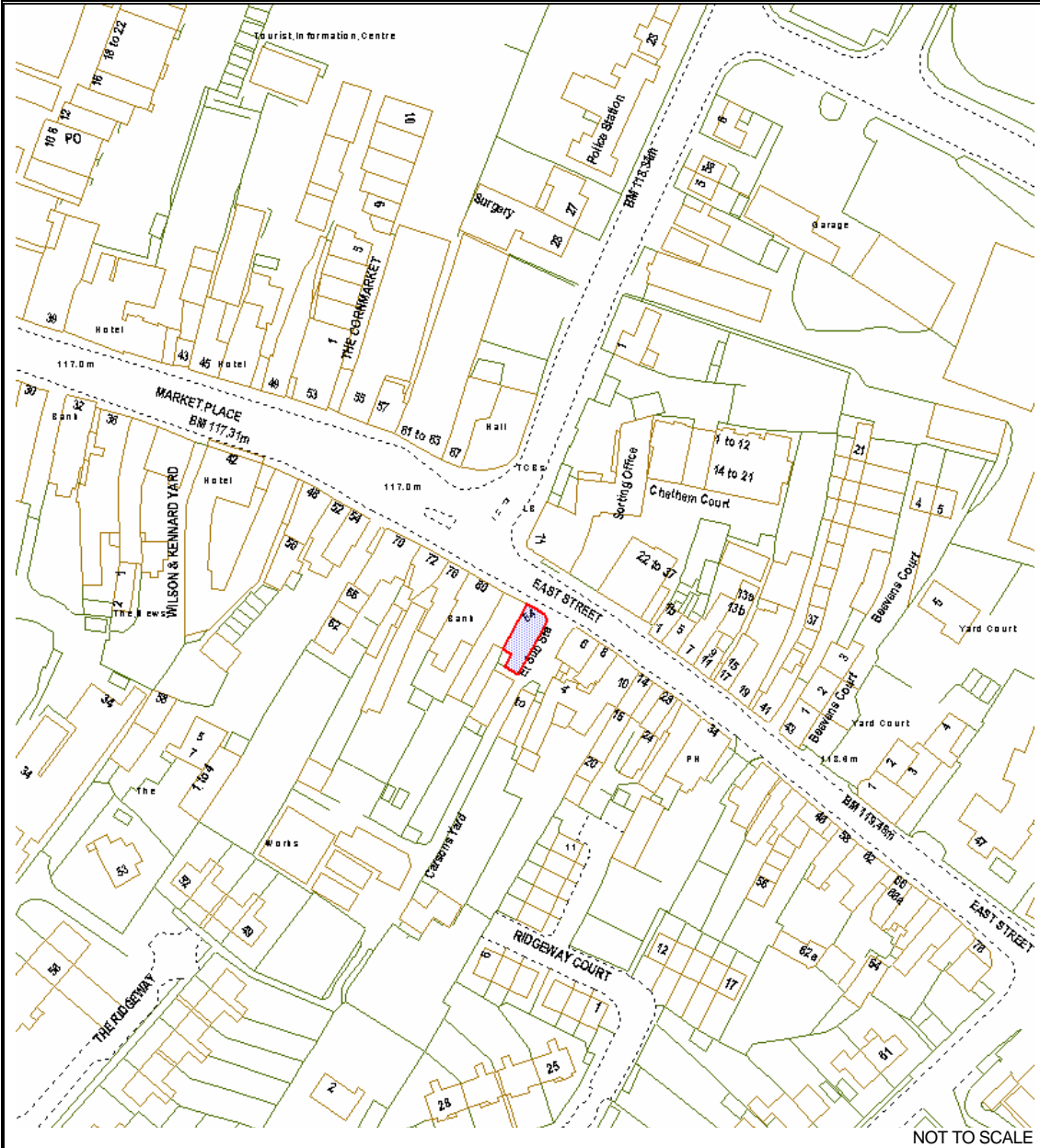
PLANNING COMMITTEE

29 March 2007

ITEM NO: 03

APPLICATION NO: 07/00570/FUL

LOCATION: 84 Market Place Warminster Wiltshire BA12 9AW



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 07/00570/FUL

Site Address: 84 Market Place Warminster Wiltshire BA12 9AW

Parish: Warminster Ward: Warminster East
Grid Reference 387628 145005
Application Type: Full Plan
Development: Change of use from A1 to A2 (estate agent)
Applicant Details: Nigel Poole
C/o Land And Property Planning 87 London Road Chippenham
Wiltshire SN15 3AL
Agent Details: Land And Property Planning
87 London Road Chippenham Wiltshire SN15 3AL
Case Officer: Mr David Cox
Date Received: 14.02.2007 Expiry Date: 11.04.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposal by reason of the change of use from A1 to A2 would result in harm to the shopping function of the primary retail frontage and the vitality of the town centre contrary to Policy SP4 of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee at the request of Councillor March for discussion of a change of use and its effect on the town centre.

This is an application for a change of use application from A1 retail to A2 financial and professional services at 84 Market Place, Warminster.

The property is located within but on the very edge of the Primary Retail frontage area in central Warminster and is also within the Warminster Conservation Area.

The Primary Retail frontage has a wide range of use classes within it. There are a number of A2 uses including building societies, estate agents etc. There are also two hotels (C1) although shops (A1) are still in evidence within this area. A use class survey of the Primary Retail Frontage found that the units with an A1 use is approximately 66%.

The Planning Committee will hear another change of use application from A1 to A2 at No 44 Market Place (on the same side of the street) at the 22nd March Committee (application 06/03323/FUL). Your Officers recommended refusal of the 06/03323/FUL application on the basis on the harm to the shopping function of the primary retail frontage.

Of the first 11 units on the southern side of Market Place (No's 84-42) currently only 4 (including the proposal site and No 44) are in A1 use. If this application is permitted it would leave only 3 units in A1 use in this initial stretch of the Primary Retail Frontage and only 2 if No 44 Market Place is permitted at the 22nd March Committee.

One of the considerations in the 06/03323/FUL recommendation was that as the building block No 44 is located in (No's 54-42) it is the only remaining A1 use within that specific block. In this application No 84 is located in a different building block (No's 84-70) where there are 2 other A1 units.

CONSULTATION REPLIES:

WARMINSTER TOWN COUNCIL

Consultation deadline the 16th March 2007. Comments will be added to the late list.

STATUTORY CONSULTATIONS:

POLICY AND CONSERVATION

No comments received as yet but the Town Council did object to the 06/03323/FUL application. Those comments were as follows:

"The purpose of primary retail frontages is to ensure that a high proportion of A1 retail units (shops) are retained within core areas to provide a strong retail presence. Adequate secondary frontages are identified in Warminster where A2-A5 uses are most appropriate.

In this case, taking the Warminster primary retail frontage as a whole, the application would result in a reduction to the overall A1 proportion from 66.3% to 65%.

Looking at the Market Place as approached from East Street, the proposal would reduce the proportion of A1 uses from 84 Market Place to 42 Market Place from 36% to 27%. Only 3 of the first 11 ground floor premises encountered would therefore be in retail use (and one of those 3 units is currently vacant). I am therefore concerned that this proposal will have a material impact in reducing the attraction of this part of the Primary Retail Frontage.

Policy Recommendation: Unacceptable in policy terms

ECONOMIC DEVELOPMENT

No comments received. Any comments received will be added to the late list.

HERITAGE OFFICER

Based on no physical changes to the building I have no objections. Any works would require planning permission and any effects would be dealt with then in respect of conservation area policies.

HIGHWAY AUTHORITY

No comments received. Any comments received will be added to the late list.

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

- SP1 Town Centre Shopping
- SP4 Primary Retail Frontages
- C17 Conservation Areas
- C20 Change of Use in Conservation Areas
- C27 Listed Buildings
- C28 Alterations and Extensions to Listed Buildings

PPG15 Planning and the Historic Environment

PPS16 Planning for Town Centres

RELEVANT PLANNING HISTORY

No 44 Market Place : 06/03323/FUL - Change of use from A1 retail to A2 financial and professional services - Pending consideration (report presented at 22 March meeting).

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Policy SP4 of the District Plan states that changes of use from A1 to A2 uses at ground floor level will only be permitted having regard to the existing mix of uses, where they do not prejudice the shopping function of the primary retail frontages or individually or cumulatively harm the vitality of the town centre.

It also states that along these Primary Retail Frontages it is important to retain a strong retail presence in the face of pressures for the expansion of financial and professional service uses, such as building societies and estate agents, as well as food takeaway outlets.

Given the evidence of the use class survey, should this application be permitted only 3 units out of the first 11 on the southern side of Market Place (No's 84 to 42) would remain as A1 (27%). This is an unacceptably low figure for A1 uses in the protected Primary Retail Frontage. If the 06/03323/FUL application were permitted at the 22nd March Committee the A1 figure in this section would fall to 18%.

One of the main arguments in the 06/03323/FUL application was that the specific building block of No's 54 to 42 would have no remaining A1 use within it. As No 84 is part of a building block (No's 84 to 70) that has 2 other A1 units this same concern is not raised however the overall harmful impact on the Primary Retail Frontage is still considered to be unacceptable. The overall A1 use within the Primary Retail Frontage would also fall below 65%.

Although this unit is on the very edge of the Primary Retail Frontage it still needs to be protected by Policy SP4 to the same degree as if the application was for a unit in the middle of it.

Given these considerations it is considered that should this application be permitted the shopping function of the primary retail frontage would harm the vitality of the town centre. This would be further exacerbated should the 06/03323/FUL application be granted at No 44 Market Place on the 22nd March 2007.

Paragraph 2.8 of PPS6 states that where existing centres are in decline Local Planning Authorities should assess the scope for consolidating and strengthening these centres by seeking to focus a wider range of services there. Whilst the use class survey of the Primary Retail Frontage found there to be some vacant units it is not to an extent to which that would suggest that Warminster town centre is in decline.

The applicant suggests that Warminster town centre is in decline but has provided no information to substantiate this view.

Additionally the boundaries of the Primary Retail Frontage cannot be discussed in this application as this is a matter to discuss when the policy is reviewed.

This application must therefore be judged on its own merits, which are a change of use of an A1 unit into A2 in the primary retail frontage.

CONCLUSION

Given the harm this would cause the shopping function of the primary retail frontage and on the vitality of the town centre the application should be refused planning permission.

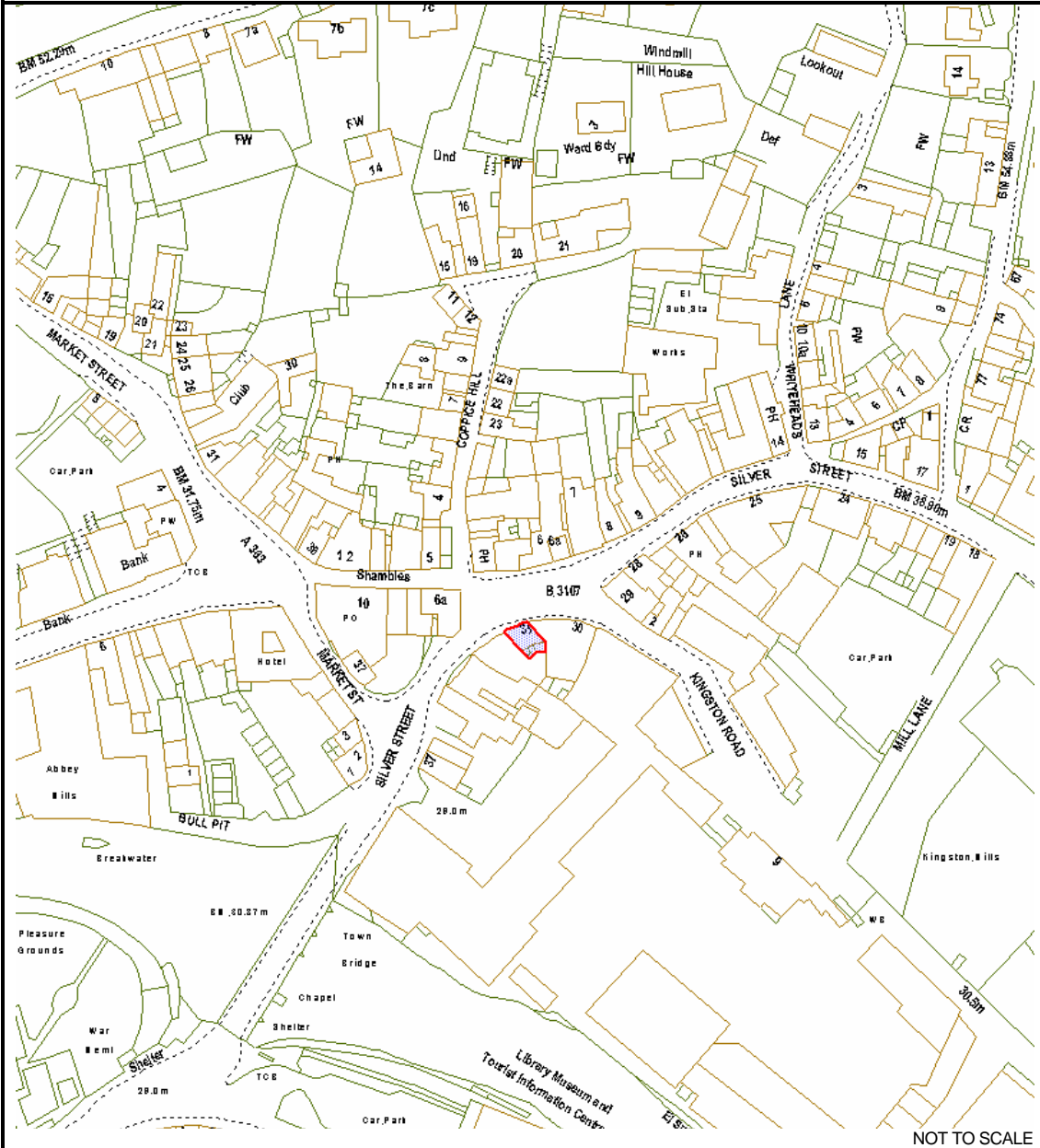
PLANNING COMMITTEE

29 March 2007

ITEM NO: 04

APPLICATION NO: 07/00032/FUL

LOCATION: Victoria's 31 Silver Street Bradford On Avon Wiltshire
BA15 1JX



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

04 Application: 07/00032/FUL

Site Address: Victoria's 31 Silver Street Bradford On Avon Wiltshire BA15 1JX

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382678 160989
Application Type: Full Plan
Development: Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services)
Applicant Details: Edward Jones Limited
C/o Colliers CRE 9 Marylebone Lane London W1U 1HL
Agent Details: Colliers CRE
9 Marylebone Lane London W1U 1HL
Case Officer: Mr Mark Reynolds
Date Received: 03.01.2007 Expiry Date: 28.02.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because the Town Council objects contrary to your officers recommendation.

This is an application for a change of use from Class A1 (Shops) to Class A2 (financial and professional services) of a ground floor premises which has a floor area of approximately 56 sq.m.

The premises to which the application relates is a Grade II listed building located within a Conservation Area in Bradford on Avon and within the primary retail frontage of Bradford on Avon's Town Centre Commercial Area.

This application for full planning permission makes no provision for physical works to the building. However, there is an associated listed building consent application which includes works to the interior of the building and the fixing of replacement signage.

CONSULTATION REPLIES:

BRADFORD ON AVON TOWN COUNCIL

"This is an important double-fronted shop premises in a key retail location opposite The Shambles. It is covered by policy SP4. This gives primacy to A1 retail uses. SP4 forbids discrimination between A1 uses but allows consideration of need in the exceptional cases where alternative uses may be permitted. These are in any case severely constrained, and a counter service, inter alia, must be provided.

The Town Council notes that the applicant, a financial service consultant, wishes to provide a drop-in service. No figures are provided by the applicant, but we consider that it is unlikely that potential counter-business would be sufficient to justify its provision on this crucial retail site. The Town Council is concerned that on-retail use here will compromise the vibrancy of the Town's centre, a vital component of its sustainability and in underpinning tourist interest. We believe that there is potential demand for its retention in present A1 use (we understand that there had been specific retail interest) and there are several sites available or shortly to become available suitable for the provision of financial services, in good sites away from the Primary Retail Frontage. With three Estate Agents in close proximity, non-retail use is already over-prominent. The one-time usage of this shop by a building society and estate agent is irrelevant. This may have reflected a need at the time but no longer does so.

We recommend refusal."

HIGHWAY AUTHORITY: No objections raised.

PUBLICITY

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

Five letters of objection have been received raising the following issues;

- Loss of retail element would be regrettable
- A1 uses should always be retained to maintain vibrant retail character

RELEVANT PLANNING HISTORY

82/00084/FUL - Conversion of premise to form building society on ground floor with offices above
- Permission 16.3.1982

82/00085/LBC - Conversion of premise to form building society on ground floor with offices above
- Consent 16.3.1982

82/00621/ADV - Hanging projecting sign - Consent 25.10.1982

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

- C17 Conservation Areas
- C20 Change of use in Conservation Areas
- C27 Listed buildings
- C31A Design
- C36 Noise
- C38 Effects of development on neighbouring properties
- SP1 Town Centre Shopping
- SP4 Primary Retail Frontages

- PPS1 Delivering Sustainable Development
- PPS6 Planning For Town Centres
- PPG15 Planning and the Historic Environment

KEY PLANNING CONSIDERATIONS

The main issue to consider in this application is whether this change of use from A1 to Class A2 is acceptable in policy terms. The application site is located within a Conservation Area and the building itself is a Grade II listed building so the impact of the proposal on the historic environment will need to be considered.

PLANNING OFFICER'S COMMENTS

The application site is located within the Primary Retail Frontage of Bradford on Avon's Commercial Area. Policy SP4 of the West Wiltshire District Plan 1st Alteration 2004 advises that changes of use from A1 to A2 and A3 uses at ground floor level will only be permitted having regard to the existing mix of uses, where they do not prejudice the shopping function of the primary retail frontages or individually or cumulatively harm the vitality of the town centre. The key policy focus is to ensure that retailing remains the primary function in streets which form the core of the primary shopping areas of towns such as Bradford on Avon.

As well as considering the mix of uses in the primary retail frontage the specific planning history and layout of the premises itself are also material considerations in this case. The building itself was granted a change of use previously in 1982 to form a building society (A2) use on ground floor level. This use continued for approximately twenty years from the premises. The building was then converted to a shop through permitted development rights which operated until the business proved to be financially unsuitable. The premises has been left vacant since November. The owners of the shop have advertised the premises to let for A1/A2 uses since this point with a notice in the shop window.

The owners have only received one register of interest which was from Edward Jones Ltd who are the applicants. The building does not lend itself readily to a retail use because the vast bulk of the premises forms the shop window and display area. This leaves only a very small area of the property available for storage purposes making stock accumulation problematical.

A survey of the existing uses at ground floor level within the primary retail frontage was undertaken in order to assess the impact of the proposed change of use on the vitality and viability of the primary retail frontage. This demonstrated that approximately 80% of uses at ground floor level within the primary retail frontage are A1 uses. It is therefore considered that the primary retail function of the primary retail frontage would be retained were this proposal permitted. The reversion to an A2 use in this instance would not be considered to harm the viability of the town centre.

The proposed A2 use would involve not only interview by appointment but would be available for local shoppers, residents and workers to drop in. The use itself would therefore contribute to adding vitality to the street and the commercial core of Bradford on Avon. This proposal would therefore safeguard the viability of the primary retail frontage and increase vitality compared to the currently vacant unit and there are no objections in policy terms.

The property as existing has been empty at ground floor level for in excess of five months and mindful of the guidance offered in PPG 15 to the effect that, generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. The continued use of this Grade II listed property is to be encouraged. It appears that an A2 use is most viable in this case.

Policy C20 of the West Wiltshire District Plan 1st Alteration 2004 states that a change of use of a building in a Conservation Area will be permitted provided that the new use will not require any changes in the appearance or setting of the building which would be detrimental to the special character or appearance of the area. There would be no alterations which would require planning permission and the special character of the Conservation Area would be unharmed. Likewise the character of the listed building should be unaffected by this proposal.

CONCLUSION

The proposal would not harm the vitality or viability of the town centre and will bring an otherwise empty premises back into a productive use.

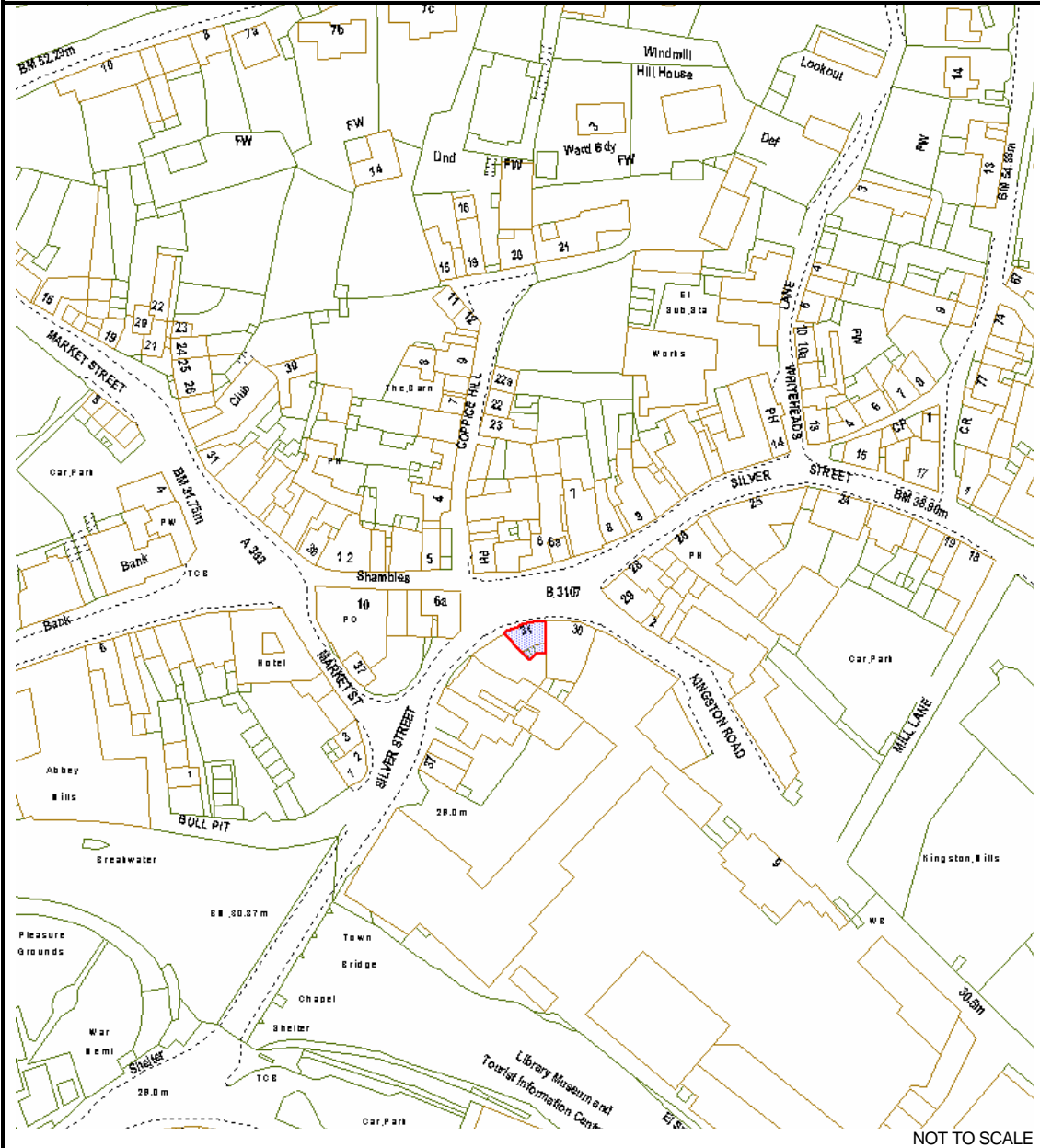
PLANNING COMMITTEE

29 March 2007

ITEM NO: 05

APPLICATION NO: 07/00405/LBC

LOCATION: Victoria's 31 Silver Street Bradford On Avon Wiltshire
BA15 1JX



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

05 Application: 07/00405/LBC

Site Address: Victoria's 31 Silver Street Bradford On Avon Wiltshire BA15 1JX

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382678 160989
Application Type: Listed building
Development: Replacement shop signage, external paintwork, minor alterations and refurbishment
Applicant Details: Edwards Jones Ltd
C/o Colliers Cre 9 Marylebone Lane London W1U 1HL
Agent Details: Colliers Cre
9 Marylebone Lane London W1U 1HL
Case Officer: Mr Mark Reynolds
Date Received: 07.02.2007 Expiry Date: 04.04.2007

REASON(S) FOR CONSENT:

The proposed works are in accordance with the Development Plan, and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as the proposed works would preserve the building or its setting or any features of special architectural or historic interest it possesses.

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 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.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for listed building consent for internal changes to a Grade II listed building and for the fixing of signage to the front of the building.

These works are required in connection with a change of use from Class A1 to Class A2 of the ground floor premises.

31 Silver Street is a Grade II Listed building located in the centre of the town on the south eastern side of Silver Street.

An associated application ref: 07/00032/FUL is also presented to the committee for the change of use of the premises.

CONSULTATION RESPONSES

BRADFORD ON AVON TOWN COUNCIL

Comment as follows;

"The typeface on the signs is stark and modern and not in keeping with the Conservation Area. Please also refer to comments related to the planning application as follows; This is an important double-fronted shop premises in a key retail location opposite the Shambles. It is covered by Policy SP4. This gives primacy to A1 retail uses. SP4 forbids discrimination between A1 uses but allows consideration of need in the exceptional cases where alternative uses may be permitted. These are in any case severely constrained, and a counter service, inter alia, must be provided.

The Town Council notes that the applicant, a financial service consultant, wishes to provide a drop-in service. No figures are provided by the applicant, but we consider that it is unlikely that potential counter-business would be sufficient to justify its provision on this crucial retail site. The Town Council is concerned that non-retail use here will compromise the vibrancy of the Town's centre, a vital component of its sustainability and in underpinning tourist interest. We believe that there is potential demand for its retention in present A1 use (we understand there had been specific retail interest) and there are several sites available or shortly to become available suitable for the provision of financial services, in good sites away from the Primary Retail Frontage. With three Estate Agents in close proximity, non-retail use is already over prominent. The one-time usage of this shop by a building society and estate agent is irrelevant. This may have reflected need at the time but no longer does so.

We recommend refusal."

INTERNAL CONSULTEES

HERITAGE DEVELOPMENT OFFICER

No objections

PUBLICITY

The proposal was publicised by site notice and press advertisement. No comments were received.

RELEVANT PLANNING HISTORY

82/00084/FUL - Conversion of premise to form building society on ground floor with offices above
- Permission 16.3.1982
82/00085/LBC - Conversion of premise to form building society on ground floor with offices above
- Consent 16.3.1982
82/00621/ADV - Hanging projecting sign - Consent 25.10.1982

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
C25 - Shopfronts
C26 - Maintenance of buildings
C27 - Listed buildings
C28 - Alterations and Extensions to Listed buildings
C31A - Design

PPS 1 - Delivering Sustainable Development
PPG 15 - Planning and the Historic Environment

KEY PLANNING CONSIDERATIONS

The main issue to consider in this application is the impact of the proposed works on the character and integrity of this Grade II listed building.

PLANNING OFFICER'S COMMENTS

Section 66 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 the building or its setting or any features of special architectural or historic interest which it possesses.

Policy C27 of the West Wiltshire District Plan 1st Alteration 2004 states that the character of listed buildings will be protected and that planning permission or listed building consent will not be granted for any development that would adversely affect the character or setting of any listed building.

Further Policy C28 of the West Wiltshire District Plan 1st Alteration 2004 states that alterations and extensions to listed buildings will only be permitted provided; the essential form of the building is not adversely affected; features of architectural or historic interest are retained unaltered; the loss of or damage to the historic fabric of the building is minimised; any new details are designed so as to match or be in keeping with, and respect, the character of the building; matching materials are used.

The proposal involves the making of internal alterations and refurbishment internally. These works are required to remove redundant services, fixtures and fittings and in order to bring the vacant premises back to a good state of repair. An existing concealed grid suspended ceiling would be removed which was installed approximately thirty years ago and would be replaced. A stud partition wall would be introduced to separate the space into an office and reception area. The proposal would involve the introduction of two new doors but no new openings would be created rather the proposed partitioning would have a door and an opening which would previously have had a door would have a door added. There would be no major physical alterations to the fabric of the building. A full and detailed list of proposed works are included within a specification.

It was initially proposed to install a chemical damp proof course because of a problem with rising damp. This part of the proposal has however been removed from the proposed works following concerns being raised by the Case Officer and Heritage Development Officer about this means of treating damp.

The shopfront of the building would be repainted as part of this proposal in green. The existing signage would be removed. The existing signage at the site is oval in shape and there exists a metal fascia board behind this. The oval signs relate poorly to the shopfront's proportions. They project both above and below the fascia panels. The removal of these signs would not detract from the character or appearance of the listed building. The proposed signage would be aluminium tray signage in green and would not be illuminated. This would not be dissimilar to the existing fascia which is in place. The Town Council have raised concern regarding the size of the lettering proposed. The signage is however considered acceptable and the lettering is not unduly large. It should be noted that when the building was in use as an A2 premises there was a sign for 'Cheltenham and Gloucester' which extended along the entire width of the frontage of the building and the lettering was considerably larger than that which is now proposed.

Overall the proposed internal and external works would not harm the essential form of the building or the special character of this listed building and would not result in the loss of any historic fabric or harm to features of architectural or historic interest. The Heritage Development Officer has raised no objections to the proposal.

The Town Council have raised concerns regarding the use of the building. These concerns have been addressed in the corresponding application for full planning permission and this proposal can only consider the impact of the proposal upon the listed building.

CONCLUSION

The proposal would not harm the character or integrity of this Grade II listed building.

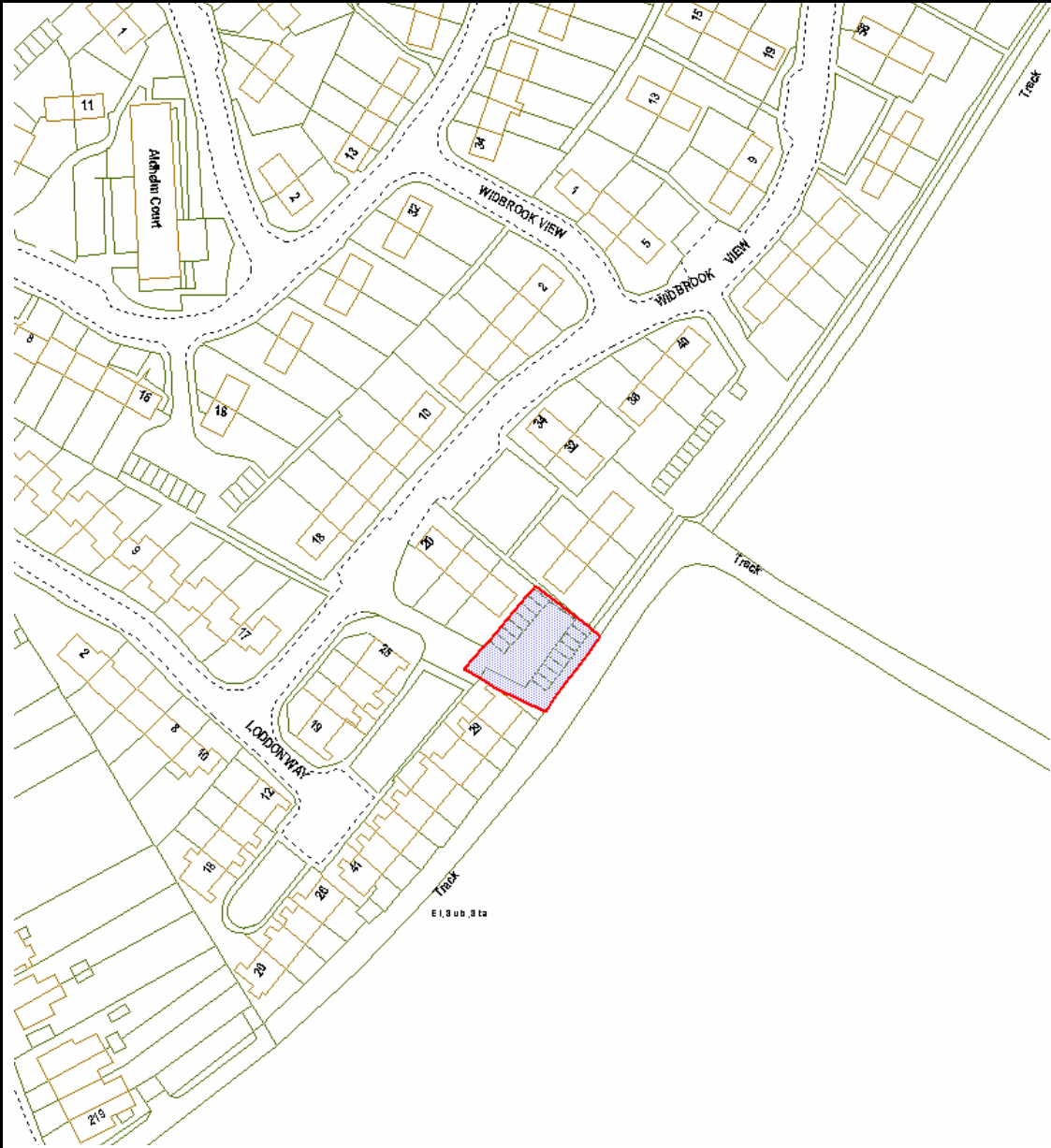
PLANNING COMMITTEE

29 March 2007

ITEM NO: 06

APPLICATION NO: 07/00397/OUT

LOCATION: Garage Block Adjacent To 26 Widbrook View
Bradford On Avon Wiltshire



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

06 Application: 07/00397/OUT

Site Address: Garage Block Adjacent To 26 Widbrook View Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 383434 160013
Application Type: Outline Plan
Development: Residential development (outline) for the erection of two dwellings (resubmission of 06/02725/OUT)
Applicant Details: West Wiltshire Housing Society
C/o Willis And Co 30 The Causeway Chippenham Wiltshire SN15 3DB
Agent Details: Willis & Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Mark Reynolds
Date Received: 05.02.2007 Expiry Date: 02.04.2007

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 either before the expiration of three 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, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters (scale, appearance and landscaping) 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 dwellings hereby approved shall be single storey, with no rooms in the roof.

REASON: In the interests of amenity and privacy.

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

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

REASON: In the interests of highway safety.

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

- 10 The boundary treatment between the access/driveway and the pedestrian link to be provided at the north western side of the development shall be, from the vehicular access for a distance of 2.0m, constructed to and maintained at a height not exceeding 600mm.

REASON: In the interests of highway safety.

11 The approval of drawing no: 1752/01/A/B relates only to the siting of the dwellings whilst the elevational details are purely illustrative.

REASON: In order to define the terms of the permission.

POLICY: H1 of West Wiltshire District Plan 1st Alteration 2004.

12 The dwellings hereby approved shall be single-storey, with no rooms in the roof.

REASON: In the interests of amenity and privacy.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1 & C38.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an outline planning application for the erection of two single storey dwellings on an existing garage block site adjacent to No.26 Widbrook View, Bradford on Avon.

This application forms part of the Private Finance Initiative scheme.

Siting and means of access are currently being sought whilst scale, appearance and landscaping are reserved matters. An indicative layout submitted with the application shows a pair of attached single storey dwellings with a staggered frontage. The proposal provides a total of three car parking spaces for the two dwellings.

The application site currently contains two rows of garages comprising 14 garages and an area of hardstanding. The site is accessed off Widbrook View. It is located within a residential area and the neighbouring properties are primarily terraced single storey dwellings constructed in reconstituted stone with concrete tiled roofs.

A previous application was withdrawn for a development which included one dwelling under planning ref: 06/02725/OUT. This application was withdrawn to consider further the density of the development.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

The Town Council recommends refusal until further consultation has taken place and a satisfactory detailed application is submitted.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

No objections subject to conditions.

WESSEX WATER

No objections raised

INTERNAL CONSULTEES

PLANNING POLICY

Acceptable in policy terms this is a thoroughly sustainable proposal that makes good use of previously developed land.

HOUSING SERVICES

Commented previously: 'I can confirm that there is a demonstrable need for affordable housing in Bradford on Avon, with the current priority need being in the region of 195 households. There is a recognised need for bungalows in the district although we would prefer any new development to be designed with people with mobility issues in mind.

I note that the application is being made by West Wiltshire Housing Society and I would therefore assume that the proposal is for 100% affordable housing. As such we would support this application'.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties and by a site notice. No comments were received.

PLANNING POLICY

RPG10/RSS10 - Regional Guidance for the south west

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable development

DP7 - New housing in towns and main settlements

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further housing development within towns

H24 - New housing design

C31a - Design

C32 - Landscaping

C38 - Nuisance

T10 - Car parking

Supplementary Planning Guidance - Residential Design

PPS 1 - Delivering Sustainable Development

PPS 3 - Housing - to be implemented in April 2007

RELEVANT PLANNING HISTORY

06/02725/OUT - One dwelling - Withdrawn 16.1.07

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of policy, highway safety and impact on neighbouring amenity.

PLANNING OFFICER COMMENTS

The application site is located within the town policy limit for Bradford on Avon. Where further residential development will be permitted subject to a number of criteria.

In this case the proposal is for two dwellings. The proposal makes an efficient use of land calculated at approximately 34 dwellings per hectare. The indicative plans demonstrate a single storey form of development could be achieved on site which would be in keeping with the general format of surrounding dwellings. The surrounding area is characterised by a mix of terraced and semi-detached dwellings. The proposal would respect the overall grain of development in the area fronting onto Widbrook View as it does. The level of amenity space for each dwelling would be fairly limited however these are modest bungalow units proposed in this case and an area of open space exists to the south west of the site. The proposal would therefore accord with planning policy H1 of the West Wiltshire District Plan 1st Alteration 2004.

The proposal raises issues regarding neighbouring amenity. The proposed dwellings would be located to the south of the neighbouring property No.26. However there would exist a pathway separating the proposed dwelling from this neighbour and the dwellings may be conditioned to be single storey to avoid an unacceptable loss of amenity resulting to this neighbouring property.

The proposal raises issues regarding highway safety. The proposal makes provision for 1.5 spaces per dwelling. The Highway Authority are content that the proposal is acceptable in highway safety terms and subject to conditions that permission may be granted. Although the proposal involves the removal of existing garaging the applicant has previously stated that none of the garages are occupied. It is also noted that there exists ample on-street car parking within the vicinity of the application site for additional car parking.

The Town Council have objected on the basis that the application is not sufficiently detailed. This is however an outline application and must be considered as such and the details of the scale, appearance and landscaping would be required in the form of the submission of reserved matters following the granting of outline planning permission. The submitted elevational drawings should be regarded as purely illustrative.

CONCLUSION

The general principle of the development of 2 affordable dwellings on a sustainable town centre site would be a desirable, efficient and appropriate use of land in accordance with the Council's adopted policy framework.

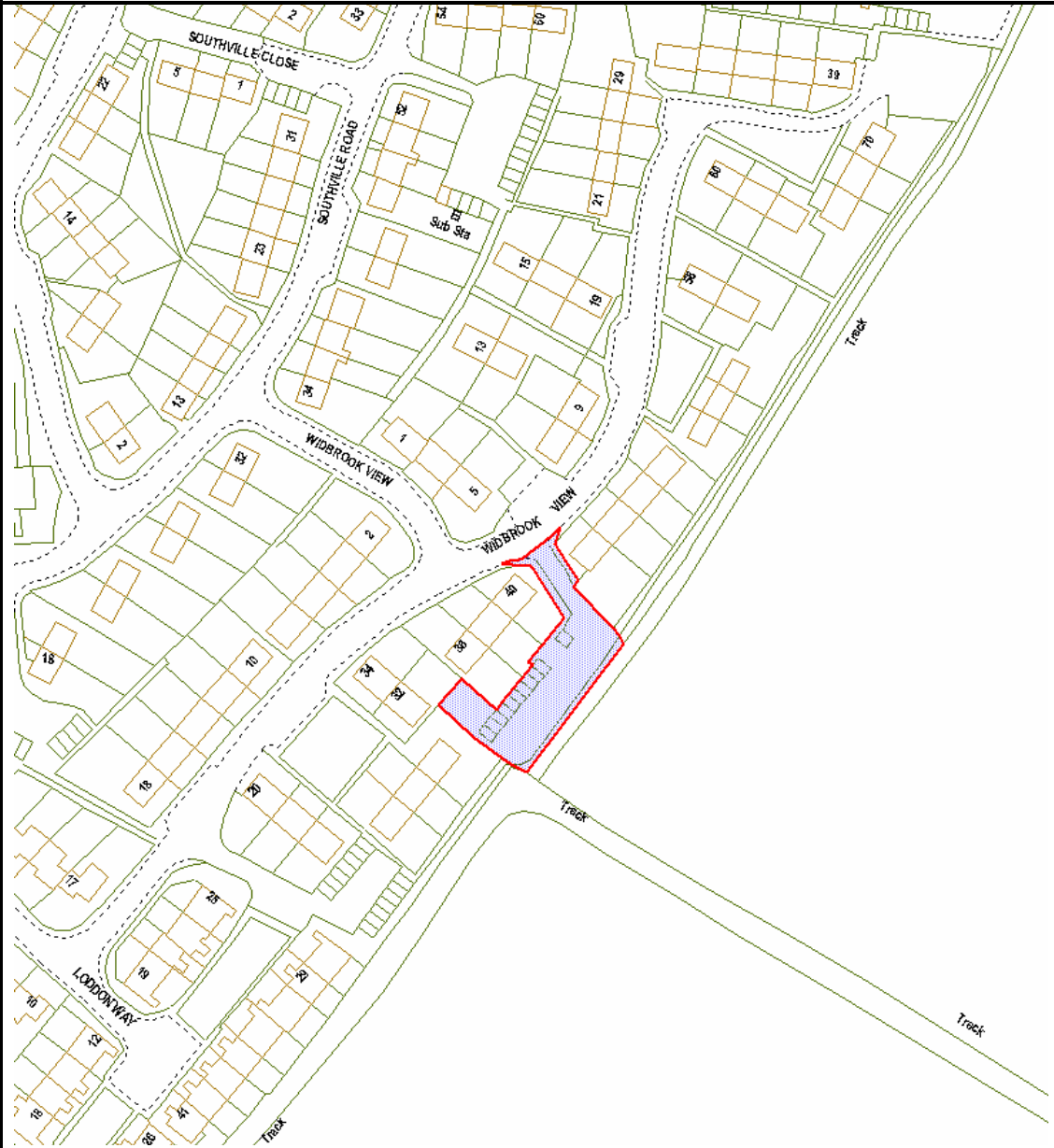
PLANNING COMMITTEE

29 March 2007

ITEM NO: 07

APPLICATION NO: 07/00411/OUT

LOCATION: Garage Block Adjacent To 36 Widbrook View
Bradford On Avon Wiltshire



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

07 Application: 07/00411/OUT

Site Address: Garage Block Adjacent To 36 Widbrook View Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 383477 160056
Application Type: Outline Plan
Development: Residential development (outline) for erection of two dwellings
Applicant Details: West Wiltshire Housing Society
C/o Willis And Co 30 The Causeway Chippenham Wiltshire SN15 3DB
Agent Details: Willis & Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Mark Reynolds
Date Received: 07.02.2007 Expiry Date: 04.04.2007

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 either before the expiration of three 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, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters (scale, appearance and landscaping) 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 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 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 The dwellings hereby approved shall be single storey, with no rooms in the roof.

REASON: In the interests of amenity and privacy.

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

REASON: In the interests of highway safety.

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

- 8 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.

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

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

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

- 10 The approval of drawing no: 1753/01/A relates only to the siting of the dwellings whilst the elevational details are purely illustrative.

REASON: In order to define the terms of the permission.

POLICY: H1 of West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an outline planning application for the erection of two single storey dwellings on an existing garage block site adjacent to No.36 Widbrook View, Bradford on Avon. This application forms part of the Private Finance Initiative scheme.

Siting and means of access are currently being sought whilst scale, appearance and landscaping are reserved matters. An indicative layout submitted with the application shows two detached bungalows with gardens to the rear. The proposal provides four car parking spaces for the two dwellings. The application site currently contains a row of ten single garages and an area of hardstanding. The site is accessed off Widbrook View.

The application site is located within a residential area and the neighbouring properties are primarily terraced and semi-detached single storey dwellings constructed in reconstituted stone with concrete tiled roofs.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

The Town Council recommends refusal until a satisfactory detailed application is submitted.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

No objections subject to conditions.

WESSEX WATER

No objections raised

INTERNAL CONSULTTEES

HOUSING SERVICES

Commented previously: 'I can confirm that there is a demonstrable need for affordable housing in Bradford on Avon, with the current priority need being in the region of 195 households. There is a recognised need for bungalows in the district although we would prefer any new development to be designed with people with mobility issues in mind.

I note that the application is being made by West Wiltshire Housing Society and I would therefore assume that the proposal is for 100% affordable housing. As such we would support this application'.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties and by a site notice. No comments were received.

PLANNING POLICY

RPG10/RSS10 - Regional Guidance for the south west

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable development

DP7 - New housing in towns and main settlements

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further housing development within towns

H24 - New housing design

C31a - Design

C32 - Landscaping

C38 - Nuisance

T10 - Car parking

Supplementary Planning Guidance - Residential Design

PPS 1 - Delivering Sustainable Development

PPS 3 - Housing - to be implemented in April 2007

RELEVANT PLANNING HISTORY

06/03339/OUT - One dwelling - Withdrawn 16.1.07

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of policy, highway safety and impact on neighbouring amenity.

PLANNING OFFICER COMMENTS

The application site is located within the town policy limit for Bradford on Avon. Where further residential development will be permitted subject to a number of criteria.

In this case the proposal is for two dwellings. The proposal represents a development density of approximately 21 dwellings per hectare. This density is relatively low, however the applicants have investigated fully whether the density of the development may be increased but they have been unable to achieve a denser form of development. The application is supported by a letter which advises that as part of the Council's PFI criteria new bungalows must be of a standard size to meet the needs of disabled occupants. This justification has been taken into account and it is considered that in this particular case that the density of development proposed would be adequate.

The indicative plans demonstrate a single storey form of development could be achieved on site which would be in keeping with the general format of surrounding dwellings. The proposal would respect the overall grain of development in the area and would help to more efficiently utilise an underused area. The dwellings would be provided with an area of amenity space. The proposal would not result in the loss of an open area or visual gap which is important for amenity reasons and it is considered that the proposal would accord with planning policy H1 of the West Wiltshire District Plan 1st Alteration 2004.

The proposal raises issues regarding neighbouring amenity. The proposed dwellings would be located to the south east of neighbouring properties Nos 36 and 38 Widbrook view. The proposed dwellings would however be single storey and are located a sufficient distance from these bungalow buildings to safeguard their amenities. The proposed dwellings would not result in an unacceptable loss of amenity for neighbouring properties.

The proposal raises issues regarding highway safety. The proposal makes provision for two spaces per dwelling. The Highway Authority are content that the proposal is acceptable in highway safety terms and subject to conditions that permission may be granted. Although the proposal involves the removal of existing garaging it is noted that there exists ample on-street car parking within the vicinity of the application site for additional car parking.

The Town Council have objected on the basis that the application is not sufficiently detailed. This is however an outline application and must be considered as such and the details of the scale, appearance and landscaping would be required in the form of the submission of reserved matters following the granting of outline planning permission. The submitted elevational drawings should be regarded as purely illustrative.

CONCLUSION

The general principle of the development of 2 affordable dwellings on a sustainable town centre site would be a desirable, efficient and appropriate use of land in accordance with the Council's adopted policy framework.

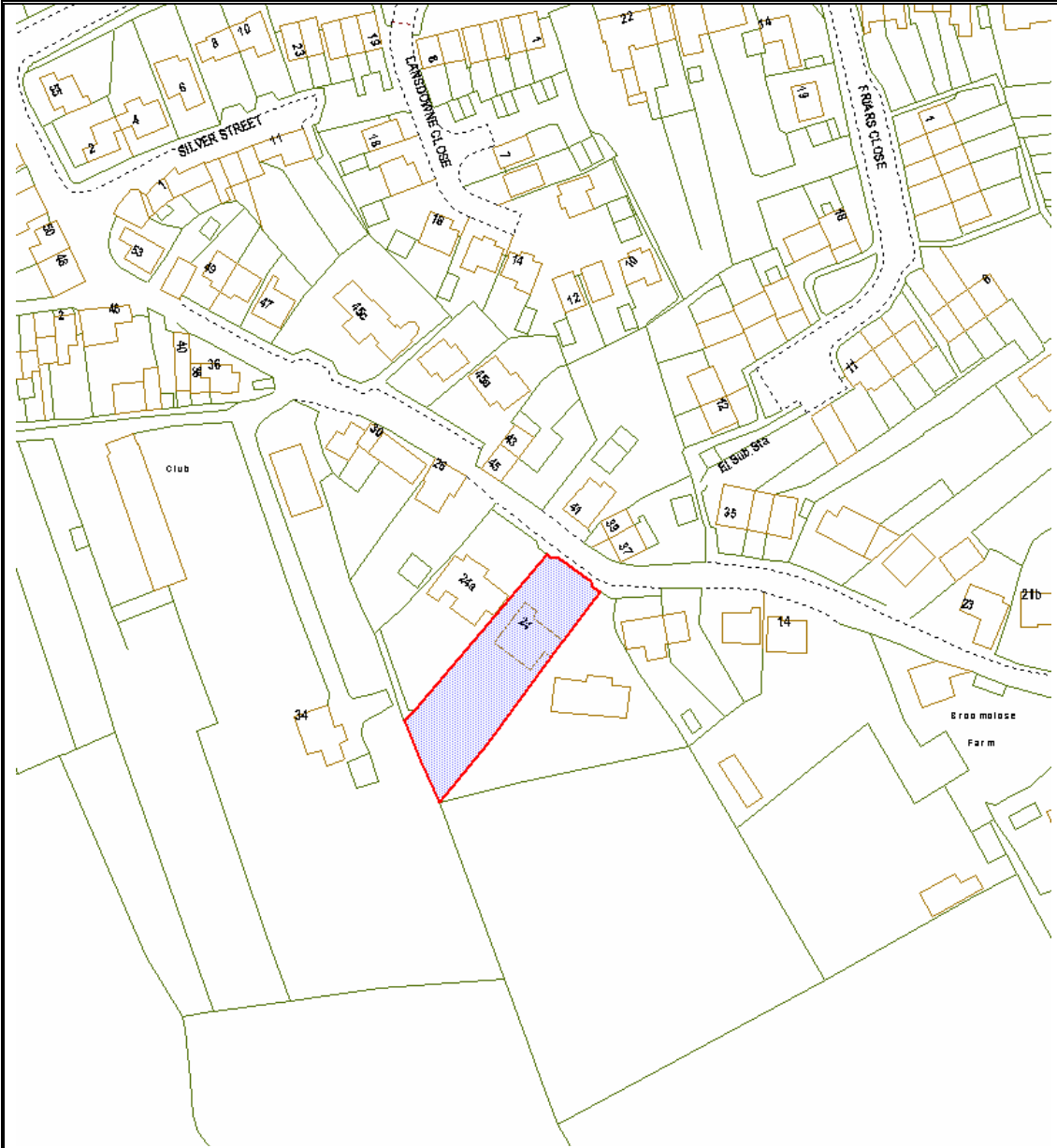
PLANNING COMMITTEE

29 March 2007

ITEM NO: 08

APPLICATION NO: 07/00068/FUL

LOCATION: 24 Petticoat Lane Dilton Marsh Wiltshire BA13 4DG



NOT TO SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 07/00068/FUL

Site Address: 24 Petticoat Lane Dilton Marsh Wiltshire BA13 4DG

Parish: Dilton Marsh Ward: Dilton Marsh
Grid Reference 385271 149783
Application Type: Full Plan
Development: Erection of single storey extension
Applicant Details: Mr And Mrs L Ayrton
24 Petticoat Lane Dilton Marsh Wiltshire BA13 4DG
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Mr David Cox
Date Received: 08.01.2007 Expiry Date: 05.03.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 Notwithstanding the provisions of Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the side extension on the south east elevation shall not have any windows inserted to serve the loft conversion.

REASON: In the interests of neighbouring amenity.

POLICY: C38 of the West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Dilton Marsh Parish Council objects and you Officers recommend permission.

This is an application for a single storey side, rear extension and a rear conservatory at 24 Petticoat Lane, Dilton Marsh. This is a residential area comprising of a range of dwelling types and sizes. However No 24 is a detached bungalow like its two neighbours on both sides. No 24 currently has an integral side garage with a flat roof, whilst on the rear elevation there is a flat roof rear section and an adjoining lean to section. These appear to be extensions made to the original building.

The proposal would build a pitched roof over the side garage continuing the ridgeline and roof slope from the main building. It would also introduce a subservient gable end on the dwelling with a replacement garage door.

The plans indicate that the existing rear elevation would be extended by 1.5 metres with one section being extended by 4 metres. This section would also have a 3.7 metre deep rear conservatory attached to it. The rear extension would have three gable end roofs each with their own ridgelines running from the rear elevation of the host building. Two of these would be 4.4 metres tall sloping to 2.6 metres at eaves. However the one closest to No 24a would only be 3.8 metres tall. The conservatory would be 2.8 metres tall sloping to 2.2 metres at eaves.

The plans indicate that there is a 3-metre gap between the side walls of the rear extensions and the boundary with the neighbour to the west (No 24a).

The plans are also to convert the roof space into a bedroom with en-suite bathroom. There would be one window on the north west elevation side gable end of the host building looking towards a blank elevation of No 24a and this window would serve a non-habitable room being a landing. There would be velux rooflights inserted into the roof to provide light into the bedroom and en-suite bathroom. There would be no window facing No 22 (south east elevation) as the plans indicate that the loft conversion would not extend right across the roof space.

CONSULTATION REPLIES:

DILTON MARSH PARISH COUNCIL: Object.

"This development is a substantial addition to the existing property and might have a detrimental effect on the visual amenity currently enjoyed by the neighbouring property".

STATUTORY CONSULTATIONS:

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a Design
C38 Nuisance

SPG House Alterations and Extensions

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Design:

Policy C31a of the District Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. Supplementary Planning Guidance states that any extension should respect the host building and its setting in the street scene.

The extension would replace a flat roof structure that detracts from the appearance of the host building and its setting in the street scene. It's replacement would continue the main roof form over and introduce a protruding subservient gable end that would respect the host building.

Overlooking:

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 velux roof lights would look directly out onto the applicant's own rear garden that is over 30 metres in length. The velux window on the front elevation would look out on the main road and would be approximately 30 metres from the front windows of dwellings on the other side of the street. Therefore these windows would not cause any overlooking of the neighbours.

The side landing window on the north west elevation would look out on to the blank side wall of No 24a and so would not cause any overlooking.

Although the plans do not currently indicate that the side extension would be used as additional converted roof space any window inserted on the south east elevation would look out and over the front garden of No 22. However should this roof space ever be converted fully into an enlarged bedroom (which does not need planning permission) any inserted window may allow for overlooking into the front windows of No 22. Therefore a condition should be take permitted development rights any for the insertion of any window at first floor height on this elevation. A condition cannot be made to keep the internal layout as currently indicated on the plans and so this condition is necessary in order to protect the privacy of No 22.

Overshadowing:

Policy C38 is again relevant in this case. The erection of the roof on the side elevation would not cause any overshadowing and would not create a dominant elevation imposing itself on No 22.

Supplementary Planning Guidance states that for houses that are closely related to each other, a single storey extension which exceeds 3 metres in length at or near the boundary is more likely to have an adverse effect on the neighbour. This proposal would be extended in one section by 4 metres with an additional 3.7 metre deep conservatory. Whilst this equates to a total of 7.7 metres and being far in excess of the recommended level stated in the guidance, because of the 3 metre gap between the extension and the boundary this will mitigate any overshadowing. The roof of the extension on this side would be lower than the other two, which is an attempt to reduce the size and bulk of the proposal which, will reduce any overshadowing to an acceptable level.

CONCLUSION

For the above reasons the Parish Council's comments cannot be supported and the application should be granted planning permission.

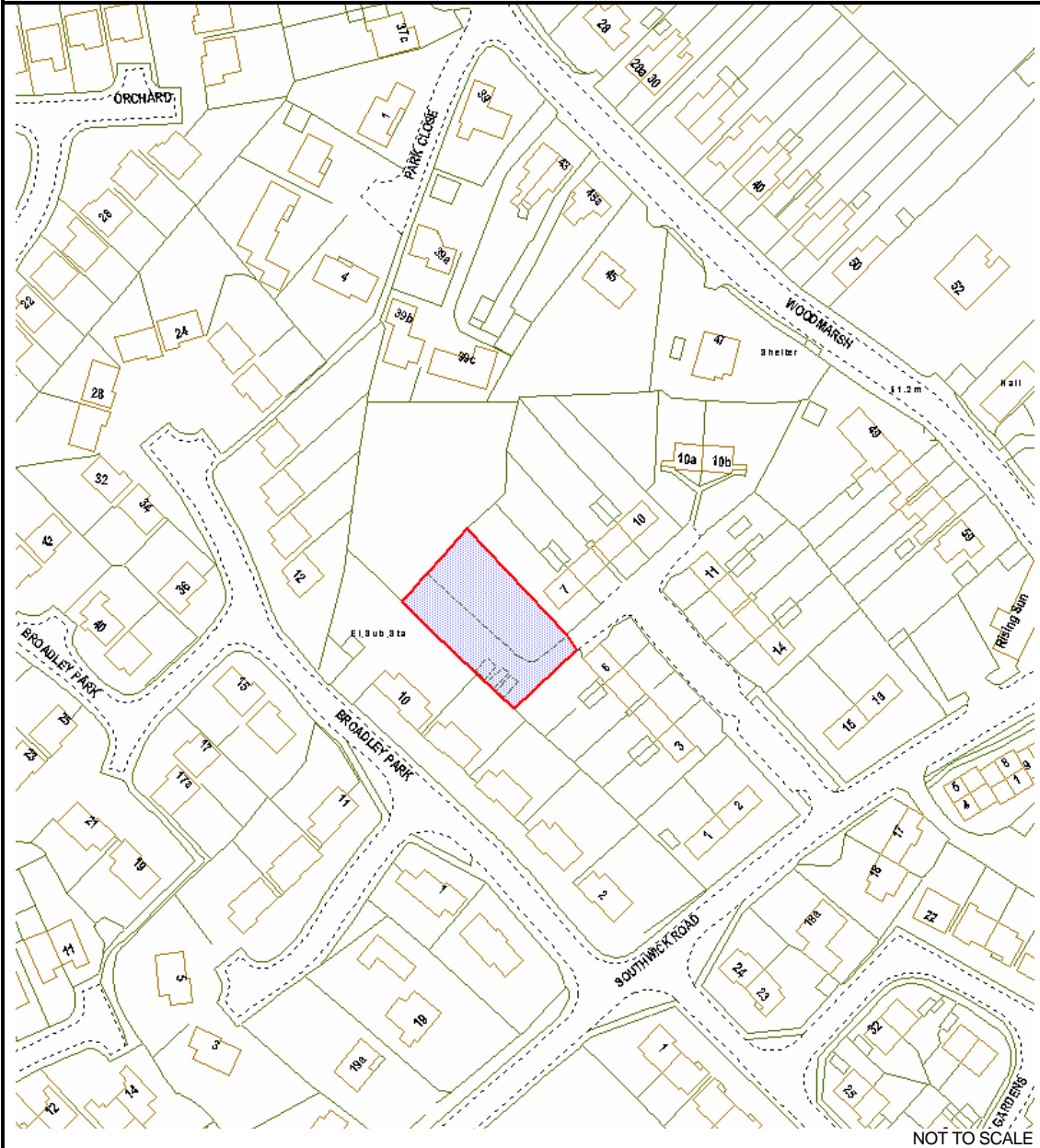
PLANNING COMMITTEE

29 March 2007

ITEM NO: 09

APPLICATION NO: 06/03528/OUT

LOCATION: Land Adjacent 7 Southwick Road North Bradley
Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 06/03528/OUT

Site Address: Land Adjacent 7 Southwick Road North Bradley Wiltshire

Parish: North Bradley Ward: Dilton Marsh
Grid Reference 385592 155311
Application Type: Outline Plan
Development: Four dwellings and associated car parking
Applicant Details: West Wiltshire District Council
Bradley Road Trowbridge Wiltshire BA14 0RD
Agent Details: Quattro Design Architects Ltd
1 Great George Street Bristol BS1 5RR
Case Officer: Miss Julia Evans
Date Received: 16.11.2006 Expiry Date: 11.01.2007

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 either before the expiration of three 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, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Approval of the details of the layout, scale, appearance, access and landscaping of the site (the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced on site.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 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 H17 & C31A.

- 4 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 extensions or garages shall be erected, nor no windows, dormer windows or doors shall be added other than those approved in the reserved matters.

REASON: In the interests of amenity and privacy.

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

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

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

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

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

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

- 7 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.

- 8 Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, and details of species to be used in the creation of new habitats, shall be submitted to and approved in writing by the Local Planning Authority together with a programme of implementation. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats.

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

- 9 There shall be no clearance of the existing vegetation on the site during the nesting season for birds: ie between February to September inclusive.

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

- 10 There shall be a minimum of 2 car parking spaces provided per dwelling and a further minimum of six spaces provided on site available for public use.

REASON: To ensure that adequate parking provision is provided in the interests of highway safety.

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

- 11 Detailed plans of the parking and servicing areas, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority before development commences. The detailed proposals shall indicate the provision to be made for the draining of the parking and servicing areas, the individual marking of car parking spaces, the landscaping of the parking and servicing areas where appropriate, and full details of the method of construction. 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 and/or servicing is available in the interests of highway safety.

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

- 12 Before the development is occupied, the access roads and car parking areas shall be surfaced in a bound material (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 13 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.

- 14 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.

- 15 The dwellings hereby granted shall be retained as affordable within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Plan - First Alteration 2004 for so long as the dwellings remain on site.

REASON: To accord with the terms of the application and to secure the delivery of affordable housing on the site in accordance with Council policy.

POLICY: West Wiltshire District Plan - First Alteration 2004 - Policy H2.

Note(s) to Applicant:

- 1 You are advised to contact Wessex Water to arrange points of connection to their apparatus.
- 2 You are advised that the communal landscaping areas shall be planted with a flower-rich landscape and low shrubs and trees.
- 3 You are advised that if any statutorily protected species are found on site, that all works should stop and Natural England informed.
- 4 You are advised that windows overlooking properties on the northeast and southwest elevations will not be supported.

COMMITTEE REPORT

APPLICATION DETAILS

This is an outline application for four new houses and associated parking at land adjacent 7 Southwick Road, North Bradley. All matters are for approval at the reserved matters stage: ie layout, scale, appearance, access and landscaping.

The 0.1 hectare site lies to the south of number 7 Southwick Road, North Bradley, and is currently used as a gravelled car parking area. Along the southwest boundary are 4 detached single sized garages. The site is surrounded by residential properties and their gardens, and the boundaries to it are overgrown. The site is level and is accessed from the residential cul-de-sac in the eastern corner.

This outline application proposes 4 new houses on the site, and despite all matters being reserved, it includes a proposed indicative layout showing a terrace of four with parking to the front. The application has been supported with Planning and Access Statements, an Ecological Report and a Car Park Study. The former states that the 4 dwellings would be part of West Wiltshire District Council's private finance initiative (PFI) to provide 400 new affordable homes across the District.

The Ecological Report recommends that: -

"The loss of the site and its developing semi-natural habitat is considered to be significant on a site-based level. There is little opportunity for mitigation except:

"* Landscape the communal parking areas of the proposed development with a flower-rich landscape and low shrubs and trees.

"The following precautionary measures aim to avoid harm to protected species and to avoid a contravention of the wildlife legislation:

"* To avoid harm to nesting birds, either clear the vegetation outside the nesting season (i.e. during October to January inclusive) or a competent ecologist should check for nesting birds prior to works during the nesting season (and then avoid affecting any occupied nests).

"* To avoid harm to any reptiles, carry out a survey for them. If they are present, catch and translocate them to a suitable nearby habitat prior to the clearance of the site's vegetation. A suitably experienced ecologist should do this. This can only be done from April to September and can take several weeks or more; the population here is likely to be low.

"Whilst any reptiles would be a material consideration, the legislation does not protect the habitat of the reptile species likely to be present (slow-worm or viviparous lizard).

"* In the unlikely event that a great crested newt is found, work should immediately stop, and a competent ecologist contacted for advice."

The Car Park Survey concludes that: -

"This parking report has been prepared on behalf of West Wiltshire District Council in support of a planning application for the redevelopment of the Southwick Road car park, Warminster, Wiltshire. A survey of Southwick Road car park and on-street car parking areas in the vicinity of the site has shown that during both a typical weekday and a Saturday weekend period spare capacity exists at the car parks. Considering the existing levels of utilisation derived from the survey, it is evident that if the proposed Southwick Road car park were to be developed for housing, the remaining parking areas would have sufficient capacity to accommodate the displaced parking arising from development."

The site lies within North Bradley's Village Policy Limit (Policy H17).

The following statement has been received from the applicant:

"Comments from the Housing PFI Project Manager - Southwick Road, North Bradley:

This application forms part of the Council's private finance initiative (PFI) scheme to provide at least 400 much needed affordable homes throughout the district. The proposal has been developed following pre-planning consultation and based on appropriate professional advice.

Public consultation has been carried out, in accordance with the Statement of Community Involvement, on all 18 areas of Council owned land that have been identified as being potentially suitable for the provision of affordable housing. This was in addition to and separate from the normal planning consultation. It ran for 12 weeks until 15 October 2006 and included:

- * five community area drop-in sessions, .an interactive webpage, and
- * a display of architect's drawings in reception.

Local people's views were sought on the Council's proposals for the sites, including how to integrate new developments within existing communities and what facilities are needed locally. By the end of the consultation period, approximately 650 responses had been received, including comments forms, letters, e-mails and petitions.

A total of two responses were received for Southwick Road. Both respondents indicated that they were against the proposal for the land. It should be noted that public consultation responses:

- * were not based on the detail of the planning application,
- * might not be for planning reasons, and
- * could be double counted with planning consultation responses."

CONSULTATION REPLIES:

- NORTH BRADLEY PARISH COUNCIL: State: - "The Council raise no objection".

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - "I refer to the above planning application received on 27 November 2006.

"In view of the location of the development site I would expect a provision of 2 parking spaces per residential unit. This would leave 2 parking spaces to replace those lost by the development. I would not accept parking on the highway, particularly on the main part of Southwick Road, and this should not be included in the available parking survey. However, I accept that there are laybys on Southwick Road which are available for general use.

"It would appear that there may be scope to the front of the proposed dwellings to provide additional parking in order to maintain the 6 replacement spaces. I suggest that the applicant addresses the above parking concerns before I comment further."

- ENVIRONMENT AGENCY: State: - "We have no comment to make on this application."

- WESSEX WATER: State: - "The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

"The developer has proposed to dispose of surface water to 'existing'. As there are no existing public surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways).

Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

"With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

"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."

- NATURAL ENGLAND: State: - "Based on the information provided, English Nature has no objection to the proposed development providing that the measures and monitoring outlined in section 6.3 of Chalkhill Environmental Consultancy's ecological/protected species survey report can be secured by appropriate legal agreement.

"Reptiles

"English Nature would normally require surveys by an experienced ecologist, at an appropriate time of year, prior to planning permission, but if Chalkhill Environmental Consultants are confident that survey is just a precaution, then it would be sufficient to condition a survey.

"The condition should also require details of the method by which works will 'be carried out in a manner that does not harm individual animals' to be submitted along with details of a suitable receptor site. A survey should be carried out and any required mitigation strategy agreed prior to full planning permission being granted.

"Birds

"The following condition should be attached to permission: Works should be timed to avoid bird nesting season (April to August inclusive). If this is not possible, then an ecologist should check any vegetation to be cleared immediately prior to work and then avoid affecting any occupied nests.

"Great Crested Newts

"The consultant's opinion based on a survey of the site was that there was a low likelihood of Great Crested Newts being present. This being the case we endorse the precautionary approach recommended by Chalkhill consultants.

"Should there be a delay between permission and works commencing, further surveys for protected species are likely to be required since the granting of planning permission does not absolve the applicants from complying with the relevant law. This includes obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005".

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: State: - "Key Issues: The proposal seeks to redevelop vacant scrub land, located within the village of North Bradley, for four affordable homes. The site is within the identified village policy limits and does not have any site specific constraints or land use designations. Part of the site is used as semi-formal parking provision and includes four prefabricated garages, which are mostly in a poor state of repair. The surrounding land is primarily in residential use. Finally, I note that the site adjoins an electricity substation.

"Principle

"The proposal site is located within village policy limits and is highly appropriate as a limited in-fill housing site. North Bradley village is well located within the immediate Trowbridge rural area and is relatively accessible to local amenities, facilities and employment opportunities. The proposal site is well located in relation to local public transport services.

"The proposed development of the site for 100% affordable housing is also welcomed in broad policy terms. Meeting affordable housing need is one of the District Council's key spotlight objectives.

"Design/Density

"Although this is an outline application it is worth commenting on the basic design layout, which follows the established terrace pattern set out in Southwick Road. I note that the overall site density is about 40 units per ha, which is acceptable in policy terms.

"Protected Species

"The site is rough urban scrubland, which can provide a valuable wildlife habitat resource. I note the outputs from the valuable habitat survey. If permission is granted for the proposal, it would be reasonable for the District Council to impose conditions mitigating against the loss of birds nests, reptiles and other species. It is worth noting that an additional plot of dense scrubland remains located to the north of the site. This may (still) provide a useful habitat resource. Boundary treatment to the north of the proposal site may be an area that merits further consideration during the reserved matters stage.

"Displaced Parking Provision

"The car park study submitted with the application is extremely useful. I note that there is existing on-street parking capacity in the locality. I also note that the applicant has kindly provided a small element of community parking provision on site, which results in a slight over-provision of parking provision when related to the County maximum parking standard. However, given the controversy that similar proposals have stirred, this appears to be a pragmatic solution to address the problem of displaced local provision.

"Conclusions

"This is a sustainable location for a new housing. The re-use of this vacant site for affordable housing will provide a valuable contribution towards the overall sustainability of this local community. I welcome this proposal.

"I do not consider the potential impacts upon local off-street parking provision to be significant area of concern. There is sufficient local on-street provision and the proposal includes an element of community parking spaces.

"I am satisfied that the applicant has addressed wildlife habitat concerns through the on-site survey. I am also satisfied that this matter can be mitigated through conditions.

"Policy Recommendation - Acceptable in policy terms."

- HOUSING: State: - "I can confirm that North Bradley is regarded as rural and as such the usual AH policy applies 50% AH provided on site, preferably rented, on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's Preferred Development Partnership.

There are 25 households in priority need in North Bradley (information provided by Housing Needs on the 21st November 2006). The needs are supported from the waiting list and the housing needs survey. The WL indicates that 60% of households require 1 beds, 16% of households require 2 beds and 24% of households require 3 beds. The Housing needs Survey confirms that the greatest desire is for 2 beds across all tenures.

"We would seek 2 units of affordable housing on this site. Of course, if the applicant is unable to afford to make a contribution due to the viability of the scheme, provision exists for the applicant to enter into an open book appraisal which will test whether the viability of the scheme is prejudiced by the contribution and, if so, enables a reduced contribution to be made.

"However, in the absence of an agreement with the applicant as to the amount of the commuted sum, the application should be refused on the follow grounds: -

"The application fails to meet the requirements of policy H2 Housing in that no contribution towards the provision of affordable housing has been included within the application, nor has an open book exercise been undertaken which might justify a reduction of policy requirements".

"I note that West Wiltshire District Council is making this application for the PFI scheme and would therefore provide 100% affordable rented accommodation in perpetuity. It is therefore unlikely that the scheme will be viable to provide 50% at nil subsidy but we would expect this to be tested via on open book exercise in the same manner as any other applicant.

"I hope that the above answers your query, if you need any further information or would like me to meet with the applicant to discuss the commuted sum requirements please do not hesitate to contact me."

PUBLICITY RESPONSES

The application has been advertised with a Public Notice Site Notice and neighbour notifications have been undertaken. Two responses have been received making the following comments: -

- The proposed terrace is not in keeping with the surrounding houses;
- The access to the sub-station is from Broadley Park road;
- Plot one will be along the full length of a neighbouring property;
- Loss of mature trees and hedgerow;
- Loss of birds; and
- Restricted entrance to the properties.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable housing
- DP9 Reuse of land and buildings
- T5 Cycling and walking
- T6 Demand management
- C1 Nature conservation
- C5 The water environment

West Wiltshire District Plan - 1st Alteration 2004

- C7 Protected species
- C31a Design
- C32 Landscaping
- C38 Nuisance
- H2 Affordable housing within towns and villages
- H17 Village Policy Limits
- H24 New housing design
- T10 Car parking
- U1 Infrastructure
- U1A Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Areas
- I1 Implementation

SPG
Design Guide - Principles (Adopted July 2004)
Residential Design Guide (Adopted November 2005)
Affordable Housing - (Adopted August 2005)

National Planning Guidance
PPS1 Delivering Sustainable Development
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS3 Housing (effective from 1 April 2007)

Circular 01/2006 - Guidance on Changes to the Development Control System

RELEVANT PLANNING HISTORY

82/00945/HIS - Site for two mobile homes for one large family - Withdrawn

96/01078/OUT - Four dwellings - Withdrawn 03/12/1996.

KEY PLANNING ISSUES

This application raises the following planning matters: -

- Principle of the development;
- Layout, scale, appearance, access and landscaping matters;
- Affordable housing matters;
- The water environment issues; and
- Protected species and habitat.

PLANNING OFFICER COMMENTS

This is an outline application for four dwellings on land currently used as car parking and garaging. The applicant has requested that all matters are reserved: ie layout, scale, appearance, access and landscaping are all dealt with at the reserved matters stage. In accordance with Circular 01/2006 the applicant has provided an indicative drawing and a Design and Access Statement. The former shows that the four dwellings would be in a terrace, orientated in a northeast to southwest alignment, with 10 car parking spaces either side of the access road. The only access to the site is the one which currently exists.

The site lies within the North Bradley Village Policy Limit, whereby the principle of limited residential development will be permitted subject to:

- "A The development would be in keeping with the character, appearance and distinctive spatial form of the settlement;
- B The development is in accordance with the District Plan 1st Alteration policies which seek to protect the natural environment, including water resources and flood risk and the built environment;
- C It would not create inappropriate backland or tandem development;
- D It would not result in the loss of an important open space or visual gap;
- E It can be satisfactorily serviced, there is adequate infrastructure, including water supplies and sewage treatment and it does not create highway problems."

This part of North Bradley is characterised by mixed residential development, including within the immediate vicinity of the site, detached terraced and semi-detached houses, and semi-detached bungalows. The outline application has requested all matters to be reserved, so the indicative drawing shows what could be provided on site. The principle of the development is what is for consideration at this stage, so subject to conditions concerning materials, no windows overlooking properties to the northeast or southwest, and removal of permitted development rights, the proposal is considered acceptable in terms of the character and amenity of the area.

The site covers an area of approximately 1,000 square metres which results in a density of 40 dwellings per hectare. This is higher than the neighbouring terraces near the site which have a density of around 30 dwellings per hectare. However, the proposal is in accordance with recent Government Guidance and has the support of the Planning Policy Section, so it is not considered that an objection can be raised on this basis, particularly in light of the conditions suggested above.

The site is currently used for car parking and includes 4 detached dwellings. The current access is in the southeast corner of the site between numbers 6 and 7 Southwick Road. Layout and access are matter for consideration under the reserved matters. However, the Highway Authority have commented that there should be 2 parking spaces per residential unit so as to ensure that the car parking function of the site is retained. It is felt that in view of this requirement the provision of 2 spaces per unit, plus a further six to compensate for the loss of car parking on the site is considered acceptable. In addition in view of the absence of any further comments from the Highway Authority, conditions have also been suggested as regards access, car parking and servicing arrangements, and surfacing arrangements.

Policy H2 of the West Wiltshire District Plan requires sites within villages to provide up to 50% affordable housing contribution. The application has submitted by West Wiltshire District Council as part of their private finance initiative to provide for new affordable homes throughout the district. The Council's Housing Services Section has raised no objection to the scheme subject to provision in accordance with Policy H2. The application has, therefore, been recommended for permission subject to a condition retaining the units as affordable in perpetuity.

Wessex Water have been consulted on the application, and have raised no objections subject to confirmation of details of sewer connections and water supply. They have pointed out that although the developer has proposed of disposing of surface water to existing facilities, there are no public sewers to connect to, so a condition has been attached to address this. An informative has also been attached as regards obtaining agreement for points of connection onto Wessex Water apparatus.

The application was also supported by a Protected Species Report, as the site has become semi-naturalised. The report has recommended that a series of recommendations should be observed, including wildlife friendly landscaping, avoiding nesting birds, and undertaking a reptile survey. English Heritage are satisfied that the proposal raises no objections subject to the undertaking of these recommendations. Consequently, these have been suggested as conditions.

CONCLUSION

This is an outline application with all matters for consideration at the reserved stage. Subject to the suggested conditions and the proposal is considered acceptable and in accordance with the Development Plan.

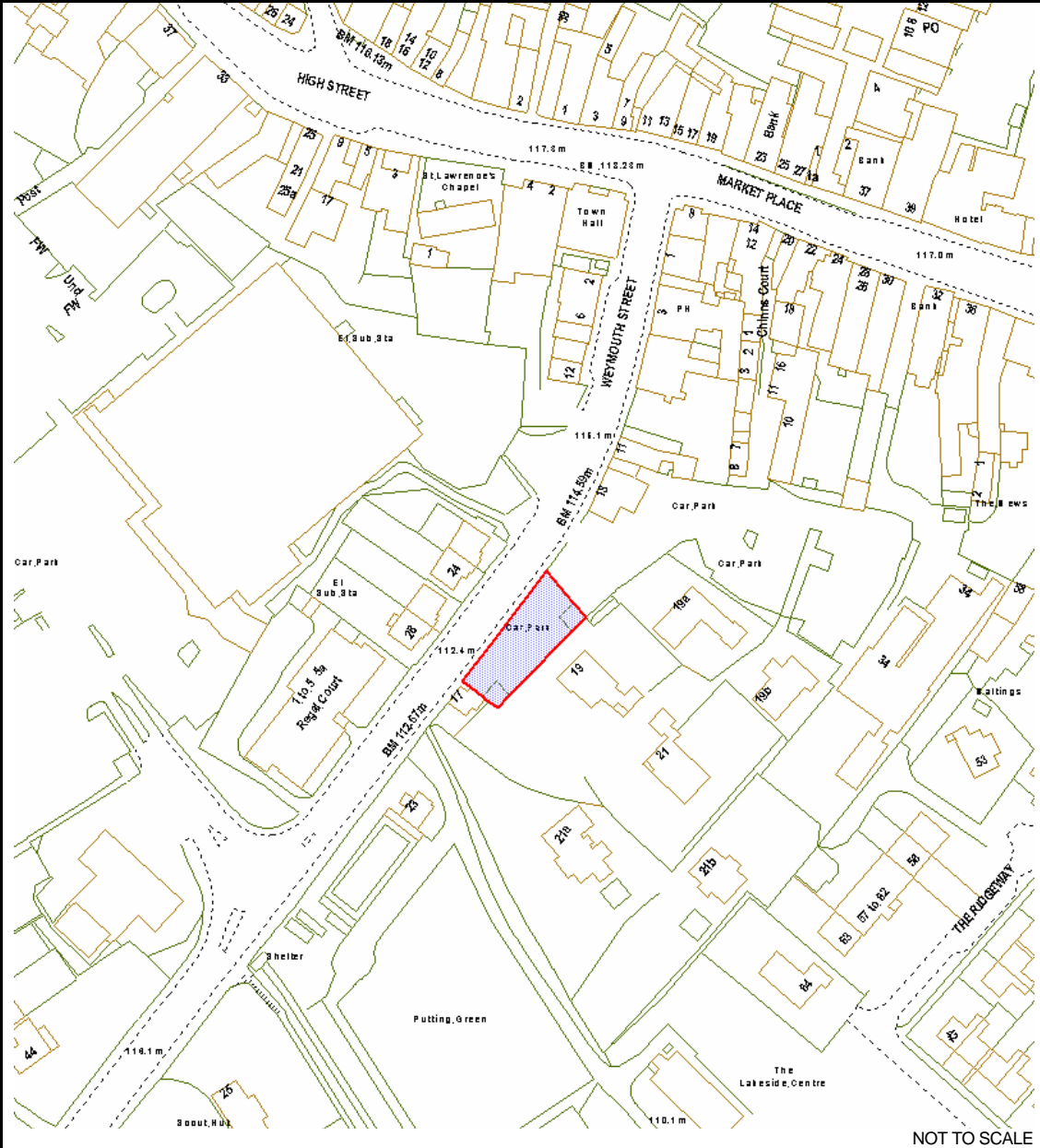
PLANNING COMMITTEE

29 March 2007

ITEM NO: 10

APPLICATION NO: 06/03561/OUT

LOCATION: Weymouth Street Car Park Weymouth Street
Warminster Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

10 Application: 06/03561/OUT

**Site Address: Weymouth Street Car Park Weymouth Street Warminster
Wiltshire**

Parish: Warminster Ward: Warminster East
Grid Reference 387402 144972
Application Type: Outline Plan
Development: New development of 7 new flats and 7 car parking spaces
Applicant Details: West Wiltshire District Council
Bradley Road Trowbridge Wiltshire BA14 0RD
Agent Details: Quattro Design Architects Ltd
1 Great George Street Bristol BS1 5RR
Case Officer: Mrs Rosie MacGregor
Date Received: 16.11.2006 Expiry Date: 11.01.2007

JUSTIFICATION REASON:

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

RECOMMENDATION:

The Development Control Manager be authorised to grant planning permission on completion of a Section 106 Legal Agreement to secure a financial contribution towards the Warminster town cycle network and the Warminster Integrated Transport Improvements Scheme.

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 begin either before the expiration of three 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, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 4 Prior to the commencement of the development a schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority. The work shall be carried out in accordance with the approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.
- 5 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.
- 6 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.
- 7 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.
- 8 The first submission of reserved matters shall include a full tree survey, arboricultural implications study and, where necessary, an arboricultural method statement, taking account of the trees on the adjoining sites.
- REASON: In order that the Local Planning Authority may be satisfied that consideration has been given to the potential impact of the development on trees of value that are protected by a Tree Preservation Order.
- POLICY: West Wiltshire District Plan - 1st Alteration June 2004 Policy C32 and C40.
- 9 This permission does not grant consent for any pruning works to the trees in the adjoining garden which may overhang the site and which are protected by a Tree Preservation Order. Any such works to prune overhanging branches shall be subject to a separate Tree Works Application prior to any development commencing on site.
- REASON: For the avoidance of doubt and in order to protect these trees of value.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy C32.

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

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

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

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

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

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

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy C37.

- 12 The area allocated for the parking of vehicles shall be kept clear of obstruction and shall not be used for any other purpose other than for the parking of vehicles in connection with the development hereby approved.

REASON: In the interests of amenity and highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

- 13 Any gate acting as a means of enclosure to the car parking area shall be located no closer than 4.5 metres from the back edge of the footway and shall only slide or open inwards away from the highway.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

- 14 The driveway between the edge of the carriageway and the car parking area shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

- 15 The gradient of the access for the first 4.5 metres from the back edge of footway shall not exceed 1 in 15.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

16 The existing vehicular accesses shall be stopped up and their use permanently abandoned and the footway reinstated prior to the first occupation of the dwellings hereby approved.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

17 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 be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the approved details prior to the first occupation of the dwellings.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

18 A properly consolidated and surfaced area for the turning of vehicles shall be incorporated into the development in accordance with plans which shall have first been submitted to and approved by the Local Planning Authority. The works shall be completed to the satisfaction of the Local Planning Authority prior to the first occupation of the dwellings hereby approved. Such turning area shall be kept clear of obstructions at all times.

REASON: In the interests of highway safety to ensure that vehicles leaving the site only do so in a forward gear.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

19 Provision shall be made on site for the secure storage of one bicycle for each unit of accommodation prior to the first occupation of the dwellings hereby approved and in accordance with details that shall be submitted to and approved in writing by the local planning authority.

REASON: In the interests of sustainable development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy H1.

20 The development hereby permitted shall not commence on site until a scheme of noise attenuation works has been submitted to and approved in writing by the local planning authority and the buildings shall not be occupied until such time as the works have been completed in accordance with the approved details. The buildings shall be designed to achieve the following levels: -

Living Rooms 35dB LAeq, 0700 - 2300

Bedrooms 30dB LAeq, 2300 - 0800 and also 45dB LAmax, fast, 2300 - 0700.

REASON: In order to safeguard the amenities of the future occupiers of the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policies C36 and C38.

21 The development hereby permitted shall not commence on site until a scheme by which habitable rooms may be ventilated whilst maintaining the acoustic integrity of the façade has been submitted to and approved in writing by the local planning authority and the buildings shall not be occupied until such time as the works have been completed in accordance with the approved details. The options for achieving this include: acoustic trickle vents, wall ventilation systems and a whole house natural ventilation system.

REASON: In the interests of the amenity of residents.

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

- 22 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. The work shall be carried out strictly in accordance with the approved details

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

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

- 23 The development hereby permitted shall not be occupied until the sewage disposal works proposed as part of the development scheme have been completed in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved details.

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

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

Note(s) to Applicant:

- 1 You are advised that the application states that the developer has proposed to dispose of surface water to "existing." Wessex Water has advised that there are no existing public surface water sewers in the vicinity of the site. You should therefore investigate alternative methods for the satisfactory disposal of surface water from the site (eg soakaways). Surface water should not be discharged to the foul sewer. The local planning authority will need to be satisfied with any suitable arrangement for the disposal of surface water.
- 2 Please note the proposed development is within a Source Protection Zone and any surface water discharge will need to be inline with the Environment Agency guidelines.
- 3 You are advised that trees which are the subject of a Tree Preservation Order overhang the site and that if it becomes necessary to carry out any pruning of those parts overhanging the site this should not be done without the consent of the local planning authority.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee for two reasons. Firstly, the applicant is the District Council as part of its affordable housing programme under the Private Finance Initiative, and secondly, because Town Council objects to the proposal contrary to your Planning Officers recommendation.

This is an outline application for the erection of 7 new flats and 7 car parking spaces on a site of approximately 0.03 hectares.

The site is located on the southeast side of Weymouth Street, to the south of the High Street. There is a mix of commercial (including shops and offices) and residential properties in this area.

The site itself is currently used as a public car park operated by the District Council close to the town centre. It is for the most part covered with a hard paved surface. There is a low concrete block wall on the frontage with two vehicular entry points and retaining walls on the other three sides. There are two planting areas in each of the two rear corners, each of which contains a small tree and shrubs. The site slopes gently to the south-west and there are a number of trees, including some which are the subject of a Tree Preservation Order, on the adjoining land but some of the canopies over hang the site.

Although detailed illustrative information has been submitted on the siting of and access to the proposed development has been submitted to support the proposal, the application is in outline form only, with all matters formally reserved for subsequent approval.

The indicative layout provides for a three storey building comprising 7 parking spaces and one flat at ground floor level, and three flats on each of the upper two storeys.

The application is supported by a Design and Access Statement, an Affordable Housing PFI Site Planning Brief, an Assessment of Environmental Noise, an Environmental Desk Top Study, and a Car Park Study.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Objects to the proposal as inappropriate development and causing a loss of amenity to other residents.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: 'The principle of development for residential purposes on this site has already been established by our preliminary observations dated 14 November 2005 - albeit that that was for four units of accommodation, whereas this is a proposal for seven units. I note that this is an outline planning application.

The site appears to be underused and there is a larger public car park adjoining the site which at the time of two site visits also had vacant spaces; the parking study submitted with the application is noted.

As the dwellings are intended as affordable units and are located within the town centre, I would not be too concerned if the full ratio of one car parking space per unit could not be reached. This should in fact be an extremely sustainable site in terms of accessibility to many alternative forms of transport other than the private car. I also say this in consideration of the car parking layout which shows that there is potentially a difficulty in the positioning of the sliding gate. There needs to be sufficient clearance between any gate and the back edge of the footway; this is to ensure that a vehicle is not parked over the footway or carriageway whilst waiting for the gate to open, thus having to require pedestrians to step out into the carriageway to pass the waiting vehicle or halting the free flow of traffic on the major access road. In addition, there is a traffic island with an uncontrolled pedestrian crossing facility and the free flow of traffic would be compromised as vehicles would be parked waiting to gain access into the site and the island would prevent any overtaking of waiting vehicles. The best option seems to be to remove the gate from this scheme. This can be discussed on any detailed scheme to be submitted in due course.

It is a requirement that any detailed design which is submitted will provide for turning facilities within the site so that vehicles will not have to reverse out onto the major road in any circumstances. The turning facility can be incorporated into the central access aisle within the car parking area.

It is noted in the supporting planning statement that provision is intended to be made for 4 cycles but it is recommended that the consent should be conditioned to provide secure cycle parking facilities for 7 cycles, one per unit. Indeed, the additional access statement dated 16 November 2006 states that dwellings will have secure storage for bicycles. The external cycle parking spaces would be unacceptable as they would unlikely be used for the parking of bicycles as they could be subject to theft and vandalism. The external storage areas need to be of sufficient size and depth to accommodate cycles.

As this is a sustainable site and cycling features in the sustainability argument, there is justification in seeking a contribution towards the Warminster town cycle network as has been requested on other developments within the town. As these are flats and intended as affordable units, it is requested that the contribution level sought would be £500 per unit.

In addition, our preliminary response on the original PFI residential development potential of the site suggested that there should be two car parking spaces per unit. It is acknowledged that the parking is and can be further reduced for the above reasons but as residents will heavily depend upon good pedestrian access to the town centre and its facilities, a contribution to the Warminster Integrated Transport Improvements Scheme is requested and this again at a ratio of £500 per unit. As you know, the work is being undertaken by us with an input from your council and it would be right that the scheme is extended to provide improvements on the footways leading from this site to the town centre.'

There is no objection to permission subject to conditions.

- ENVIRONMENT AGENCY: No comment to make.
- WESSEX WATER: No objection in principle.

INTERNAL WWDC CONSULTATIONS

- PFI PROJECT MANAGER: This application forms part of the Council's private finance initiative (PFI) scheme to provide at least 400 much needed affordable homes throughout the district. The proposal has been developed following pre-planning consultation and based on appropriate professional advice.

Public consultation has been carried out, in accordance with the Statement of Community Involvement, on all 18 areas of Council owned land that have been identified as being potentially suitable for the provision of affordable housing. This was in addition to and separate from the normal planning consultation. It ran for 12 weeks until 15 October 2006 and included:

- * five community area drop-in sessions,
- * an interactive webpage, and
- * a display of architect's drawings in reception.

Local people's views were sought on the Council's proposals for the sites, including how to integrate new developments within existing communities and what facilities are needed locally. By the end of the consultation period, approximately 650 responses had been received, including comments forms, letters, e-mails and petitions.

A total of 18 responses were received for Weymouth Street Car Park. All respondents indicated that they were against the proposal for the land. It should be noted that:

- * some people responded more than once,
- * responses were not based on the detail of the planning application,
- * might not be for planning reasons, and
- * could be double counted with planning consultation responses.

- PLANNING POLICY OFFICER: 'Key Issues: The proposal seeks to develop a District Council owned public car park for affordable housing. The proposal site is located centrally within Warminster Town Centre (within the identified commercial area boundary). The proposal site forms part of the Market Place/East Street brownfield mixed use allocation (Policy H4H). The proposal forms part of the wider District Council affordable housing PFI project.

Principle of Development

The site is centrally located within Warminster and is highly accessible in terms of public transport and alternative transport modes (particular for pedestrians). This is an extremely sustainable location for housing. The provision of affordable housing on this site will positively contribute the overall mix of uses within the town centre. The site's high level of accessibility is a particular positive in terms of reducing the negative impacts of climate change through the encouragement of more sustainable travel patterns.

The site forms part of the wider Policy H4H allocation, which seeks to provide a mix of uses across the allocation area. A development brief has been produced for the allocation but is non-specific about the types of uses appropriate for this location. Based on the policy and the development brief I consider that the redevelopment of this site for affordable housing would be appropriate.

Displacement of Public Parking Provision

This is the critical issue in determining this application. I note the contents of the parking study produced in support of the application. I also refer to the recent Annual Monitoring Report for 2005 - 2006, which includes base information on the levels of public off-street parking provision across the district.

The proposal will result in the loss of 19 short stay (2 hours) parking spaces, which are specifically related to providing parking provision for the town centre various uses. Analysis of provision within the town centre indicates that there is an existing over-provision of short stay parking stock. Within the Weymouth Street/Market Place/East Street locality, the Chinns Court car park provides 41 short stay (2 hours) spaces. It is also noted that the adjoining Morrison's supermarket provides extensive free parking for customers. Consequently, the loss of 19 short stay spaces at this location will have no impact upon either the local or overall short stay parking provision within the town centre. Indeed, the reduction in provision is more likely to provide a positive contribution towards a more balanced level of parking provision making a positive contribution towards encouraging more sustainable travel patterns.

On-Site Parking Provision

Given the site's central location, in relation to service, amenities and sustainable transport options, the relatively low level of parking provision of 1 space per unit is considered to be highly appropriate.

Conclusions:

The proposal makes a positive contribution towards the development of a sustainable community within the centre of Warminster. This is a highly accessible location, which is already allocated for a mix of uses, including residential uses. The redevelopment of this site for affordable housing is welcomed.

The loss of off-street short stay public parking provision at this location will not have a negative impact upon the town centre environment. Analysis of existing provision clearly shows that there is an overall over-provision of short stay spaces within the town centre. Indeed, if anything, the loss of spaces will result in an improved balance of provision helping to encourage more sustainable travel patterns, which will help offset the negative impacts of climate change.

Policy Recommendations: Acceptable in policy terms.'

- AFFORDABLE HOUSING MANAGER: 'There is a demonstrable need for affordable housing in Warminster, with the current priority need being in the region of 306 households. The proposed mix of units also meets the current need.'

The application is being made by West Wiltshire District Council and it is therefore assumed that the proposal is for 100% affordable housing as part of the PFI scheme. As such the application is supported.

- LANDSCAPE OFFICER: 'There are significant concerns over light related issues at the rear of this block of flats. It appears that the large trees at the top of the retaining wall to the southeast of the site have been overlooked during the planning of this site. It is important these trees are recognised as a major off-site constraint.'

When the layouts are submitted, it is important that no windows are included in the south-eastern elevation. This will reduce the threat to fell trees because of light related issues. All main living rooms must be located in the south-western elevation, which will further remove any potential threat to these trees.

It is important that conditions are applied if consent is granted.'

- ENVIRONMENTAL HEALTH OFFICER: An assessment of noise has been carried out and shows that the site is subject to significant levels of ambient noise, particularly from traffic. Measures will need to be taken in order to ensure that any future occupants are less likely to be affected by traffic noise.

Conditions to mitigate the impact of noise are recommended.

- SCIENTIFIC OFFICER: No objection subject to a condition to require a survey and remediation works. Our records indicate that the site has a history of use for a potentially contaminative use of land, the storage and decanting of vehicle fuels, also for vehicle servicing. The site is located in an environmentally sensitive situation, being located over a major aquifer and within the inner source protection zone for Warminster's potable water abstraction.

This department considers that the use of the site has the potential to have resulted in a variety of contaminants in the groundmass of the site.

PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement, and neighbours were notified to which there has been one response.

The occupier of a neighbouring dwelling objects for the following reasons: -

- There is no indication of internal layout or elevational views;
- Loss of privacy;
- Impact on/of trees;
- Protection of existing trees;
- Impact on structural integrity of retaining walls;
- Loss of parking and impact on highway and other residents as a result.

RELEVANT PLANNING POLICY

RPG10/RSS10 Regional Planning Guidance for the south west

Wiltshire Structure Plan 2016

- DP3 Development Strategy
- DP7 Housing in Towns and Main Settlements
- DP8 Affordable housing
- DP9 Previously developed land

West Wiltshire District Plan - 1st Alteration 2004

- H4H Land at Market Place/East Street Warminster
- H1 Further Housing Development within towns
- H2 Affordable Housing within Towns and Villages
- H24 New Housing Design
- C4 Landscape setting
- C36 Noise
- C37 Contaminated land
- C38 Nuisance
- C31a Design
- T10 Car parking

Supplementary Planning Guidance - Residential Design Guide

- PPS1 Delivering Sustainable Development
- PPS3 Housing - to be implemented in April 2007
- PPG13 Transport

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The key issues raised by this application are: -

- The principle of residential development including density;
- Design and amenity considerations;
- Highway and access considerations;
- The loss of car parking space;
- Other matters
- Contributions.

PLANNING OFFICER COMMENTS

This application forms part of the Council's Private Finance Initiative to provide affordable homes throughout the district.

This application if approved, would contribute 7 of these dwellings in a sustainable town centre location and on a site which would not otherwise require any contribution towards affordable housing.

Even though this proposal would deliver 100% affordable housing, it is important that the application is considered within the same policy framework as any other housing development. It can be recommended only if it accords with the criteria set out within the relevant policies.

Principle of Residential Development

This site is located within the town boundary limits for Warminster, close to the town centre where the principle of residential development is acceptable subject to compliance with detailed criteria as set out in Policy H1 of the West Wiltshire District Plan - 1st Alteration 2004. These criteria include the siting, layout and design considerations being satisfactory and in-keeping with the character of the area; the development not resulting in the loss of an open area important for recreation and amenity reasons; and the development providing safe and convenient connection to the existing pedestrian network and the highway.

Although all details are reserved for subsequent approval, the proposed siting and layout, fronting onto the highway reflect the general character and pattern of development within this part of Warminster.

The density is clearly high but this is a town centre development of flats where it is not unusual for such developments to be at significantly higher densities than other forms of housing. More important is the fact that the proposal would provide affordable housing without detriment to interests of acknowledged importance on a site in a sustainable location close to a town centre.

Given the emerging advice contained within PPS3, and the lack of any problems in accommodating a high density in this town centre location, no objection can be raised to the amount of development proposed.

Design and Amenity Considerations

Since this application is in outline form only, full design details can only be determined at the reserved matters stage. However on the basis of the illustrative layout, the scheme would appear to meet those general principles and guidelines laid down in Council Policies H24 and C31a and its Residential Design Guide.

In terms of amenity and the direct impact of the development on existing properties the dwelling likely to be most directly affected is immediately adjoining the site to the south east. This is a single storey dwelling with a window to a habitable room, a bedroom, on its north western elevation approximately 6 metres from the boundary with the application site. The window is already well screened by the existing landscaping, trees and shrubs. In addition the ground on which the dwelling is built is at a higher level than the application site.

Although it is acknowledged that there will be some small loss of amenity to the occupiers of this neighbouring dwelling, it would not be so significant as to justify a refusal of the application. The detailed design, location and alignment of windows to avoid any direct overlooking and loss of privacy will be considered as part of the Approval of Reserved Matters application.

The highway in front of the proposed flats is of a sufficient width so as to prevent any loss of amenity to the occupiers of dwellings on the opposite side of the road.

It is considered that a small block of flats in this location would be in character with the area which comprises a mix of single storey dwellings, two and three storey town houses and two large four storey blocks of sheltered housing.

Highways and Access Considerations

The development provides for a total of 7 spaces to serve 7 dwellings, a ratio of 1 space per dwelling.

It is government guidance that developers should not be required to provide more parking than they, or potential occupiers might require, nor to provide off-street parking where there is no need, particularly in urban areas where public transport is available.

PPG13 includes a section on car parking and at paragraph 51 makes it clear that levels of parking should promote sustainable transport choice and that developers should not be required to provide more spaces than they themselves wish other than in exceptional circumstances, such as where there are significant implications for road safety. That would not be the case in this instance and the Highway Authority has no objection on highway safety grounds.

Furthermore, this is a sustainable location within walking distance of a range of town centre facilities including a wide range of shops, banks, restaurants and public houses, with employment opportunities and schools close by.

Bicycle racks are indicated on the plan to the rear of the car parking and the detail of these, together with the exact number and location to avoid theft and vandalism will be considered as part of the application for Approval of Reserved Matters.

The applicant has agreed to a financial contribution towards public transport initiatives in the area and to the Warminster town cycle network.

The loss of Car Parking Space

The site is currently used as a short stay car park with a total of 19 car parking spaces. The loss of this parking provision is a material consideration but there are other car parks within close proximity and equally close to town centre facilities.

Furthermore, it is acknowledged that there is an overall over-provision of short stay spaces within the town centre and that the loss of these 19 spaces may well improve the balance of provision and encourage more sustainable methods of travel.

Other Matters

Some of the trees on the adjoining site are the subject of a Tree Preservation Order, but these are located on significantly higher ground although some do overhang the site. These will be a constraint to the future development of the site.

However, the detail will be considered and the site designed in such a way so as to prevent any harm or damage to the trees and mitigate against any nuisance that might occur to future occupiers as part of the Reserved matters application and the trees can be protected by condition.

The neighbour has expressed concerns about the potential for damage to their retaining wall during building operations. Any such damage would be the responsibility of the developer. Furthermore, the retaining wall is clearly separated from the proposed development as shown on the indicative plan, and the foundations can be designed in such a way as to mitigate any damage from occurring.

The site is previously developed land and as such there is a likelihood of contamination as a result of previous uses of the site. This is not unusual and the need for a survey and any remediation works can be controlled by condition.

This is a town centre site located on one of the main roads leading into the town and as such noise is a material consideration. It will be possible to mitigate the impact of any nuisance through design details and methods of sound insulation when a detailed scheme is considered and this can be controlled by condition.

Contributions/Planning Obligations

Highways

The proposal offers an initiative to secure funding for public transport and for cycling. The applicant has agreed to a Legal Agreement to secure £1,000 per unit, comprising £500 towards the Warminster Integrated Transport Improvements Scheme and £500 towards the Warminster town cycle network. This is supported.

Public Open Space

A development of only seven dwellings would not generate a financial contribution towards open space.

Affordable Housing

A development of this scale within the built-up area would not normally require a contribution for affordable housing, this development, by its nature, would provide a 100% contribution. It is not considered necessary, nor is it a requirement of policy for this to be controlled by a legal agreement.

CONCLUSION

The general principle of the development of 7 affordable dwellings on a sustainable town centre site would be a desirable, efficient and appropriate use of land in accordance with the Council's adopted policy framework.

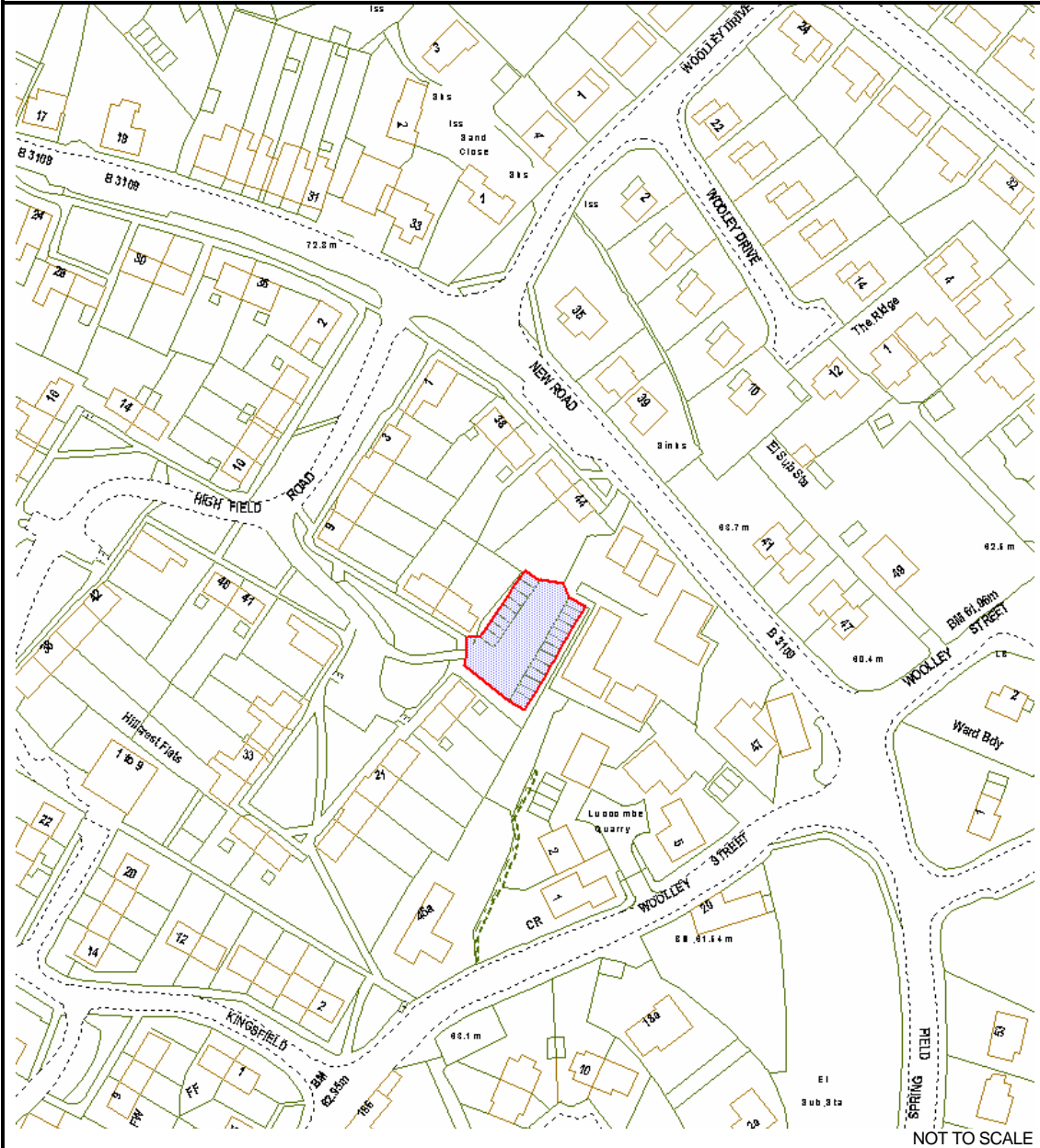
PLANNING COMMITTEE

29 March 2007

ITEM NO: 11

APPLICATION NO: 07/00400/OUT

LOCATION: Garage Block Adjacent To 13 Highfield Road
Bradford On Avon Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

11 Application: 07/00400/OUT

Site Address: Garage Block Adjacent To 13 Highfield Road Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 383114 161178
Application Type: Outline Plan
Development: Residential development (outline) for the erection of three no. 2 bedroom dwellings (resubmission of 06/03340/OUT)
Applicant Details: West Wiltshire Housing Society
C/o Willis And Co 30 The Causeway Chippenham Wiltshire SN15 3DB
Agent Details: Willis & Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Mark Reynolds
Date Received: 05.02.2007 Expiry Date: 02.04.2007

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 either before the expiration of three 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, whichever is the later.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters (scale, appearance and landscaping) 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 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 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 The access and driveway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

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

- 8 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.

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

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

- 10 The approval of drawing no: 1748/01/A/B relates only to the siting of the dwellings whilst the elevational details are purely illustrative.

REASON: In order to define the terms of the permission.

POLICY: H1 of West Wiltshire District Plan 1st Alteration 2004.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an outline planning application for three no.2 bed dwellings on an existing garage block at land adjacent to 13 Highfield Road, Bradford on Avon. It forms part of the Private Finance Initiative Scheme.

Siting and means of access are being sought at the present time whilst scale, appearance and landscaping are reserved matters. The indicative layout shows a terrace of 3 dwellings on two storeys, each with a garden to the rear and parking to the front. The proposed dwellings would have two car parking spaces per dwelling.

The application site currently contains two rows of garages comprising 21 garages and an area of hardstanding. The site has one access off Highfield Road which is located in the south west corner of the site. It is located within a residential area and the neighbouring properties are primarily terraced two storey dwellings constructed in reconstituted stone with concrete tiled roofs.

A previous application for a similar proposal was refused planning permission for the following reason:

The proposed dwellings would by reason of their size and siting behind No.13 Highfield Road in close proximity to the western boundary with this property result in a loss of neighbouring amenity for the occupants of No.13 Highfield Road contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

The Town Council recommends refusal until further consultation has taken place, particularly regarding the provision of off road parking spaces and until a satisfactory detailed application is submitted.

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

No objections subject to conditions.

WESSEX WATER

No objections raised

INTERNAL CONSULTEES

PLANNING POLICY

Acceptable in policy terms, this is a thoroughly sustainable proposal that makes good use of previously developed land.

HOUSING SERVICES

Commented previously: 'I can confirm that there is a demonstrable need for affordable housing in Bradford on Avon, with the current priority need being in the region of 195 households. The proposed mix of units also meets the current need'

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties and by a site notice. No comments were received.

PLANNING POLICY

RPG10/RSS10 - Regional Guidance for the south west

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable development

DP7 - New housing in towns and main settlements

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further housing development within towns

H24 - New housing design

C31a - Design

C38 - Nuisance

T10 - Car parking

Supplementary Planning Guidance - Residential Design

PPS1 - Delivering sustainable development

PPS3 - Housing to be implemented in April 2007

RELEVANT PLANNING HISTORY

06/03340/OUT - Three No.2 bedroom dwellings - Refusal 28.12.06

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of policy, highway safety and impact on neighbouring amenity. In particular it is important to consider whether the previous reason for refusal has been overcome.

PLANNING OFFICER COMMENTS

The previous application was refused planning permission for the following reason;

The proposed dwellings would by reason of their size and siting behind No.13 Highfield Road in close proximity to the western boundary with this property result in a loss of neighbouring amenity for the occupants of No.13 Highfield Road contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

This proposal has been revised to move the siting of the proposed dwelling forward to the south west. Previously the dwellings were to be located entirely behind No.13 Highfield Road. The revised siting projects only approximately 3.8m to the rear of this neighbouring property. This would be an acceptable location and would have a much reduced impact upon the amenities of No.13 Highfield Road. The previous reason for refusal is therefore considered to have been overcome by this revised proposal.

The application site is located within the town policy limit for Bradford on Avon where further residential development will be permitted subject to a number of criteria.

In this case the proposal is for three dwellings. The proposal makes an efficient use of land calculated at approximately 50 dwellings per hectare. The indicative plans demonstrate a terraced form of development could be achieved on site which would be in keeping with the general format of surrounding dwellings.

The proposal raises further issues regarding neighbouring amenity. There is a development to the east of the site which is on land that is lowered below the application site. The amenities of these properties would not however be harmed by this proposal.

The proposal raises issues regarding highway safety. The proposal makes provision for two spaces per dwelling. The Highway Authority are content that the proposal is acceptable in highway safety terms and subject to conditions that permission may be granted. Although the proposal involves the removal of existing garaging only three of these are occupied by local West Wiltshire Housing Association tenants. In this case no highway safety reasons for refusal were forwarded by the highway authority and their views are supported in this case.

The Town Council have objected on the basis that the application is not sufficiently detailed. This is however an outline application and must be considered as such and the details of the scale, appearance and landscaping would be required in the form of the submission of reserved matters following the granting of outline planning permission. The submitted elevational drawings should be regarded as purely illustrative.

CONCLUSION

The general principle of the development of 3 affordable dwellings on a sustainable town centre site would be a desirable, efficient and appropriate use of land in accordance with the Council's adopted policy framework.

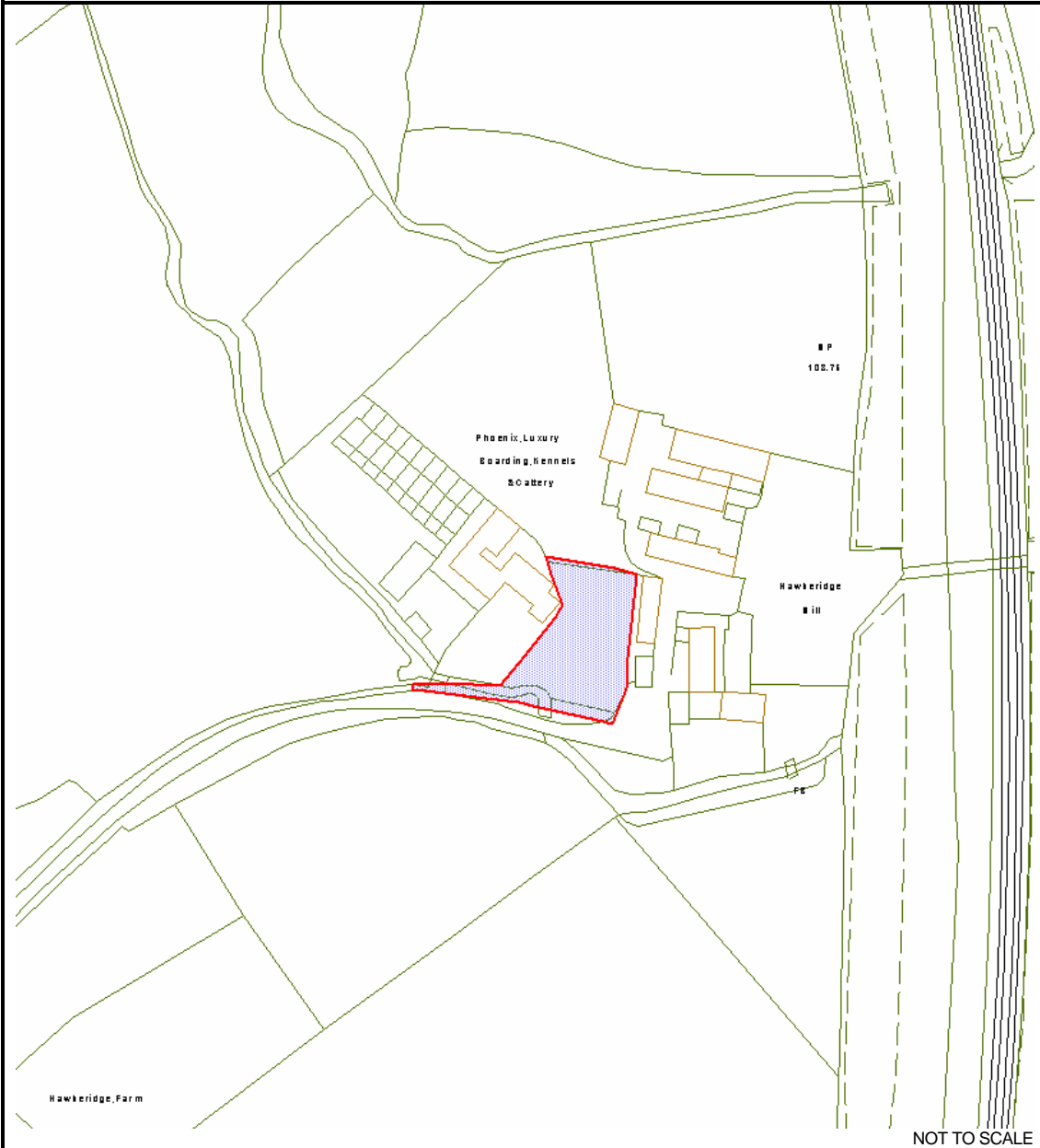
PLANNING COMMITTEE

29 March 2007

ITEM NO: 12

APPLICATION NO: 06/02993/FUL

LOCATION: Land Adjacent To Hawkeridge Mill Mill Lane
Heywood Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

12 Application: 06/02993/FUL

Site Address: Land Adjacent To Hawkeridge Mill Mill Lane Heywood Wiltshire

Parish: Heywood

Ward: Ethandune

Grid Reference 386659 153400

Application Type: Full Plan

Development: Hard standing storage area for storing scaffold tubes and fittings. No buildings changed

Applicant Details: Mr G Lund
Hawkeridge Mill Mill Lane Hawkeridge Westbury BA13 4LD

Agent Details:

Case Officer: Mr David Cox

Date Received: 02.10.2006

Expiry Date: 27.11.2006

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 hardstanding area used for the storing a scaffold tubes and fittings shall only have temporary planning permission for the period of 1 year. At the end of this year, the land will revert to its original condition.

REASON: In order to assess the impact of the proposal and the proposed operating hours on the amenity of nearby residential properties.

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

- 2 The loading and unloading of scaffolding poles and scaffolding fittings from this site shall not be used outside of the operating hours of 0730 to 1700 Monday to Friday and 0830 to 1300 Saturdays. The site shall not be used on Sundays or Bank Holidays.

REASON: In order to protect the amenity of nearby residential properties.

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

- 3 The area of hardstanding shall be used only for the storage of scaffolding poles and scaffolding fittings. The area shall not be used for the storage of any other materials.

REASON: In the interests of neighbouring amenity and the appearance of the Countryside.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C1 and C38.

- 4 The storage of scaffolding poles and scaffolding fittings shall not exceed a height of 2 metres.

REASON: In the interests of neighbouring amenity and the appearance of the Countryside.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C1 and C38

- 5 There shall be no change to the existing hardstanding surface material and levels or its surface water drainage arrangements without the prior approval of the Local Planning Authority.

REASON: To ensure that flood risk is not increased elsewhere as a result of the change of use of the land.

- 6 A strip of land 8.0 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

REASON: To preserve access to the watercourse for maintenance and improvement.

- 7 Details of the layout of the site shall be submitted to the Local Planning Authority for written approval showing the areas allocated for parking and manoeuvring of vehicles and the area set aside for scaffolding storage. Details of which shall be submitted to and approved in writing 2 months from the date of this permission. These approved works shall be implemented within 2 months from the date of these approved details.

REASON: In the interests of Highway Safety.

- 8 The site shall only be accessed for the purpose of loading and unloading scaffolding poles and scaffolding fittings by 5 vehicles. Full details of each vehicle shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of neighbouring amenity and Highway Safety.

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

Note(s) to Applicant:

- 1 Under the terms of the Water Resource Act 1991 and the Land Drainage Bylaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of the Bitham brook, designated a 'main river'.
- 2 Under the Water Resources Act 1991 and the Land Drainage Act 1991 both the Environment Agency and Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for general maintenance of the watercourses and their banks, rest with riparian owners.
- 3 The applicant is advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
- 4 The applicant is advised that as the site is considered to fall within the flood risk zone of the adjacent river, and may be prone to flooding during more extreme conditions in the river. Further information can be obtained from the Environment Agency's Flood Defence section (Tel 01278 484561).

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Heywood Parish Council objects and your Officers recommend permission.

This is an application for a hard standing area for the storage and distribution of scaffold tubes and fittings (B8 land use) at land adjacent Hawkeridge Mill, Mill Lane, Heywood. It is a retrospective application in that the proposed use has been in operation for approximately one year.

This is a triangular piece of land located next to a complex of buildings of Hawkeridge Mill comprising of the main house and agricultural buildings. The application site is surrounded by a mixture of uses including residential properties and a kennel/cattery. A private road serves Hawkeridge Mill, which is coincidental with a public right of way.

This triangular piece of land has been laid with hardstanding and is also immediately adjacent to the car park of the Phoenix Kennels complex. The application site was previously laid to grass and is adjacent to two buildings now within the blue line of the location plan, which were used as an office and dog kennel. This was ascertained in application 02/01284/FUL. This suggests that the dogs of this kennel previously used this field.

There are no laid out parking areas or signed areas for where the scaffolding poles should be stored.

A flood risk assessment was submitted by the applicant and submitted to the Environment Agency.

The applicant has stated that the site has been in use for approximately 1 year and that the site is used between 0730 and 1730 weekdays, 0730 to 1730 Saturdays (occasionally).

During this time the Council's Environmental Health Department has received no complaints.

CONSULTATION REPLIES:

HEYWOOD PARISH COUNCIL

Objection:

"1. We query the accuracy of Certificate A of the application in respect of the application site edged in red on the location plan, (see the location plan attraction to a previous application number 05/01588).

2. The adopted highway (Mill Lane) ends approximately 100 metres Northeast of Hawkeridge Farm. The track from that point to the application site is unadopted and the extent of vehicular rights is unknown to us. Mill Lane and its junction with the B3007 are not suitable to serve as access to a scaffolding contractor's yard with the goods vehicles needed to service it.

3. The EA's flood risk map indicates that the site is liable to flooding and substantial flood alleviation works were carried out some years ago. It is not clear from the application how access to the site is to be obtained and, in any event we are anxious that this latter should not interfere with the flood alleviation works. There is also the issue of protection the watercourse from pollution arising out of the use of the site - (A Public Notice in the Wiltshire Times newspaper dated 27 October 2006 indicates that the proposed use of the application site includes an operating centre for 5 goods vehicles of Scaffolding Service UK Ltd).

4. We are not concerned this site will unacceptably impact on the on the residential amenity of the dwellings at Hawkeridge Mill. We believe the proposed use would be more appropriate sited within the nearby West Wilts Trading Estate where we understand that there are available sites."

STATUTORY CONSULTATIONS:

ENVIRONMENTAL HEALTH

No objection subject to the imposition of a condition requiring opening hours of 0730-1700hrs
Mon-Fri
Saturdays -0830 - 1300, no loading on Saturdays
No working Sundays and Bank Holidays.

ENVIRONMENT AGENCY

No objection subject to conditions and informatives.

HIGHWAY AUTHORITY

No objection

The increased use of Mill Lane will not be significant compared with the existing use (as per supporting information dated 28th November). The length of Mill Lane that is adopted highway is fairly straight and the privately owned length is an access to the kennels and the Hawkeridge Mill site only.

The only concern I have is how the site will accommodate the vehicles associated with this development to allow parking and manoeuvring within the site, as well as housing the scaffolding poles. Therefore I recommend that no highway objection be raised subject to condition.

WESSEX WATER

No objection.

PUBLICITY RESPONSES

Neighbours were notified of the proposal by letter and site notice and as a result two representations have been received objecting to the application:

- This is a quiet, rural and residential area
- Mill Lane is very narrow and is a dead end at the application site.
- The lane is unadopted from about half way down from the main road. The surface is of poor quality and potholes are always appearing.
- There are no turning areas and there is very limited space for vehicles to pass each other.
- Mill Lane is crossed by public footpaths from both sides.
- Concern with the flood plain and the installation of a large concrete area will extend floodplain to my property (Phoenix Luxury Kennels).
- The noise from the vehicles and the loading and unloading of poles is very loud.
- The vehicles are frequently loaded, unloaded and moved at 6.30am and on a few occasions even earlier. This causes disturbance especially as the yard is situated directly outside our home (Mill Farm Cottage).
- Directly on the other side of the A350 is the West Wilts Trading estate that is only occupied to two thirds of its capacity. It does not seem unreasonable to think that this operation could be run from what is already a designated trading estate.
- Visual intrusion from the parking of commercial vehicles and storage of equipment when viewed from neighbours property and land. Such a business is an eyesore in a rural and residential environment.
- Who will be responsible for the lane?
- Concerns of fumes on the surrounding residential properties.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

E4 - Premises Outside Employment Policy Areas

C31a - Design

C38 - Nuisance

U3 - Flooding

Department of CLOG Circular 11/95 - Use of Conditions

RELEVANT PLANNING HISTORY

03/0009/REF - Appeal on 02/01284/FUL - Dismissed.

02/01284/FUL - Conversion and extension of building to form dwelling - Refused - 24.12.2002

01/01963/FUL - Conversion and extension of buildings to form a dwelling - Refused - 31.01.2002

00/01132/FUL - Conversion to a dwelling - Refused - 30.07.2001

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Suitable use for the Area:

Policy E4 of the District Plan requires new employment sites outside defined employment policy areas will be permitted provided the development does not harm the character, appearance or environment of the site and its surrounds.

The use of only 5 vehicles, the relative size of the hardstanding area and the adjoining dog kennels suggest that such a business use on this site would be acceptable.

Noise

Policy E4 of the District Plan requires new employment sites outside defined employment policy areas will be permitted provided the development does not harm the amenities enjoyed by occupiers of adjoining properties. Policy C38 also states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause, nuisance to neighbouring properties and uses.

The noise levels from loading and unloading scaffolding poles are an important consideration and consultation was made with Environmental Health. They have recommended that permission should be granted to conditions regarding the hours of operation and that temporary permission should be granted.

It is considered that the hours of operation are acceptable and if these hours are not adhered to by the applicant formal complaints can be made to the Council's Environmental Health Department. This would also jeopardise the applicant's subsequent planning application.

Paragraph 111 of Circular 11/95 enables local planning authorities to grant planning permission for a temporary period if there is the potential for a detrimental impact on neighbouring amenity. In this case, although Environmental Health have confirmed that they have received no complaints so far, your Officers consider that it would be appropriate to grant a temporary permission in order to give the development a trial run. This will enable the Council to monitor the impact of the proposal, particularly in terms of noise.

The Environmental Health Department have suggested a trial permission of 18 months however it is considered that 12 months would be a sufficient time in which to allow to see whether the proposal does cause sufficient nuisance in that time. Additionally as this is a retrospective application the hardstanding has already been laid and so the applicant does not have to carry out further capital expenditure.

Highway Safety

The Highway Authority have raised no objection to the proposal. However a condition is recommended to require the submission of further details showing the location of parking bays, turning area and size and location of the storage area. Therefore no Highway Safety issue should arise.

Flood Plain

The Environment Agency has no objection to the proposal subject to conditions. This follows the submission of a flood risk assessment by the applicant, which satisfied the original concerns of the Environment Agency. However this would be subject to conditions and informatives.

Other considerations

Neighbours have commented on concerns regarding fumes from the extra vehicles. This proposal would allow 5 vehicles to use the site throughout the day. This road already has a high usage from existing vehicles and to refusal for this relative small increase would be unreasonable.

The Parish Council's comments regarding the Certificate A cannot be supported as a reason for refusing this application. The Parish Council base this concern on the red line plan differing from the red line plan submitted with an earlier application. This cannot be supported as an argument for querying ownership. Nevertheless, ownership issues are separate from planning issues. If there is an issue of land ownership then the correct arena for this to be resolved is through dialogue between the "correct" owners (if such a party exists) and the Applicants.

The Parish Council's comments regarding the use of the West Wiltshire Trading Estate cannot be supported because each site must be examined on its own merits. The Parish Council could be correct, but there is no means of refusing an application for planning permission because another more suitable site exists elsewhere. In this case is the proposed use of scaffolding pole storage acceptable in this specific area.

The Parish Council's concerns regarding highway safety, flood alleviation are not supported by any of the statutory consultees, who are experts in these various fields.

CONCLUSION

For the above reasons the application should be granted temporary planning permission for one year at which point the applicant will have to apply for planning permission at that time.

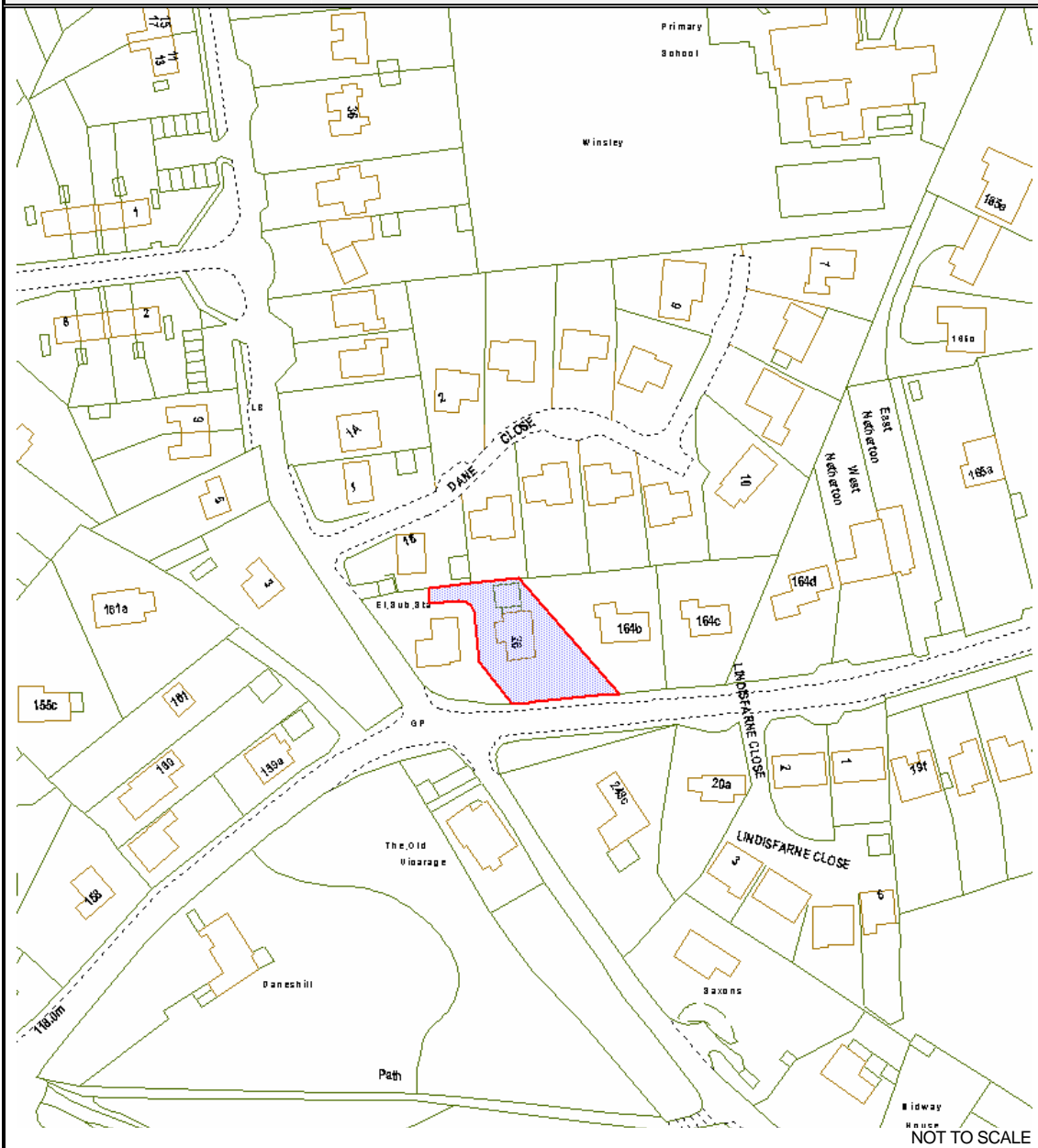
PLANNING COMMITTEE

29 March 2007

ITEM NO: 13

APPLICATION NO: 06/03316/FUL

LOCATION: 26 Dane Rise Winsley Wiltshire BA15 2NB



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

13 Application: 06/03316/FUL

Site Address: 26 Dane Rise Winsley Wiltshire BA15 2NB

Parish: Winsley Ward: Manor Vale
Grid Reference 380171 161054
Application Type: Full Plan
Development: Conservatory to rear of property
Applicant Details: Mr And Mrs Bird
26 Dane Rise Winsley Wiltshire BA15 2NB
Agent Details: J H Leekes And Sons Limited
FAO Mr Eamonn Wells Unit 1 Cardiff Road Pontyclun CF728PN
Case Officer: Mr David Cox
Date Received: 07.11.2006 Expiry Date: 02.01.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The conservatory by reason of its design, form, size, scale, location and the separation of the roof from the host building would not respect the host building and would harm the setting of the street scene. The application is therefore contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration 2004 and advice contained in the Council's Supplementary Planning Guidance - House Alterations and Extensions 2004.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because your Officers originally recommended approval but due to further consideration by senior officers the application is now recommended for refusal. Winsley Parish Council also recommends this application for refusal. The application was also not considered by the Committee of 8 March 2007 because of failure to complete the agenda.

This is an application for a side conservatory at 26 Dane Rise, Winsley. This is a residential area comprising of detached 1 1/2 storey tall buildings with boundaries set approximately 12 metres from the main Dane Rise Road. The side elevation of No 26 faces onto this road and the dwellings is set on a slight elevated position from the road. The side garden boundary with the main road is built with stone and is approximately 2 metres tall.

The plans indicate that the conservatory would measure approximately 5.5 metres wide, 4 metres deep and 2.9 metres tall sloping to 2.2 metres at eaves. The ridgeline of the conservatory would run parallel to the sidewall of the host building. Therefore there would be a degree of separation between the host building and the main roof form of the conservatory.

The conservatory would be approximately 17 metres away from the boundary of the Winsley Conservation Area, which is to the south west of the application site. However when the application site is viewed from certain sections of the conservation area there are only limited, obscured views because of walls and the difference in ground levels.

The boundary wall of the property won a design award but not for the dwellings within the site.

CONSULTATION REPLIES:

WINSLEY PARISH COUNCIL

Objection:

- The existing development of the site received awards in two categories of the District Council Design Awards Scheme. A large conservatory on the road facing elevation, wholly in front of the building line, might seem inappropriate for this prominent elevated award-winning site adjacent to the edge of the conservation area.
- The form of the roof would make the unit seem separated rather than integrated into the main building.
- The proposal would not conserve nor enhance the appearance of the building and would be detrimental to the street scene. It seems that further consideration of the site would be worthwhile.

STATUTORY CONSULTATIONS:

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C17 - Conservation Areas

C31a - Design

C38 - Nuisance

SPG - House Alterations and Extensions

PPG 15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Design and impact on the setting of the street scene:

Policy C31a of the Local Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. Supplementary Planning Guidance states that any extension should respect the host building and its setting in the street scene. In its own right the conservatory is of an appropriate size and scale in relation to the host building. However due to its design and location on the elevation facing the road its size is also a cause of concern.

The design and form of the roof with its parallel ridgeline would cause a degree of separation from the host building to an extent that would cause sufficient harm to the host building in which to merit as a reason for refusal. As the application site is in a highly prominent location and is clearly visible from Dane Rise the conservatory's size combined with its design would harm the setting of the street scene.

Conservation Area:

PPG 15 and Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of the conservation area.

Given the distance between the conservatory and the conservation area and those obscured views from the actual conservation area towards the application site, it is considered that the proposal would not have any detrimental impact on the character and appearance of the conservation area. However this does not outweigh the harm caused to the host building or its setting on the street scene.

Nuisance:

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 proposal would not cause any harm to neighbouring amenity as the conservatory would be located a sufficient distance away from either garden boundary.

CONCLUSION

The application should be refused planning permission.

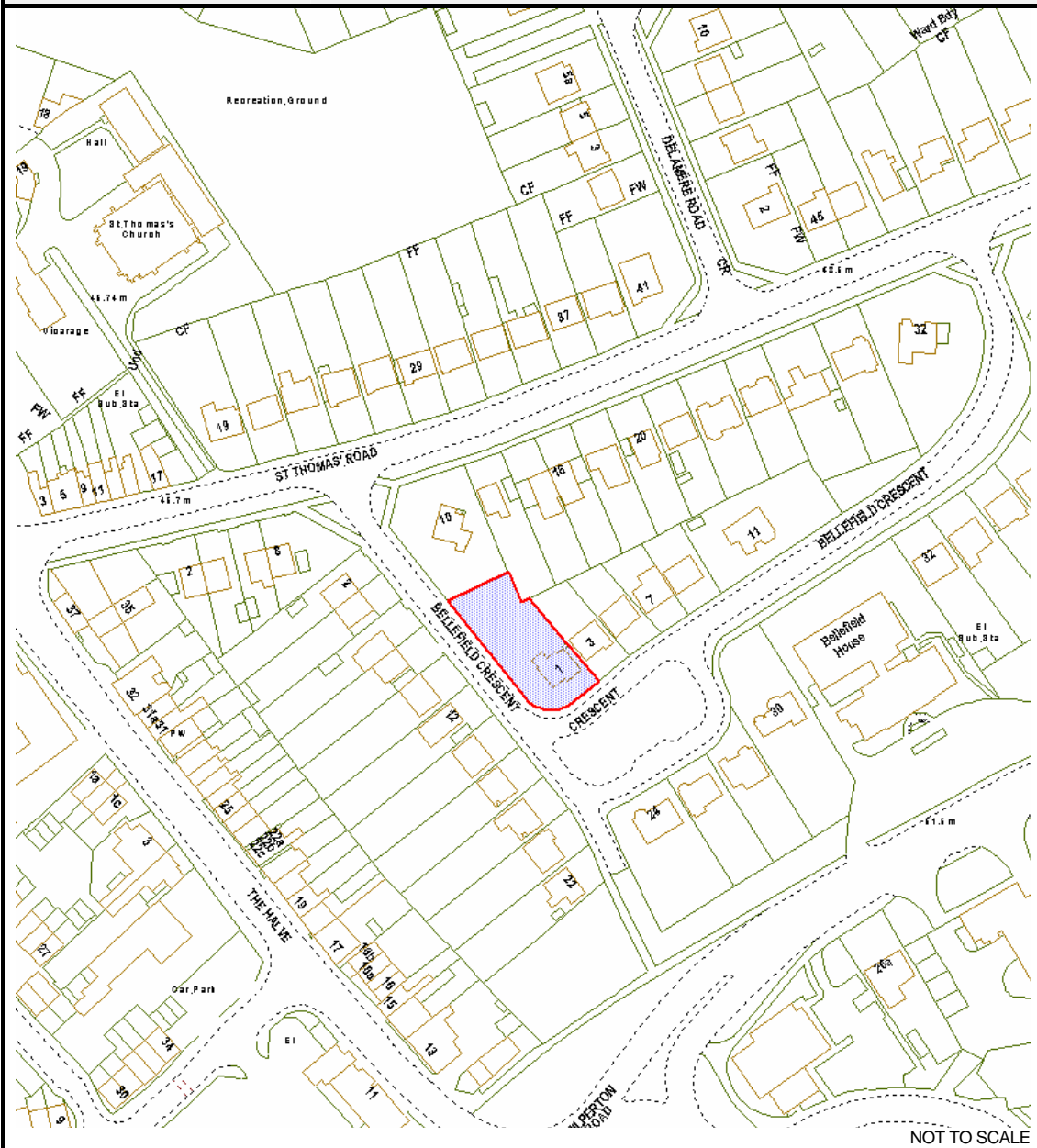
PLANNING COMMITTEE

29 March 2007

ITEM NO: 14

APPLICATION NO: 07/00133/FUL

LOCATION: 1 Bellefield Crescent Trowbridge Wiltshire BA14 8SR



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

14 Application: 07/00133/FUL

Site Address: 1 Bellefield Crescent Trowbridge Wiltshire BA14 8SR

Parish: Trowbridge Ward: Park
Grid Reference 385982 158260
Application Type: Full Plan
Development: Single storey side extension
Applicant Details: Mr Derrick Peacock
1 Bellefield Crescent Trowbridge Wiltshire BA14 8SR
Agent Details: A Harlow & Son
46 Longford Road Melksham Wiltshire SN12 6AT
Case Officer: Mr Donncha Murphy
Date Received: 17.01.2007 Expiry Date: 14.03.2007

REASON(S) FOR PERMISSION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

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

REASON: In the interests of highway safety

- 4 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.

COMMITTEE REPORT

APPLICATION DETAILS:

This application is brought to committee as the Town Council has objected to it contrary to your officer's recommendation.

This application is a resubmission of a previous application 06/02489/FUL. This is a full application for a single-storey side extension. The plans indicate that the proposed extension would be 4.5 metres in width, 9.2 metres in depth and 4.3 metres in height with a roofline to match the existing dwelling.

The proposal also includes the introduction of a new access to the north west of the property. In order to accommodate the proposed access a section of hedging approximately 4.3 metres in length would have to be removed.

The host dwelling is a two-storey detached dwelling located on a large corner plot. It has an enclosed garden to the side and rear.

CONSULTATION REPLIES:

TROWBRIDGE TOWN COUNCIL: Object.

"The Town Council object on highways grounds."

HIGHWAY AUTHORITY: No objection subject to conditions.

"The property already has parking for two vehicles (one garage and one parking space) so there is no highway gain in providing an additional parking space. That said the garage is of a substandard length and could only accommodate the smallest vehicle. I therefore would raise no highway objection to the proposed parking space subject to adequate pedestrian visibility splays being provided. To achieve this requirement it is likely that the parking space will have to be located further away from the site boundary.

As any entrance gates should be set back 4.5 metres from the carriageway edge these may be have to be omitted from the scheme.

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

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

Reason: In the interests of highway safety

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."

PUBLICITY RESPONSES: The proposal was advertised by letters to the neighbouring properties. Three letters of objection were received raising the following issues:

- Highway safety
- Removal of a section of a long standing hedge
- Size of the proposed extension
- Possibility of future applications
- Noise pollution/ neighbour amenity

PLANNING POLICY:

West Wilts District Plan 1st Alteration 2004

C31a Design

C38 Nuisance

H1 Town Policy Limits

SPG Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY:

02/01741/OUT - Proposed detached bungalow with garage - Refused 24.12.2002

03/01402/FUL - Detached dwelling with garage - Refused 08.01.2004

06/02489/FUL - Two storey side extension and vehicular access - Refused 10.10.2006

KEY PLANNING ISSUES:

- Whether or not the proposal overcomes the initial reason for refusal?
- Highway safety
- Neighbour amenity

PLANNING OFFICER COMMENTS:

There have been two previous applications for detached dwellings to the rear of the property. Both of these applications were refused.

- Whether or not the proposal overcomes the initial reason for refusal

This application is a resubmission; the previous application for a two-storey side extension was refused in 2006 for the following reason:

"The proposed development by reason of its prominent siting, bulk, scale, form, design, height and proportions would result in a substantial, visually dominant and incongruous extension to the host building, disrupting and harmful to the essential composition, cohesiveness and conformity of the existing group of properties of Nos. 1, 3, 5, 7 and 9 Bellefield Crescent and the street scene. The proposed scheme is contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration 2004, the guidance contained within the Council's Supplementary Planning Guidance - House Alterations and Extensions (2004)." The bulk of the proposal is therefore considered appropriate.

The proposed extension has been reduced significantly in size from the previous application. It would be single storey in scale and therefore would be a subservient element to the host dwelling conforming to the guidelines set out on the Supplementary Planning Guidelines - House Alterations and Extensions.

Unlike the previous application the proposed single storey extension, the size and design of the proposal by reason of its siting, scale, form and proportion, would be sympathetic to the host dwelling and the street scene, thus complying with policy C31a of the District Plan.

The Supplementary Planning Guidance (House Alterations and Extensions) states that The design of a new extension or an alteration should be sympathetic to the existing development and surrounding area in character, style, proportion and materials. In addition it states that any side extension should respect the host building and its setting in the street scene.

The roofline of the proposed extension would match that of the existing dwelling. Furthermore 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.

Highway safety

The Highway Authority have been consulted as part of this application and have no objections to the proposed access subject to conditions. Furthermore as the proposed access would come onto an unclassified road, planning permission would not be required for the creation of an access. Therefore highway safety cannot be supported as a reason for refusal.

The proposed access would result in an increased threat to highway safety. The proposed access would not lead onto a busy classified road and there are similar arrangements found in the neighbouring properties across the street.

Removal of a section of a long standing hedge

This is not a protected hedge. Although it may add to the character and amenity of the area, it could be removed without requiring planning permission. The removal of this hedge is not a sufficient reason for refusal.

Size of the proposed extension

The proposed extension has been reduced significantly in size from the previous application. It would be single storey in scale and therefore would be a subservient element to the host dwelling conforming to the guidelines set out on the Supplementary Planning Guidelines - House Alterations and Extensions.

Possibility of future applications

The possibility of future applications i.e. for a first floor extension is not a relevant consideration in determining this application. Future applications will be considered on their own merits against relevant policy if and when they are submitted.

Noise pollution/ Neighbour amenity

The issue of noise pollution was raised in relation to the proposed new access. However the parking of an additional vehicle in this location would result in a significant increase in noise levels. The proposed development would therefore comply with policy C38 of the District Plan, which aims to protect neighbour amenity.

Impact on of the proposed extension on the amenity of the neighbours

The neighbouring properties to the northeast are similar in size and design to the host dwelling. However by virtue of the size and location of the proposed extension there would be no adverse impact on the neighbouring properties to the north east.

The neighbouring properties to the west are located across the street. Therefore by virtue of the distance from the proposed extension there would be no adverse impact on the neighbouring properties to the west. The proposal would therefore conform to policy C38 of the West Wiltshire District Plan 1st amendment 2004.

CONCLUSION

The proposed development has overcome the initial reason for refusal and is therefore recommended for permission.

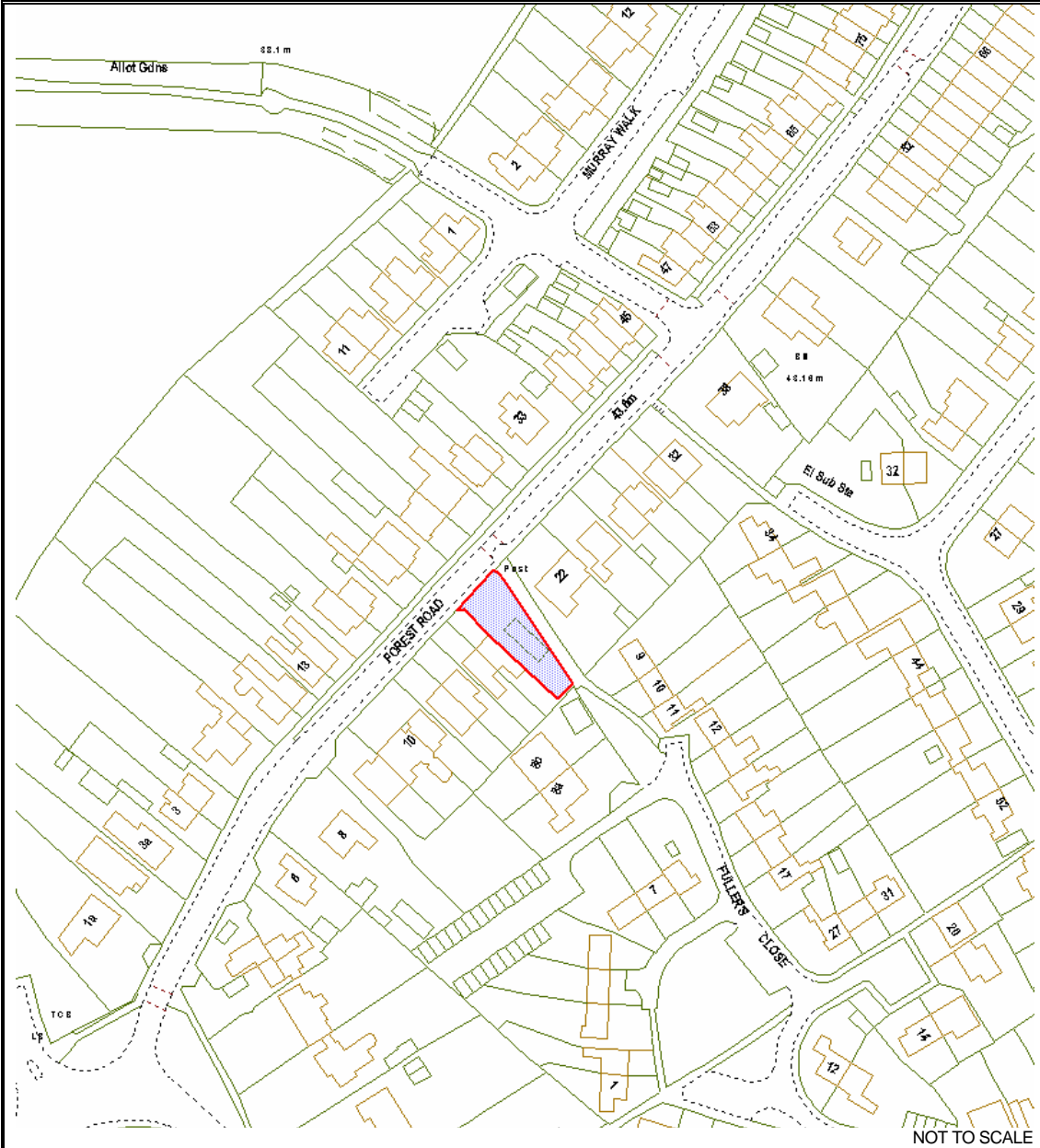
PLANNING COMMITTEE

29 March 2007

ITEM NO: 15

APPLICATION NO: 07/00355/FUL

LOCATION: Land Adjacent 20 Forest Road Melksham Wiltshire



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
© Crown Copyright unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 770344/770382 Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

15 Application: 07/00355/FUL

Site Address: Land Adjacent 20 Forest Road Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham North
Grid Reference 390957 164385
Application Type: Full Plan
Development: Residential development of three flats
Applicant Details: Mr Graham Collins
KC Property Development Stonebarn Homefields Yatton Keynell
SN14 7BG
Agent Details: FMH Architectural Services
FAO Mr R Robins 162A Wyke Road Trowbridge Wiltshire BA14
7NY
Case Officer: Mr Mark Reynolds
Date Received: 02.02.2007 Expiry Date: 30.03.2007

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 Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge and a line drawn 2.0m parallel thereto over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

- 5 A recessed entrance having a minimum width of 4.5m shall be constructed 4m back from the carriageway edge and its sides shall be splayed outward at an angle of 45 degrees from the site boundary toward the carriageway edge. The access, parking and turning areas shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 6 The parking spaces shown on the approved plan, together with any access thereto, shall be provided concurrently with the development to which they relate.

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

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

- 7 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 north east elevation above ground floor level of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

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

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This is an application for full planning permission for a residential development of three flats at land adjacent to 20 Forest Road. The proposal is for a three storey development of flats with the third storey accommodated within the roof space. The ground and first floor flats would each have two bedrooms, and the top floor is a one bed roomed flat.

The proposal is for a detached building built from natural Bath stone and render under a clay tiled roof.

The application site is currently occupied by a large garage building and is currently within the residential curtilage of No.20 Forest Road.

The application site is located within a residential street of the settlement of Melksham which is characterised by a mix of detached, semi-detached and terraced dwellings.

There has previously been an outline planning permission granted at the site for three flats planning ref: 06/02700/OUT.

CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL: Councillors reiterated their original objections regarding the above development and made the following points;

- Inadequate parking spaces per unit
- Overdevelopment of the site

STATUTORY CONSULTTEES

- HIGHWAY AUTHORITY: Raises no objection subject to conditions.
- WESSEX WATER: No objections.

PUBLICITY RESPONSES

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

Ten letters have been received from 6 neighbours raising the following issues:

- Insufficient parking
- Highway safety concerns
- Loss of privacy for property to the south
- Impact on property value
- Sewage disposal
- Appearance of development is not in keeping
- Loss of privacy for property on other side of the road
- Nuisance from car emissions

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016
DP7 - Housing in towns and main settlements
T5 - Parking

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

PPS 1 - Delivering Sustainable Development
PPS 3 - Housing

Supplementary Planning Guidance - Household Alterations and Extensions
SPD - Residential Design Guide

RELEVANT PLANNING HISTORY

02/01563/FUL - 2 metre high close boarded fence plus gate - Approved - 15.11.02

06/02700/OUT - Residential development of three flats - Approved - 16.10.06

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Planning History

Planning application 06/02700/OUT was granted planning permission for the development of the land for three flats. The outline application left all matters reserved, however it did serve to establish the principle of development of the site for three flats. The planning history is therefore a key material planning consideration in this case.

Planning Policy

Planning policy H1 of the West Wiltshire District Plan 1st Alteration 2004 advises that proposals for new housing development within the built up area of Melksham will be permitted subject to specific criteria which include that siting, layout and design considerations are satisfactory and they are in keeping with the character of the surrounding area, and that the development can be adequately serviced and will not create highway problems.

The proposal to create three dwellings would result in a density of approximately 86 dwellings per hectare. This density of development has been approved at the outline application stage. PPS 3 Paragraph 49 advises that intensive development when well designed and built in the right location can enhance the character and quality of an area. In this case the proposal would make an efficient use of land and the application site is located within walking distance of the town centre and is considered to be a sustainable location.

The application site does not at present form an important visual gap or open area that should be retained. The site is currently garden land and contains a large garage. The area is characterised by a mix of detached and semi-detached dwellings and the proposal to create three flats in this location, the exterior appearance of the flats is consistent with the existing built form and would not harm the character of the area or street scene.

The proposed development would be at the same ridge height as No.20 Forest Road. The design incorporates three flats and this prohibits the design of the proposed dwelling from exactly matching the form of development at No.20. The fact that the proposed design does not copy the neighbouring property is not however a reason to object to the proposal. The design of the dwelling must be considered in its own right. The design incorporates a front projecting gable in its design and although the feature does not incorporate a bay, the inclusion of a front projection would be characteristic of the wider street scene.

The development would incorporate ashlar on the front elevation with render on the sides and rear elevation. These design features would respect the character of the area. The proposed dwelling would be characteristic of the main design features of the street but has been designed to appear as an individual building with subtle variations from the surrounding buildings.

Highway Safety

The Highway Authority was consulted on the proposal and issues of highway safety and parking have been raised by neighbours to the site.

The Highway Authority is satisfied with the provision of one parking space per new dwelling. Given that the site is in a sustainable location the provision of one car parking space per dwelling is considered an adequate level of provision.

The existing access would be widened to allow two vehicles to pass. Visibility splays would be formed to allow safe access and egress from the site.

The Highway Authority have raised no objections to the proposal subject to conditions and these views are supported given that they are the experts on matters of highway safety and no objections were raised in this respect.

Neighbouring Amenity

Concerns have been raised regarding the potential for overlooking resulting from the development. A neighbour at No.27 is concerned in this respect however they are on the opposite side of the road and it is not considered that any overlooking would occur to a level which would suggest refusal of the application. A further concern has been raised by a neighbour to the rear of the site at 8B that increased overlooking may occur. Whilst there are windows in the rear elevation of the building these would overlook a building and the front garden of this property. It should also be noted that there exists rear windows in the back of No.20 which face this neighbour at present.

Windows in the side elevations of the development must be considered carefully. There are neighbours to the north east of the site however the proposal has been designed in such a way as to ensure that only one bathroom window above ground floor level would be included on the north east elevation which may be obscure glazed. There are windows in the south west elevation which would face the flank wall of No.20. There exists two windows in the side elevation of No.20 one of which is a landing window and the other is an obscure glazed bathroom. No direct overlooking would therefore occur between habitable room windows. The application site has an existing pathway to the north of the site and this gap should help to ensure that this neighbouring property to the north east is not overshadowed to any greater extent from this proposal.

Noise has been raised as a source of complaint. This is however a residential area and it is not considered that three flats and associated traffic would cause any greater problems in terms of noise than surrounding developments.

Other Matters

Drainage has been raised as a point of concern amongst neighbours. Wessex Water were consulted on the application and they have raised no objection to the proposal. There exists public systems which may be connected to in the vicinity of the site. Should the applicant wish to connect to an existing private system then they will need to obtain the consents of the owners.

The Town Council have raised concerns that the proposal may represent overdevelopment. Officer's are of the view that this density of development is acceptable in this location and it should be remembered that the principle has been set for three dwellings to be achieved on the site.

An objection has been received regarding the impact of the proposal on property values. Property values are not however a planning consideration.

CONCLUSION

The proposal is acceptable within policy and would result in a development that makes efficient use of land within a sustainable location.