

PLANNING COMMITTEE

21 JUNE 2007

Planning Applications for Determination

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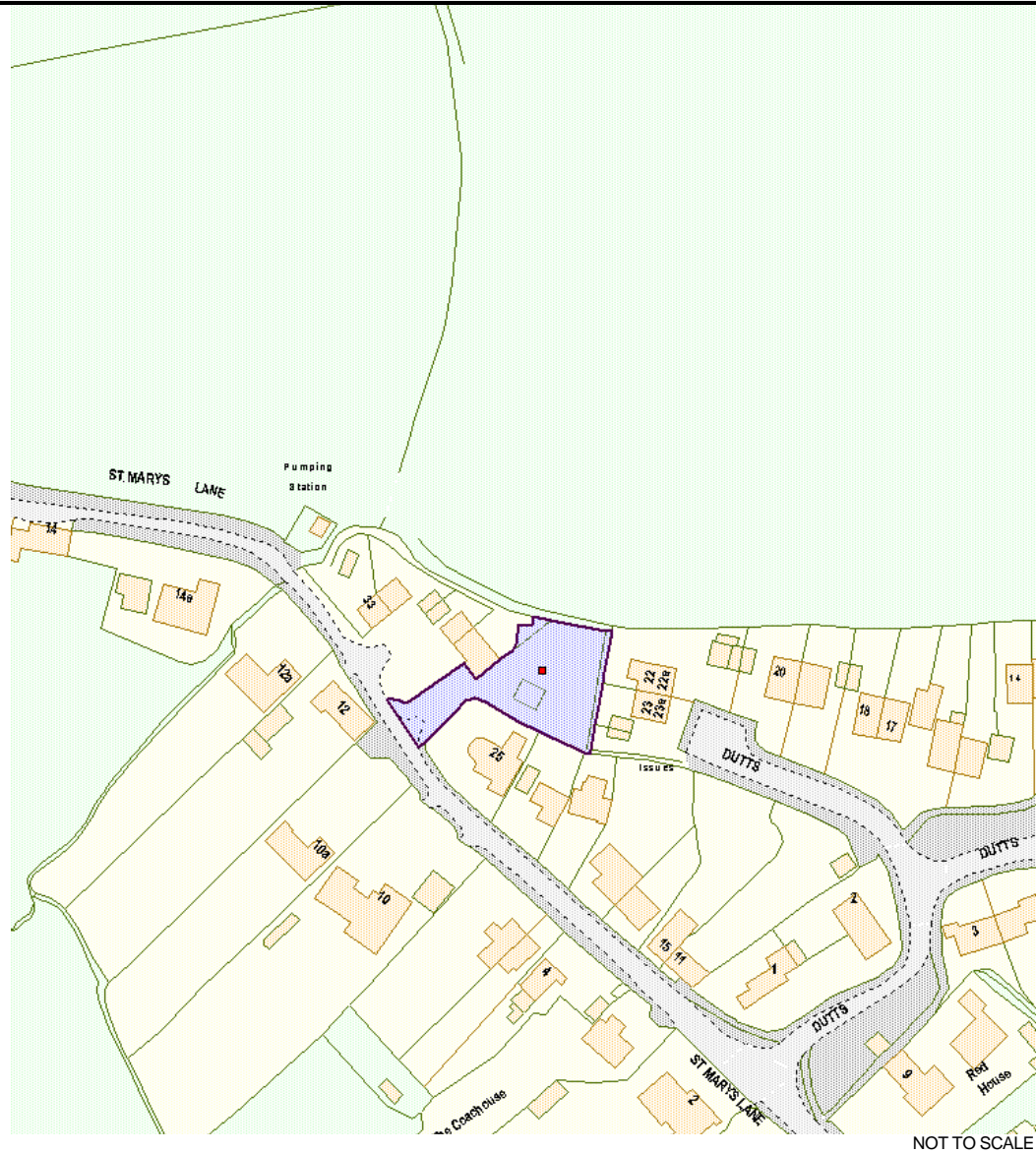
PLANNING COMMITTEE

21 June 2007

ITEM NO: 01

APPLICATION NO: 07/01531/FUL

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



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

SLA: 100022961

01 Application: 07/01531/FUL

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

Parish: Dilton Marsh Ward: Dilton
Grid Reference 384917 150079
Application Type: Full Plan
Development: New 4 bed detached house, attached garage change of use to living room add 2 windows and increase size of conservatory
Applicant Details: Mr Keith Nash
27 St Marys Lane Dilton Marsh Wiltshire BA13 4BL
Agent Details: Innes Wilkin Associates
Park Road Stapleton Bristol BS16 1AZ
Case Officer: Mr David Hubbard
Date Received: 01.05.2007 Expiry Date: 26.06.2007

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

REASON: In the interests of highway safety.

4 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

5 Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 4.5m from the carriageway edge.

REASON: In the interests of highway safety.

6 Notwithstanding the provisions of the Town and Country Planning General Development Order 1998 (or any order revoking or re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

REASON: To safeguard the amenities and character of the area and in the interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

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

The application is an amendment to a previously approved application for the erection of a 2 storey, 4 bedroom dwelling on the land adjacent to No. 27 St. Mary's Lane, Dilton Marsh. Proposed amendments include:

- changing one of the double garages to living accommodation
- the insertion of two new windows as a replacement to the garage doors
- an increase in size to the conservatory.

CONSULTATION REPLIES

- DILTON MARSH PARISH COUNCIL: Object.

"The Council noted that this application had been preceded by previous applications (03/00711, 04/02029, 05/02625 and 06/03030) and these applications had raised objections from the Council.

The Council objects to this proposed development for the same reasons as previously, that is, it represents 'back land' development and that it would adversely affect the privacy and amenity of adjoining buildings."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objections

WESSEX WATER

No objection subject to the requisite connections being agreed and the Council being satisfied with any arrangement for the satisfactory disposal of surface water from the proposal

PUBLICITY RESPONSES

The nearby residents were notified of the proposal in writing and no representations have been received.

RELEVANT PLANNING POLICY

West Wiltshire Structure Plan
DP7 Housing in Towns and Villages
DP14 Development in Villages
T5 Parking

West Wiltshire District Plan 1st Alteration (2004)
H17 Village Policy Limits
C38 Effects of development on neighbouring properties
C31a Design
T10 Parking

RELEVANT PLANNING HISTORY

00/01782/OUT - Erection of one dwelling - Refused 04.01.01 (Dismissed on appeal 05.09.01)
03/00711/FUL - Erect 1 new 2 storey house with garage a detached treble garage - Permission
04/02029/FUL - Proposed dwelling - Refused 05.07.05
05/02625/FUL - New 2 storey, 4 bedroom dwelling and adjoining double garage, with detached triple garage and driveway shared between existing and proposed dwellings - Permission 09.01.06
06/03030/FUL - New 2 storey, 4 bedroom dwelling and adjoining double garage with detached triple garage and driveway shared between existing and proposed dwellings -Permission 04.01.07

KEY PLANNING ISSUES

The principle of the erection of the dwelling on this site has been established by virtue of the granting of planning permission for application 05/02625/FUL. The only issue with this application is whether or not the revisions to the plan are acceptable in terms of development plan policy.

PLANNING OFFICER COMMENTS

The complex history of this site, most particularly the Inspector's comments in the appeal for application 00/01782/OUT, had the eventual outcome of the granting of planning permission for application 05/02625/FUL. Whilst noting the Parish Council comments, it would not be reasonable to refuse this proposal, which includes fairly minor revisions; unless these revisions introduce new material considerations that call into question the principle of residential development on the site.

The following brief overview of the site history is recorded in the interests of clarity. In considering the application 00/01782/OUT appeal, the Inspector considered that a dwelling on this site would comply with the aims of Local Plan Policy relating to Village Policy Limits. The Village Policy Limit for Dilton Marsh actually passes through the site, with the existing house and its vehicular access lying within the village boundary, but with the 'backland' development site lying outside. On the issue of the impact on adjoining properties, a detailed analysis of the proposal concluded that the dwelling would be harmful to the living conditions of the occupiers of No 27 and consequently was in conflict with that part of the previous District Plan Policy H5. The 2003 application (03/00711/FUL) was submitted in an attempt to overcome the Inspector's objections. The application was granted permission. The plan submitted for application 04/02029/FUL was for a larger 4-bedroom dwelling. This application was refused. However, application 05/02625/FUL addressed the reasons for refusal and was granted permission.

The principle of the dwelling on this site is thus established. The revised proposals relate to the change of use of one of the double garages attached to the dwelling to domestic use. As part of this proposal there are two new windows to replace the garage door on the west elevation. The previous approved schemes included the provision of two double garages for the new dwelling together with a single garage for the adjoining property (No 27). The loss of one of the double garages will still leave adequate off street parking facilities and as such there is no objection to the principle of this aspect of the proposal. The two new windows are at ground floor level and will have no adverse impact on the residential amenities of the neighbouring dwellings.

The other change relates to increasing the size of the conservatory which is located to the rear of the property by approximately 1 metre in length and width. This will have no detrimental affect on the design of the house or the residential amenities of the nearby properties.

CONCLUSION

The comments of the Parish Council are noted. However, the principle of the dwelling on this site has already been established. The proposed amendments to the approved plan are relatively minor in relation to the overall development and as such the application should be granted permission subject to the same conditions that were made applicable to application 06/03030/FUL.

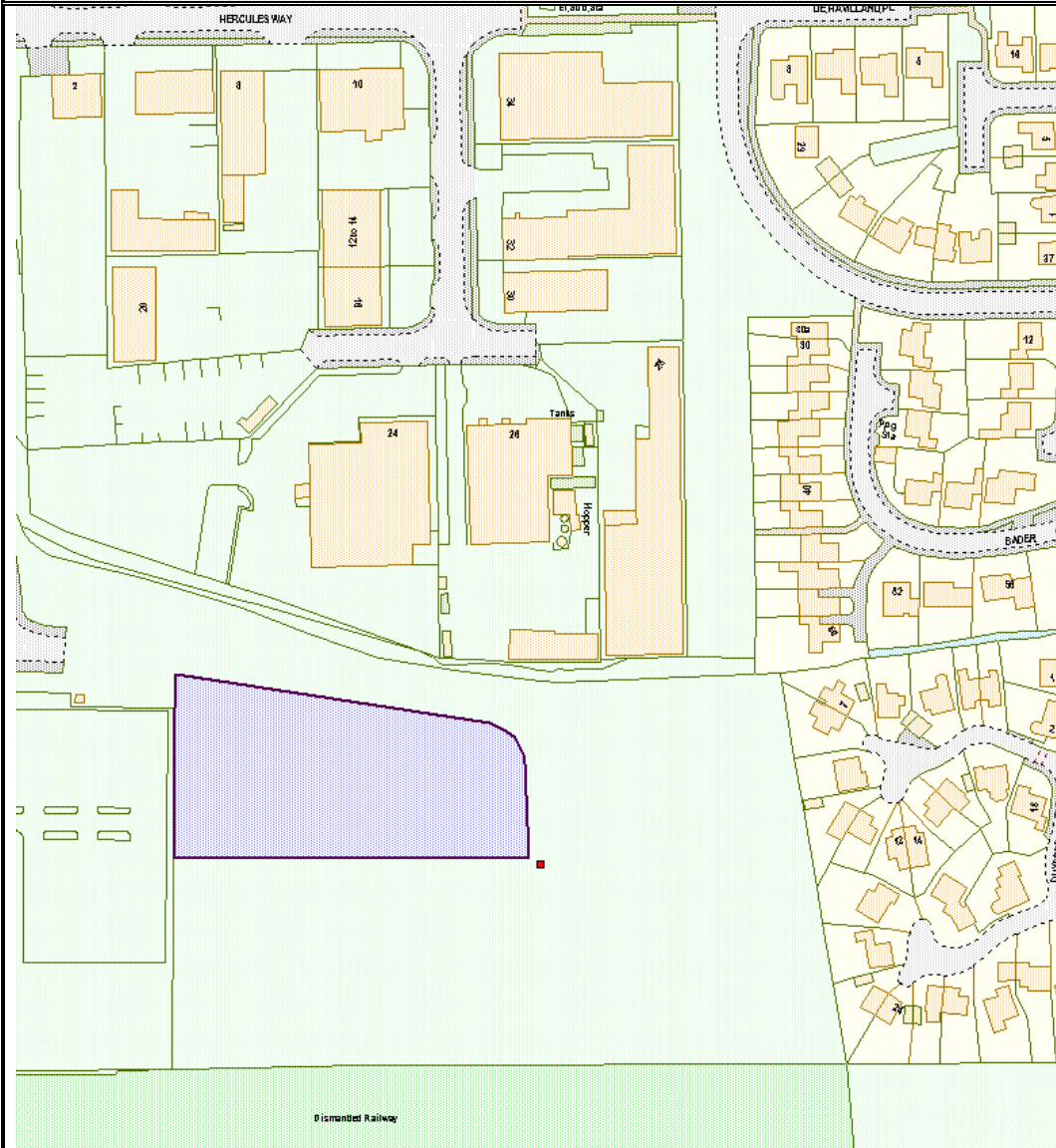
PLANNING COMMITTEE

21 June 2007

ITEM NO: 02

APPLICATION NO: 07/01285/FUL

LOCATION: Land Adjacent Westinghouse Brake Westinghouse Way Bowerhill Wiltshire



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SLA: 100022961

02 Application: 07/01285/FUL

**Site Address: Land Adjacent Westinghouse Brake Westinghouse Way
Bowerhill Wiltshire**

Parish: Melksham Without Ward: Melksham Without

Grid Reference 391152 161589

Application Type: Full Plan

Development: New industrial unit

Applicant Details: Doric Developments
Doric House Merlin Way Bowerhill Melksham Wiltshire

Agent Details:

Case Officer: Mr Peter Westbury

Date Received: 12.04.2007 Expiry Date: 07.06.2007

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 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.

- 4 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water runoff limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

- 6 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

- 7 Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: To enable discharges from individual premises or buildings to be inspected and sampled.

- 8 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.

- 9 Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the development shall have been submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

REASON: To ensure that proper provision is made for the disabled.

- 10 Construction work on the site or related activities on neighbouring land in the applicant's ownership shall not take place outside the following times:

0800 to 1800 hours on Mondays to Fridays;
0800 to 1300 hours on Saturdays;
and at time on Sundays or Bank Holidays

REASON: In order to safeguard the amenities of the area during the construction phase.

- 11 A wheel washing facility, of a specification approved in writing by the Local Planning Authority, shall be provided on the site throughout the period of construction of the bund(s).
- REASON: To ensure that materials from the site are not deposited on public roads.
- 12 The development hereby permitted shall not begin until a scheme of suitable noise attenuation works has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.
- REASON: In order to safeguard the amenities of the area in which the development is located.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C36 & C38
- 13 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The Travel Plan shall include details of measures to encourage alternatives to use of the private car and a program for car sharing; and a timetable for implementation, and shall be implemented in accordance with the approved scheme.
- REASON: In pursuit of sustainable transport objectives.
- 14 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority surveys for badger, reptile and great crested newts. Any mitigation measures to limit the impact on these species shall be undertaken in accordance with the approved details.
- REASON: To ensure the protection of any wildlife on the site.

Note(s) to Applicant:

- 1 Surface water runoff should be controlled as near to its source as possible through a sustainable drainage approach to a surface water management (SuDs). This approach involves a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water runoff from a site. This approach can also offer benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements.
- 2 The applicant is reminded to seek the advice of English Nature in respect of any development that may affect species protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c) Regulations 1994 and the Protection of Badgers Act 1992.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Melksham Without Parish Council object contrary to your Officer's recommendation.

This is an application for full planning permission for the construction of an industrial unit on land to the south of Westinghouse Brakes, within the Bowerhill Industrial Estate. The proposed building will be used both as a workshop and office. The plans indicate that the proposed unit will occupy an area of 598.5 square metres. It will be 8m tall. The proposal includes provision of 11 parking spaces including 2 spaces for the disabled and a cycle rack.

The proposed building would utilise two existing access points. It also incorporates a water bay for washing vehicles.

The proposed occupier of the site is a plant hire business who require both office and warehouse accommodation.

The proposal has been revised to remove a central floodlighting column and the Applicants have confirmed that the hours of operation would be

7.30 to 18.00 Monday to Friday

7.30 to 13.00 Saturday

Emergency Only on Sunday and Bank Holiday

The proposed building would be predominantly coloured goosewing grey with yellow trim.

In 2005, outline planning permission was granted for B1, B2 and B8 uses on the site (05/00378/OUT).

CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL: Object

"The Council objects and questions the need for a brightly lit 15 metre high turret floodlight with 6* 400KW sodium luminaries in the centre of the gravelled yard, as this building is very close to residents. A much less intrusive lighting scheme needs to be agreed in liaison with the Bowerhill Action Group. There needs to be an hours restriction condition to ensure no work takes place outside normal working hours. The Supplementary Notes refer to Conservation and enhancement of Wildlife habitats in the Supplementary Notes in conjunction with Gompel's site. The Council trust that Conservation measures will not reflect the same methods of the Gompel's site which completely stripped the land of all hedgerows, trees and plants. Please would the Planning Committee ensure that this company replaces the hedgerow which has been taken out along the fencing line. The Council also wish to see green palisade fencing, enforced by natural planting on the north and east boundaries of the site, in keeping with the rural countryside. Roofing materials need to be matt and colours subdued to avoid a garish look."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection

"I can confirm I would no highway objection to raise subject to the following condition:

Provision shall be made within the site for the disposal of surface water so as to prevent its drainage onto the highway details of which shall have been submitted to and approved inwriting by the Local Planning Authority."

- ENVIRONMENT AGENCY: No objection subject to conditions.

- NATURAL ENGLAND: Sought clarification that earlier conditions were taken forward.

- WILTSHIRE WILDLIFE TRUST: No comments received.

- WESSEX WATER: No objection

INTERNAL CONSULTATIONS

- PLANNING POLICY: No comments received.

- ENVIRONMENTAL HEALTH: No objection subject to the imposition of conditions.

PUBLICITY RESPONSES

A site notice was erected and neighbouring properties were consulted. As a result one representation was received objecting to the application on the following grounds:

- Light pollution - the 15m high 2.4Kwatt Sodium lighting will cause serious light pollution to the nearby residential area. Low level security lighting would be acceptable.
- Visual prominence - the 15m lighting mast will be visually prominent and higher than adjacent buildings. The height is totally unacceptable.
- Noise nearby residential area - The business involves the use of heavy-duty vehicles and plant in the near proximity of a residential area. The lighting implies long working hours and planning consent must restrict working hours to Normal daytime hours,
- Hazardous materials - there is obvious concern that hazardous materials are stored and in use in close proximity to residential area. It needs clarification and agreement with local residents.
- Wash bay - There are no details regarding wash bay construction - it is therefore assumed to be "open air" which is unacceptable being close to residential area which would be subject to drift of airborne spray etc. The wash bay would be acceptable if it was to be enclosed.

Also add:

- "The development - (the name - Gompels is consistent with Dorric) of this site has caused serious problems to nearby residents and they have not reacted or engaged in a positive manner to solve, address or compensate for problems, TV reception, It is suggested that planning permission could be withheld to (sic) the development of this area until there is a satisfactory outcome to currently "approved" "Gompels Healthcare" Development."

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

- DP1 Priorities for sustainable development
- DP2 Infrastructure
- DP3 Development Pattern
- T5 Cycling and walking
- T7 Heavy Goods and Vehicle Parking
- C1 Nature conservation

West Wiltshire District Plan - 1st Alteration 2004

- C7 Protected species
- C31A Design
- C32 Landscaping
- C34A Resource consumption and reduction
- C35 Light pollution
- C36 Noise
- C38 Nuisance
- C40 Tree planting
- E1(B) New employment land allocations
- E2 Employment policy areas
- T9 Bus services
- T10 Car parking
- T11 Cycleways
- U1 Infrastructure
- U1A Foul water disposal
- U2 Surface water disposal
- U3 Flooding
- U4 Groundwater Source Protection Areas
- I3 Access for everyone

National Guidance/ Statements

- PPS1 Delivering Sustainable Development
- PPG4 - Industrial and Commercial Development in Small Firms
- PPG9 Nature Conservation
- PPG13 Transport
- PPS23 Planning and Pollution Control
- PPS25 Development and Flood Risk

RELEVANT PLANNING HISTORY

05/00378/OUT - Outline application for employment uses (B1, B2 and B8) with approval for means of access and landscaping - Granted (07.07.2005).

KEY PLANNING ISSUES

Key to the determination of this application is whether the proposal complies with Development Plan policy and whether there are any material considerations to outweigh that policy.

PLANNING OFFICER COMMENTS

Development Plan Policy

The land is allocated in the West Wiltshire District Plan - 1st Alteration for employment purposes (Policy E1B). Therefore the principle of developing the site for a warehouse building is established.

Development Plan Policy paragraph 3.3.7 states that the site offers an "excellent opportunity to provide an attractive landscaped site which could cater for a wide range of employment uses including classes B1, B2 and B8 of the Use Classes Order 1987". The application proposal therefore falls within this category and therefore the principle of redeveloping the site for warehousing is acceptable.

The design of the proposed building is considered to be acceptable and would be typical of the industrial buildings in this area. The proposed warehouse is surrounded on two sides by existing industrial buildings and through the imposition of the submitted landscaping scheme, the proposal will provide an attractive landscaped site consistent with the supporting text to Development Plan policy E1B. The proposal has an industrial character and through the imposition of relevant conditions the proposal will add to the character of this industrial area.

The proposed height of the building at approximately 8m tall is considered to be in keeping with the surrounding development. There is a Feed Mill to the north of the site which is approximately 20m tall and the Westinghouse factory is 12m tall. In addition the Gompels site which is under construction is 14m tall.

The proposal makes provision for sufficient car parking. Policy T10 requires that the quantity of parking to be provided with new development will be limited to maximum standards. In the case of warehouses development there is a requirement to provide one place per 200 square metres. This proposal therefore has a requirement to provide 18 car parking spaces. This is provided on the site. Concern has been expressed within the representations that there is a need to control parking on site so that parking does not spill out on to Westinghouse Way or on the expanse of open land surrounding the car park. The applicants have provided a Travel Plan with the application which will assist in the reducing the reliance on the use of the private car to visit the site. This will be implemented through condition. In addition it is proposed to add a condition requiring that parking be limited to the car parking provided.

Policy C7 states that planning permission for any development that would adversely affect, either indirectly or directly, any legally protected plant or animal or its habitat will not be affected unless the proposals can be subject to conditions and planning agreements which will secure their protection at the site. In support of their application, the applicants have submitted a "Habitat Survey and Badger Survey". Natural England have not commented on the application, but did comment on the earlier application for Gompels Healthcare, highlighting these concerns. Reports were prepared and appropriate conditions were added. As a result Natural England withdrew their objection to the proposal. It is proposed to follow an identical approach here. In addition to appropriate conditions, the applicants will be reminded of their responsibility to protect wildlife under separation Protection of Wildlife legislation.

Material Considerations

The representations received including the representation received from the Parish Council need to be addressed in detail.

Lighting

In response to the concerns contained in the representations received, the proposed central lighting column has been removed from the scheme and amended plans have been received.

Hours of operation

The Applicants have confirmed that the hours of operation would not have a detrimental impact on the amenity enjoyed by the nearest residential properties which are at least 140m to the east.

Materials

The applicants have indicated that the materials to be employed in the construction of the building will be grey with yellow trim. This is consistent with surrounding industrial buildings. The exact specification of the building can be controlled by condition.

Hazardous Materials

In order to address the impact of any hazardous materials the application has been sent to both the Environmental Health Section of the Council and the Environment Agency. Neither body has raised an objection to the proposal, but both have recommended conditions be attached to any future permission requiring the proper storage of oils, fuels or chemicals.

Wash Bay

The application proposal includes no provision of a water bay, the details of which were not forthcoming with the original application. This additional has been requested and at the time of the preparation of the report for Committee it had not been provided. In its absence, a condition is recommended to require that these details are provided in advance of any work commencing on the site. The absence of this information is not considered to be sufficient grounds for refusal.

Relationship with Gompels

As ever, each application must be considered on their own merits, even when the Applicants appear to be related. The issues relating to the permission for the site to the east of the application site are to be resolved. It would be entirely unlawful to refuse an application for development because of concerns about another site.

CONCLUSION

With the exception of concerns about the water bay, which can be controlled by condition, the concerns contained in representations received have been addressed. This proposal represents appropriate development for this industrial site. It complies with Development Plan policy and should be supported.

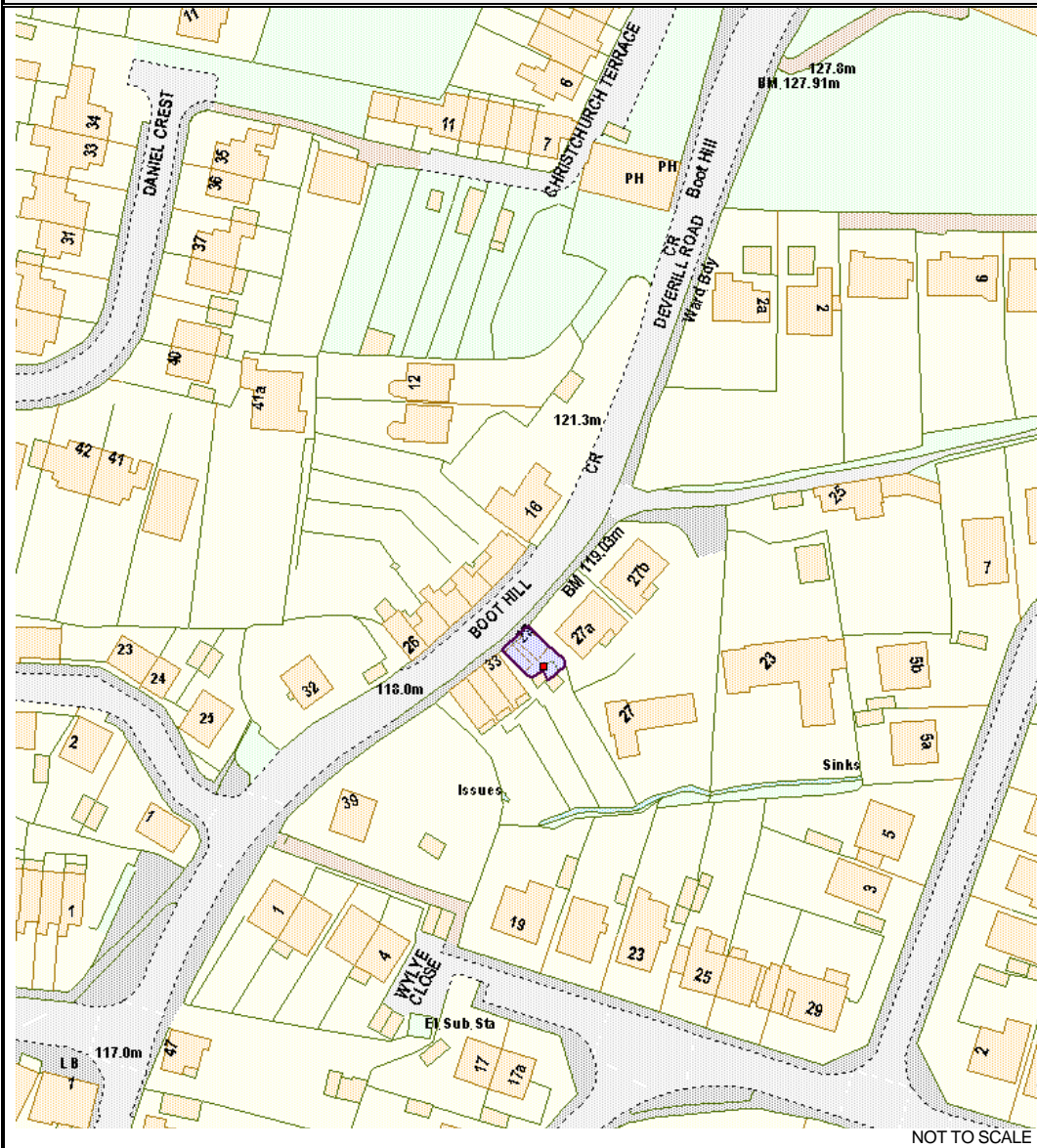
PLANNING COMMITTEE

21 June 2007

ITEM NO: 03

APPLICATION NO: 07/01231/FUL

LOCATION: 29 And 31 Deverill Road Warminster Wiltshire



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www.westwiltshire.gov.uk

SLA: 100022961

03 Application: 07/01231/FUL

Site Address: 29 And 31 Deverill Road Warminster Wiltshire

Parish: Warminster Ward: Warminster East
Grid Reference 386977 144409
Application Type: Full Plan
Development: Demolition of existing retail units and construction of single detached dwelling
Applicant Details: Beeline Coaches Limited
Bishopstrow Road Warminster Wiltshire BA12 9HQ
Agent Details: Barrie Taylor Associates
39 Silver Street Warminster Wiltshire BA12 8PT
Case Officer: Mr Matthew Perks
Date Received: 05.04.2007 Expiry Date: 31.05.2007

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 The rooflights to the south 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 referred to Committee because the Warminster Town Council recommends refusal and officers recommend Permission.

This is an application for full planning permission for the demolition of two existing retail units and the construction of a single detached dwelling at 29 and 31 Deverill Road, Warminster. The proposal is for a modest one-bedroomed double storey dwelling occupying a footprint of ±39m².

CONSULTATION REPLIES

WARMINSTER TOWN COUNCIL

The Town Council commented as follows:

"Applications for this site had been before the Committee twice before and an attempt has been made to draw up plans with the previous refusals in mind. There are railings in front of the present buildings to protect pedestrians, access is minimal and the site minute. The Chairman agreed that this was an eyesore and it would be a benefit to improve the site, but it is difficult to envisage a residential dwelling in this position at an active gateway to the town and problems of access would cause difficulty with development.

Voting was 3 for refusal, 1 for acceptance. Carried for refusal."

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

No highway objection.

WESSEX WATER

No comments received.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties. One letter was received, supporting the proposal.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C31a - Design

C38 - Nuisance

T10 - Car Parking

H1 - Further housing development within towns

RELEVANT PLANNING HISTORY

05/02458/FUL: Demolition of existing retail units and construction of replacement retail unit with one bedroom flat over: Refusal: 14.12.2005

05/03023/FUL: Demolition of existing retail units and construction of replacement retail unit with one bedroom flat over: Refusal: 16.02.2006: Dismissed on appeal

KEY PLANNING ISSUES

The key planning considerations relevant in this case are whether or not the design of the building has overcome the reasons the Inspector identified for upholding the appeal on application reference 05/03023/FUL, and whether or not the loss of the shop in this locality is acceptable.

PLANNING OFFICER COMMENTS

The Inspector, in dismissing the appeal in respect of application 05/03023/FUL observed (in summary) that the development as then proposed:

- would not be harmful to the street scene and, in this respect, would conform to Policies H1 and C31a of the Local Plan;
- would not materially reduce road safety and would therefore conform to LP Policy T10 and PPG13; but
- would have a materially harmful effect on the living conditions of the occupiers of 27a and 33 Deverill Road. This would conflict with LP Policy C38.

This last observation was derived from the view that the height and width of the proposed building would have resulted in the loss of direct light reaching the garden of 27a Deverill Road as well as a loss of daylight. Viewed from that property the building would furthermore have appeared overpowering and intrusive. The reduction in light reaching habitable rooms in the east elevation of 33 Deverill Road would furthermore have been unacceptably reduced. The view of the proposed building from that side would have been visually oppressive. The harm resulting to the neighbouring dwellings would have, in the Inspector's view, caused unacceptable harm to 27a and 33 Deverill Road.

The proposed building design has been revised to reduce the massing of the development on the site.

The flank wall facing 33 Deverill Road has been reduced in width from 7.5m to 4.9m. A hip-roofed rear extension of 2.6m would be set back from this flank wall by 1.5m. The roof ridge heights and bulk of the building facing 33 Deverill Road has therefore been significantly reduced. The light to the upstairs north-east facing bedroom window would furthermore be greatly improved as a result of the proposed hipped extension and approximately 4m gap between the buildings. In respect of 27a Deverill Road the revised building design would increase the distance between the buildings by 1m. The reduction in roof height and steeper hip/catslide roof would furthermore increase the gap and available light to no 27a. It is considered that the proposed revisions would address the issues of neighbouring amenity identified by the inspector.

Whilst the neighbour at No 33 objected to the previous proposal, there has been no objection to the current application.

The building would replace the relatively derelict structures on the site. Surrounding properties are of varying designs and materials. The catslide roof form of the previously proposed design that is repeated in this case (albeit at a steeper angle), was not deemed harmful to the street scene in the Inspector's opinion.

In respect of the loss of the retail floorspace, the Local Plan is silent on the closure of local shops within towns, referring only to the undesirability of the closure of the last of such facilities within villages (Policy SP7). The applicant has furthermore submitted evidence to the effect that the property has been actively marketed since June 2005, without enquiries having been received.

The highway authority does not object to the proposal, given the fall-back position of retail use. The authority finds a car-free development acceptable in this context.

CONCLUSION

The proposal is considered to have addressed the Inspector's reason for dismissing the appeal in respect of application 05/03023/FUL, the development would result in the removal of the unsightly structures currently on site and the loss of the shops in this locality is acceptable. The application should be granted permission.

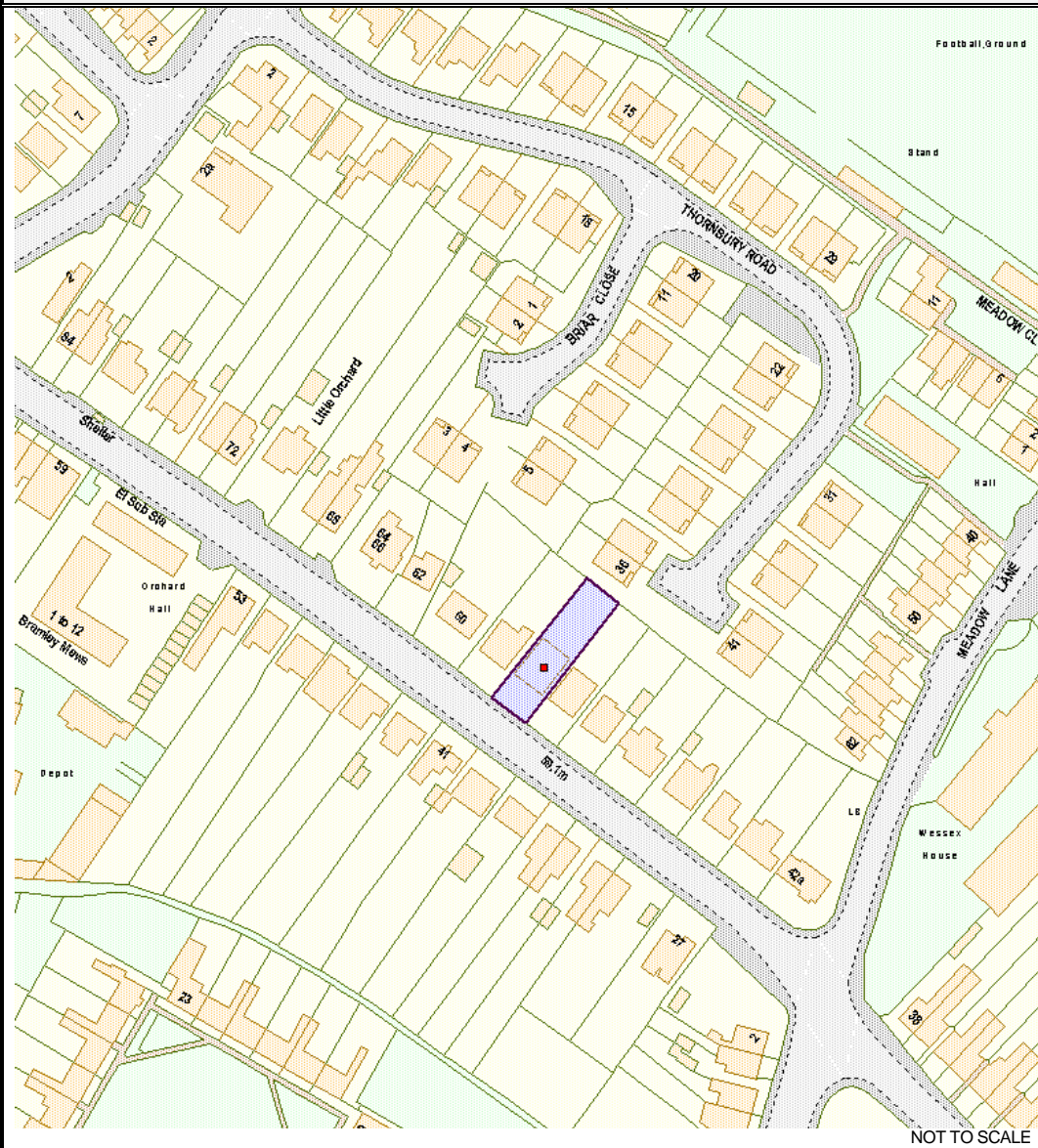
PLANNING COMMITTEE

21 June 2007

ITEM NO: 04

APPLICATION NO: 07/01097/FUL

LOCATION: 56 Station Road Westbury Wiltshire BA13 3JN



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SLA: 100022961

04 Application: 07/01097/FUL

Site Address: 56 Station Road Westbury Wiltshire BA13 3JN

Parish: Westbury Ward: Westbury Ham
Grid Reference 386831 151553
Application Type: Full Plan
Development: New conservatory to rear
Applicant Details: Mr And Mrs L Kirby
56 Station Road Westbury Wiltshire BA13 3JN
Agent Details: N J Griffin
4 Vallis Road Frome Somerset BA11 3EA
Case Officer: Mr Peter Westbury
Date Received: 27.03.2007 Expiry Date: 22.05.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 Despite the reduction in size of the proposal and the introduction of frosted glass, the proposal by reason of its size, siting on raised ground and design would be likely to result in an unacceptable degree of overlooking of the rear gardens of the neighbouring properties resulting in a loss of privacy contrary to policy C38 of the West Wiltshire District Plan First Alteration 2004.

COMMITTEE REPORT

OFFICER REPORT

APPLICATION DETAILS

This application is brought to Committee, as the applicant is an employee of West Wiltshire District Council.

This is a full application for a conservatory extension to the rear of the dwelling. The submitted plans indicate that the proposed conservatory would be 5.5 metres in width, 4 metres in depth and 3.2 metres in height. The proposal would be constructed in white UPVC and would incorporate frosted glass on the south east and north west elevations.

The host dwelling is a detached bungalow with similar properties either side. There have been previous extensions to the property. A single storey rear extension was added in 1991. This extension is 4.4 metres in depth, 8.6 metres in length and 3 metres in height with a flat roof.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: No objection

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties. One letter of objection received. The issues raised in this letter were: -

- Loss of light to number 58
- Loss of privacy to number 58
- Over development of the site

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31a Design

C38 Nuisance

H1 Town Policy Limits

SPG Planning Design Guidance (House alterations and extensions)

RELEVANT PLANNING HISTORY

06/03300/FUL - New conservatory to rear elevation of existing dwelling house - Refused for the following reason:

"The proposal by reason of its size, siting and design would be likely to result in an unacceptable degree of overlooking of the rear gardens of the neighbouring properties resulting in a loss of privacy contrary to policy C38 of the West Wiltshire District Plan First Alteration 2004."

KEY PLANNING ISSUES

Key to the determination of this application is whether the revised application has overcome the earlier reason for refusal.

PLANNING OFFICER COMMENTS

In order to address the concerns about loss of neighbour amenity identified in the earlier reason for refusal, the application proposal has been reduced in size and has part obscure glazing.

There are neighbouring properties in close proximity to the north west and south east. The application site is located at a higher level to that of the neighbouring properties on either side, so the proposal would also be at a higher level.

Although there is a 2m high fence enclosing the rear garden of the property, the difference in the levels means that the proposal could overlook both neighbouring properties.

The reduction in the size of the proposal by 1 meter in width, and the part obscure glazing of the South East and North West elevations is not considered sufficient to overcome the previous refusal. Neighboring amenity would continue to be compromised by this proposal.

CONCLUSION

The revisions to the previous refused scheme are not considered sufficient to overcome the previous reason for refusal.

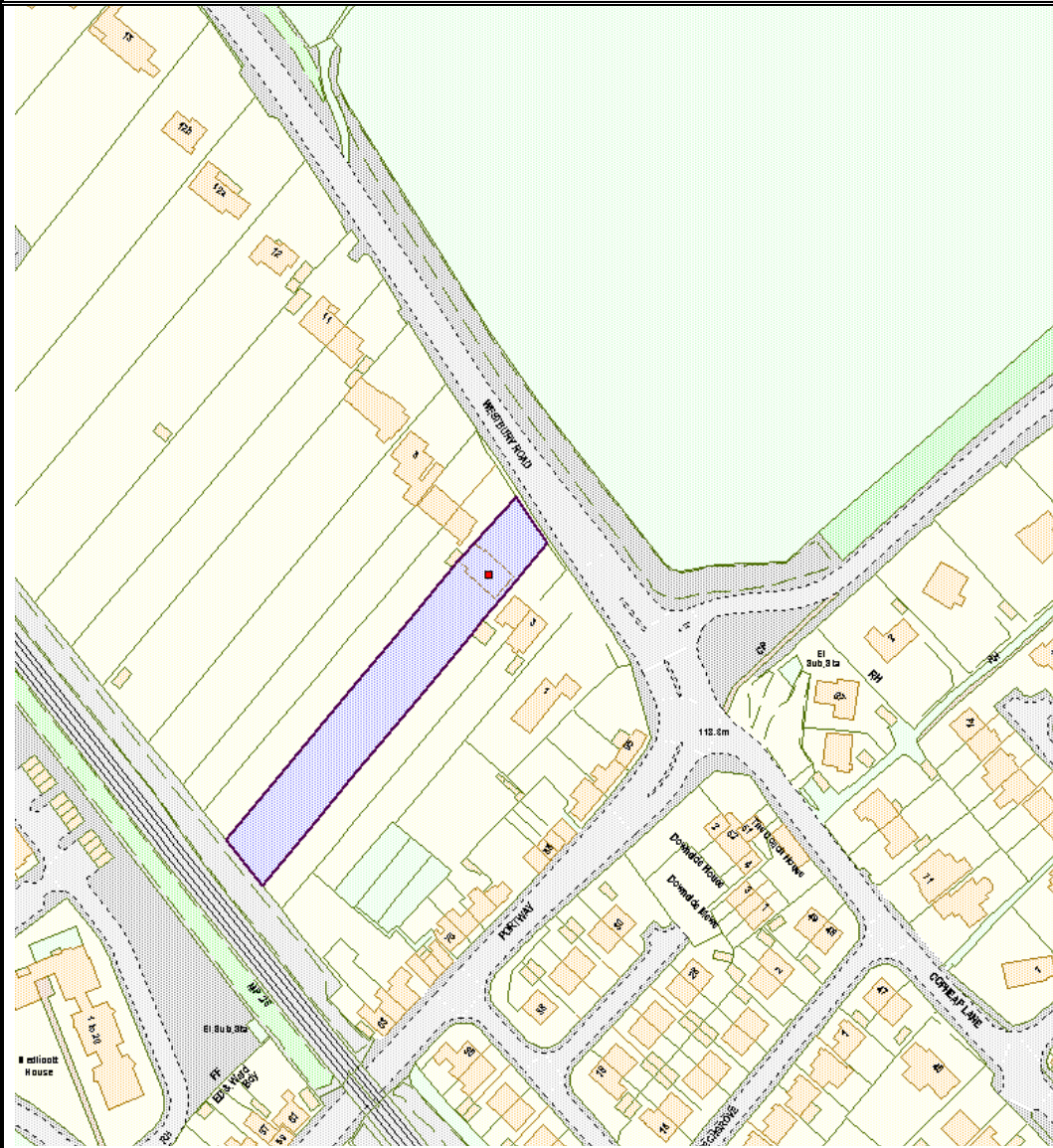
PLANNING COMMITTEE

21 June 2007

ITEM NO: 05

APPLICATION NO: 07/00933/FUL

LOCATION: 5 Westbury Road Warminster Wiltshire BA12 0AN



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SLA: 100022961

05 Application: 07/00933/FUL

Site Address: 5 Westbury Road Warminster Wiltshire BA12 0AN

Parish: Warminster Ward: Warminster West

Grid Reference 387541 145695

Application Type: Full Plan

Development: Two wooden cabins in rear garden

Applicant Details: Mrs L Ashton
5 Westbury Road Warminster Wiltshire BA12 0AN

Agent Details:

Case Officer: Mr David Cox

Date Received: 19.03.2007 Expiry Date: 14.05.2007

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 two cabins shall only be used for the general storage of equipment relating to the running of the day nursery. They shall not be used as additional space or day rooms for pupils to use.

REASON: In the interests of Neighbouring Amenity.

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

Note(s) to Applicant:

- 1 The applicant is reminded that condition 3 of planning permission 06/00806/FUL only allows for the nursery to have a capacity of 45 children.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Warminster Town Council objects and your Officers recommend permission.

This is an application for the erection and retention of two wooden cabins in the rear garden of 5 Westbury Road, Warminster. One of the cabins has been erected. This property is used as a day nursery for 45 children and also for the residential needs of the two owners and operators of the nursery. The application site is located in a residential area where each property is located on a staggered building line within generous plots. Each of the properties have large, deep rear gardens.

The previous application 06/00806/FUL, on this site was for a single and two storey rear extensions, which was approved at the 13th July 2006 Planning Committee, included a condition that the capacity of the nursery shall remain at 45 children.

The plans indicate that the two cabins measure 4x4 metres and are 2.7 metres tall. One would be located approximately 20 metres from the existing building. This log cabin, as the site photo's show has already been erected.

The proposed cabins are to be used for the storage of play equipment.

The second cabin will be located at the rear end of the garden, approximately 75 metres away from the existing building.

All of the other existing cabins and shed outbuildings will be removed from the site.

The two cabins would be used to as general storage of equipment and for toys and activity equipment.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Objection.

Members felt this development to be too large for the environment. Continual traffic problems in this area. Councillor Syme moved, seconded Council Lovell, refusal on the grounds that this is out of character with the area, would generate the possibility of extra children attending the school and more traffic movements onto Westbury Road which is a very fast and dangerous road situated near a bend. Should the District Council permit this development this Council requests that permitted development rights be removed on the two log cabins.

- HIGHWAY AUTHORITY

No objection.

PUBLICITY RESPONSES

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

- Believe the property will be overdeveloped due to the many previous extensions that have doubled the footprint.
- This is a business planning application in a residential area.
- Concerned with the noise levels from the nursery will increase due to more toys being held in these cabins.
- Concerned that these cabins will be misused in future years as day rooms for the children.
- Parking and road safety is still an issue.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C31a - Design
C38 - Nuisance

RELEVANT PLANNING HISTORY

06/00806/FUL - Extensions and alterations - Permitted by Committee -18.07.2006

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

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

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 Local Plan states that proposals for new development will be required to respect the quality of architecture of surrounding buildings. The design of the cabins is appropriate for the area as they are of a suitable size, shape and design in relation to its surroundings. Whilst one of the cabins has already been erected it clearly demonstrates that the cabins are not visually obtrusive and would be a typical outbuilding in this location. The second cabin would be located in the rear part of the garden, which again would cause no visual harm to the area.

The removal of the existing outbuildings would further improve the appearance of the area by removing structures that add little to the visual amenity of the area. Therefore the objections of the Town Council cannot be supported.

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 cabins are proposed for use as general storage for toys and activity equipment as well as general equipment used for the running of the nursery.

The cabins are not proposed to be used to increase capacity numbers of the children attending the nursery to use them as day rooms for the children. Therefore no nuisance issues through additional noise will be created. The school has had a condition stating that it can only have a capacity of 45 pupils and if they were to increase this number they would be in breach of this condition and require a further application for planning permission.

A condition is recommended that the cabins be only used for storage.

Highway Safety:

This application is only for the erection of two cabins to be used for general storage of equipment used by the nursery in its own rear garden. It therefore has no implication on the current highway issues that have already been found to be acceptable in the previous 06/00806/FUL application. This proposal would have absolutely no impact or influence on the capacity of the nursery, which has a condition on it to remain at 45 children. Additionally the Highway Authority stated no objection to the proposals.

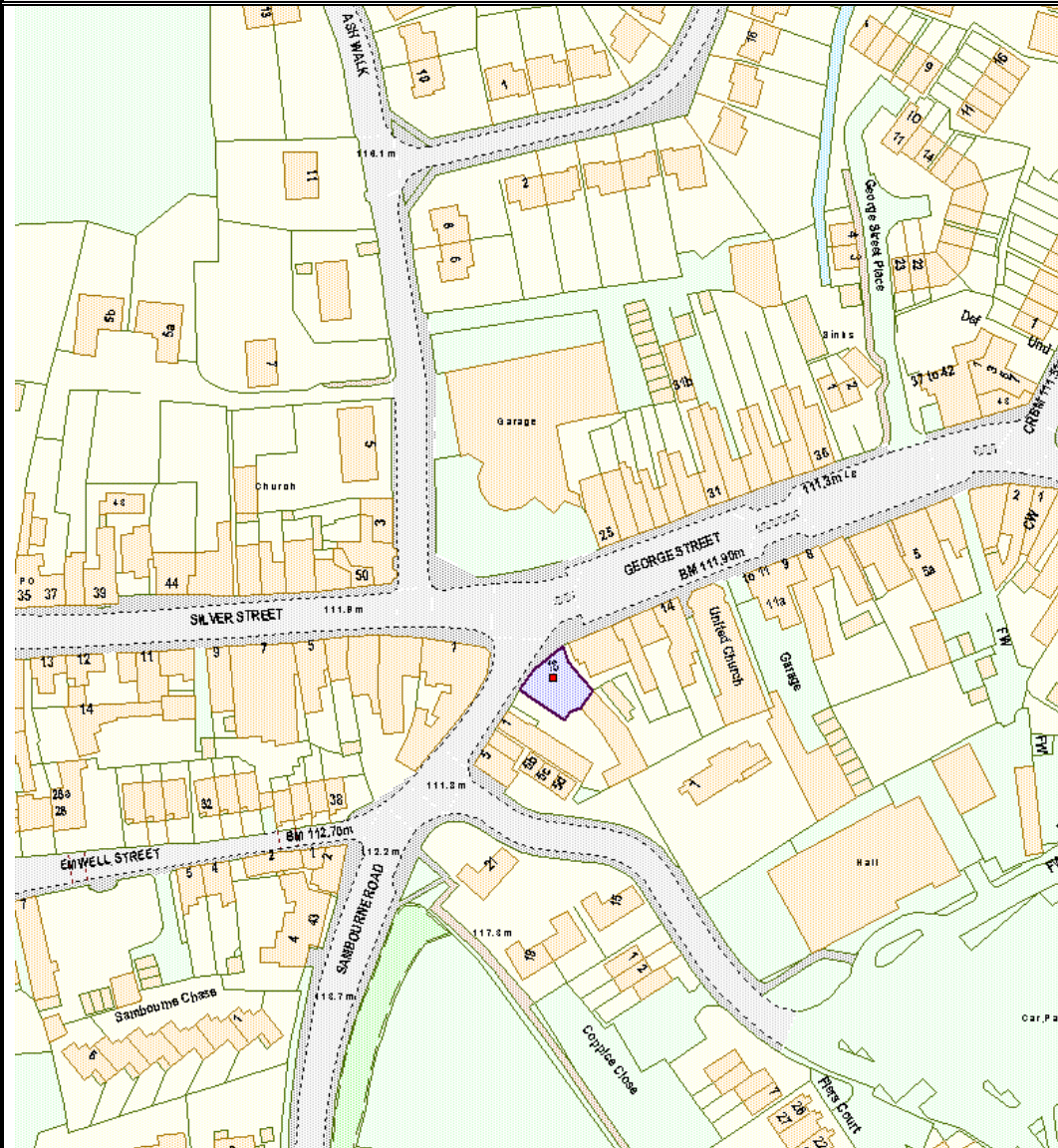
CONCLUSION

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

PLANNING COMMITTEE

21 June 2007

ITEM NO: 06
APPLICATION NO: 07/00675/LBC
LOCATION: The White Hart 18 George Street Warminster
Wiltshire BA12 8QA



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SLA: 100022961

06 Application: 07/00675/LBC

Site Address: The White Hart 18 George Street Warminster Wiltshire BA12 8QA

Parish: Warminster Ward: Warminster West

Grid Reference 387138 145120

Application Type: Listed building

Development: Sign

Applicant Details: Mrs Wong
1 Sambourne Road Warminster Wiltshire BA12 8LA

Agent Details:

Case Officer: Mr David Cox

Date Received: 22.02.2007 Expiry Date: 19.04.2007

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 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 sign shall be completely made out of wood, of which full details shall be submitted to and approved in writing to the Local Planning Authority prior to the sign being erected on the Listed Building.

REASON: In the interests of preserving the character of the Grade II Listed Building

POLICY: Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration

- 3 Once the restaurant use ceases, the sign shall be removed from the Listed Building.

REASON: In the interests of protecting the original character of the Grade II Listed Building

POLICY: Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration 2004

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a listed building consent application for a fascia sign at The White Hart, 18 George Street, Warminster. This is a late 18th Century 2 storey Grade II Listed Building built with coursed rubble with Ashlar quoins. It currently has a large rectangle black sign with white lettering "The White Hart" at first floor level. This sign is located between the two windows located both sides over the front door.

The proposal is to erect a rectangle timber frame sign over the front door of the property, underneath the "The White Hart" sign. It would have a white background with black lettering. The plans indicate that the sign would measure approximately 3 metres long by 0.45 metres wide. It would be attached to the wall of the property by wooden brackets. The plans also indicate that the sign would be 2.5 metres above ground floor level.

The street scene has a wide variety of signs, in particularly there being a large plastic "First Choice Beds" sign and shop at No 17, adjacent to the application site.

CONSULTATION REPLIES:

WARMINSTER TOWN COUNCIL

Objection: The sign does not enhance the street scene and is not in-keeping with the area having an adverse impact on the listed building.

STATUTORY CONSULTATIONS:

HERITAGE OFFICER

"This is unfortunate but on balance this would be a removable feature. Provided that the sign is constructed in timber, no plastic should be used, and that the sign is removed once the restaurant use class use ceases in order to protect the character of the Listed Building".

PUBLICITY RESPONSES

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

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C27 - Listed Buildings

C28 - Alterations and Extensions to Listed Buildings

C31a - Design

PPG15 - 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

Impact on the Listed Building:

PPG 15 and Section 66 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 the building or its setting or any features of special architectural or historic interest which it possesses.

Policy C28 of the District Plan states that alterations to listed buildings will only be permitted provided that:

- 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
- new details are designed to match or be in keeping with the character of the building.

The proposal would only add a simple rectangle wooden framed sign on the front elevation of the Listed Building. The sign would be well located underneath the existing "White Hart" sign, over the main door and between the existing windows. The sign would not lead to an cluttering of signs and would not harm the special character and appearance of the Listed Building.

No information has been provided as to how the sign and brackets will be attached to the wall of the Listed Building but this can be controlled by condition prior to works being undertaken on site.

CONCLUSION

No harm would be caused to the Listed Building and should the restaurant use cease on site a condition can be made to ensure the sign is removed. For these reasons the application should be granted listed building consent.

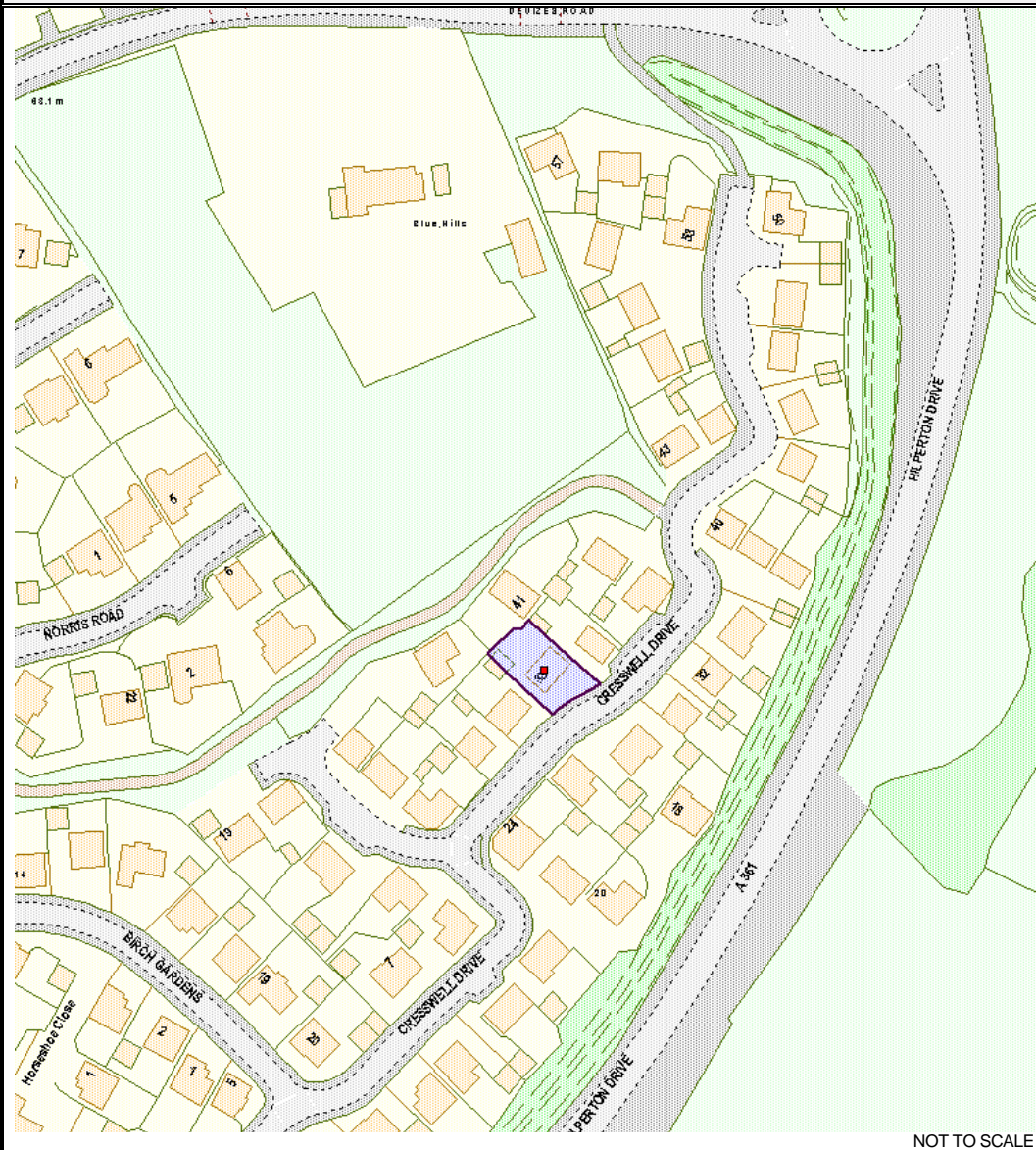
PLANNING COMMITTEE

21 June 2007

ITEM NO: 07

APPLICATION NO: 07/01282/FUL

LOCATION: 33 Cresswell Drive Hilperton Wiltshire BA14 7TN



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SLA: 100022961

07 Application: 07/01282/FUL

Site Address: 33 Cresswell Drive Hilperton Wiltshire BA14 7TN

Parish: Hilperton Ward: Avonside
Grid Reference 388066 159044
Application Type: Full Plan
Development: To form two bedrooms and a shower room in the roof space with new roof trusses and dormer windows
Applicant Details: Mr And Mrs I Lucas
33 Cresswell Drive Hilperton Wiltshire BA14 7TN
Agent Details: Mr R Towler
4 Rosenheim Rise Bratton Westbury Wilts BA13 4SU
Case Officer: Mr James Taylor
Date Received: 11.04.2007 Expiry Date: 06.06.2007

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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Hilperton Parish Council object to the proposals contrary to officer's recommendation.

This is a full planning application for the insertion of 3 dormer windows to the front and 3 dormer windows to the rear of a modern detached dwelling in Hilperton.

The host building is a 2-storey detached dwelling constructed from buff brick and concrete pantiles to the roof. It benefits from a detached garage to the side, an open front garden and an enclosed rear garden. The application site is surrounded by other residential properties.

CONSULTATION REPLIES:

- HILPERTON PARISH COUNCIL: The Parish Council objects to this application in respect of the dormers on the front elevation, on the grounds:-

- Out of keeping with the street scene
- Out of character with the design of existing buildings
- Conflict with the pattern of development

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties. 1 letter of objection received concerned about the following issues:

- The higher windows will no longer afford me the privacy that I presently enjoy.
- The addition of these extra dormer windows will not be in keeping with the other houses in the area.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C31a Design
C38 Nuisance

SPG Supplementary Planning Guidance on House Alterations and Extensions

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key issues to consider with this application are the impact on the neighbouring amenity and the design implications for the host building and the street scene.

PLANNING OFFICER COMMENTS

The Council's adopted SPG on house alterations and extensions offers guidance on the insertion of dormer windows into an existing building. It sets out that the use of dormers will depend on whether they are a characteristic feature of the area or the style of building. They may also increase the possibility of overlooking neighbouring properties and their gardens.

The SPG highlights several points that should be noted, they should not be more than one third of the width of the roof, set below the main ridge of the roof, the face should be set well back from front of the main elevation. The cheeks should be clad in materials to match the main roof and they should line up with existing windows matching their style and proportions.

It is considered that the dormers to the front elevation of the building are precisely in accordance with this adopted guidance. It is accepted that in the street scene that this type of dwelling is not characterised by dormer windows, however there are other dormers, indeed much larger ones evident in the wider area. The rear dormer windows are larger, however this is in part in order to achieve the space for the stairway into the proposed attic rooms. This type of dormer is best accommodated to the rear of the building away from the street scene.

It is considered that the introduction of dormers onto this building is acceptable in principle, since the dormers are in accordance with the adopted guidance and sympathetic in their design.

The Council's adopted SPG on house alterations and extensions also offers advice on the potential impact of development on neighbouring properties. It states that overlooking can be a problem for extensions to houses when dormers are proposed, and this can apply to private gardens and windows of habitable rooms. The proposal of front dormers would not impact on any neighbours. The rear windows would face a neighbour garden area from a distance of approximately 10 metres, less than the distance of the existing first floor windows. The SPG states that as a general rule a distance of 10 metres should be maintained between the neighbour's garden boundary and any directly overlooking windows in the extension.

This proposal adheres to the adopted guidance, and although it may lead to some degree of increased overlooking, given the existing built form relationships it would not cause demonstrable harm above and beyond the existing situation. This is because although planting has reduced visibility from the existing first floor windows to the rear neighbours garden such a situation was established under the original permission of the housing estate. This would be no more harmful than that original situation and is therefore not a reason for refusal.

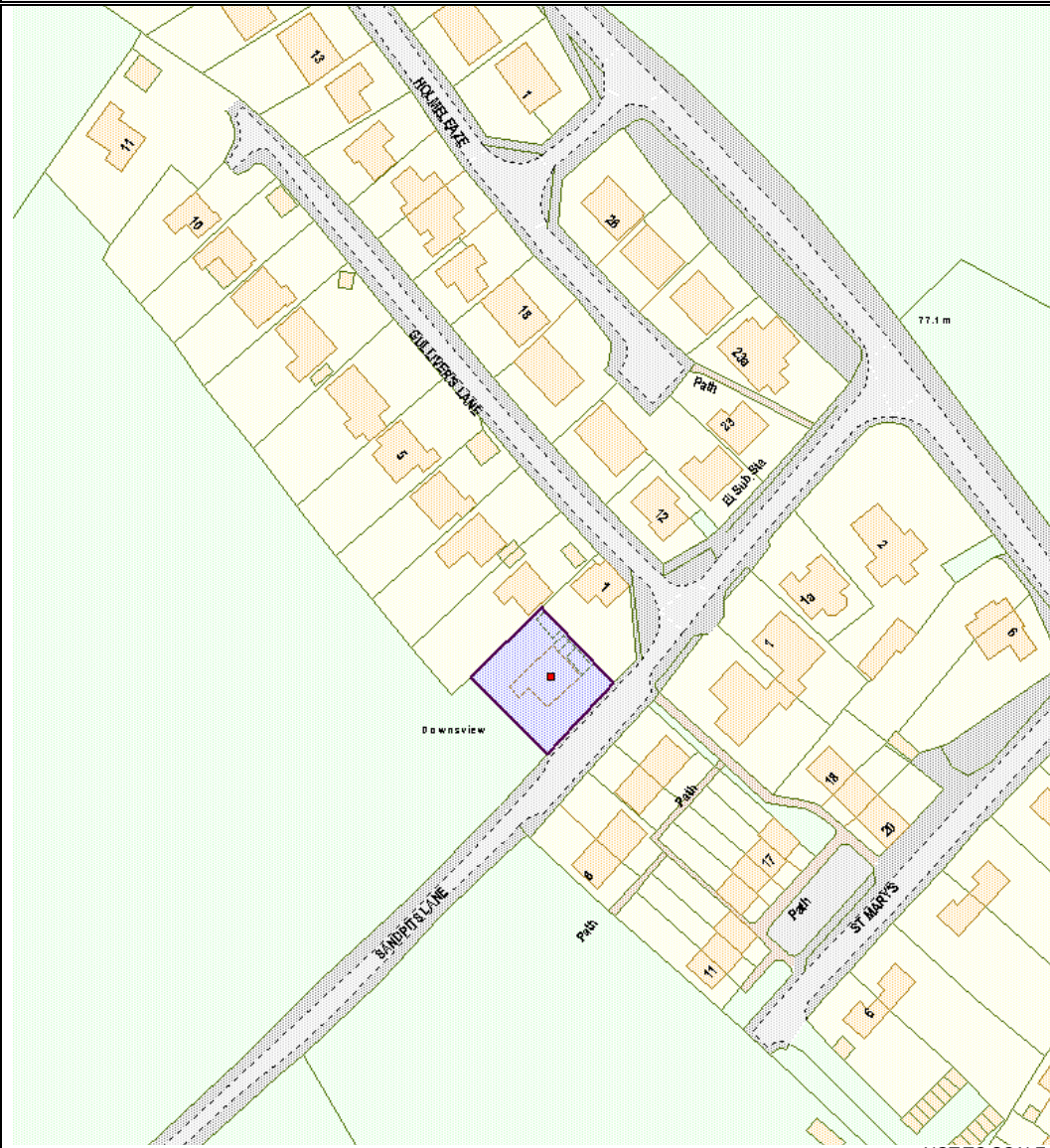
CONCLUSION

On balance it is considered that the proposal would not cause any demonstrable harm to the host building, the street scene or the neighbouring amenity.

PLANNING COMMITTEE

21 June 2007

ITEM NO: 08
APPLICATION NO: 07/00702/FUL
LOCATION: Downsview Sandpits Lane Steeple Ashton Wiltshire BA14 6BP



NOT TO SCALE

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SLA: 100022961

08 Application: 07/00702/FUL

Site Address: Downsview Sandpits Lane Steeple Ashton Wiltshire BA14 6BP

Parish: Steeple Ashton Ward: Summerham
Grid Reference 390306 157174
Application Type: Full Plan
Development: Erection of single storey extensions for conservatory, utility/family rooms
Applicant Details: Mr And Mrs S Carr
Downsview Sandpits Lane Steeple Ashton Wiltshire BA14 6BP
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Mr Peter Westbury
Date Received: 26.02.2007 Expiry Date: 23.04.2007

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 before the expiration of three years from the date of this permission.

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Steeple Ashton Parish Council object contrary to Officer's recommendation.

This is an application for full planning permission for two single storey extensions to an existing detached bungalow on the western side of Sandpits Lane at its junction with Gulliver's Lane, Steeple Ashton.

The first extension is a proposed conservatory to the south western side of the building. The plans indicate that it would occupy an area of 28.4 square metres and would be 3.6m tall. This proposal would replace an existing smaller sun lounge.

The second extension would be for a pitched roof extension to the north eastern side of the main property. It would occupy a floor area of 27.3 square metres and would be 5m tall. The proposed extension would replace an existing smaller playroom.

In support of their application the Applicants have provided a plan indicating the distance from nearby development and in response to the objection from the Parish Council state:

"The Parish Council mentioned that the new extension on the field side of the house would have an "adverse visual impact upon the character and setting of the area", we believe this to be a poor excuse because how can a extension with a tiled roof have more of a visual impact than the white UPVC conservatory with a clear polycarbonate roof, which a night time when the lights are on stick out a sore thumb when approaching the village from Sandpits Lane. The other reason for changing this conservatory is to save money on the heating costs and we believe it would improve the look of that side of the house.

The Parish Council and neighbour (1 Gulliver's Lane) also feel that the extension are too big for the ploy of land; we again would like to point out that today builders would be allowed too build at least four houses on a plot of land our size! With regards to it having an overbearing impact on the neighbouring dwelling you just have to look up Gulliver's Lane all these bungalows have had extension and are a lot closer to each other than our extensions would be to any of our neighbours!"

CONSULTATION REPLIES:

- STEEPLE ASHTON PARISH COUNCIL: Object

"i) The adverse visual impact that these extensions will have upon the character and the general setting of the area, particularly the view of the village from Sandpits Lane as stated in the Steeple Ashton Village Design Statement page 17, recommendation 9: "The fine inward views of the village on its approaches from should be protected

ii) The size of the extensions . They feel that it is contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration (2004) and the SPG Planning Design Guidance by reason of its scale and mass, creating a form of development that would be overly dominant and which would have an overbearing impact on the neighbouring dwellings.

We would like to point out to officers that this site has been subject to retrospective planning application. If, in the wisdom of the councillors they are minded to allow this application could they please ensure that detailed dimensioned plans are available and that they are adhered to. Further the council wish that all responses received from neighbours to the Planning Authority be taken into account prior to the determination of this Application."

PUBLICITY RESPONSES

Neighbouring residents were consulted and as a result two representations from the same neighbour were received both objecting to the proposal on the following grounds:

- The proposed extension severely compromises the level of light to the main garden of my property and more importantly closes off a large element of light into my garden floor.
- "It is of note to me that the level of light has already been compromised by the applicants in their previous extension works by the significant raising of the roof line to accommodate a loft conversion. These works were undertaken without proper planning permission which was then only approved by a retrospective planning application to yourselves.
- Design, appearance and layout: The proposed development would represent overdevelopment of the site.
- Proposal more in keeping with an urban conurbation than a village environment.

RELEVANT PLANNING POLICY

West Wilts District Plan 1st Alteration 2004
C31a - Design
C38 - Nuisance

SPG - Planning Design Guidance (House alterations and extensions)
Steeple Ashton Village Design Statement

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh this policy.

PLANNING OFFICER COMMENTS

Policy C31a of the District Plan states that proposals for new development will be required to respect or enhance the quality of architecture of surrounding buildings. In the context of Steeple Ashton, an in particular approaches to the village, this means that proposals should protect the views of the church. This proposal would have no impact on this important view.

The SPG on House alterations extensions states that side extensions may well represent the most appropriate way of extending a property. In this case the proposal has been design so that neither extension would detract from the street scene.

It is considered that the proposals would be in scale and character with this and surrounding properties and is consistent with Policy C31a and supplementary planning guidance.

The application proposal is at a sufficient distance to prevent any detrimental impact on the amenity enjoyed by neighbouring properties. Single storey extensions are unlikely to result in a significant loss of amenity to neighbouring properties unless there is a significant difference in levels from one site to another. In this case, there is no such difference. It is not accepted that the proposal will result in a loss of amenity to neighbouring properties. The proposal is therefore consistent with Policy C38 of the District Plan.

Other material considerations

The Applicants reference to other properties in the vicinity of the site is of no relevance to the consideration of this application.

The representation received refers to the loss of light resulting from this proposal. This is not accepted by virtue of the distance from the proposal to the neighbouring property to the application proposal.

That earlier building work required retrospective planning permission has no relevance to this application.

For development of this scale, no distinction is drawn between an "urban conurbation" and village setting.

The proposal by virtue of its scale, height and relationship with the existing buildings on the site, would not represent an overdevelopment of the site. That the site may or may not be suitable for redevelopment for housing is irrelevant.

CONCLUSION

On balance, the proposals are considered acceptable within Council policy.

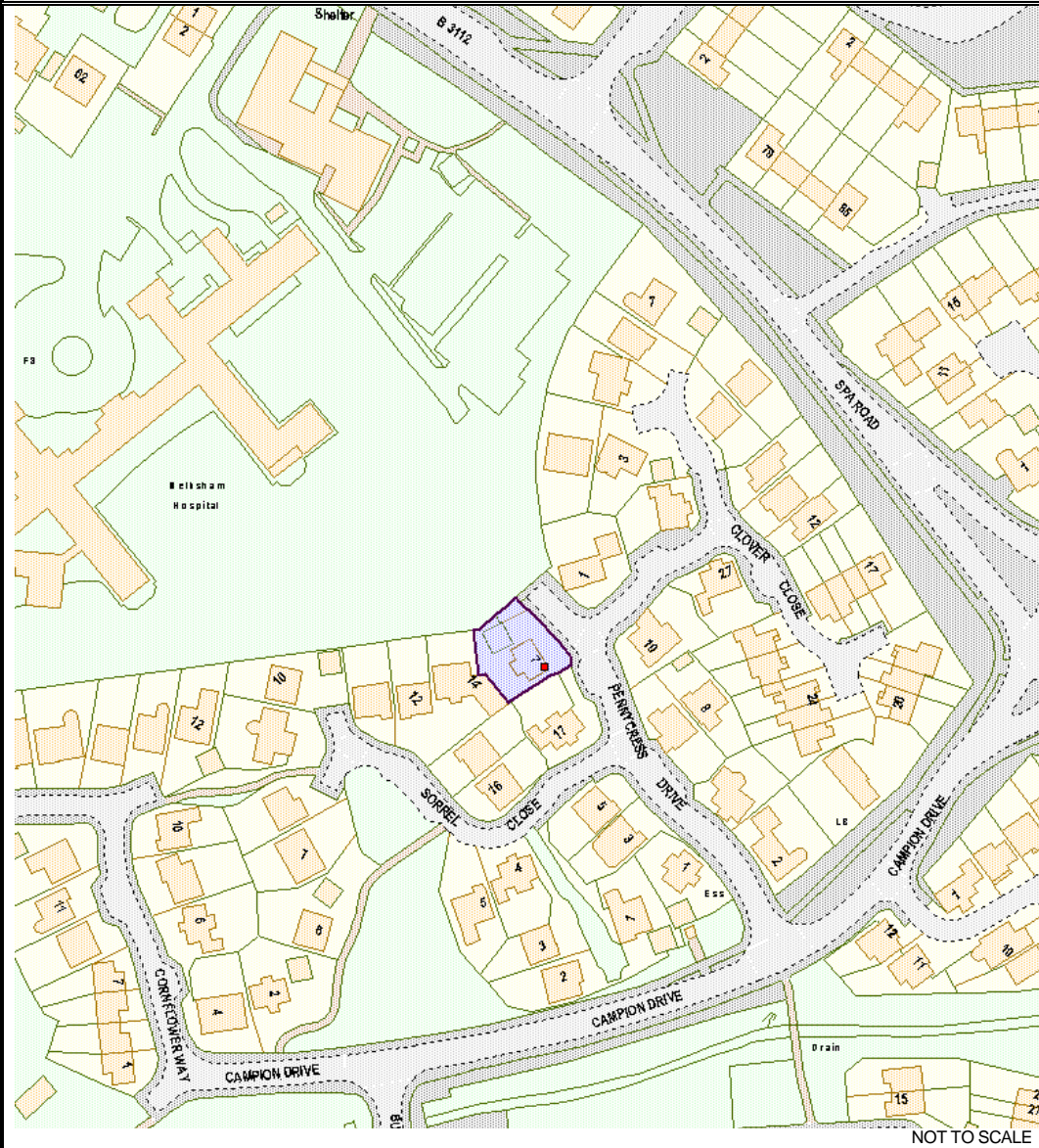
PLANNING COMMITTEE

21 June 2007

ITEM NO: 09

APPLICATION NO: 07/01230/FUL

LOCATION: 7 Pennycress Drive Melksham Wiltshire SN12 7SG



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www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 07/01230/FUL

Site Address: 7 Pennycress Drive Melksham Wiltshire SN12 7SG

Parish: Melksham (Town) Ward: Melksham Spa
Grid Reference 391041 163069
Application Type: Full Plan
Development: Single and upper storey (two) extensions with internal alterations
Applicant Details: Mr And Mrs G Sibley
7 Pennycress Drive Melksham Wiltshire SN12 7SG
Agent Details: K M Papierz
40 Greenland Mills Bradford On Avon Wiltshire BA15 1BL
Case Officer: Miss Andrea Levin
Date Received: 05.04.2007 Expiry Date: 31.05.2007

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 'blind' windows at second floor level shown on the gable elevation of the rear extension shall be retained with brickwork infill in perpetuity and shall not be glazed.

REASON: In the interests of protecting neighbouring amenity.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Melksham Town Council object to the proposal contrary to officer's recommendation.

This is a full application for a single and two-storey rear extension and a single storey side extension, which includes demolishing part of the existing garage/workshop, leaving a detached single garage, standing 3.0 metres away from the side boundary of the property.

The two-storey rear extension would measure 4.05 metres in width, 3.05 metres in depth and 7.1 metres in height from ground level to ridge height. The single storey rear extension would measure 4.8 metres in width, 3.05 metres in depth and 3.71 metres in height to its ridge. The single storey side extension would measure 8.55 metres in width, 2.3 metres in depth and 3.71 metres in height to its ridge. The proposals would be constructed from materials to match the existing property.

The application has been submitted following a refusal of an earlier application.

7 Pennycress Drive is a detached house with a detached garage/workshop located to the side of the property. The property is situated in a close of detached mixed brick properties, many of which have small, external lean-to porches characteristic to the area. The application site, however has a centrally positioned pitched roof porch, which is a distinctive design within the area. To the North of the property is Melksham Hospital, which is currently separated from the application site by an area of undeveloped land. A 1.5 metre boundary fence surrounds the site curtilage.

CONSULTATION REPLIES

- MELKSHAM WITHOUT PARISH COUNCIL

Object to the proposal on the following grounds:

- The rear extension, by reason of its design and composition is still big in mass and scale.
- It is unsympathetic within the street scene.
- It will overlook the neighbouring properties.

PUBLICITY RESPONSES

The proposal was advertised by way of letters to the neighbouring properties.

One letter of objection has been received stating that the application appears to not have addressed the previous reasons for refusal, and would still result in loss of privacy and loss of daylight to the property to the west, 14 Sorrel Close.

RELEVANT PLANNING HISTORY

06/03826/FUL - Single and upper storey extension - Refused 31.01.07

PLANNING POLICY

West Wilts District Plan 1st Alteration 2004

C31a - Design

C38- Nuisance

SPG - Planning Design Guidance (House alterations and extensions)

KEY PLANNING ISSUES

The main issues to consider regarding this application are the potential impact on the host dwelling and the neighbouring amenity and whether the proposal overcomes the previous reason for refusal.

PLANNING OFFICER COMMENTS:

Planning application ref. 06/03826/FUL was refused for two reasons. Firstly that the proposed rear extension, by reason of its design, composition, mass and scale would have resulted in an unsympathetic addition which would not respect the design and form of the host dwelling contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration 2004, and the advice contained within the Council's Supplementary Planning Guidance on House Alterations and Extensions.

The Supplementary Planning Design Guidance - Household Alterations and Extensions specifies that the design principles which apply to front and side extension will also apply to rear extensions. Careful attention should be given to the size and style of the extension and the roof form. In this case the reduction in width and depth of the two-storey element of the proposal, as well as the alteration to its design and composition would result in an extension with a less contrived appearance, and a design which would be more sympathetic to the host dwelling.

The second reason for refusal was on the basis that the proposed extension, by reason of the position and orientation of the upstairs window facing 14 Sorrel Close would result in a loss of privacy to the habitable rooms and rear garden of this property contrary to Policy C38 of the West Wiltshire District Plan 1st Alteration 2004, and the advice contained within the Council's Supplementary Planning Guidance on House Alterations and Extensions.

The revised plans now display 'blind windows' at first floor level in order to overcome the overlooking issues addressed in the above refusal and your Officers are content that this reason for refusal has now been overcome.

Regarding the issue of loss of daylight, the proposal now extends just 3.05 metres in depth rather than the 3.65 metres as shown on the previous application. As the ridgeline of the proposed extension would sit approximately 0.9 metres below the ridgeline of the existing dwelling, the impact of the proposal upon the amount of daylight enjoyed from the neighbouring property would be significantly reduced, particularly because the proposal would stand approximately 5 metres away from the rear boundary of the site.

The single storey side and rear extensions conform to the Supplementary Planning Guidance for House Alterations and Extensions through their use of a pitched roof design and materials to match the existing building. The demolition of part of the garage is unlikely to have a significant impact upon the existing dwelling.

As there is no neighbouring property to the north of the site there will be no loss of amenity to this land as it currently sits.

CONCLUSION

In conclusion the previous reasons for refusal have been overcome by this revised proposal and no planning objections are raised.