

# PLANNING COMMITTEE

23 AUGUST 2007

## Planning Applications for Determination

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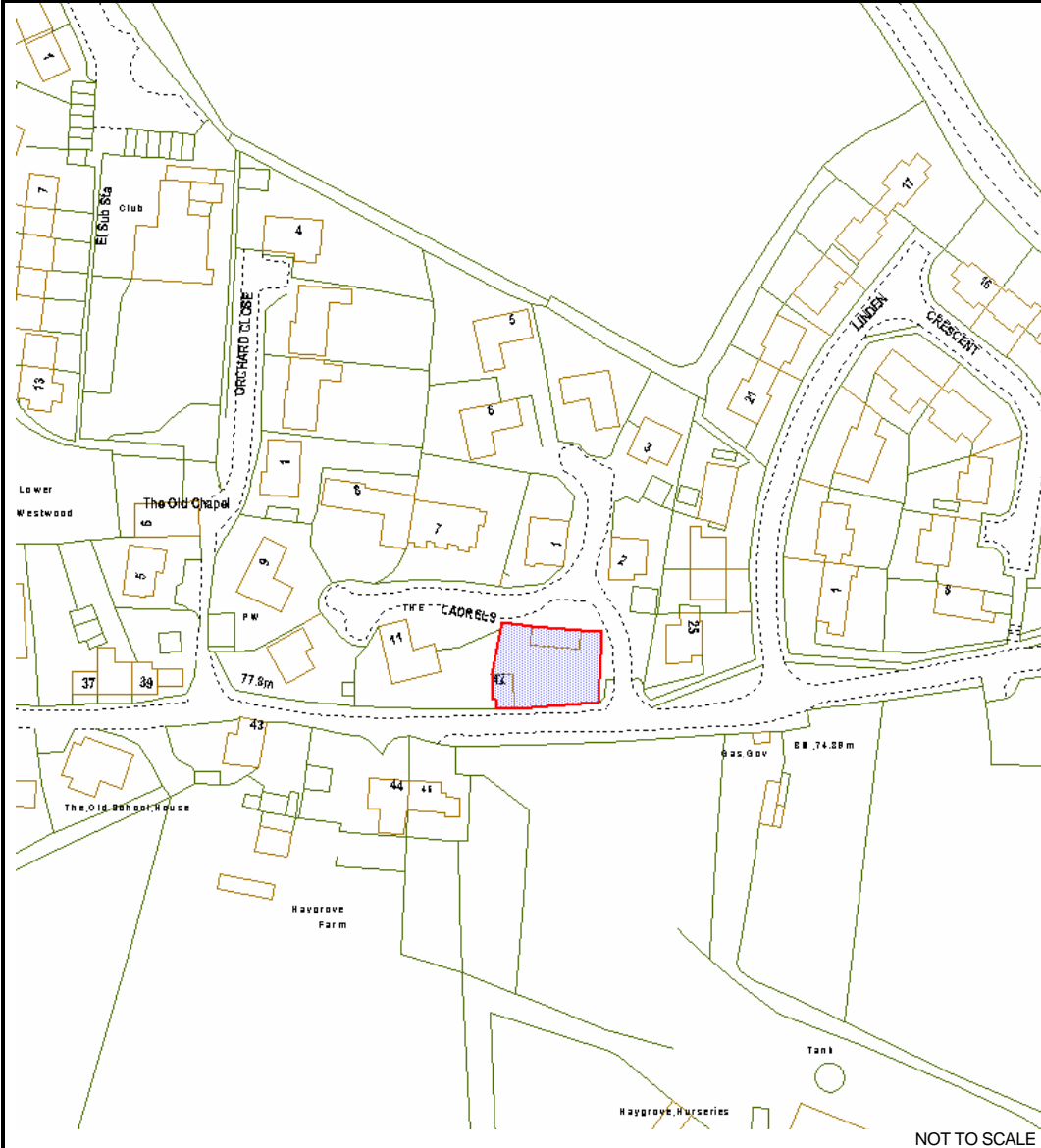
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 01

APPLICATION NO: 07/01393/FUL

LOCATION: Land Adjoining 42 Lower Westwood Westwood  
Wiltshire



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

SLA: 100022961

**01 Application: 07/01393/FUL**

**Site Address: Land Adjoining 42 Lower Westwood Westwood Wiltshire**

Parish: Westwood Ward: Bradford On Avon South  
Grid Reference 380987 159142  
Application Type: Full Plan  
Development: Conversion of annex to new dwelling by re-instating original boundaries  
Applicant Details: C And D Brunt  
April Cottage 42 Lower Westwood Bradford On Avon Wiltshire  
BA15 2AW  
Agent Details:  
Case Officer: Mr Mike Muston  
Date Received: 20.04.2007 Expiry Date: 15.06.2007

**JUSTIFICATION REASON:**

**The proposal accords with all relevant development plan policies, would preserve the character and appearance of the Conservation Area, would not, have an adverse effect on the living conditions of nearby properties and would not harm highway safety.**

**RECOMMENDATION:**

**Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement to secure the reassessment of the viability of the development at practical completion and the provision of any resulting commuted sum towards an affordable housing contribution in accordance with the council's supplementary planning guidance - Affordable Housing.**

**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 parking spaces indicated on the approved plans together with the means of access thereto shall be completed and made available for use before the new dwelling is occupied and shall be maintained as such thereafter.

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

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

- 3 The extended driveway and additional parking spaces shall not be brought into use until they have been properly consolidated and surfaced (not with 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 and the character and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan -1st Alteration 2004- Policy C19.

- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the design and materials of the proposed 1 metre high fence. The fence shall only be erected 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 C19

**Note(s) to Applicant:**

- 1 Prior to starting work, the applicant is advised to contact Wessex Water (Sarah Windley on 01225 526000) to agree with them arrangements for the protection of any of their infrastructure that crosses the site.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application is brought to the Planning Committee because Westwood Parish Council object and your officers recommend that planning permission should be granted.

This application seeks to separate the main house from an outbuilding, which is currently used as an annexe, to form two separate dwellings - one being the main house and the other by converting the annexe into a self-contained two bedroom house. The annexe has permission from 2002 and is currently arranged over 2 floors, with a garage, study and utility room on the ground floor and a living room, bedroom and bathroom above. The proposal would involve the conversion of the ground floor into a living room, dining room and kitchen, and the first floor into two bedrooms and a bathroom. The only external alterations proposed to the building are a new window in the side elevation to the living room, and the replacement of the garage doors by a window, again to the living room.

The property currently has parking for 3 cars outside, plus one in the garage. The proposal would see the parking area extended to allow the parking of 4 cars, 2 for each property.

### STATUTORY CONSULTTEES

#### WESTWOOD PARISH COUNCIL

Objects on the grounds that the annex was developed as ancillary living accommodation, subject to a condition that it should not be used as a separate dwelling - the Council can see no reason for this condition to be overturned. The Council also considers that the creation of a separate dwelling to represent overdevelopment of the site, that the car parking arrangements are unsatisfactory and that the conversion of a garage to an independent living unit is unsatisfactory under any circumstances.

#### HIGHWAY AUTHORITY

No objections subject to a condition that the driveway is properly consolidated and surfaced to prevent loose material getting onto the highway.



## WESSEX WATER

No objections raised, but make detailed comments on how the applicant should ensure connection with Wessex Water infrastructure

## INTERNAL CONSULTEES:

### HOUSING ENABLING OFFICER

An open book assessment has been carried out with the applicant. Based on the viability of the scheme a commuted sum will not be sought at this time. However, if the Council is minded to grant planning permission, it is recommended that a claw back S106 agreement be entered into to allow us to reassess the costs and viability of the scheme at practical completion.

## PUBLICITY RESPONSES

The application was advertised by site notice and neighbour notifications have been carried out. Five letters have been received in response, four objecting to the proposal and one making observations. The main areas of concern are:-

- The proposal is not reinstatement as the site has never comprised two dwellings
- The proposal is contrary to the conditions imposed on the permission to use the building as an annex
- The parking spaces are inadequate and would be dangerous
- The proposal would represent overdevelopment of the site

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration (2004)

H17 Village Policy Limits

C19 Alterations in Conservation Areas

PPS3 Housing

PPG15 Planning and Historic Environment

## RELEVANT PLANNING HISTORY

02/01556/FUL Conversion of garage to annex Permission

## KEY PLANNING ISSUES

The main issues in this case are:

- whether the principle of sub-dividing the plot is acceptable
- the effect of the proposal on the living conditions of nearby residential properties
- the effect of the proposal on highway safety
- whether the proposal preserves or enhances the character or appearance of the Westwood Conservation Area.

## PLANNING OFFICER COMMENTS

### Principle of sub-division of plot

The permission that allowed the conversion of the outbuilding of the garage into an annex included conditions preventing the annex from being separated or sold off and preventing the insertion of further windows at first floor level. However, conditions such as this are imposed to retain control over such matters -they do not mean that such requests could never be entertained. In this case, the proposal would run contrary to the condition preventing the separation of the annex from the main house, but would not involve any new windows at first floor level.

The site is within the village policy limit for Westwood, so the principle of residential development on a suitable plot is acceptable. In this case, the building already exists and would have no greater impact on the character or appearance of the area than it does now. Similarly, the site would not appear any more cramped or overdeveloped than it does now. In addition, the curtilage of the existing house is large enough to provide parking for 4 cars and adequate amenity space for both houses.

It is not considered that there is any objection in principle to the proposal, which is in line with the policy requirements set out by Government and in the Local Plan to make efficient use of sites within existing settlements.

### Effect on neighbours' living conditions

The building would not change in size or height, and the only new windows are at ground floor level. There would therefore be no difference between the effect of the annex and the new house on most neighbours. The only exception is that all the windows in the south elevation of the new house would overlook the front garden of the main house, which would, if permission is granted, be separately occupied from the annex. Whilst the effect on this property is a material planning consideration, it is not considered sufficient to warrant a refusal of the application.

### Highway safety

The driveway slopes upwards away from the road and would continue to do so when altered as proposed. The applicants have commissioned highway consultants to show that the proposed layout does work in highway terms and would adequately provide parking for 4 cars. In addition, the County Council as highway authority have raised no objections subject to a condition. There are no grounds for resisting the application on highway safety grounds.

### Affordable Housing

An open book assessment has been carried out with the applicant. Based on the viability of the scheme a commuted sum should be sought at this time. However, a claw back S106 agreement is appropriate to allow us to reassess the costs and viability of the scheme at practical completion.

### Conservation Area

The boundary of the Westwood Conservation Area runs through the site, with the main house being within and the annex/proposed new house outside the Conservation Area. The proposal would involve the erection of a new 1 metre high boundary fence, the extension of the parking area and the new windows as noted above. It is not considered that any of these alterations would have a material effect on the character or appearance of the Conservation Area, which would, it is considered, be preserved. A condition is recommended regarding the details of the fence being submitted, to ensure that it fits in with the character of the Conservation Area.

## CONCLUSION

Subject to a legal agreement to secure the reassessment of the viability of the development at practical completion and the provision of any resulting commuted sum towards an affordable housing contribution, there is no objection in principle to this proposal. The one adverse effect of the proposal would be the overlooking of the applicant's retained garden. However, there is no in principle objection to the proposal and the only adverse effect would be the overlooking of the applicants' retained garden. However, this is not considered sufficient to outweigh the support from the development plan and national planning guidance in support of new houses being allowed in existing sustainable settlements. It is therefore recommended that planning permission be granted, subject to the conditions listed above.

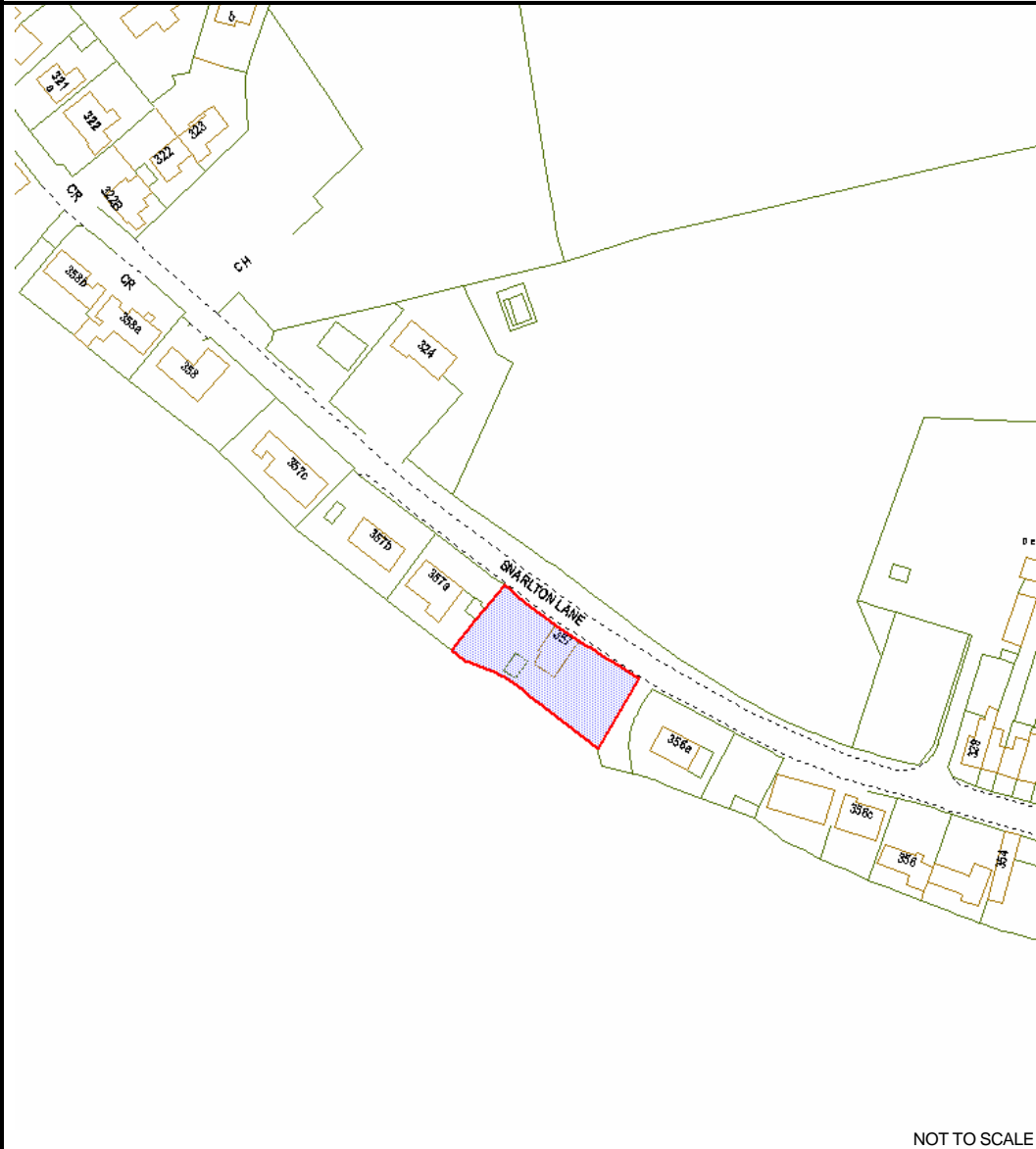
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 02

APPLICATION NO: 07/01590/FUL

LOCATION: Land Adjoining 357 Snarlton Lane Melksham  
Wiltshire



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SLA: 100022961

**02 Application: 07/01590/FUL**

**Site Address: Land Adjoining 357 Snarlton Lane Melksham Wiltshire**

Parish: Melksham Without Ward: Melksham Without

Grid Reference 391859 163888

Application Type: Full Plan

Development: Construction of two semi-detached houses and one detached house

Applicant Details: Mr C Hyde  
3 Potley Lane Corsham Wiltshire SN13 9RY

Agent Details:

Case Officer: Mr Mark Reynolds

Date Received: 08.05.2007 Expiry Date: 03.07.2007

**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 - Policy C31A.

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

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

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

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

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

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

- 5 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 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 permitted development rights on this site would be unacceptable.

- 7 Before the dwellings hereby permitted are first occupied the boundary treatments, within the site boundary, between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire site frontage shall not exceed a height of 900mm above the nearside carriageway level and thereafter maintained at or below that height at all times.

REASON: In the interests of highway safety.

- 8 The driveways and parking areas 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.

- 9 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.

**Note(s) to Applicant:**

- 1 The applicant is advised by Wessex Water that storm flows must not be connected to the foul sewer.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to committee because the Parish Council objects to the proposals contrary to Officers recommendation.

This is a full planning application for one detached house and a pair of semi-detached dwellings at Boxwood Cottage, 357 Snarlton Lane, Melksham.

There currently exists one dwelling on site which would be retained. The application site is a plot of 42m in width by 18m in depth. The proposed semi-detached dwellings would occupy a footprint of 12m in width by 8m in depth and these dwellings would be 6.6m in height. The detached dwelling with an integral garage would be 9.3m in width by 6.5m in depth and would be 6.6m in height to ridge level.

The application site is located within the town policy limit for Melksham.

### **CONSULTATION REPLIES**

#### **MELKSHAM WITHOUT PARISH COUNCIL**

'The Council is concerned that this application will aggravate the very serious parking difficulties in Snarlton Lane. There is no spare parking on the lane which is always very congested'.

### **STATUTORY CONSULTEES**

#### **HIGHWAY AUTHORITY**

The access arrangements are similar to those proposed in the previous application for this site (W07.0646), Therefore I recommend the same conditions be applied to this application as previously recommended.

#### **ENVIRONMENT AGENCY**

Have no comments to make on this application.

#### **WESSEX WATER**

No objection in principle.

### **PUBLICITY RESPONSES**

The proposal was publicised by site notice and press advertisement and neighbours were notified to which there has been no response.

### **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

## RELEVANT PLANNING HISTORY

07/00646/FUL - Construction of four semi-detached houses - Withdrawn

## KEY PLANNING ISSUES

The key planning issues to consider are planning history, policy, design, neighbouring amenity and highway safety.

## PLANNING OFFICER COMMENTS

This application follows the withdrawal of a previous application for four houses on the site.

The application site is located within the town policy limits for Melksham where Policy H1 allows for further residential development provided that it meets certain criteria.

The proposal for three dwellings makes an efficient use of land calculated at approximately 48 dwellings per hectare. The proposed dwellings would be setback from Snarlton Lane by in excess of 7m. Dwellings which are in a variety of styles and sizes along Snarlton Lane are setback a variety of distances with no strongly discernable building line. The proposed layout of the dwellings would not harm the spatial characteristics of the area. The spatial layout proposed allows the existing Boxwood Cottage to remain the focus of the land bordering closely as it does to Snarlton Lane.

The proposed dwellings would have a similar ridge height to that of the existing cottage which would relate well to the existing dwelling. The proposed dwellings would front onto the road with parking also being achieved in front. This would help to create an active frontage at this site. Whilst the development would necessitate the removal of a privet hedge at the frontage of the property additional planting can be achieved in front of the detached dwelling so that the character of the area should not be harmed. The wider area is also characterised by open frontages onto Snarlton lane.

Snarlton Lane exhibits a mixture of housing styles and types. These range from single storey detached dwellings to terraces of two storey dwellings. There have been a number of residential infill developments along the lane in recent years. The lane itself is also surrounded by the West Wiltshire District Plan 1st Alteration 2004 Policy H6 land allocation for 750 dwellings and the proposed dwellings would overlook a formal sports provision space within this large residential allocation.

The proposed dwellings would be constructed in reconstructed stone with concrete roofing tiles. Both of these construction materials are common in the surrounding area. The dwellings have been reduced in size and height from those dwellings proposed in the previously withdrawn planning application and they are considered acceptable in this mixed residential environment.

There would be an adequate level of amenity space for each of the proposed dwelling. The development would be in accordance with planning policy H1 of the West Wiltshire District Plan 1st Alteration 2004.

The proposal raises issues regarding neighbouring amenity. The existing dwelling does not front onto Snarlton Lane and has windows on both the north west and south east elevations. So windows would face the blank side elevations of the proposed dwellings, which would avoid any loss of privacy occurring between dwellings. The dwellings are shown setback which acts to mitigate against any direct overlooking of the rear gardens of the proposed dwellings. There may be some limited indirect overlooking but this would be at an obscure angle and the future occupiers of the dwellings would be aware of this. The proposed dwellings would not therefore harm neighbouring amenity to such an extent that refusal could be justified.



The Parish Council has objected to the proposal on the basis of the existing parking arrangements in the lane being aggravated by the development. The proposal can provide two car parking spaces per dwelling and this should be adequate to accommodate the parking demands created by the development. The Highway Authority has raised no objections to the proposals and their views are supported in this case.

#### CONCLUSION

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

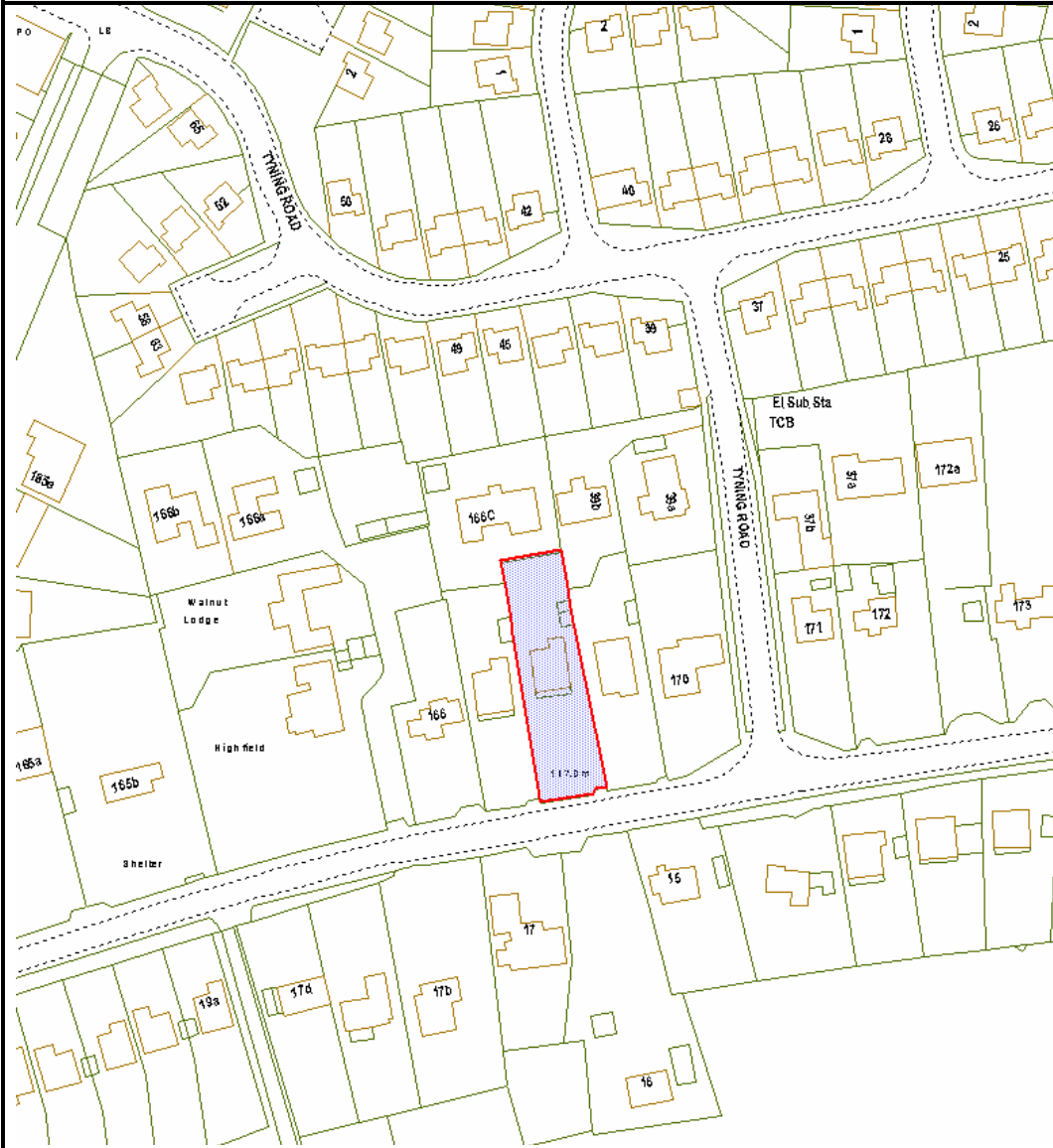
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 03

APPLICATION NO: 07/01888/FUL

LOCATION: 168 Bradford Road Winsley Wiltshire BA15 2HW



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SLA: 100022961

**03 Application: 07/01888/FUL**

**Site Address: 168 Bradford Road Winsley Wiltshire BA15 2HW**

Parish: Winsley Ward: Manor Vale

Grid Reference 380421 161117

Application Type: Full Plan

Development: Alterations to provide accommodation in roofspace, single storey extensions and replacement garage

Applicant Details: Mr And Mrs Fenwick  
168 Bradford Road Winsley Wiltshire BA15 2HW

Agent Details: Mrs E Welch  
98 The Common Broughton Gifford Melksham Wiltshire SN12  
8ND

Case Officer: Miss Andrea Levin

Date Received: 31.05.2007 Expiry Date: 26.07.2007

**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 the Parish Council objects contrary to your Officer's recommendation.

This is a full application for alterations to an existing bungalow. This would provide further accommodation within the roof-space by increasing the height and form of the roof, together with a single storey front extension to replace an existing front conservatory, a single storey rear extension and a replacement garage. The external walls of the existing dwelling would be clad externally with an additional skin of reconstituted stone, which together with the new roof and extensions, would change the external form of the dwelling.

The resultant building would be a 1-½-storey detached gable fronted dwelling with two velux roof lights on each side. The front conservatory would be replaced with a front extension measuring 6.3 metres in width and 4.0 metres in depth. The proposed rear extension would measure 4.16 metres in width by 3.3 metres in depth. The proposed garage would measure 5.52 metres in width, 9.89 metres in depth and 4.7 metres in height to its ridge and would be located on the footprint of the existing garage.

The application site is located on the north side of Bradford Road and is a single storey dwelling with a detached single garage. The dwelling is located within a row of properties of similar in size and original design.

The application is submitted following the refusal of an earlier scheme 07/00340/FUL. The previous scheme was refused on grounds of design and impact on the amenity of neighbours.

## CONSULTATION REPLIES

### WINSLEY PARISH COUNCIL

The Parish Council submits that the application be refused because it does not comply with Policies C31a and C38 of the West Wiltshire District Plan 1st Alteration 2004 and the Supplementary Planning Guidance – Housing Alterations and Extensions 2004.

## PUBLICITY RESPONSES

Neighbours were notified and one letter of objection was received from a local resident on grounds of:

- Loss of daylight and privacy.

## RELEVANT PLANNING HISTORY

07/00341/FUL – Alterations to provide accommodation in the roof space, single storey rear extension and replacement garage – Refused 26.03.2007

## PLANNING POLICY

West Wilts District Plan 1st Alteration 2004

C3 – Special Landscape Area

C31a - Design

C38- Nuisance

SPG - Planning Design Guidance (House alterations and extensions)

## KEY PLANNING ISSUES

The main issues to consider with this application are whether the current proposals overcome the earlier reason for refusal, the potential impact on the host dwelling and neighbouring amenity.

## PLANNING OFFICER COMMENTS

The existing dwelling is set back from the road by approximately 20 metres so that views into the site from the road are currently limited, particularly because of existing trees at the front of the site.

The addition of a front extension over the footprint of the existing conservatory would have a positive impact upon the appearance of the host building and the character of the street scene. This is because conservatories on front elevations are rarely ideal in design terms and the current proposals would represent a subtle alteration and would provide diversity within the street scene. The hipped roof design reduces the visual impact of the front extension and would conform to policy.

The proposed rear extension would have a minimal impact upon the host dwelling, because it squares off the building footprint effectively creating a rectangular building plan. It would have no impact upon the amenity of neighbouring properties as the side elevation of the building which is at least 2 metres from the boundary would be obscured from view by the existing 1.5 metre rear boundary fence.

The proposed upper storey of the property would have a positive impact upon the character of the dwelling because it would create a simple regular roofline. The roof lights on the side of the property would have minimal impact on the appearance of the dwelling, as they would be flush with the proposed roofline. They would have little impact on neighbouring amenity because they would be small in size and provide natural day light to a bathroom and landing and not to any habitable room.

A neighbour objects to loss of light and loss of privacy. However, there is more than sufficient distance between the building and its neighbours, which are detached dwellings located in larger than average sized gardens, to prevent any loss of amenity. The proposals conform to Supplementary Planning Guidance - House Alterations and Extensions.

The proposed garage similarly conforms to Council policy. Although it would have a greater ridge height than existing, it would not result in any overlooking issues or have an overbearing impact on adjacent properties. Furthermore, there would be no loss of daylight to any of the surrounding properties.

It is considered that this is a far more sympathetically designed proposal than the previous application which would have had a more dominant impact upon the street scene. Although the dwelling forms part of an existing group of three similar properties there is no reason why its form should exactly copy those on either side and this revised scheme will add variety and interest to the streetscene.

The proposals would conform to Policy C31a of the West Wiltshire District Plan, and SPG for house alterations and extensions.

## CONCLUSION

The previous reasons for refusal have been overcome by this revised proposal and there are no planning objections.

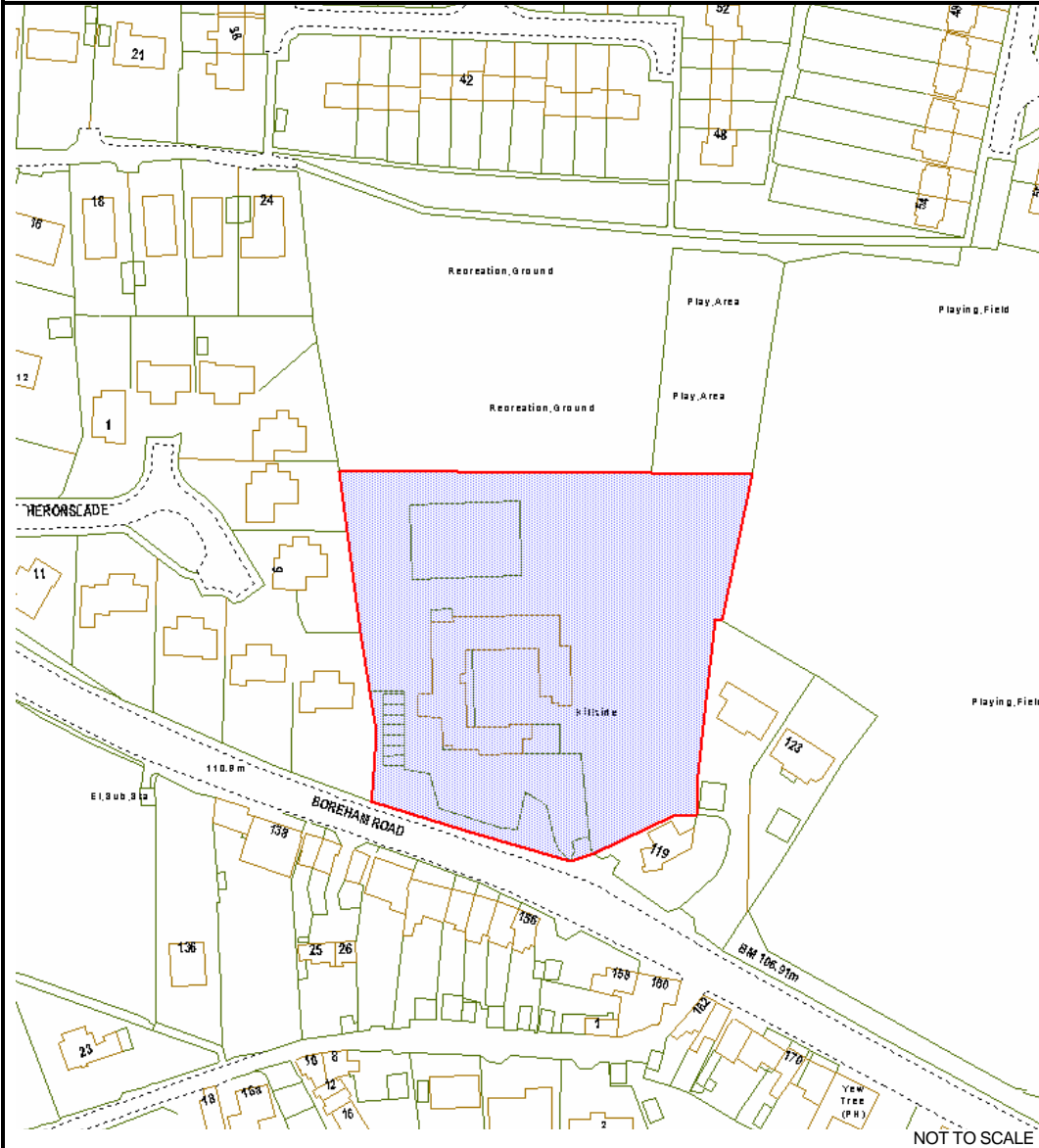
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 04

APPLICATION NO: 06/03526/OUT

LOCATION: Hillside Hostel 117 Boreham Road Warminster  
Wiltshire BA12 9HA



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SLA: 100022961

**04 Application: 06/03526/OUT**

**Site Address: Hillside Hostel 117 Boreham Road Warminster Wiltshire BA12 9HA**

Parish: Warminster Ward: Warminster East  
Grid Reference 388803 144415  
Application Type: Outline Plan  
Development: Proposed development of 23 houses and 10 flats with 51 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 Judith Dale  
Date Received: 16.11.2006 Expiry Date: 15.02.2007

**JUSTIFICATION REASON:**

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

**RECOMMENDATION:**

**That the Development Control Manager be authorised to grant planning permission subject to the satisfactory completion of a Legal Agreement to secure a total contribution of £24,500 to the Highway Authority for cycling, bus shelter and kerb improvements and subject to the following conditions:**

**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 The development hereby permitted shall not be commenced until either improvement works have been carried out to the existing sewage infrastructure receiving flows from this development, or satisfactory alternative works for the disposal of sewage have been provided to serve the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details and subsequently maintained in a serviceable condition.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies U1 & U1A.

- 5 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

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

- 6 All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

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

- 7 Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated representative of the developer and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a fortnightly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained onsite will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

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

- 8 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.

Upon approval: -

The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;



The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C32 & C40.

- 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 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.

- 11 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These details shall include provision within the site for the prevention of surface water disposal onto the highway

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

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

- 12 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner in the interests of highway safety.

- 13 The gradient of any proposed driveway shall not be steeper than 1 in 15.

REASON: In the interests of highway safety.

- 14 Before any works start on site, details of the parking layout shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and the spaces shall not be used other than for the parking of vehicles in connection with the development hereby approved.

REASON: In the interests of amenity and highway safety.

- 15 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.

REASON: In the interests of highway safety.

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

REASON: To ensure that the development is served by an adequate means of access in the interests of amenity and highway safety.

- 17 No doors, including garage doors, or window openings at ground floor level shall be permitted to open over the highway.

REASON: In the interests of highway safety.

- 18 The development shall be carried out in accordance with the recommendations in para 6.3 contained within the Ecological Survey submitted as part of the application

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

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

- 19 The existing wall along the Boreham Road frontage of the site shall be retained for as much of its length as is compatible with any essential widening of the proposed access to the site to meet adoptable standards.

REASON: In the interests of visual amenity.

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

- 20 Within the development hereby granted, 30% of the dwelling units shall be retained as affordable within the definition of affordable housing contained in Policy H2 of the West Wiltshire District Council - 1st Alteration 2004 for so long as the dwellings remain on site.

REASON: To accord with the terms of the Council's policy to secure delivery of affordable housing.

POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policy H2.

- 21 No work shall not commence on site until details of a scheme to enhance the facilities on the open space to the northeast of the site, Queensway Recreation Ground, has been submitted to the Local Planning Authority and approved in writing. Such improvement shall be implemented in accordance with the approved details.

REASON: In order to comply with the Council's policy on providing open space/recreational facilities with new developments which cannot be secured on site.

POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policies R4 & H1 and the Council's Supplementary Planning Guidance - Open Space Provision in New Housing Development.

**Note(s) to Applicant:**

- 1 The applicant is advised to consult with Wessex Water and the Council's Drainage Engineer with regard to the required sewage infrastructure to enable this development to proceed. For clarification, this permission does not presuppose or advocate any solution to address this matter.
- 2 The applicant is advised to consult with the District Council's Leisure Manager with regard to the contract for the upgrade and improvement of the Queensway recreation site.
- 3 Notwithstanding the illustrative plan 1727-P-HH-2A submitted as part of this outline application, the applicant is advised that the layout cannot be supported. Additionally, the residential road layout does not meet the requirements laid down by Wiltshire County Council for future road adoption and both aspects will need to be reconsidered as part of any subsequent Reserved Matters application. The indicative ridge heights are also considered to be excessive.
- 4 The applicant is advised that any future reserved matters application should incorporate measures for sustainable resource consumption and reduction with particular regard to the use of sustainable build materials, energy and water efficiency and waste minimisation.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application is brought to Committee because the applicant is the District Council, with the proposal forming part of the Council's housing private initiative (PFI) to deliver at least 400 new affordable homes throughout the district.

It is an outline application for the erection of 33 affordable dwellings on land currently occupied by the Hillside Hostel for the homeless, a modern two-storey complex set in extensive grounds. The site measures approximately 0.8 hectare, is generally rectangular in shape, and rises up gently to the Queensway Recreation Ground to the rear. The 90 metre frontage onto Boreham Road is marked by a high brick and stone wall which screens much of the site from public view and through which is currently a single vehicular access.

The remaining boundaries are heavily screened by trees and dense planting, and there are significant groups of individual trees within the site, predominantly in the northeast and southwest corners. There are currently two TPO's on the application site.

The application is in outline form only with all matters reserved for subsequent approval. However an illustrative layout plan (revised) has been submitted which proposes 33 dwellings in 4 separate terraces, together with 2 blocks of flats. The existing vehicular access onto Boreham Road is to be retained to serve a generally U-shaped adopted road and 51 parking spaces provided in a variety of groups and locations around the site.

Design is for later consideration but the layout and supporting information suggests the majority of the development is two-storey, with one of the flats units a three-storey height.

The site lies within the town boundary limits of Warminster, and directly on the main easterly route out of the town, in a mature and well established residential environment.

The application was original accompanied by a Planning Statement, an Access Statement, an Initial Tree Assessment, a PFI Planning Brief and Habitat Survey, and later by an Arboricultural Impact Assessment. The layout was revised during the planning process to address a number of landscape issues raised by that report.

## CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: Original Plans – Concerns were expressed by individual members over screening, sewage problems, access and general overdevelopment, and a vote of refusal was carried on the grounds of access was unsafe for both residents and highway users.

Revised Plans – “The application was discussed at great lengths and all members are concerned about the access, which is the only one and can only accommodate a single vehicle, although visibility appears to be quite good. This access should be carefully considered in view of the usage by children.

They are also astounded that this new application has been submitted without further consultation to the people involved.

The Town Council voted that this application be recommended for refusal based on the lack of consideration of access, sewerage problems, screening and furthermore, the lack of any further consultation. Unanimously in favour for refusal”.

## STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Original Plans - I note that this application has been submitted in outline and in principle residential development is appropriate here. There will need to be some amendments made to the layout as it stands at present. One major aspect is the fact that it has been laid out as a shared surface development. In this instance, there would be too many dwellings gaining access of a shared layout and this would likely make it unsafe for the number of pedestrians that would have to share the road surface with vehicular traffic. For this site therefore, a traditional road with footways is required; although more alternative design solutions can be negotiated during the course of preparing a detailed design. The site to the north of this application is a different matter which can be treated as a shared surface development due to the fewer number of units and this will be addressed in my comments on that application.

The entrance detail into the estate will need to be looked at carefully due to the current width and lack of footways. The visibility splays appear to be satisfactory.

I note that there is a ratio of 150% car parking allocation on the site but that many of the spaces are adjacent to and likely dedicated to particular properties. The 150% ratio is only permitted usually in group parking situations. Developments such as this, containing a number of 3 and 4 bed dwellings should ideally have two spaces each. However, I have taken the view that the site is relatively near the town centre but that there should be conditions and perhaps an agreement to secure improvements to alternative means of travel.

Namely, there should be, improvements to bus stop facilities in their location, provision of shelters and easy access kerbs; a residential Travel Plan will be required and there may be sought contributions to provide incentives for occupiers to use buses in the first instance rather than the car; I am pleased to note that the applicants have stated that there will be bicycle storage which must be provided for within secure garden sheds; you will be aware that there are improvements proposed for the Warminster Cycle Network and a contribution towards this will be sought.”

Seven conditions including road construction details, parking areas, disposal of surface water and a Travel Plan were recommended.

Revised Plans - The proposed layout remains unacceptable, but this is not wholly material to this outline submission as no matters, including means of access, are being sought in detail.

The original views in the letter dated 2nd January 2007 are reconfirmed and contributions via a residential travel plan will be sought. A recommendation is for a note to the applicant stating that the residential road layout submitted for outline approval does not meet the requirements laid down by Wiltshire County Council for future road adoption and therefore the outline approval does not indicate that any reserved matters submission could be based on the illustrative drawing No. 1727-P-HH-2A.

- ENVIRONMENT AGENCY: No comment to make.
- COUNTY ARCHAEOLOGIST: "Nothing of architectural interest is likely to be affected by the proposal and therefore I have no issue to raise."
- CHIEF EDUCATION OFFICER: No education contributions are required as part of this development.

## INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: The proposal seeks to redevelop a site of about 0.8 ha, currently used as a homeless hostel, for affordable housing. The proposal site is located within Warminster's town policy limits and within the town's historic landscape setting. The site is also within an area of higher archaeological potential. The proposal site is surrounded by residential uses along three sides and public open space to the immediate north. The site is well located on the main arterial route running along the east - west through the town. Although the proposal site is not within a conservation area, it is close to the historic village of Boreham. I note that there is an associated application to redevelop the recreation open space to the north of the site, also for affordable housing (W06/035230UT).

### Principle

The proposal site is located within town policy limits and is highly appropriate as an affordable housing site. Warminster is the second largest town within the district and provides good access to local amenities, facilities and employment opportunities. The proposal site is well located in relation to local public transport services and is well placed for pedestrian access to the town centre.

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

Although this is an outline proposal it is worthwhile making a number of design related observations. Firstly, I have calculated the gross site density as being 42 - 43 dwellings/ ha. This is within the general density ranges encouraged through planning policy. However, given the site's location within a major town a slightly higher density would be preferred. I appreciate that there are some constraints associated with some on-site mature trees. It would be useful to know if this issue prevents a higher on-site density (of say 50 dwellings/ ha).

Secondly, this is a prominent site and will require a full design statement, which will need to show how the development will function within the surrounding built environment and the wider landscape.

Finally, the proposal will need to incorporate measures to ensure that it meets the requirements for sustainable resource consumption and reduction - particularly in terms of the use of sustainable build materials, energy efficiency, water efficiency and waste minimisation. Details of these measures should be included as part of the comprehensive design statement.

### Landscaping

The existing use is set in an established parkland setting, which includes a number of mature specimen trees. I welcome the survey work carried out to date. Planning policy seeks to retain those trees identified as having value. I note and welcome the intent to retain and incorporate a fair number of existing trees within the scheme. The future full application will need to address appropriate mitigating landscaping measures and additional ground studies. I note the comments of the District Council's Arboricultural Officer.

## Protected species

I welcome the inclusion of a relatively thorough protected species/ habitat survey of the site. Given the managed nature of the site I accept that the wildlife habitat value of the site is low. However, I also note the potential for on-site bat roosts and badger activity. Any permission will need to include a condition to address any potential protected species issues that may arise during the construction process.

## Open space

Planning policy requires that developments of this scale provide an appropriate level of open space provision. I note that the proposal seeks to provide a contribution towards off-site open space provision/ improvements on the adjoining Queensway recreation ground (see W06/035230UT). I welcome the views/ comments of the District Council's Leisure Manager on the appropriateness of this element of the proposal.

## Conclusions:

This is a sustainable location for new housing. The intensification of (affordable) housing provision will provide a valuable contribution towards the overall sustainability of this local community. I welcome this proposal.

I accept that there are arboricultural issues relating to the mature trees found on-site and these do provide a considerable constraint to the wholesale development of the site. However, I would encourage a pragmatic approach, particularly in taking a flexible approach to layouts and the siting of dwellings. I am confident that the site can accommodate the proposed scale of development.

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.

- LANDSCAPE OFFICER: Original Plans - "The PFI housing proposals will have an unacceptable impact on trees within the site. I note from file an initial tree assessment has been carried on this site by an employee of the Council. This report has identified those trees worthy of retention based on an amenity categorisation of A & B, which identifies the large majority of trees on site being worthy of retention.

The proposals layout identifies over 15 trees being removed, which equated to in excess of 25%. Some trees being removed includes category A & B, which raised significant concern. This scheme has not adequately considered good quality trees that are an important component within the site or the amenity value they offer to the local area. Equally no reference has been made to the provision for replacement trees identified for removal, or adequate space within the site to replant. For this reason the proposed scheme in its current format is totally unacceptable in arboricultural terms.

The housing density on site offers limited recreation space, even if it's simply to soften the street scene and reflect the visual amenity offered on adjacent sites. For this reason the scheme is unacceptable in landscape terms."

Revised Plans - "As previously stated, I am happy in principle that all trees worthy of retention have been indicated within the draft Arboricultural Impact Assessment, which is also acceptable.

As there are no provisions for Public Open Space on site, the sum of £22,945.25 will be required as an offsite contribution which should be spent on upgrading the nearby play area. This calculation has been based on a total of 33 dwelling. If this number changes at any point in the future the figure will be revised either up or down.

I remain sceptical over level changes around trees; however drawing no. 1727-PHH-2B, does indicate minimum changes. For this reason, I confirm there are no further arboriculture reasons to refuse the application. It is however critical that sections are provided at reserve matter stage, as previously requested. I must stress although this may appear to be trivial, it is not as minor level changes can impact on a tree resulting in its death, which is totally unacceptable. If consent is granted it is important that the following conditions are applied.”

Four conditions are recommended relating to the implementation of the Arboricultural Method Statement, Arboricultural Supervision, Tree Protection and the submission of a Landscaping Scheme.

- DRAINAGE OFFICER: “I have no comment on the application other than to point out that a 150mm diameter foul sewer crosses the site running north to south. Presumably the applicant is aware of this and will arrange with Wessex Water to divert the pipe if necessary.”

- HOUSING: The Housing Enabling Manager confirms that there is demonstrable need for affordable housing with the current priority need being in the region of 681 households. The proposed mix of units also meets the current need.

Policy H2 provides that all applications over 25 units/1ha are subject to a 30% contribution towards Affordable Housing. In this instance this would mean 10 units to be 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.

However, West Wiltshire District Council are making this application for the PFI scheme and it would therefore be expected that all units would be affordable rented. As it is unlikely that the applicant will be able to afford to provide the required amount of affordable housing at nil subsidy due to the viability of the scheme, there is provision for the applicant to enter into an open book appraisal that will test whether this viability would justify a reduced contribution.

- LEISURE MANAGER:

- “1. I welcome the principle of an off site contribution for play area improvements.
2. I welcome the amendments to the open space at the north east of the site along with the provision of pedestrian access to Queensway Recreation Ground.
3. I would not support pedestrian access across the Queensway open space to the north west of the site, however if access were to be provided at a later date then I would support the adjoining path running the perimeter of the open space. Essentially I would not like to see the open space divided by a footpath as at present it is used for ball games.”

## PUBLICITY RESPONSES

The application was advertised by site notice and in the local press and 68 individual residents were notified. This notification process was carried out in conjunction with the parallel application for residential development on the recreation ground to the north (06/03523/OUT), which application was subsequently withdrawn in June.

17 letters of comment and objection have been received on the following grounds:

- The overall number of dwellings and scale of development;
- Excessive density;
- The impact on existing inadequate drainage facilities;
- The creation of a “ghetto”;
- The loss of, and impact on, trees and the possible requirement for further TPO's;
- Impact on highway safety;
- Inadequate parking provision;
- Potential for storm drainage flooding;
- Lack of screening along Boreham Road;
- Lack of bungalow provision for older residents;

- Difficulties and inconvenience of contractor vehicles entering and leaving the site and the general inconvenience caused by the building project;
- Lack of space for vehicle manoeuvring within the site;
- Impact of existing levels of privacy and increased overlooking;
- Inadequate play-space within the scheme;
- Additional volumes of traffic creating unsafe conditions for pedestrians and children;
- Inadequate consultation with local residents.

In addition, a further letter has been received from one of the Members and Town Councillors on behalf of a nearby resident, raising concerns over raw sewage flowing out onto the pavement on to the front of the site and the existing highway layout.

## RELEVANT PLANNING POLICY

### RPG/RSS10 - Regional Spatial Strategy

#### Wiltshire Structure Plan 2016

- DP3 Development Strategy
- DP7 Housing in towns and main settlements
- DP8 Affordable Housing
- DP9 Reuse of land and buildings

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

- C4 Landscape setting
- C7 Protected species
- C15 Archaeological Assessment
- C31a Design
- C32 Landscaping
- C34a Resource consumption and reduction
- C40 Tree planting
- R4 Open space in new housing developments
- H1 Further housing development within towns
- H2 Affordable Housing
- H24 New Housing Design
- T10 Car Parking
- CF2 Reuse of community facilities
- S1 Education
- U1 Infrastructure

PPS1 Delivering Sustainable development

PPG3 Housing

PPG13 Transport

## RELEVANT PLANNING HISTORY

84/01421 – Change of use from Children’s home to Hostel for homeless families – Permission 08.01.1985

Several applications for the siting and retention of a number of mobile homes in connection with the use of the premises as a Hostel have been approved since that permission was granted.

## KEY PLANNING ISSUES

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



- The principle of housing and redevelopment, including density;
- Landscape and arboricultural issues;
- Highway and access considerations;
- Design and amenity considerations;
- Other issues, including contributions, drainage and ecological matters.

## PLANNING OFFICER COMMENTS

### Principle of Development

The site is located within the Warminster town limits where the principle of residential development is acceptable under Policy H1 of the West Wiltshire District Council - 1st Alteration 2004.

The Planning Policy Manager confirms in his consultation response that the principle of the redevelopment of this site as affordable housing site "is highly appropriate" and is "welcomed in broad policy terms" since meeting affordable housing need is one of the District council's key spotlight objectives.

The proposed density of approximately 42 units per hectare is within Government recommended guidelines, and although a higher density in the region of 50 units per hectare is suggested, the significant constraints imposed by important tree cover on the site is unlikely to make this achievable.

### Arboricultural and Landscape Considerations

The site is currently heavily tree'd, and the original arboricultural report accompanying the application identified the large majority of trees on the site as being worthy of retention. There are currently two TPO's on the site, both confirmed within the last twelve months – one is part of a mixed TPO which also incorporates a number of trees on adjoining land, but specifically includes a Scotts Pine and an Ash tree along the western boundary of Hillside; the other is a Sycamore along the eastern boundary.

The application is in outline only with no details sought at this stage. However, recent legislation requires indicative layouts to be submitted with outline applications.

The original indicative layout proposed over 15 other trees being removed, representing more than 25% of the tree cover, which was considered unacceptable in arboricultural terms; the lack of any indicative replacement planting or apparent space for any such planting was considered unacceptable in landscape terms.

A revised indicative layout supported by an arboricultural impact assessment was subsequently submitted to address this concern. This indicated that all trees worthy of retention would be retained but was ultimately dependant on site levels being maintained within the root protection areas of the individual trees. The Landscape Officer remains very concerned over the potential for further changes in site levels to impact on any given tree resulting in its death. Providing that the development is carried out strictly in accordance with his recommended conditions (numbers 5 to 8), he does not consider that a refusal on arboricultural grounds could be sustained. These conditions are considered to be sufficient to secure the retention of the trees as part of the development when the reserved matters application is submitted.

### Highway and Access Considerations

The Highway Authority raises no objection in principle to the proposed scheme, but requires amendments to the layout and its design to meet adoptable standards. Since this is an outline application with all matters reserved for subsequent permission, it would be appropriate for any such amendment to be considered within the framework of a subsequent detailed application.

There are a number of offsite highway improvements required to support the development, including improvements to Bus Stop facilities; the provision of shelters and easy access kerbs; improvements to the Warminster cycle network and contributions to “provide incentives for occupiers to use buses”. This has been agreed by the applicant.

With regard to parking, the provision of 51 spaces for 33 units is not an unreasonable provision, and in line with Guidance in PPG13 and PPS3.

### 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 Policies H24 and C31a and its Residential Design Guide: -

- There is a mix of dwelling types with 52% in the form of two-bedroomed houses, 30% in two-bedroomed flats, and the remaining 18% in larger three and four-bedroomed dwellings. Although the vast majority are of a smaller size, this is the particular need identified for Warminster.

- The indicative layout would enable the main areas of significant tree cover in the northeast and southwest corners to be retained.

- Pedestrian access is proposed through the site and into the adjoining Queensway Recreation Area to access the existing and “enhanced” facilities to be delivered as a result of the Public Open Space contribution.

- The indicative development is predominately two-storey with a small element only of three-storey towards the front of the site. Although the character of the surrounding area is exclusively two-storey, an element of the higher development may be acceptable depending on the appropriate and sensitive location of these larger structures, but this will need to be formally considered within the context of a subsequent Reserved Matters application.

With regard to the general matter of height, information submitted in support of the application suggests 2 storey dwellings with a ridge height of 9.7m. This is considered excessive for a standard dwelling and if 3 storey units were to be designed on a proportionate basis, may raise subsequent concerns. An informative No 3 to this effect is recommended.

- Distances to existing properties are predominately maintained by rear garden areas backing onto the western boundary, and the retention of significant tree cover along eastern side of the site. Some attention to the location of properties in the southeast corner would be required to address amenity concerns in this area.

- The existing boundary wall along the frontage of the site, which is an important feature in this part of the street scene, is to be retained.

Notwithstanding the above general points, there are a number of more detailed design issues raised by the particular layout which are not satisfactory and which will need to be addressed in any detailed scheme to fully meet the principles of good design.

### Other Issues

#### (a) Contributions

##### Public Open Space

Due to the location of a substantial recreation area immediately adjoining the site, onsite provision is not considered necessary or appropriate. A contribution of £23,000 to enhance the facilities on the existing site is considered acceptable, to be delivered by an appropriate planning condition to run with the development of the land.

## Affordable Housing

Policy H2 would normally require a scheme of this site to deliver 30% affordable housing. Since this is a PFI application, by definition this will deliver 100% onsite but a condition will be required in the event that the site may be sold to a private developer to ensure that the necessary threshold of affordable housing (30%) is retained.

With regard to the question of viability and the delivery of 100% rented within the affordable range, an open book appraisal has been carried out that demonstrates that the site has negative value for the proposed development and would not attract a further contribution.

## Highways

A total contribution of £24,500 is sought for highway works - £500/dwelling unit towards the cycle network improvements which include a route along Boreham Road; £7,500 for contributions to encourage bus use through a new shelter and raised kerb.

## b) Drainage

A number of letters of comment have raised the question of the capacity of the drainage network on this site and identified the regular flooding of sewage onto the adjoining pavement. The Council's Drainage Officer and Wessex Water have been consulted on this which would appear to be the result of 4 separate sewers discharging into a single outlet. The Drainage Officer has identified a possible solution (comments from Wessex Water are awaited) but it is clear that this is a matter which will require some further consideration and a satisfactory solution before any redevelopment of the site can take place.

The provision of infrastructure is important in all new developments and is a material consideration in determining the acceptability of a proposal. Policies U1 and U1a of the District Plan will not permit developments unless adequate drainage and sewerage treatments are available, or suitable arrangements are made for their provision. While this proposal could be resisted on the grounds that adequate drainage does not appear to be in place, Circular 11/95 advises that in a situation where other works may be required which the developer has no power to carry out, or which would need the consent of a third party, it may be appropriate to impose a Grampian condition (ie worded in a negative form) which would prevent the development coming forward until a specific action has been taken. In this particular case, an appropriately worded condition is included as number 4 of the recommended conditions.

## c) Ecology

The original ecological survey which accompanied the application concluded that due to the large scale felling of trees, the greatest potential for harm to protected species is nesting birds in the trees and shrubs and bats in the buildings. The reduced tree loss now proposed will clearly help to mitigate the former, and recommendations in the submitted report should address any other concerns relating to protected species. An appropriate condition is recommended.

## CONCLUSION

It is clear from the above assessment that the general principle of the development of this sustainable site with the 33 affordable dwellings be a desirable, efficient and appropriate use of land in accordance with the Council's adopted framework. There remain concerns over the reality of the retention of all of the identified trees, and the current drainage problems need to be resolved prior to the implementation of the development. However it is anticipated that these issues can be satisfactorily resolved by condition, and subject to a S106 Agreement with the County Council over required contributions, the scheme is recommended for approval.

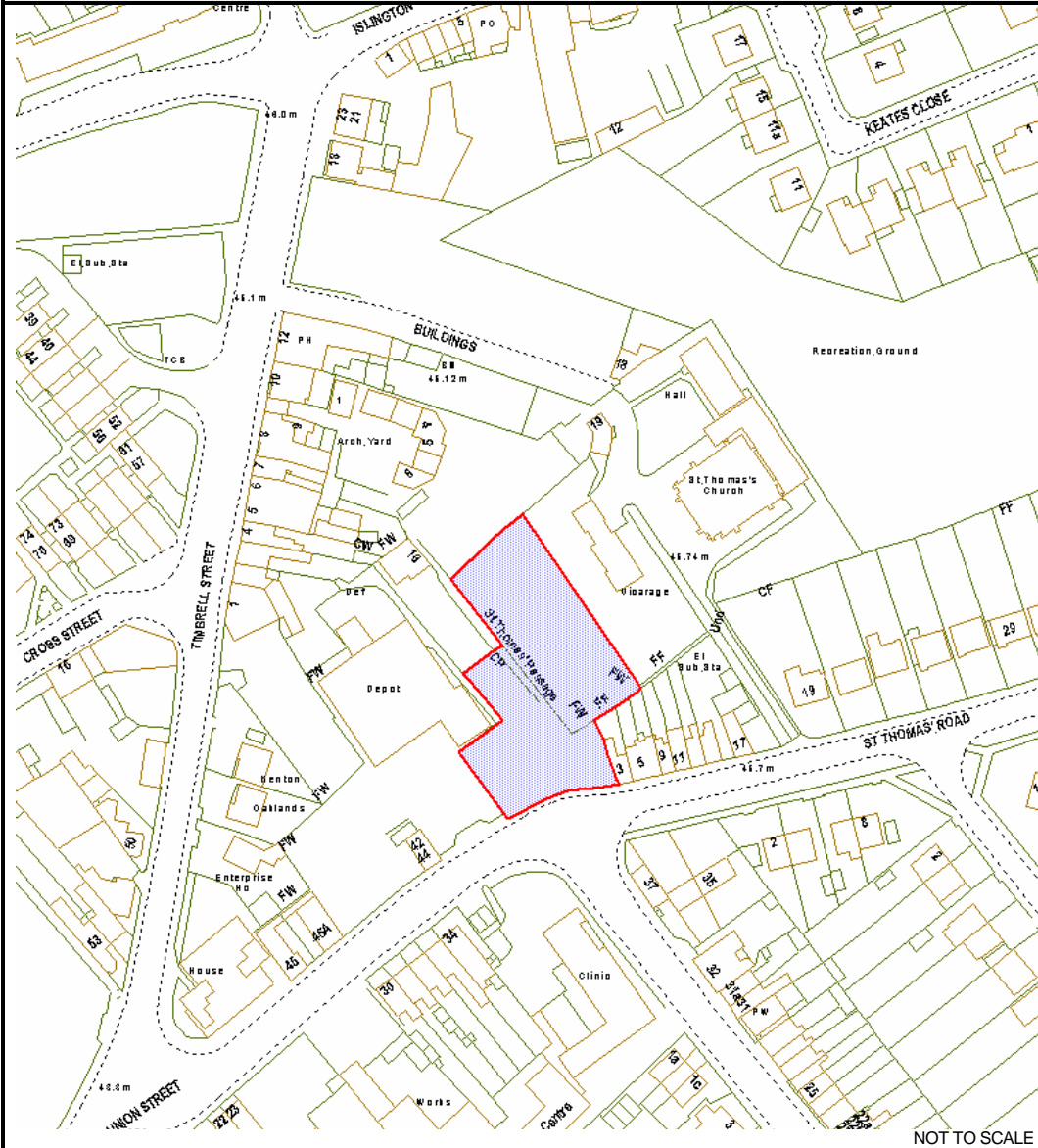
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 05

APPLICATION NO: 07/01962/FUL

LOCATION: Land Adjoining And Rear Of 3 St Thomas Road  
Trowbridge Wiltshire



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SLA: 100022961

**05 Application: 07/01962/FUL**

**Site Address: Land Adjoining And Rear Of 3 St Thomas Road Trowbridge Wiltshire**

Parish: Trowbridge Ward: Trowbridge North East

Grid Reference 385836 158320

Application Type: Full Plan

Development: New development of four no. new houses, four no. new flats and eight no. car parking spaces

Applicant Details: West Wiltshire District Council  
Bradley Road Trowbridge Wilts BA14 0RD

Agent Details: Quattro Design Architects Ltd  
1 Great George Street Bristol BS1 5RR

Case Officer: Mr Mark Reynolds

Date Received: 08.06.2007 Expiry Date: 03.08.2007

**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 - Policy C31A.

- 3 No development shall take place on site until details, of any work to or the replacement of those trees protected by a tree preservation order, including the position, size and species shall be submitted to and approved in writing by the Local Planning Authority. The approved work or planting shall be carried out during the first planting season following the removal of the trees to which this permission relates. 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: In the interests of the amenity of the area.

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

- 4 Details of the design, external appearance and finish of all fences, walls and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. 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 conservation area is conserved.

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

- 5 The parking spaces shown on the approved plan, together with the access thereto, shall be provided concurrently with the development to which they relate. The parking spaces shall remain unobstructed and available only for the parking of vehicles in perpetuity.

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.

- 6 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.

- 7 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.

- 8 Development shall take place strictly in accordance with the precautionary measures outlined in section 6.3 (recommendations) of Chalkhill Environmental Consultants report entitled 'Habitat Survey and Protected Species Assessment'.

REASON: In the interests of avoiding harm to protected species.

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

- 9 An arboricultural method statement prepared by an arboricultural consultant holding a nationally recognised arboricultural qualification providing comprehensive details of construction works in relation to trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following: -

\* A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;

\* A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837;

- \* A schedule of tree works conforming to BS3998;
- \* Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- \* Plans and particulars showing the siting of the service and piping infrastructure;
- \* A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;

- \* Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and

- \* Details of all other activities, which have implications for trees on or adjacent to the site.

REASON - In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

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

- 10 Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, a representative from the development site with authority and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice

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

- 11 No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features and any changes in levels.

Upon approval:

- \* The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

- \* All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

- \* the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

REASON - In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C32 and C40 of the West Wiltshire District Plan First Alteration 2004.

12 The development shall be carried out strictly in accordance with the revised plans.

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

**Note(s) to Applicant:**

- 1 The applicant is informed by Natural England that the granting of planning permission does not absolve them from the need to comply with the relevant law, including obtaining and complying with the terms and conditions of any licenses required as described in Part IV of the Circular 06/2005.
- 2 Some trees on site are protected by Tree Preservation Order 07/00044/GRP. Any removal of a protected tree must be in agreement with the Local Planning Authority and set out in the revised Arboricultural Method Statement to be submitted.

**COMMITTEE REPORT**

APPLICATION DETAILS

This proposal is brought to Planning Committee because the applicant is West Wiltshire District Council.

This application forms part of the Council's housing private finance initiative to deliver at least 400 new affordable homes throughout the district.

This is a full planning application for the erection of 4 no. flats in a two storey block fronting St Thomas road and a terrace of 4. no. two storey houses set back, behind the road frontage facing St Thomas's passage,. The proposed development would provide eight car parking spaces located in a Mews parking court behind the flat development. The flats would comprise 2 no. one bedroom flats and 2 no. two bedroom flats. The houses proposed would be 2 no. 2 bedroom houses and 2 no. 3 bedroom houses. The building for the flats would measure 15.6m in width across the frontage, 9m in depth and extend to 8m at ridge height. The proposed housing block would be 21.4m in width, 10m in depth and rise to a ridge height of 8m.

The site is located within the Trowbridge urban area, on the edge of the town centre and in the Trowbridge Conservation Area. The application site itself forms part of the land identified in the adopted Local Plan as being reserved for the Trowbridge inner relief road. It is, in part, currently used as an area of hardstanding for the private parking of vehicles at the front of the site with St Thomas's Road. The site is dissected by St Thomas's Passage, a public footpath, and the area to the east is currently overgrown vacant land with dense vegetation. The site would be accessed from St Thomas's Road.

CONSULTATION REPLIES

TROWBRIDGE TOWN COUNCIL

No objections

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

Originally commented as follows:

Recommend refusal of the application for the following reasons;



- Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner
- The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and prejudice the safety of road users at this point.

Additional comments – have subsequently been received noting as follows:

'Following discussion and further reflection, I do not want to pursue an argument regarding the level of car parking proposed for the site. Given the location of the site and the degree to which on-street parking will shortly become far better managed, I think that a 1:1 provision is adequate.

The other issue relating to the width of the access and height of boundary walls was not an issue between us – I suggest we deal with it by condition'.

In summary therefore, I recommend that no highway objection is raised subject to the imposition of the following condition:

Notwithstanding the content of the submitted plans, details of the treatment of the site access must be submitted to and approved in writing by the local planning authority. Such details will show the access being widened to a minimum of 4.5m, and the wall(s) being lowered over an agreed distance to 600mm.

#### NATURAL ENGLAND

Raise no objections to the proposed development subject to a condition

#### WILTSHIRE WILDLIFE TRUST

No objections subject to a condition

#### WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE

Note that great crested newts were found within 1km of the site.

#### WESSEX WATER

No objections

#### INTERNAL CONSULTEES

#### PLANNING POLICY

The site is located within the built up area of Trowbridge. In principle housing is appropriate in this area, subject to confirmation from the County Council that the area is no longer required to be safeguarded as part of the Trowbridge Inner Relief Road. I believe this road proposal is no longer proposed and an infill housing scheme would be an appropriate alternative use, suggested in the Trowbridge UDF. There is a significant need for affordable housing in Trowbridge and this site would contribute to providing this.

The 8 dwellings proposed on this site of 0.198 hectares, at a density of 40 dwellings per hectare is acceptable, given the need to make efficient use of urban land. The proposed layout both respects the historic layout of St. Thomas's Passage and continues the building line along St. Thomas's Road. The design of the dwellings reflects traditional building materials and designs and is of a scale characteristic of the area.

The area is identified as a development opportunity in the Conservation Area Character Assessment.

Badgers have been found on site and the development will provide for the retention of existing badgers setts in accordance with the recommendations of the ecological survey. They also note that none of the trees are worthy of retention on site and that the scheme will clear rubble and involve planting to create more of an amenity feature on land adjacent St. Thomas's Passage.

The development will provide 8 parking spaces. The Council's maximum standards require up to 17 spaces for this development. However, given the edge of centre location and accessibility to central facilities, this maximum standard should be reduced. Design guidance is that the impact of the car should be minimised in layouts and on street parking is encouraged. On balance, I consider the number of spaces proposed to be acceptable.

Policy Recommendation: Acceptable

## CONSERVATION OFFICER

Comments as follows;

### Background

At pre-application stage this proposal was discussed with Chris Trowell and his agent. Several meetings were held to refine the scheme. The Urban Development Framework covers this area for potential development opportunities in BG6 of the Brewery Gate section and identified it primarily for housing.

This part of Union Street/ St Thomas's Road was taken into the Trowbridge Town Centre Conservation Area in November 2005 and as a result there are issues that need to be addressed in terms of how this proposal may impact upon the character and appearance of the conservation area.

The character assessment for the Trowbridge Town Centre Conservation Area is also helpful in setting the context for this area and identifying important features and buildings in close proximity to the site;

- \* This area's character is predominantly residential with other limited uses such as small-scale commercial, retail and semi-industrial. There are a number of small-scale terraced properties immediately adjacent to this site. The area has an air of being run down and the quality of buildings in the immediate vicinity of the site is not high.

- \* Views from The Halve in a northerly direction towards this site are presently harmed by the current empty areas of tarmac with indiscriminate car parking.

- \* St Thomas's Church is still the most notable structure both architecturally and as a landmark.

- \* The presence of the fine group of listed terraced houses on the southern side of Union Street, known as Waterloo Place, should be used as a benchmark for the quality of architecture we will be looking for the new scheme to provide.

### Proposed Scheme.

The reintroduction of residential units into this area both in terms of fronting onto the street and along the side of St Thomas' Passage are reflecting the form of development that has been on this site historically. I believe that the houses in this area were cleared, as for York Buildings, for the benefit of the relief road that was proposed. The form that the proposed houses take is therefore similar to what may have been here previously.

The main feature of this proposal that strikes a discordant note in the street scene is the height and scale of the proposal that appear to be a full 2 meters higher than the neighbouring properties that front onto St Thomas' Road. This will present the new scheme as a more dominant group of buildings rather than blending in with the general context of the area. It would have been more appropriate to ensure a smoother visual relationship between the new and existing developments to have lowered the ridge height of this new scheme.

The introduction of doors fronting onto the street is commendable as it will allow for greater activity onto the street and echoes the entrance doors on the neighbouring terrace. There is a lost opportunity, however, with Elevation D that will be a prominent elevation facing up towards Union Street with an almost completely blank façade. Some form of architectural feature would be appropriate to give relief to an otherwise blank expanse of brickwork.

Policy requires a standard of building material to be higher than elsewhere. It is also very important that the palate of materials is consistent with the immediate vicinity. Simplicity, uniformity and symmetry are the key factors that provide the context for all the more successful architectural forms in this part of the town. Bath Stone and brick, slate and clay tiles are the predominant materials in the vicinity. This proposal recognises that a softer orange/red brick more akin to the bricks used in The Halve should be used in the new scheme. However, there are still some misgivings over the proposal to use reconstituted slate and interlocking clay tiles that are not the ideal traditional materials of the area.

Details of the railings and low plinth wall will be required by Condition.

Additional Comments – to be reported

LANDSCAPE OFFICER

**COMMENTS:**

As previously stated on application 07/01948/TCA these trees are not good individual specimens, however collectively they offer significant landscape, amenity value and character to the local area. For this reason they were made the subject of a Tree Preservation Order. It was noted in this TCA application that there would be no objection to some of the trees being replaced with better quality Extra Heavy Standard specimens.

In the short-term it is important to retain some of the larger healthier trees to protect the character of the area when viewed from The Halve. In the longer term it is important to allow a healthy group of trees to provide this character. The area on which these trees are located is littered with rubble and building waste, this area should be cleared by hand and protected. For these reasons the following conditions and informative notes must be applied.

1 Arboricultural Method Statement – Revised Submission Required

An arboricultural method statement be prepared and approved.

2 Implementation of Details of Arboricultural Method Statement

(Once approved)

3 Arboricultural Supervision

4 Replanting of a Specified Number of Trees

4No. Extra Heavy Standard trees must be planted to replace protected trees to be removed.

5 Landscaping Scheme to be submitted

the scheme shall be properly maintained for a period of 5 years and any plants (

**INFORMATIVE NOTE:**

Some trees on site are protected by Tree Preservation Order 07/00044/GRP. Any removal of protected tree must be in agreement with the LPA and set out in the revised Arboricultural Method Statement yet to be submitted and approved.

**RECOMMENDATION:**

There is no arboricultural or landscape reasons to refuse this application providing the above conditions are applied verbatim. Any consent should be subject to the aforementioned conditions.

ENVIRONMENTAL HEALTH

Will be reported on the late list

## HOUSING SERVICES

Confirm that there is a demonstrable need for affordable housing in Trowbridge, with the current priority need being in the region of 726 households. The proposed mix of units also meets the current need. As the application is made for 100% affordable housing it is supported.

## PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, by site notice and in the local press. Two letters were received raising the following objections:

- Overlooking of the church
- Presence of badgers needs to be considered

One letter of support for the removal of trees was received.

## PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

- DP1 - Sustainable development
- DP3 - Development Strategy
- DP7 - New housing in towns and main settlements
- DP8 - Affordable housing
- T6 - Demand management

West Wiltshire District Plan 1st Alteration (2004)

- H1 - Further housing development within towns
- H2 - Affordable housing
- H24 - New housing design
- C7 - Protected species
- C17 - Conservation Areas
- C18 - New development in conservation areas
- C27 - Listed buildings
- C31a - Design
- C32 - Landscaping
- C36 - Noise
- C38 - Nuisance
- C40 - Tree planting
- R11 - Footpaths and rights of way
- T2 - Trowbridge Inner Relief Road
- T10 - Car parking
- U1a - Foul water disposal
- U2 - Surface water disposal

PPS1 - Delivering sustainable development

PPS 3 - Housing

PPG 13 - Transport

PPG 15 - Planning and the Historic Environment

Residential Design Guide - SPG

Trowbridge Urban Design Framework

Trowbridge Town Centre - Conservation Area Character Assessment 2006

## RELEVANT PLANNING HISTORY

- 76/00013/LBC - Demolition of property for construction of proposed Trowbridge Inner Relief Road
- Approved after Called In by Secretary of State 31.03.1977

76/00039/LBC - Demolition of property in connection with the construction of the proposed Trowbridge Inner Relief Road - Approved after Called In by Sec of State 31.03.1977

07/01948/TCA - To fell nine trees of various species due to new development on site - A Tree Preservation Order be made 09.07.2007

## KEY PLANNING ISSUES

The key planning issues in this case are policy, design and conservation, settings of listed buildings, highway safety, protected species, impact on neighbouring amenity and impact on trees at the site.

## PLANNING OFFICER COMMENTS

### Policy

The site is located within the built up area of Trowbridge, where the principle of housing is appropriate. The site is allocated within the West Wiltshire District Plan 1st Alteration 2004 under Policy T2 as part of a safeguarded route for the Trowbridge Inner Relief Road which has been partially implemented in phases during the past. The remainder of the route has however been abandoned and the planning policy team advise that an infill housing scheme would be an appropriate alternative use, which is suggested in the Trowbridge Urban Development Framework. There is a significant need for affordable housing in Trowbridge and this site would contribute to providing this.

In this case the proposal is for eight dwellings incorporating four flats and four houses which makes an efficient use of land calculated at over 40 dwellings per hectare. This is a thoroughly sustainable location in close proximity to employment opportunities, services and facilities and therefore represents a site where higher density development may be considered acceptable. PPS 3 advises that 'more intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area'. The area is primarily characterised by terraced residential development but with some small scale commercial and industrial uses in the locality. The inclusion of further residential development in this location would in principle be acceptable.

### Design and conservation

Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area. Furthermore, Policy C18 of the West Wiltshire District Plan 1st Alteration 2004 advises that proposals for new development within conservation area will not be permitted unless the development will preserve or enhance the character or appearance of the conservation area.

St Thomas's Street is characterised by terraced, semi-detached and detached linear development fronting onto the highway. The site itself is currently occupied for car parking and is underutilised. The rear of the site does however have a group of trees which are proposed to be removed that have a strong amenity value.

The site forms an important view from the Halve to the south. The proposal would introduce a block of development fronting on to St Thomas's Road which would help to close up the existing open gap in the street occupied by an area of hardstanding which disrupts the rhythm of the street scene. Historically it is likely that buildings would have been in a similar position to the block of development proposed at the front of the site. Likewise St Thomas's Passage which runs through the site, would have had development of some description fronting it.

The proposed layout would respect the grain of development in the area. The layout creates a courtyard area to the rear of the flats that acts to obscure the parking area from public view whilst having the added advantage of allowing surveillance of the parking area. The proposed housing running parallel to St Thomas's Passage would improve surveillance of this pathway which is currently bounded on both sides by dense vegetation which contributes to creating the sense that it is unsafe.

The form of the proposed dwellings is similar to the surrounding environment and in particular an existing terrace of properties to the east. The dwellings have been designed to be two storeys high, simple in form with repetitive terrace typology and a degree of vertical symmetry of fenestration. The development would have active frontages set at the back of the pavement and pathway respectively which is characteristic of the area.

The dwellings would be constructed in red brick, render, clay tiles, slate and timber windows. These materials are typical of the area and will help the development to harmonise with its surrounding. The use of reconstituted stone plinth, cills, string course, copings and surrounds represent minor design features in the development and are considered acceptable in this case.

This proposal involves the infilling of a significantly sized gap in the frontage of St Thomas's Road. The current area of open frontage detracts from the character of the conservation area. This proposal would not therefore result in the loss of an important visual gap. It is considered that the proposal to develop this site would act to facilitate the rehabilitation of a currently underused and unattractive space within the conservation area, thus enhancing its appearance.

#### Setting of listed buildings

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.

The neighbouring building of St Thomas's Church is a grade II listed building. There also exists a terrace of properties at the northern end of the Halve and at Waterloo Place on the south side of Union Street which are also grade II listed. The proposed units are of a modest scale and positioned a sufficient distance from these listed buildings to avoid detracting from their settings.

#### Highway safety:

A number of concerns had been raised regarding highway safety issues. The plans have been revised and Highway Authority have raised no objections to the revised scheme.

The access to the site has been widened to 4.5m to allow two cars to pass. The 1.8m high wall which backs onto the Funeral Directors forecourt will be reduced in height for the first 0.8m to allow intervisibility with pedestrians using the footpath. The flats have been moved forward to the edge of the pavement of St Thomas's Road to increase the turning area within the parking court to the rear.

With regard to parking spaces, Policy T10 of the West Wiltshire District Plan 1st Alteration 2004 states that 'the quantity of parking to be provided within new development will be limited to maximum standards. The level of maximum parking provision will reflect the sites relative accessibility by public, or alternative modes of transport'.

The Planning Policy team express the view that given the edge of centre location and accessibility to central facilities, the number of spaces proposed is acceptable. One space per dwelling would be provided on site. In sustainable locations the level of car parking can be reduced and it should be recognised that the Council no longer operates minimum parking standards.

Government advice in PPG 13 advises Local Planning Authorities to 'use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys'. It also advises that 'reducing the amount of parking in new development (and in the expansion and change of use in existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'. Furthermore PPG 13 advises that Local Planning Authorities should 'not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls'.

In further discussions with the Highway Authority, they have acknowledged that the proposed parking provision is acceptable.

In this case there are no exceptional circumstances to justify requesting additional parking and the accessibility of key services and facilities in the locality including public transport links indicates that the proposed level of parking will be adequate for the development.

The Highway Authority have suggested a condition regarding the access width and boundary walling. This may be secured by a condition requiring the development to be carried out in accordance with the revised plans.

#### Protected species:

The proposal has been supported by a badger survey and a habitat and protected species assessment. These reports assessed the potential presence of birds nesting, bats, reptiles, amphibians and badgers. Natural England raise no objections subject to a condition about legally protected species as they are unlikely to be adversely affected by the proposal. The Wiltshire Wildlife Trust have also raised no objections to the development subject to a condition. Further survey work will be required in the future and this may be conditioned in this case. The scheme has avoided developing the northernmost section of the site to avoid disturbing the two most important badger setts on site.

#### Neighbouring amenity:

The development raises issues regarding neighbouring amenity. There exists an MOT centre to the north west of the site within 12m of the rear of the proposed flats. This may result in some nuisance being caused to the future residents of the flats. The area is, however, characterised by a mix of uses with commercial uses often juxtaposed with residential developments. The development itself is located in close proximity to St Thomas's Road which experiences high volumes of traffic. It is not therefore considered that any loss of amenity would be significant particularly given that this is a mixed use area.

Concern has been raised that overlooking of land to the east of the houses may occur. A gap of at least 10m would be retained to this neighbouring land and this is sufficient to mitigate any loss of privacy. An oriel window is proposed in the south eastern gable end of the housing block. This would look out over a pathway and onto the funeral directors forecourt of No.3 St Thomas's Road. The dwellings would not significantly overlook any neighbouring residential properties but would facilitate more surveillance of the application site which is to be encouraged. The proposed development should not harm neighbouring amenity in any other way.

#### Protected trees

A corresponding application (Ref: 07/01498/TCA) to this development for works to trees in a conservation area was made to fell nine trees within the application site including Sycamore, Hawthorn and Ash species. These trees are located on a piece of land directly to the west of St Thomas's Passage opposite the depot building to the west. The request to fell was refused and a group Tree Preservation Order was placed on the trees because they provide significant landscape, amenity value and contribute to the character of the area. The Landscape Officer in writing his report however noted that there would be no objection if an application were to be submitted to remove some of these trees and replace them with better quality, native, extra heavy standard specimens. Some of these trees were originally proposed to be removed. Because they have a strong amenity value the applicant has agreed to retain as many as possible and a condition has been recommended to ensure they are.

#### CONCLUSION

The proposal represents the opportunity to develop an underused site within the conservation area for an affordable housing development. The proposal would accord with development plan policy and permission is recommended.

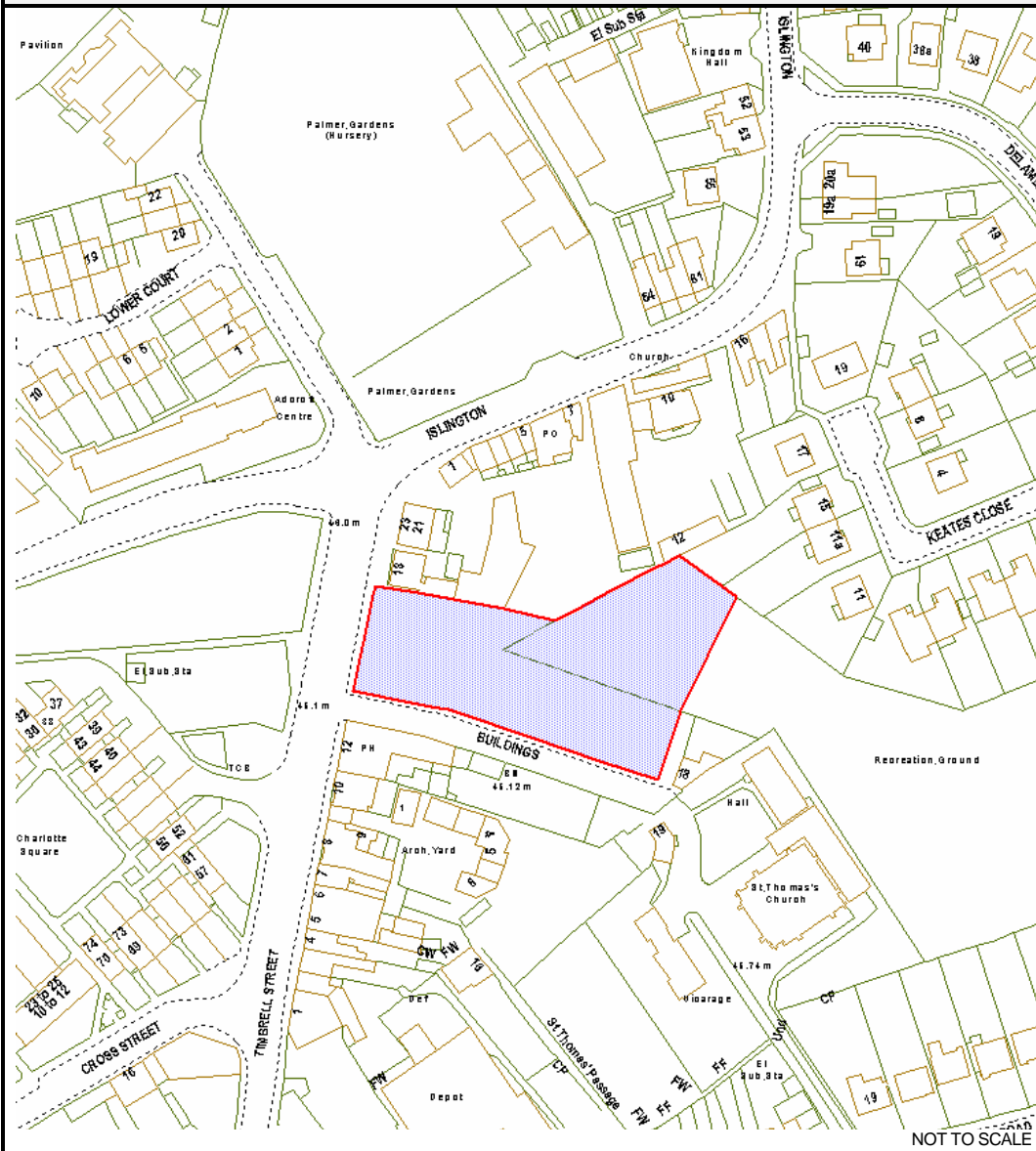
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 06

APPLICATION NO: 07/01963/FUL

LOCATION: Land Off York Buildings Trowbridge Wiltshire



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SLA: 100022961



**06 Application: 07/01963/FUL**

**Site Address: Land Off York Buildings Trowbridge Wiltshire**

Parish: Trowbridge Ward: Trowbridge North East  
Grid Reference 385819 158425  
Application Type: Full Plan  
Development: New development of 12 no. new houses, 12 no. new flats and 26 no. 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: Mr Mark Reynolds  
Date Received: 07.06.2007 Expiry Date: 06.09.2007

**JUSTIFICATION REASON:**

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

**RECOMMENDATION: That the Development Control Manager be authorised to grant planning permission subject to satisfactory completion of a Legal Agreement to secure a financial contribution towards education provision, as identified by the County Education Officer and the following conditions.**

**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 - Policy C31A.

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

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

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

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

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

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

- 5 The development hereby permitted shall not be commenced until plans and particulars have been submitted to and approved by the Local Planning Authority, setting out details of the size, species and positions or density of all trees to be planted, and the proposed time of planting. All tree planting shall be carried out in accordance with the approved details.

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

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

- 6 Notwithstanding the submitted plans details of the design, external appearance and finish of all fences, walls and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the development being occupied. 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 conservation area is conserved.

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

- 7 The parking spaces shown on the approved plan, together with the accesses thereto, shall be provided concurrently with the development to which they relate. The parking spaces shall remain unobstructed and available only for the parking of vehicles in perpetuity.

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.

- 8 Development shall take place strictly in accordance with the precautionary measures outlined in section 6.3 (recommendations) of Chalkhill Environmental Consultants report entitled 'Habitat Survey and Protected Species Assessment'.

REASON: In the interests of avoiding harm to protected species.

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

- 9 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.

- 10 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.

- 11 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 above ground floor level to the north east or south west elevations of the terrace of four houses or to the east elevation of the end terrace house directly adjacent to No.18 York Buildings.

REASON: In the interests of amenity and privacy.

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

- 12 Details of storage areas for wheeled refuse bins, designed so as to minimise their impact on the appearance of the street scene shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be provided prior to the development being first occupied and shall be maintained as such thereafter.

REASON: In the interests of the appearance of the street scene and conservation area.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C17, C18 and C31a.

- 13 No work shall commence on site until details of a scheme has been submitted to and approved in writing by the local planning authority to enhance the facilities on the open space at St Thomas play area. Such improvements shall be implemented in accordance with the approved details.

REASON: In order to comply with the Council's policy on providing open space/recreational facilities where provision cannot be secured on site.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy R4 & H1 and the council's Supplementary Planning Guidance - Open space provision in new housing development.

- 14 No work shall commence on site until details of the replacement pavement along York Buildings have been submitted to and approved in writing by the local planning authority. Such details shall include the lifting and reuse of the existing traditional slabs, kerb stones and manhole covers wherever possible and suitable replacements if necessary. The work shall be carried out in accordance with the approved details.

REASON: In the interests of retaining historical features and safeguarding the character and appearance of the conservation area.

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

- 15 Notwithstanding the submitted plans no work shall commence on site until details of the traffic calming measures at the junction of Timbrell Street and York Buildings have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved plans.

REASON: In the interests of highway safety.

- 16 The development shall be carried out strictly in accordance with the revised plans.

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

- 17 Before the development is occupied, samples of the surfacing pavers shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details

REASON: In order to ensure that the appearance of the conservation area is not harmed.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C17, C18 & C31a.

**Note(s) to Applicant:**

- 1 The developer is advised to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of Wessex Water infrastructure crossing the site.

**COMMITTEE REPORT**

## APPLICATION DETAILS

This application is presented to Committee because the District Council is the applicant.

The Application proposes the erection of 12 no. houses and a block of 12 no. flats along with 26 on site parking spaces. The dwellings comprise of 8 no. 2 bed, 4 person units; 4no. 3 bed, 5 person units; 5 no. 1 bed, 2 person units and 7 no. 2 bed 3 person units.

The whole site is proposed for affordable housing and is one of the Council's PFI scheme sites to deliver at least 1400 new affordable homes throughout the district.

The buildings would consist of a three storey building at the front of the site fronting Timbrell Street, 7 terraced two storey houses fronting York Buildings and a block of 4 no. two storey houses in the rear. All would be constructed in red brick or off white/cream rendered walls under clay tiles or artificial slate roofs. Access would be at two points via an arched entrance and an access road off York Buildings.

The application site is currently a grassed area located within an area characterised by residential development, some retail and small scale commercial enterprises. The site is located partially within a conservation area and is bordered by private gardens and the grounds of a number of small commercial premises to the north and northeast, a public open space to the east and public roads, Timbrell Street to the west and York Buildings to the south. The land had been safeguarded for the Trowbridge Inner Relief Road to pass through however the completion of this scheme has now been abandoned.

York Buildings also forms the access to St Thomas Church and two associated dwellings.

## CONSULTATION REPLIES:

TROWBRIDGE TOWN COUNCIL: No objection

## STATUTORY CONSULTATIONS

## - HIGHWAY AUTHORITY:

Initially commented as below:

Recommend refusal on the grounds of unsuitable means of access and inadequate provision for on site parking likely to encourage the parking of vehicles on the public highway. There are a number of concerns:

- 1 The junction of York Buildings and Timbrell Street is sub standard in terms of the width and radii making it difficult for two cars to pass at the junction, a larger radii 6m is required on the northern side.

- 2 The existing footway is overrun by vehicles and prone to damage. The stone paving should be replaced with a standard footway construction, new kerbs and widened to 2 metres around the whole site.

- 3 On street parking occurs on York Buildings which is not wide enough to facilitate parking on both sides. The restrictions at the junction of York Buildings and Timbrell Street should be extended the whole length of the road to control on street parking and adequate access.

4 Parking provision is insufficient for the number of dwellings. Vehicles that cannot park within the site will be displaced onto nearby roads which are already subject to high levels of on street parking. 3 bed dwellings should have a minimum of 2 parking spaces each and smaller units should have minimum average of 1.5 spaces per dwelling. Spaces should be allocated to each unit and visitor spaces indicated.

5 Access from York Buildings into the site are too narrow and should be a minimum of 4.5 metres wide.

6 Minimum visibility splays at the York Buildings/Timbrell Street access should be 2.4m x 59m in the direction of on coming traffic and the accesses into the site should be 2.4m x 2.4m.

7 To facilitate the additional vehicles resulting from the development the surface should be upgraded to a suitable standard and a turning area provided.

Additional Revised comments have been received as below:

I am now aware that there are a number of existing features within the vicinity of the site (and within the conservation area) that you are keen to retain. A number of the alterations/improvements we were seeking could not be achieved without significantly compromising those interests, and I have therefore given some thought as to how we might achieve the desired outcomes in a different way to that originally suggested.

Taking each point in turn:

1. We discussed the impact of improving the radius at the York Road/Timbrell Street junction and I suggested that we opt for an arrangement whereby the footway alongside Timbrell Street is extended as a continuous route over the junction, with York Buildings then forming a junction onto the rear of the path with simple 45° splays either side. This arrangement has proved effective in other parts of the town, and I believe we can deal with the subsequent detail through condition.

2. I am now aware that the stone paving we casually suggested should be discarded has considerable value in conservation terms. As such, I am content for you to ignore this request.

3. We agreed that this would be dealt with as part of the emerging town centre review, and need not be a specific obligation associated with the proposal.

4. On reflection, given the location of the site and the degree to which on-street parking will shortly become far better managed, I am content to withdraw this objection.

5. You said that you would give some thought to amending the accesses off York Buildings into the site, perhaps adopting the approach set out in 1. above. Again, I believe that this can be dealt with by condition as opposed to a resubmission.

6. See 1 above.

7. This point was agreed.

In summary therefore, I recommend that no highway objection is raised subject to the imposition of the following conditions:

Notwithstanding the content of the submitted plans, details of the treatment of the York Buildings/Timbrell Street junction must be submitted to and approved in writing by the local planning authority. Such details will show the footway alongside Timbrell Street being extended as a continuous route over the junction together with associated works.

Notwithstanding the content of the submitted plans, details of the treatment of the site accesses onto York Buildings must be submitted to and approved in writing by the local planning authority. Such details may show the footway being extended as a continuous route over the western access, and will show the incorporation of a turning head as part of the access to the east.

Prior to occupation of any of the dwellings hereby permitted (or such other time as may be approved in writing by the local planning authority), the surface of York Buildings will be re-laid over the entire site frontage.

- WESSEX WATER

The development is located within a sewerage area with foul and surface water sewers. A public foul sewer crosses the site and a minimum of 3 metre easement width is normally required on either side of the apparatus for the purpose of maintenance or repair. Diversion or protection may need to be agreed.

There are water mains in the vicinity of the proposal.

Various informants suggested regarding agreements to connect to existing infrastructure.

- WILTSHIRE AND SWINDON BIOLOGICAL RECORD CENTRE

Great Crested newts have been found within 1 km of the site. They are fully protected by the Wildlife and Countryside Act 1981 and should be protected from adverse effect of development by using planning conditions or obligations

- WILTSHIRE COUNTY EDUCATION

Request that a contribution of £43,108 towards 4 primary school places will be required. This contribution would be secured by a legal agreement.

- DISTRICT ECOLOGIST

Comment as follows 'I have reviewed the Habitat and Protected Species Assessments for the two plots of land affected by the above application. I agree with the assessment of impacts in both reports. The risk of great crested newts being present on site is very low due to extensive hard surfacing between the site and nearest known breeding pond at Palmers Gardens.

I would recommend that if permission is granted, conditions are applied, as described in the recommendations, to avoid harm to badgers, nesting birds and reptiles and to prevent the colonisation of amenity grassland by protected species. In addition, the results of the reptile survey and details of any mitigation requirements should be submitted to the district council before vegetation clearance works begin.

I note that a proportion of the Delamere Road Recreation Ground will be retained. The site currently contains little of ecological interest. If as a result of this application proposals are put forward for enhancing its amenity use, I would recommend these incorporate measures to enhance biodiversity.

The need to consider biodiversity in urban greenspace is underpinned by recent local policies. In particular, the Local Area Agreement which the Wiltshire Strategic Board adopted in March 2007 includes an outcome for biodiversity under the Environment Block. The aim of sub-outcome 2.2 in this block is "Better protection and enhancement of biodiversity through the planning process". The performance indicator for this is "Planning decisions comply with the English Nature targets (published 2000) for accessible natural greenspace within 300m of peoples homes. In addition, the draft revision of the Biodiversity Action Plan (to be circulated) includes a target "to ensure that all new major developments have sufficient accessible areas of biodiversity for people to enjoy".

New legislation supports consideration of biodiversity in the management of public open space. The Natural Environment and Rural Communities Act 2006 states that "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity" (sect 40). DEFRA guidance on this duty published in May 2007 demonstrates local authorities should consider enhancing biodiversity through the management of its land holdings including areas of public open space.

Simple ways in which the biodiversity of the Delamere Road Recreation Ground could be enhanced include, planting native trees and shrubs, using climbing plants to hide fences, adapting cutting regimes to provide areas of longer grass and ensuring that new planting provides a range of potential food plants for birds and insects'.

## INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY:

The proposal is broadly acceptable in policy terms. It meets key corporate priorities and objectives. I am completely satisfied that the historic highway improvement safeguarding is not an issue for this application.

Whilst the continued well being of native wildlife and their habitats is a concern, I am confident that appropriate mitigation measures can be introduced to minimise the impact of development upon resident protected species. These measures should be conditioned.

The impact on the conservation area is a concern - particularly in respect of the scale and height of the proposal in relation to the surrounding properties. Whilst I am satisfied that the proposal meets the broad planning policy objectives, I recommend that the Conservation Officers views be given full consideration.

The provision of recreation/ open space needs to be addressed.

More needs to be made of the site's location. The introduction of residents travel plan is a minimum requirement that can be introduced by way of condition. The travel plan will encourage sustainable travel patterns and travel choices. This needs to be coupled with an appropriate reduction in on-site parking provision to about 1.5 spaces per residential unit.

#### - CONSERVATION OFFICER:

##### Background

Refers to the pre application discussions and the policy background to this proposal, specifically C17, C18, C27 and C31a of the Local Plan and the Urban Development Framework. This area was taken into the Trowbridge Town Centre Conservation Area in November 2005 and issues of how this proposal may impact upon the character and appearance of the conservation area need to be considered. The character of the area is described in detail with specific reference to the presence of the Church as the most important landmark building in the area with a striking roofline that dominates most views into the area. The churchyard provides good linkages for pedestrians between St Thomas' Road and Timbrell Street. There are also a number of significant listed buildings in this area, the most notable being St Thomas's Church and the complex of buildings that make up the historic group around the church. In addition, the row of listed terraced properties fronting onto Timbrell Street with the most important being the Crown Hotel itself.

##### Proposal.

Many amendments have been made to this scheme to reflect earlier concerns that were raised. However, there are still some areas of this proposal that still need to be raised.

##### Setting of the Listed Buildings

\* The elevation onto Timbrell Street has been amended to allow for the higher of the blocks to be centrally located within the 3 blocks. The end block adjacent to the listed pub, The Crown, has now been reduced in height to provide a better relationship between the proposed scheme and the adjacent listed building. This also provides a softer corner treatment for York Buildings and a more balanced end gable to the scale of new development in this group as well as not overwhelming the views of the Church at the bottom.

##### Design

\* The reconfiguration of the fenestration onto Timbrell Street and the removal of the rather fussy balconies all help to improve the overall visual impact of this scheme in the conservation area and help it to sit into its context in a more appropriate way. Simplicity is the key to many of the existing buildings in this part of the town and the amendments now put in place will allow for this development to merge in with the general character quite well whilst retaining an element of contemporary flair in the interpretation of architectural design and features used.

\* One of the main concerns is the highway requirements that are imposing standard road widths and pavements together with larger vision splays. It is crucial that the existing listed building and the new building on the opposite corner are a visual balance to each other. The amended drawings now reflect an approach that is considered to be more in keeping with the form of highway alteration that respects the context and that adds a degree of improvement from a safety view point whilst retaining visual quality. It is also pleasing to see that existing materials from the road will be reused.

Impact on views into and out of the Conservation Area.

\* Views along York Buildings are very important for identifying the presence of the church. It is therefore important that any scheme does not destroy all these views and indeed any new scheme should allow these views to continue. It is unlikely that there were such open views of the church in the past but there should be a glimpse of its imposing roof above any other buildings that may front onto Timbrell Street. This will be more possible now that the block adjoining York Buildings has been reduced in height.

Materials:

\* Within the conservation area, Policy requires a standard of building material to be higher than elsewhere. Simplicity, uniformity and symmetry are the key factors that provide the context for all the more successful architectural forms in this part of the town.

\* No concerns over the use of a quality brick for the construction of these units but the use of render should be reduced to the minimum. In the context of the front elevation, the contrast between the brick and render will be helpful in adding a degree of variety to the frontage and helping to provide a visual link to the stonework of the listed pub. The use of reconstituted slates is not appropriate and this has now been amended for natural slates to be used

\* Attention needs to be paid to the existing pavements in York Buildings and how the traditional paving/kerbs can be incorporated into the new scheme. The cast-iron road drains and manhole covers are also historic and need to be retained.

Conclusion

The scheme as submitted had a number of minor shortcomings that have been raised with the architect. The outcome has been very positive in that amended drawings have now been submitted that address all the original issues raised and are now more acceptable. This scheme is, in my view, compatible with the setting to the listed buildings that are in close proximity to the development and will help to enhance the character and appearance of the conservation area.

- HOUSING:

Confirm that there is a demonstrable need for affordable housing in Trowbridge, with the current priority need being in the region of 726 households. The proposed mix of units also meets the current need. As the application is made for 100% affordable housing it is supported.

- LEISURE MANAGER

Is willing to accept a commuted sum in respect of play provision to be provided by the Council. This sum would offset the inability to provide facilities on the York Buildings site. The funds would be used to upgrade the children's play provision at the St Thomas play area, which has been identified as in need of improvement to raise the quality. St Thomas is directly adjacent to the York Buildings site and will be accessible to children and young people moving to the area.

PUBLICITY RESPONSES

The application has been advertised by means of a public notice, press notice and neighbour notifications. 5 letters of objection have been received raising the following issues:

- Problems for turning vehicles due to narrow access into York Buildings
- Turning in Church grounds
- Highway and pedestrian safety
- Inadequate parking
- Loss of recreational land
- Loss of habitats for wildlife
- Church users will be disadvantaged
- Access for emergency vehicles
- Visibility at junction with Timbrell Street
- Retaining wall will need rebuilding
- Loss of privacy to neighbouring bungalows



## RELEVANT PLANNING POLICY

RPG 10/RSS - Regional spatial strategy

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable development

DP3 – Development Strategy

DP7 - New housing in towns and main settlements

DP8 – Affordable housing

T6 – Demand management

West Wiltshire District Plan 1st Alteration (2004)

H1 - Further housing development within towns

H2 – Affordable Housing

H24 - New housing design

C7 - Protected species

C17 - Conservation Areas

C18 - New development in conservation areas

C27 - Listed buildings

C31a - Design

C32 - Landscaping

C36 - Noise

C38 - Nuisance

C40 – Tree planting

R4 - Open space in new housing developments

R11 - Footpaths and rights of way

S1 - Education

T2 - Trowbridge Inner Relief Road

T10 - Car parking

U1a - Foul water disposal

U2 - Surface water disposal

PPS1 - Delivering sustainable development

PPS 3 - Housing

PPG 13 - Transport

PPG 15 - Planning and the Historic Environment

Residential Design Guide - SPG

Trowbridge Urban Design Framework

Trowbridge Town Centre – Conservation Area Character Assessment 2006

## RELEVANT PLANNING HISTORY

76/00011/LBC - Demolition of property in connection with the construction of proposed Trowbridge Inner Relief Road - Approved after Called In by Sec of State - 31.03.1977

76/00012/LBC - Demolition of property for construction of Proposed Trowbridge Inner Relief Road - Approved after Called In by Sec of State - 31.03.1977

76/00037/LBC - Demolition of property in connection with the construction of the proposed Trowbridge Inner Relief Road - 31.03.1977

76/00038/LBC - Demolition of property in connection with the construction of the proposed Trowbridge Inner Relief Road - 31.03.1977

## KEY PLANNING ISSUES

The key planning issues in this case are policy, design and conservation, settings of listed buildings, highway safety, protected species, impact on neighbouring amenity, open space, education contributions and impact on trees at the site.

## PLANNING OFFICER COMMENTS

### Policy

The site is located within the built up area of Trowbridge where in principle housing is acceptable within Policy H1 of the West Wiltshire District Plan 1st Alteration 2004. Part of the site is safeguarded within the West Wiltshire District Plan 1st Alteration 2004 Policy T2 as part of the route for the Trowbridge Inner Relief Road which has been partially implemented in phases during the past. The remainder of the route has now been abandoned and the planning policy team advise that a housing scheme would be an appropriate alternative use, which is suggested in the Trowbridge UDF. The site has also been highlighted in the Trowbridge Town Centre – Conservation Area Character Assessment as a development opportunity for housing. There is a significant need for affordable housing in Trowbridge and this site would contribute to providing this.

In this case the proposal is for twenty four dwellings incorporating 12 no. flats and 12 no. houses which makes an efficient use of land at approximately 80 dwellings per hectare. This is a thoroughly sustainable location sited in close proximity to employment opportunities, services and facilities and therefore represents a site where higher density development may be considered acceptable. PPS 3 advises that 'more intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area'. The high density of development does not represent overdevelopment of the site and the introduction of 12 no. flats in a three storey and two and a half storey form of development acts to increase the density of the scheme substantially ensuring that even with the high density the layout is not cramped.

The area is primarily characterised by terraced residential development but with some retail, commercial and industrial uses in the locality. In this context there is no objection in principle to further residential development.

### Design and Conservation

Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area. Likewise Policy C18 of the West Wiltshire District Plan 1st Alteration 2004 advises that proposals for new development within conservation area will not be permitted unless the development will preserve or enhance the character or appearance of the conservation area.

Historically there was a group of traditional terraced properties which occupied the frontage of the site with Timbrell Street and also a long terrace of development fronting York Buildings. The proposed layout would respect the historic layout of buildings at the site. In particular a strong frontage is proposed to Timbrell Street that would turn the corner of York Buildings and continue down York Buildings. A smaller terrace of four houses is proposed towards the rear of the site which is acceptable particularly given the often sporadic development of backland sites in the area. The development of the Timbrell Street frontage would act to close up a visual gap in the street scene which adds little to the character of the area except for allowing long range views of St Thomas's church to the rear.

The proposed layout would respect the grain of development in the area. The layout creates a courtyard area to the rear of the flats that acts to largely obscure the parking area from public view whilst having the added advantage of allowing surveillance of the courtyard area. Both Development Plan Policy and PPS3 require new residential development to have a mix of sizes and types of dwellings that overlook public areas, that are in keeping with their surroundings, and which accommodate all means of transport. Policies C31a and H24 of the West Wiltshire District Plan – 1st Alteration, plus the supporting Supplementary Planning Guidance, attempt to ensure that new housing development is integrated into its local environment. The proposal has a mix of sizes of unit which is consistent with this policy.

The form of the proposed dwellings fronting onto Timbrell Street have been designed to be two and a half to three storeys in height. This design provides a strong visual presence onto the street in common with the long Victorian terrace of three storey dwellings to the south of the site. The flat block development would be visually subservient to the Crown public house to the south of the York Buildings junction. This is important in order to retain this neighbouring listed building's status as the focal point in the street scene. The applicant has revised the design by removing the balconettes at the front elevation. Notwithstanding this the proposed development does not mimic the fenestration of this neighbouring terrace but does now display a strong vertical rhythm of openings in keeping with the neighbouring terrace. This acts to establish the development as a sympathetic but individually designed addition to the street.

The south elevation of the development fronting on to York Buildings has been designed to create a long terrace of development closely bordering an existing pathway of stone flags. The stone flags of the existing pavement are to be relaid and this would serve to renew an important historical attribute of the site. The dwellings along this frontage have been designed to be simple in design, with similar heights with the roofscape broken up by coping detailings. In these respects they are reflective of the simple building at No.18 which represents the last remnant of the original terrace which previously existed along this road. The remainder of the development would be less prominent however the south east elevation of the terrace of four dwellings would face an existing area of open space. This terrace of development would be well proportioned, simple in design and is considered acceptable.

The dwellings would utilise red brick, render, clay tiles, and timber windows. These materials are typical of the area and will help the development to harmonise with its surrounding. The use of reconstituted stone plinth, cills, string course, copings and surrounds represent minor design features in the development and are considered acceptable in this case. The use of artificial slate is not normally encouraged in a conservation area and samples will need to be submitted to ensure they are acceptable which may be secured by condition.

This proposal involves the infilling of a gap site which has been highlighted as an area of development opportunity. The current area of open space adds little to the character and appearance of the conservation area and It is considered that the proposal to develop this site would act to facilitate the rehabilitation of a currently underused space within the conservation area enhancing its character and appearance.

#### Setting of listed buildings

In relation to listed building 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.

The application site is sensitive because there exists listed buildings in the immediate vicinity of the site. The Crown Pub at 12 Timbrell Street is directly adjacent the site. The design has been amended to reduce the height of the end block of development closest to the pub fronting Timbrell Street to ensure that the development reads as a subservient addition to the street scene.

St Thomas's church to the rear of the site is a grade II listed building which compared to the existing situation, would be partially obscured from view by the development proposed. The proposed development would, however, be replicating what would have been the case historically. The development fronting onto York Buildings is two storeys in height and should not dominate the setting of the church. The church is of such a height also that its roof will still be visible from certain positions in the surrounding streets. The development would not therefore detract from the setting of neighbouring listed building.

#### Highway safety:

Car parking provision would be at one space per dwelling with two visitor spaces. In sustainable locations the level of car parking can be reduced and it should be recognised that the Council no longer operates minimum parking standards. The Highway Authority consider that adequate parking is being made available and no longer raises any objections to the proposal on these grounds. The views of the Highway Authority are supported in this case.

There is a strong national planning policy emphasis upon reducing use of the private car. PPG 13 advises Local Planning Authorities to 'use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys'. It likewise advises that 'reducing the amount of parking in new development (and in the expansion and change of use in existing development) is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'. Furthermore it advises that Local Planning Authorities should 'not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls'. In this case there are no exceptional circumstances to justify requesting additional parking and the accessibility of key services and facilities in the locality including public transport links indicates that the proposed level of parking will be adequate for the development.

The Highway Authority previously raised concerns regarding the achievement of visibility splays at the junction of York Buildings and Timbrell Street. These concerns have been overcome by designing a junction which continues the pavement across the access to York Buildings thereby allowing vehicles to protrude further out when exiting the junction. This would also have the advantage of reducing traffic speeds at this point.

York Buildings is a no through road which leads to the church yard. Representations have been received advising that given the restricted width of the road and the presence of cars parked adjacent to the Crown public house this makes the turning of vehicles problematical in York Buildings. This proposal will introduce a de facto turning head at the easternmost access to the site as part of the development which should ease the current situation in York Buildings. The proposal has been revised to introduce increased access widths and visibility splays at the two entrances to the site which have overcome the initial concerns of the Highway Engineer. The applicant has agreed to upgrade the surfacing of York Buildings in line with the requirements of the Highway Authority.

The Highway Authority initially requested the upgrade and standard construction of a 2m wide pavement along the length of York Buildings. However, the original pavement remains along a large length of the road albeit in a dilapidated state. Many of the original slabs, kerbs and manhole covers remain in situ and are worthy of preservation. These areas would be relaid with existing materials where possible which would enhance the character and appearance of the conservation area and the setting of St Thomas Church. The Highway Authority have agreed to this approach.

The planning policy team have suggested a travel plan for the site. The site is however in an edge of centre location, with good public transport links. The development is for residential purposes and it is impossible to assess the travel needs of the future tenants at this point.

The Highway Authority have suggested conditions

Protected species:

The proposal has been supported by a habitat and protected species assessment. The report assessed the potential presence of birds nesting, bats, reptiles, amphibians and badgers. The report advises that the land is not an important natural habitat. There was no evidence of habitats for bats, reptiles, amphibians and no badger setts. The land does incorporate two trees at the south west corner of the site that could potentially provide nesting habitat for birds. The report makes recommendations to ensure that no harm occurs to any protected species and no objections are raised to the proposal. The District Ecologist has considered the report and agrees with the assessments made in the report.

Neighbouring amenity:

The proposal introduces windows along the south elevation fronting York Buildings. Windows exist on the north elevation of the Crown public house which would be located within 9.2m of the proposed development. Only one of the windows on this elevation of the pub is a habitable room, forming a bedroom window for a bed and breakfast room. There may be some loss of privacy through this window of the pub it is not however a bedroom that is in constant use and the windows fronts a public highway. There is therefore insufficient grounds to refuse the application.

This pub window may also partially overlook the proposed development however this is a town centre location where such arrangements are not uncommon and the future occupiers will be aware of this proximity before occupying the dwellings. There would be no further overlooking of neighbouring properties other than of the beer garden of the Crown public house which is acceptable, and the amenities of the proposed dwellings will be adequate in this respect. The development is situated a sufficient distance from neighbouring properties so as to avoid overshadowing or overbearing impacts occurring.

The proposed units facing York Street will be in relatively close proximity to the Crown pub. There may be some nuisance from the pub however this would be limited and it should be recognised that this is a town centre location where such arrangements are not uncommon and is no different from when the original houses existed on the site. The future occupiers will be aware of this proximity before occupying the dwellings. There is therefore no justification for refusing these dwellings on this basis.

#### Open space

Policy R4 seeks to make provision for open space for sites over 10 dwellings. The proposal does not make provision for open space on site. In this case the Leisure Manager is willing to accept a commuted sum in lieu of onsite provision. The applicant has indicated a willingness to provide a commuted sum which may be secured by condition to ensure that the proposal accords with policy R4. The commuted sum may be used to upgrade a children's play area on public open space to the south east of and adjoining the site.

It has been suggested that the land which is proposed for development represents recreational land. The land is grassed and it appears to be used to a certain extent by dog walkers for recreational purposes. Notwithstanding this it has always been, in the recent past, safeguarded land for the Trowbridge Inner Relief Road and was allocated as such in the local plan. The remainder of the Trowbridge Inner Relief Road has now been abandoned and the Planning Policy Manager advises that the land is not allocated for existing or future recreational use and the development should not therefore be considered to represent a loss of public open space.

#### Education contributions

Policy S1 of the West Wiltshire District Plan – 1st Alteration 2004 requires a planning obligation to be provided where the residential development gives rise to the need for additional education provision. The Education Authority, Wiltshire County Council, have identified a need generated by this specific development for 4 primary school age pupils needing places. The applicant has agreed to enter into a Legal Agreement to secure the appropriate contribution.

#### Protected trees and landscaping

There are no trees within the site which are protected by TPOs. The proposal involves the removal of some trees but none of these warrants a TPO being placed upon them. Full details of landscaping measures will be controlled by condition.

#### Other issues

A neighbour has raised concerns that an existing retaining wall may need to be rebuilt. The plans show a timber fence being put in place but details of boundary treatments may be dealt with by condition.

An objector has suggested that Church users will be disadvantaged if this development goes ahead. The accesses to the church will remain in situ the proposal provides adequate off-street car parking for the development and a de facto turning area will be introduced. Access to the church and existing dwellings will remain and any casual on street parking may be subject to review, the same as with any adopted road.

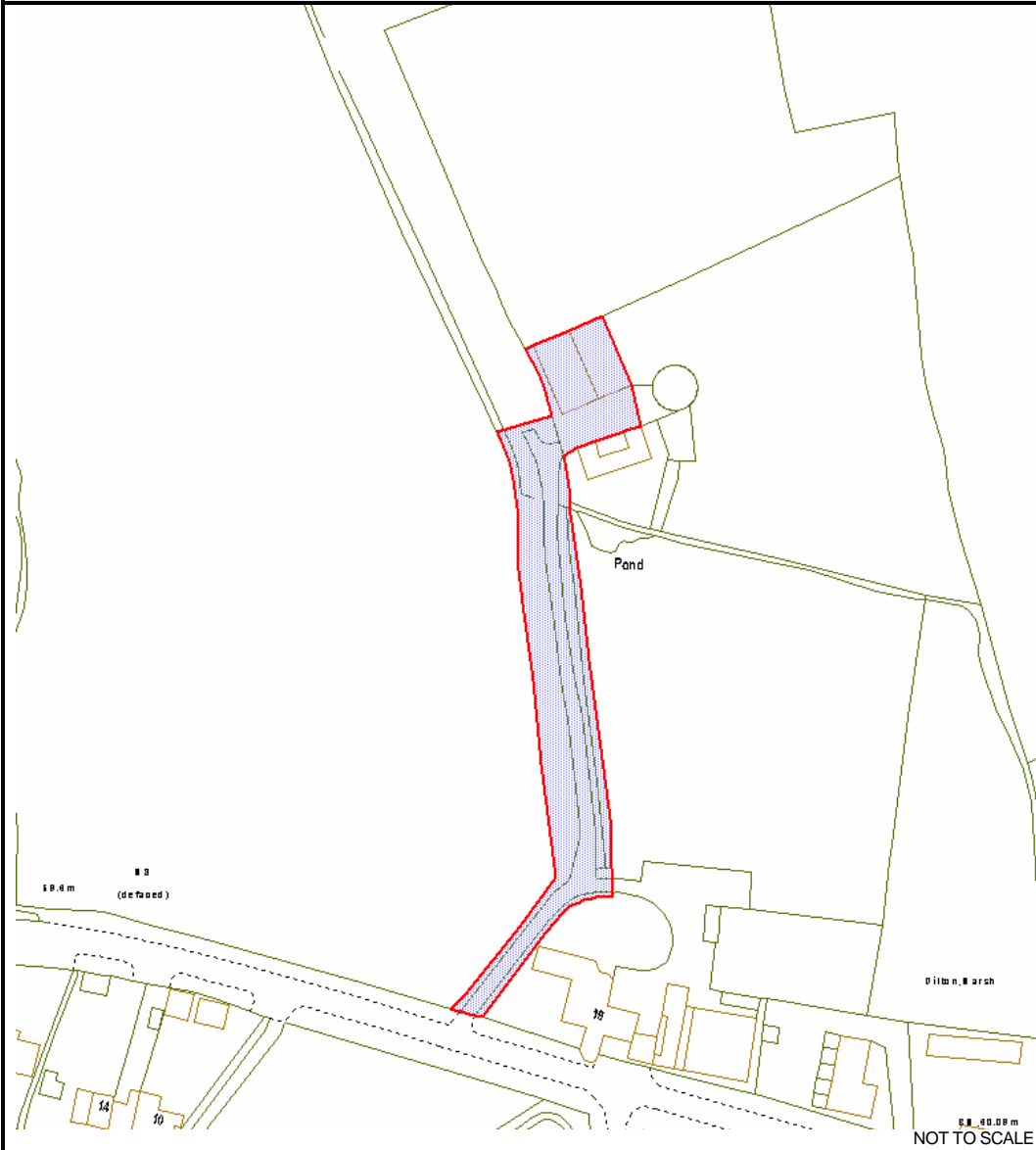
#### CONCLUSION

The proposal represents the opportunity to develop an underused site within the conservation area for an affordable housing development. The proposal would accord with development plan policy and permission is recommended.

**PLANNING COMMITTEE**

**23 August 2007**

**ITEM NO: 07**  
**APPLICATION NO: 07/01683/FUL**  
**LOCATION: DACO Engineering Ltd 19A Clivey Dilton Marsh Wiltshire**



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SLA: 100022961

**07 Application: 07/01683/FUL**

**Site Address: DACO Engineering Ltd 19A Clivey Dilton Marsh Wiltshire**

Parish: Dilton Marsh Ward: Dilton  
Grid Reference 383801 150222  
Application Type: Full Plan  
Development: Change of use of equestrian building (and external cladding) to class B1 use  
Applicant Details: DACO Engineering  
Clivey Gate Toll House 19 Clivey Dilton Marsh Wiltshire BA13 4BB  
Agent Details: Willis & Co  
30 The Causeway Chippenham Wiltshire SN15 3DB  
Case Officer: Miss Julia Evans  
Date Received: 18.05.2007 Expiry Date: 13.07.2007

**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 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 There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items, unless otherwise agreed in writing by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies E6 & E8.

- 3 There shall be no parking of any vehicles associated with the use hereby permitted at the site.

REASON: In the interests of the appearance of the site and the open countryside.

POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policies C1, E6 & E8.

- 4 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.

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

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

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

- 6 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.

- 7 Contaminated water shall not be discharged to any stream, watercourse or underground strata, whether direct or via soakaways.

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

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

- 8 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35.

- 9 A visibility splay shall be formed at the junction of the access road with the B3099, measuring 2.4m back from the edge of the main road carriageway along the centre line of the access road, to meet a point in the easterly direction at the front western edge of Clivey Gate Tollhouse i.e. 19 Clivey; the splay shall be kept clear at all times and maintained so that no vegetation or other obstruction will be permitted above a height of 600mm above existing adjacent carriageway level.

REASON: in the interests of highway safety, to maintain visibility for emerging vehicles.



- 10 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.

- 11 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.

- 12 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 - Policy C31A.

- 13 There shall be no extension of areas of hard-standing anywhere at the site.

REASON: in the interests of protecting the open countryside.

POLICY: West Wiltshire District Plan - First Alteration – Policy C1.

- 14 The premises shall be used for B1 uses only and for no other purpose, of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

REASON: because the use hereby permitted is acceptable whereas other uses within the same use class may not be.

**Note(s) to Applicant:**

- 1 You are advised to contact Wessex Water to agree points of connection onto their apparatus.
- 2 You are advised that planning permission does not absolve the applicant and developer from complying with the laws concerning statutory protected species and habitats.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought before the Planning Committee because the Parish Council object and your officers are recommending permission.

This is a full application for the change of use of an equestrian building to Class B1 use at The Stables at 19A Clivey, Dilton Marsh, Westbury.

The site is accessed by a public bridleway which also provides access to 19 Clivey and the existing business operating from this site. It then leads on northwards towards a group of three buildings, two of which are used for stable and equestrian uses, and one of which is used for storage purposes for Daco Engineering. Beyond the access to the stables the track is grass. A wooden stable block and circular horse exerciser are located to the south and east of the small yard which lies in front of the storage building and open-fronted stables. Two metal containers are located in the yard. To the western boundary of the site lies a mature hedgerow and trees, with agricultural land beyond. To the north, east and south lies equine paddocks. The existing storage building is constructed of profiled cladding, whilst the open fronted barn has profiled cladding to the roof only.

The applicant proposes to clad the existing open-fronted barn in profiled sheeting and then amalgamate the two buildings into B1 use. The site would be accessed by the bridlepath. The applicant concludes: "It is proposed that the building the subject of this application will be converted from an equestrian use into a B1 use. The application also involves the external cladding of the building. Internally, the existing stables will be removed. The re-use of the building will preserve the countryside, as it will not involve the erection of any new buildings. It involves the re-use of an existing building, which will be occupied by the existing employment use found on site. The site is in a sustainable location as it is in close proximity to Westbury and it also does not involve the building of a new structure. Access to the site will not alter from what is found at present. The majority of the existing B1 use is to be relocated to application building. The offices and stores will remain in the building found to the south of the site. There will be no net increase in employment and the employee on-site parking area will remain in its current location."

The site lies in the open countryside.

#### CONSULTATION REPLIES:

- DILTON MARSH PARISH COUNCIL: State: - "The Parish Council objects to this proposed development for the following reasons:

"The highway access is inadequate for an industrial site (it is a bridleway) and it accesses the main public highway directly on a bend in the road and presents a danger.

"The development is inappropriate and incongruous to the countryside in that there is no justification for the siting and building of industrial units in a sporadic manner in this location."

#### STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - "You will be aware of the recommendations made for a previous application at this site (W06.1988). This recommendation regarding visibility onto the B3099 is also applicable to this application.

"When comparing the current application with the previous one, it is apparent that the parking area has not been relocated. It would be more sensible to for the parking adjacent to the site of the proposed accommodation.

"In order to be satisfied that there will not be an increased vehicular use of the site I would like information regarding the proposed use of the existing accommodation that this development is to replace.

"Please invite the applicant to submit amended plans for approval showing adequate parking adjacent to the building this application is concerned with and to give details of the proposed use of the existing accommodation.

"Subject to the approval of the above I would recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:- A visibility splay shall be formed by setting back the existing hedge forming the boundary of Clivey Gate Tollhouse with the B3099. The visibility splay shall measure 4.5m back from the edge of the carriageway of the B3099 along the access road into the development and taken to line through in an easterly direction with the front wall of Clivey Gate Tollhouse ie. 19 Clivey. The splay shall be kept clear at all times and maintained so that no vegetation or other materials are permitted to grow to a height in excess of 600mm. Reason: In the interests of safety for all users of the highway."

The applicant has undertaken further consultations with the Highway Authority who have made the following comments as a result: "following our recommendation to your Authority on 5th June 2007, the applicant contacted me to discuss our requirements. I agreed to meet her on site and take a closer look at their operation. It was clear that the business operates at a relatively low level with staff currently parking in the grounds of the house. Therefore, I can confirm that the request for staff parking to be relocated to the proposed building is now deleted from our recommendation and I am satisfied that the existing staff parking arrangement is adequate for the new building. Equally servicing is satisfactory because sufficient space is available.

"I have also discussed with the applicant, the visibility requirement at the junction with the B3099, and confirm that the requirement can be amended to allow the existing hedge to remain but that it should be cut back to maintain a visibility splay as described below:- I amend the previous recommendation and confirm that no highway objection be raised subject to the following condition: A visibility splay shall be formed at the junction of the access road with the B3099, measuring 2.4m back from the edge of the main road carriageway along the centre line of the access road, to meet a point in the easterly direction at the front western edge of Clivey Gate Tollhouse i.e. 19 Clivey; the splay shall be kept clear at all times and maintained so that no vegetation or other obstruction will be permitted above a height of 600mm above existing adjacent carriageway level. Reason: in the interests of highway safety, to maintain visibility for emerging vehicles."

- ENVIRONMENT AGENCY: No objection subject to conditions.

- 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 is proposing to dispose of foul water to a septic tank. However, advice is given under the DETR Circular 03/99 that the first presumption for any new development must always be to provide a system of foul drainage discharging into a public sewer. This should be done in consultation with the sewerage undertaker. Only where it is shown that connection to a public sewer is not feasible or practicable should a sewage treatment package plant be provided.

"You should be aware that the site is situated approximately 250 metres away from our Dilton Marsh Sewage Treatment Works. Whilst we do not believe the proposal will be unduly affected it should be noted that the proposal could be subject to odours from the normal operation of our works. Odour is covered by the Statutory Nuisance controls laid down in Part III of the Environmental Protection Act 1990 and enforced by Local Authorities by way of abatement notices. We therefore recommend that the views of your Council's Environmental Health Officer should be sought when determining this application.

"It should be noted that a non-return valve has been fitted in the vicinity of the site, suggesting previous operational problems with Wessex Water assets.

"The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

"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."

- WILTSHIRE WILDLIFE TRUST: Have not responded.

- NATURAL ENGLAND: State: - "Based on the information provided, Natural England has no objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal.

"However, if any other information such as representations from other parties highlights the possible presence of a protected or Biodiversity Action Plan species, the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of Circular 06/2005. If the application is amended with this additional information, English Nature should be re-consulted for a further 21 days in accordance with Circular 08/2005.

"The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 to PPS9 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System. Paragraph 98 of the Circular states that 'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.'

"The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including 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: - "The proposal seeks the partial relocation of employment uses to a building currently in agricultural/rural use. The employment uses are currently located to the south of the proposal site. This original site will remain in employment use as offices and storage facilities for DACO Engineering. There will be no net increase in the level of employment taking place on site. There was a previous application that also sought the relocation of employment uses to this site, although that application sought the demolition and replacement of the current building.

"Countryside. The proposal site is located in open countryside to the west of Dilton Marsh. The site is dislocated from the existing employment uses, which are separated by an open field to the south. The proposal site is relatively remote from any major settlement, services facilities or amenities. The proposal site can be characterised as being rural.

"Employment. In broad principle, planning policy seeks to retain an appropriate level of employment within rural areas in order to maintain the rural economic base and diversity. In the broadest terms, I would welcome appropriate proposals that sought the retention of the current employment use on site. This would include modest and appropriate expansion of the use within, or immediately adjoining the site. The current proposal seeks a relocation of one part of the current employment uses. This is considered acceptable. However, further expansion on the proposal site (beyond what is currently proposed) may have a negative impact on the character and appearance of the surrounding countryside and would need to be assessed very carefully.

"Planning policy actively encourages the re-use of existing rural buildings for employment uses. In this case, unlike the previous application, I welcome the re-use of the existing building for employment uses. The (current) proposed conversion is in my opinion less intrusive upon the countryside than the previous application essentially, it retains the appearance of a rural (rather than industrial) building. Significantly, it is of a reduced scale, which is significant given the prominent location of the building within the open countryside.

"However, I am concerned that there will be a significant intensification in activity taking place around the converted building. This could include car parking, delivery vehicle movements, open storage and other movements associated with the relocated employment use. These activities are likely to be very different from the equestrian activities currently taking place on site. I am concerned that these external activities will have a harmful impact upon the open countryside setting.

"Access. Although the transport authority has not objected to the proposal, I remain concerned about the impact of the relocated use upon the bridleway. Whilst the proposal relocated employment use may not have a highway impact, there is a potential conflict with other users of the bridleway.

"Fundamentally this is a remote location with poor accessibility. The proposal presents the employer with an opportunity to introduce an employee green travel to work plan to address this matter. Although public transport opportunities are admittedly limited, other alternatives, such as actively encouraging car sharing and cycling to work need to be explored. Increasing accessibility and encouraging sustainable transport patterns are essential elements to vibrant and vital rural economic base.

"Conclusions: The proposal is generally acceptable in policy terms. I am happier (in policy terms) that the applicant has chosen to convert/reuse an existing rural (equestrian) building rather than take the new build route. However, I remain concerned that the relocated use will be intrusive - the proposal site is in open countryside and is dislocated from the current employment uses. I am particularly concerned the external areas around the building will be used for parking, storage and deliveries. I suggest that conditions are introduced within any permission to minimise these impacts. I note that the applicant has stated that they are agreeable to such controls. Additionally, I suggest that the potential permission includes an employee/ employer travel plan to encourage more sustainable travel patterns - for example through car sharing and cycling.

"Policy Recommendation: Acceptable in policy terms."

- HERITAGE DEVELOPMENT OFFICER: Has not responded.

- ENVIRONMENTAL HEALTH: State: - "Matters Considered: Potential loss of amenity. Protection Comments: I understand this business is already in existence on this site. We have no complaints history so problems appear unlikely. If the use is B1 it should by definition be acceptable in amenity terms. Recommendation: No objections. Conditions: None. Informatives: None."

## PUBLICITY RESPONSES

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

## RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP1 Priorities for sustainable development

DP7 Infrastructure

DP9 Reuse of land and buildings

DP14 Housing, employment and related development in the open countryside

T6 Demand management

C1 Nature conservation

C3 Protected species and habitats

C5 The water environment

## West Wiltshire District Plan – 1st Alteration 2004

C1	The countryside
C7	Protected species
C31a	Design
C32	Landscaping
C35	Light pollution
C36	Noise
C38	Nuisance
R11	Footpaths and rights of way
E6	Rural employment
E8	Rural conversions
T10	Car parking
T12	Footpaths and bridleways
U1a	Foul water disposal
U2	Surface water disposal
U3	Flooding

## National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development in Small Firms
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport

## RELEVANT PLANNING HISTORY

05/00893/OUT - Relocation of existing engineering workshops, office and stores - Withdrawn  
27.06.05

06/00140/EUD - Storage of machinery awaiting repair - The Use is Lawful - 14.06.06

06/00548/EUD - Two containers - The Development is Lawful - 05.04.06

06/01988/FUL - Proposed relocation of an existing engineering workshop, office and stores -  
Refused 06.07.06

## KEY PLANNING ISSUES

This application raises the following planning matters:

- planning history;
- employment development in the open countryside;
- protected species;
- highways, parking and servicing materials;
- water environment; and
- amenity.

## PLANNING OFFICER COMMENTS

The stables at 19A Clivey have had an extensive planning history. The site has had two established use applications for employment and storage permitted on the site and a refusal in 2006 for the relocation of the business to this location. The current application seeks to convert the existing buildings to a B1 use (ie. offices, research and development of products or processes and light industry). Policy E8 - Rural Conversions, permits the conversion of rural buildings subject to the following caveats:

"A The building is of substantial, sound and permanent construction and capable of conversion without extensive alteration, rebuilding, and/or extension or otherwise significantly altering its original character;

B The proposed conversion safeguards and/or enhances the essential form, structure, character, and important traditional features of the building and the countryside;

C It can be satisfactorily serviced and does not create highway problems;

D It does not harm the natural environment including the water environment.

In considering such proposals the District Council will require structural surveys of buildings proposed for conversion. All proposals must be submitted as detailed applications. "

The Planning Policy Section consider that the proposal is acceptable: "Planning Policy actively encourages the re-use of the existing rural building for employment uses." They go on to state that the proposal is less intrusive than the refused application, and that "it retains the appearance of a rural (rather than industrial) building". Notwithstanding the comments of the Planning Policy Section, the alterations to the building would result in a large, warehouse-style building in the open countryside, and this erosion of the rural character of the area would be added to by outside storage, parking and servicing areas. The applicant has made it very clear that offices and storage would remain on the existing site, and that no additional staff would be employed. On balance, therefore, the proposal is recommended for permission subject to conditions concerning external materials, no outside storage, and no parking occurring to this new site.

The suggestion of these latter two conditions not only serve to protect the appearance of the open countryside but also protect the users of the public bridleway. The Highway Authority have raised no objection to the intensification of the use of the bridleway, and require parking at the site. However, this is not felt to be compatible with either the appearance of the open countryside or the uses of the bridleway. They have also suggested a condition as regards improving visibility splays and this has been attached.

The application was supported with a protected species report undertaken on 1 March 2007, which concluded that protection should be afforded to nesting birds. Natural England have no objection to the proposed development and informatives have been attached as regards observing statutory obligations.

Wessex Water have raised no objection to the scheme and conditions have been suggested as regards drainage, foul water, chemical storage and the protection of the water environment.

The proposal is isolated in the open countryside, and the Environmental Health Section are satisfied that it raises no concerns. Conditions have been suggested as regards lighting to protect the appearance of the open countryside.

## CONCLUSION

This is an 'on balance' application in terms of its detrimental impact on the open countryside. In view of the planning policy support for the application, it would be difficult to recommend refusal. Consequently, the proposal is recommended for permission subject to extensive conditioning to protect the open countryside.

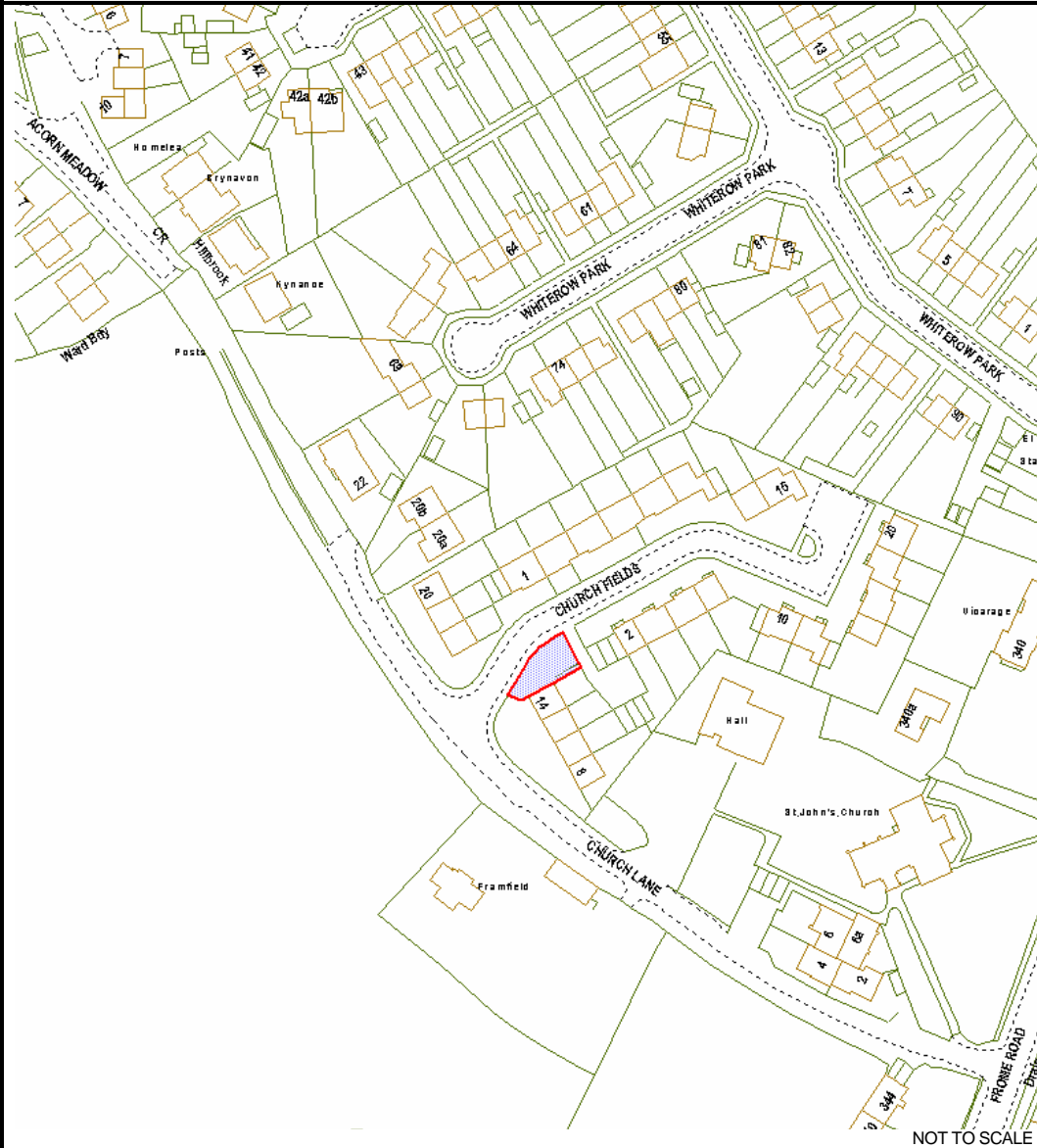
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 08

APPLICATION NO: 07/02273/FUL

LOCATION: Land Adjacent To 14 Church Lane Trowbridge  
Wiltshire



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Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961



**08 Application: 07/02273/FUL**

**Site Address: Land Adjacent To 14 Church Lane Trowbridge Wiltshire**

Parish: Trowbridge Ward: Trowbridge And Southwick  
Grid Reference 384167 156391  
Application Type: Full Plan  
Development: One bedroom dwelling  
Applicant Details: Mr And Mrs S Brewer  
14 Church Lane Trowbridge  
Agent Details: FMH Architectural Services  
FAO Mr R Robins 162A Wyke Road Trowbridge Wiltshire BA14  
7NY  
Case Officer: Mr David Cox  
Date Received: 11.07.2007 Expiry Date: 05.09.2007

**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 Notwithstanding the approved plans the existing side fence shall be removed as stated in the supporting design and access statement.

REASON: In the interests of the visual amenity of the street scene

POLICIES: H1 and C31a of the West Wiltshire District Plan 1st Alteration 2004

- 3 Notwithstanding the provisions of Class A of Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no means of enclosure higher than 1 metre shall be erected on the front or side boundary of the new dwelling.

REASON: In the interests of the visual amenity of the street scene

POLICIES: H1 and C31a of the West Wiltshire District Plan 1st Alteration 2004

- 4 Before the dwelling hereby permitted is first occupied the area between the rear of the footway and a parallel line set back 1.0m into the site over the entire north western site boundary with Church Fields (within the red line) shall be cleared of any obstruction to visibility at and above a height of 1.0m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of Highway Safety

- 5 The access and driveway shall be properly consolidated and surfaced (not loose stone or gravel) in remain in perpetuity.

REASON: In the interests of Highway Safety.

- 6 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.

**Note(s) to Applicant:**

- 1 The applicant is advised that he should agree connection to Wessex Water Infrastructures with Wessex Water prior to works being undertaken on site.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application is brought to Committee because the Town Council objects contrary to your Officers recommendation.

This is a full planning application for a new 2-storey 1 bedroomed dwelling in the garden to the side of 14 Church Lane. This would be attached to an existing terraced row of four dwellings and would be built from materials to match the adjoining buildings.

The proposed dwelling has been designed to appear as an extension to the terrace but would be set back from the existing frontage of the terrace and orientated to face onto Church Fields as this is a corner plot.

An existing 1.8 metre tall fence would be removed to open up the frontage of this corner site.

Church Fields is an un-adopted road. One car parking space would be provided for the dwelling.

An application 07/01237/FUL for a detached dwelling was previously refused on the grounds that it would harm the street scene and neighbouring amenity. The current application which is for a more modest form of development has been submitted following extensive negotiations with the applicant prior to the application being submitted.

### CONSULTATION REPLIES:

#### TROWBRIDGE TOWN COUNCIL

“Due to the scale and size of the proposed dwelling it would have an adverse impact upon the amenity of neighbouring properties and would be out of keeping with the street scene.

### STATUTORY CONSULTATIONS:

#### PUBLICITY RESPONSES

Neighbours were notified of the proposal by site notices. Three letter of objection have been received and the objections are on the following grounds:

- Noise and dust during construction
- The building would spoil the look of Church Lane and Church Fields
- No 14 already parks 2-3 cars on the bend and have witnessed near accidents on this corner. Another access would cause other hazards
- One space for the property is not enough
- Where will the owners of No 14 be parking?
- There is not enough space to build a one bedroom dwelling
- They are now taking samples in the field opposite with a view to building on that in the future.
- Cars leaving the garaging area already have problems due to decreased visibility.
- The revised plan makes no mention of trees on the site. I presume all the tree trees on the site will be felled resulting in a considerable loss to the environment.
- The proposal would overlook the gardens of 16 and 18 Church Lane resulting in a considerable loss of privacy.

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

H1 – Further Housing Within Towns

C31a – Design

C38 – Nuisance

SPG – House Alterations and Extensions

SPG – Residential Design Guide

PPS 1 – Delivering Sustainable Development

PPS 3 - Housing

## RELEVANT PLANNING HISTORY

07/01237/FUL - Detached one bedroom dwelling – Refused - 05.06.2007

## KEY PLANNING ISSUES

The key issues of this application are whether the proposal complies with development plan policy, impact on the streetscene, neighbouring amenity and whether the previous reason for refusal has been overcome.

## PLANNING OFFICER COMMENTS

### Principle of Development

The application site is within the Town Policy limits and so the principle of development is acceptable subject to the proposals meeting the detailed criteria contained within the policy.

The proposal would not represent overdevelopment of the site and would make an efficient use of the land.

### Design

The proposal has been designed to form an extension of the existing terrace but orientated at right angles and set back from the existing frontage. This means that it would appear as subservient to the existing terrace but would also create an attractive frontage onto Church Fields.

Both the existing dwelling to which it is attached and the proposed dwelling would have sufficient private amenity space.

## Impact on Street Scene

The existing fence would be removed to help open up the visual setting of this corner plot. The removal of this fence can be secured through condition. The removal of this fence and the orientation of the proposed dwelling would open up the frontage and soften the appearance of the existing terrace.

There would be no reason to re-instate the fence but a condition is proposed to restrict the height of any future enclosure in order to maintain the openness of the site.

The dwelling would be well related to the dwellings on Church Fields and would integrate well with the street scene.

## Impact on Neighbouring Amenity

The first floor windows of the dwelling on the rear elevation would serve a bathroom and a landing which are not habitable windows. They would not overlook the neighbouring property No 2 Church Fields and this would overcome the previous reason for refusal.

The bedroom window on the side elevation of the proposal would look out over the road and the plans indicate that there would be a 13 metre gap between it and the rear garden of No 16 Church Lane. This is considered to be an acceptable distance to prevent any loss of privacy for the occupants of No 16.

## Highway Safety

The Highway Authority were not consulted on this application for two reasons.

Firstly they had no objection to the 07/01237/FUL application and this part of the proposal has not been changed. Secondly as the road is not adopted, planning permission to create a new access is not required. Therefore there is no need in which to consult with them regarding this part of the proposal as there were no previous concerns as being a highway risk.

A one bedroom dwelling with the provision of one car parking space is considered acceptable. The proposals will have no impact on the existing parking arrangements as the site is currently garden land.

## Other matters

Noise and dust during construction is inevitable but is usually transient and for only a short space of time.

A neighbour points out that samples in the field opposite with a view to building on that in the future. However, each application must be considered on its own merits and this is not a material consideration as part of this application.

The loss of the trees on the site have been taken into account but none are considered to provide sufficient visual amenity value in order to protect them through a Tree Preservation Order. The trees could also be felled at any point as the site is not within a Conservation Area.

## CONCLUSION

This is an entirely different form of development from the detached dwelling previously proposed and the reasons for refusal have been overcome. The proposals respect both the existing terraced row and the street scene and there would be no harm to neighbouring amenity.

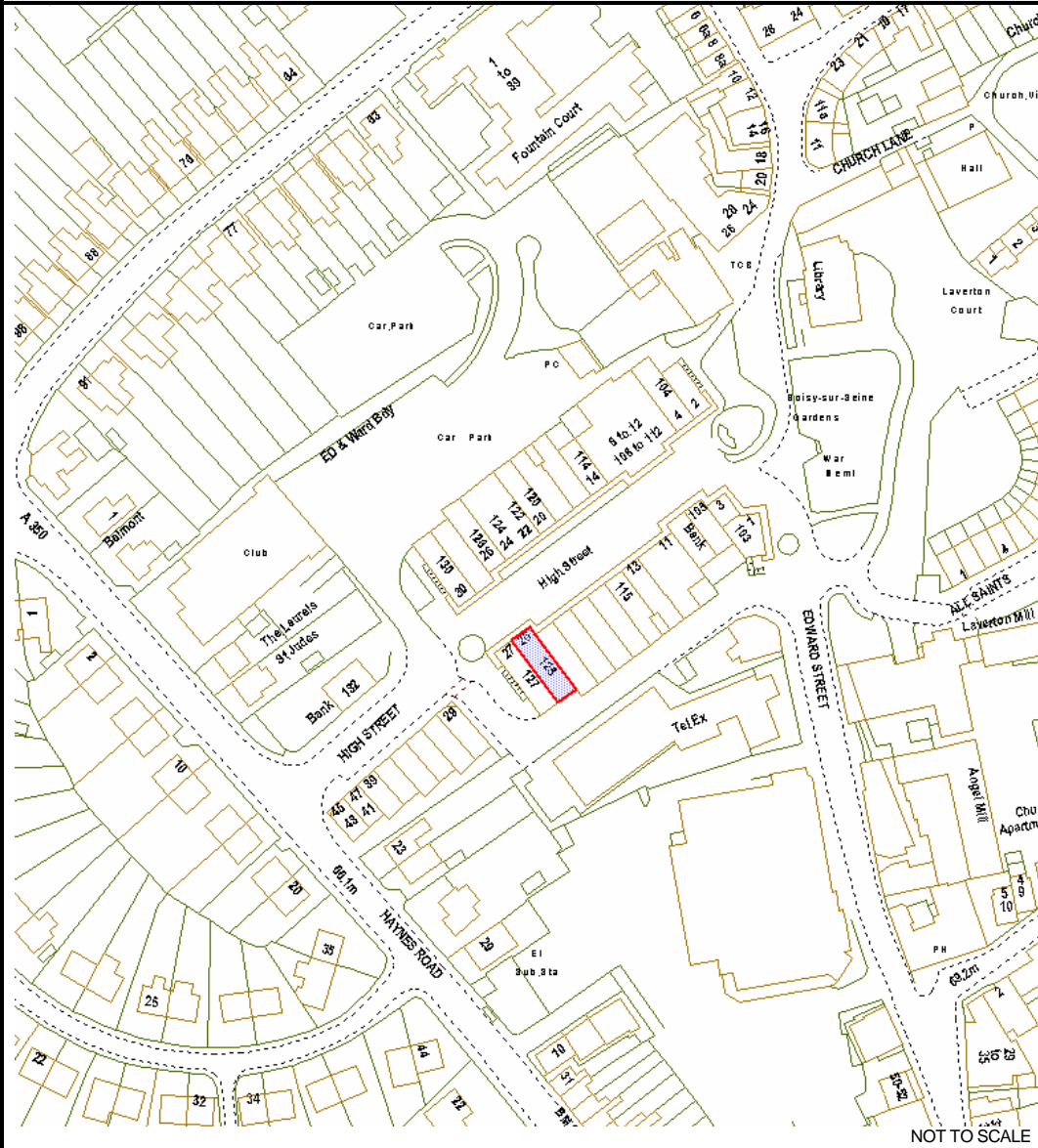
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 09

APPLICATION NO: 07/02168/FUL

LOCATION: 25 High Street Westbury Wiltshire BA13 3BN



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SLA: 100022961

**09 Application: 07/02168/FUL**

**Site Address: 25 High Street Westbury Wiltshire BA13 3BN**

Parish: Westbury Ward: Westbury Laverton

Grid Reference 387217 151294

Application Type: Full Plan

Development: Change of use from A1 to A5

Applicant Details: Harford Properties Limited  
111 Crawford Street London W1H 2JE

Agent Details:

Case Officer: Mr James Taylor

Date Received: 02.07.2007 Expiry Date: 27.08.2007

**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 Suitable ventilation and filtration equipment shall be installed to suppress and disperse any fumes and/or smell created from the cooking operations on the premises. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All equipment shall be installed in accordance with the approved details and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

REASON: In order to safeguard the amenities of the area in which the development is located.

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

- 3 Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In the interests of public health and safety.

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

- 4 Any door, window, louvre, vent or fan in the premises shall be insulated so as to prevent any noise being audible at the boundary of any inhabited premises, either attached to or in the vicinity of the premises to which this permission refers.

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.

- 5 Delivery and despatch of goods to and from the site shall be limited to between 07.30 and 21.00; on Mondays to Saturdays and at no time on Sundays and Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

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

- 6 The use hereby permitted shall not be open to customers outside the following times: 12.00 to 23.00 on Mondays to Thursdays, 12.00 to 23.30 Fridays and Saturdays and 17.30 to 22.00 on Sundays and Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

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

**Note(s) to Applicant:**

- 1 The developer is advised to contact the Food & Safety team at West Wiltshire District Council on 01225 776655 once planning permission is granted and prior to commencing any works on the site.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Committee because the Town Council objects contrary to your Officers recommendation.

This is a full planning application for the change of use of an A1 retail outlet in the primary retail frontage of Westbury to A5 hot food takeaway.

This application follows unsuccessful attempts to market this as an A1 unit.

The application site is the ground floor unit forming part of the semi-pedestrianised Westbury High Street. It forms part of this modern shopping development on 3-storeys with commercial uses at ground floor level and residential use on the upper floors. There is public car parking nearby to the rear of the shops on the opposite side of the road. A first floor walkway separates the ground floor commercial units from the residential uses above.

### **CONSULTATION REPLIES:**

- WESTBURY TOWN COUNCIL: Members oppose this application on the grounds of loss of a prime A1 retail unit situated in what is the main shopping area of the town.

### **STATUTORY CONSULTATIONS**

- HIGHWAY AUTHORITY: No objection is raised as the site is in the centre of town nearby public car park.

## INTERNAL WWDC CONSULTATIONS

- ENVIRONMENTAL HEALTH: No objection subject to conditions.

## PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement and neighbours were notified. 2 letters of objection were received on the following grounds:

- harm to the function of the town centre and local economy
- increase in lager louts
- unnecessary
- increase obesity
- increased competition
- harm to the tourism attraction value of the town
- highway safety

## RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C31a Design  
C38 Nuisance  
SP1 Town Centre Shopping  
SP4 Primary Retail Frontage

PPS1 Delivering Sustainable Development  
PPS6 Planning for Town Centres

## RELEVANT PLANNING HISTORY

00/02024/FUL - Change of use from Class A2 to A3 @ 27 High Street, Westbury –Approved - 22.02.2001

06/09027/WCC - Change of use from A1 (retail) to D1 (non-residential education) – Withdrawn - 21.05.2007

## KEY PLANNING ISSUES

The key issue to consider with this application is the existing mix of uses and whether they cumulatively harm the vitality of the town centre. Further consideration must be given to issues of amenity and highway safety.

## PLANNING OFFICER COMMENTS

The application site is located in the primary retail frontage of Westbury and as such policy SP4 of the West Wiltshire District Plan 1st Alteration 2004 is relevant. This states that changes of use from A1 to A2 and A3 in such locations and 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 centres.

Since the local development plan was adopted in 2004 the Use Classes Order was amended and the use class of A5 hot food takeaway has been created. Formerly this would have been considered A3 and therefore it is considered reasonable to treat A5 uses as A3 restaurant and cafes for the purposes of the development plan policies.

A survey of the town centre's primary retail frontage ground floor uses has been conducted.



There are currently 30 units in this area of which 20 are A1 shops (in-use), 5 A2 professional services, 1 A3 café and 2 A5 takeaways. There are currently 2 units vacant in the primary retail frontage, one of which is the application site, which has apparently been marketed as a vacant shop for the past 18 months.

It is considered in the light of this information that there is a strong mix of uses with the majority in retail use consistent with a town centre shopping area. It is important to maintain the vitality of this area and the appearance of vacant shops does little to enhance the area. It is considered that the change of use of this unit to allow it to be brought back into a viable use would be positive and would enhance the vitality of the area and current mix of uses and services offered.

It is stressed that each case must be assessed on its own merits and by allowing change of use it does not create any precedent because the impact of each application on the retail function of the area is made in every case at the time a decision is taken.

The objections from the Town Council are understandable but however regrettable, the change of use away from A1, given the mix of uses currently in the area and in light of the information that the premises have been unsuccessfully marketed for 18 months, indicates that in this instance the change of use is acceptable in principle.

Issues of anti-social behaviour, competition, obesity and the need for development are not considered material to this decision.

Since the application is made by the owners of the property, rather than any prospective takeaway tenant, details of alterations such as flues are limited.

The building is unlisted and not located within any Conservation Area and flues at the rear of the building would cause no harm to the street scene. Indeed the premises next door currently in use as a hot food takeaway have rear flues and these do not cause any harm to the character of the area. Issues of amenity can be controlled by condition with regard to suitable equipment for attenuation of noise and smells. It should be noted that Environmental Health has no objection and has recommended suitable conditions.

The proposal is located centrally in the town centre and as such access can be obtained on public transport or by use of the nearby public car parks and there are no objections raised by the Highway Authority.

## CONCLUSION

Given the existing mix of uses no objection is seen in principle to the change of use and conditions are proposed to ensure that the Council retains control of the detail of the measures to protect amenity and the street scene.

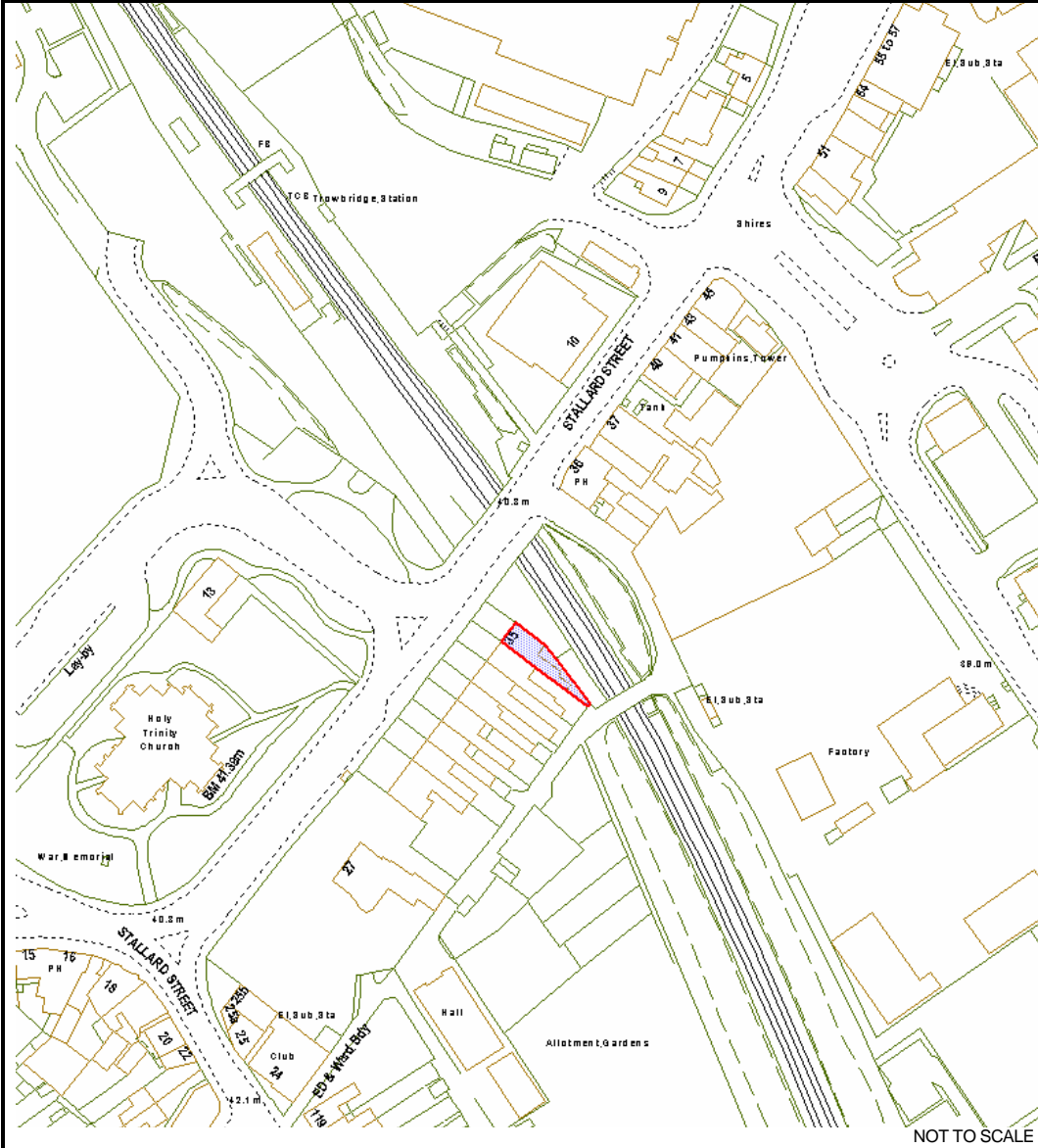
**PLANNING COMMITTEE**

**23 August 2007**

**ITEM NO: 10**

**APPLICATION NO: 07/02323/LBC**

**LOCATION: 35A St Georges Terrace Stallard Street Trowbridge  
Wiltshire BA14 9AA**



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SLA: 100022961

**10 Application: 07/02323/LBC**

**Site Address: 35A St Georges Terrace Stallard Street Trowbridge Wiltshire BA14 9AA**

Parish: Trowbridge Ward: Trowbridge Central

Grid Reference 385228 157782

Application Type: Listed building

Development: Damp proofing works

Applicant Details: Mr David Cox  
35A St Georges Terrace Stallard Street Trowbridge Wiltshire  
BA14 9AA

Agent Details:

Case Officer: Mr James Taylor

Date Received: 16.07.2007 Expiry Date: 10.09.2007

**REASON(S) FOR CONSENT:**

**The character of the listed building would be preserved and enhanced.**

**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 Prior to the commencement of any works a method statement for the proposed remedial works, including details of the making good of any surfaces including the materials proposed shall be submitted to and approved in writing by the local planning authority.

REASON: In order to protect the fabric and character of the listed building.

POLICY: West Wiltshire District Plan 1st Alteration (2004).

**Note(s) to Applicant:**

- 1 The applicant is advised that long-term remedial action for the current damp problems such as a drainage ditch and soakaway to take water away from the building and replacing the existing concrete render to the side elevation with a traditional lime based render should be considered.

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is brought to Committee because the applicant is a member of staff at West Wiltshire District Council.

This is an application for listed building consent for proposed damp proofing works to a Grade II listed building.

35 St George's Terrace is an end of terrace building that has been sub-divided into 2 flats one at ground floor level and the other at first floor level.

The application is made by the owner of the ground floor flat. The proposal includes tanking to an area in the front bedroom in the original building and an area to the rear lobby, which is part of a rear extension to the building. The existing plaster to the affected areas would be removed, tanking installed and the area replastered to make good.

The property forms part of a terrace of Grade II listed buildings in a prominent position close to the town centre, railway station and main railway line. The building is not only listed in its own right but listed as important for its group value to the terrace.

Historic records indicate that this building was not originally the end of the terrace but became so with the introduction of the rail line. This may explain why the side elevation of the building has been rendered in the past.

### CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: No objection.

### INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: Tanking is usually to be avoided in listed buildings; however each case must be assessed on its merits. In this case all other traditional method options have been investigated and tanking is the most appropriate.

This part of the building has been compromised already by inappropriate damp proofing, which has resulted in the current problems.

Cement render has been used on the side elevation; this has cracked and has allowed water to get into the walls. The water cannot evaporate properly due to the cement render and has resulted in a severe damp problem within the building. The front of the building is ashlar stone that has been, at least partially, injected with a chemical damp proof course. This will also have cracked and split within the wall as the building moves and so the same problem is occurring of water gaining access and not being able to leave the building. In addition, the internal floor appears to be concrete, which will be pushing all the rising damp out into the walls, further compounding the problem.

There is no easy way to remedy such an intrusive form of faulty damp proofing and therefore tanking is the best option left to us. On the basis of the above, there is no objection as this would resolve the damp problem internally and ensure the longevity of the building.

The area of work proposed is no more than necessary. The applicant has not applied to tank anywhere other than the problem areas.

There is no drainage outside and therefore water coming from the roof is discharging straight into the ground next to the building, it is advised that a drain is dug to carry the water away from the edge of the building. This would not require listed building consent.

The tanking to the rear extension is of less concern as this is a more modern section of the building and there would be no harm to historic fabric.

## PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement to which there has been no response.

## RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C27 Listed Buildings

C28 Alterations and Extensions to Listed Buildings

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

None

## KEY PLANNING ISSUES

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.

The key issues to consider with this application are the long term protection of the historic fabric and character of this Grade II listed building.

## PLANNING OFFICER COMMENTS

There are significant damp problems occurring to this building due to historic works that were not appropriate and ultimately harmful and unsuccessful in their aims.

The problem arises from inappropriate damp proof treatment to this historic building and also there is a cracked cement render to the side elevation of the building which is allowing water in but not allowing it out. This is causing significant damp problems to the corner of the building. There are long term implications for the structure of the building if this problem is not addressed.

Whilst this type of proposal would not normally be encouraged it does seem that it is the best course of action as the previous damp proofing works that are ultimately causing the problem cannot be reversed. This is compounded by the cement render to the side elevation which is cracking.

Based largely on the expert advice of the Council's Heritage Development Officer it is concluded that this is an exceptional case where the proposed tanking of a historic building is the best course of action and therefore necessary in order to preserve the building and ensure it is structurally sound.

It is noted that there are other works proposed to the more recent rear extension. This did not form part of the original building and there is unlikely to be any harm to historic fabric.

The Heritage Officer's comments in regards to the digging of a ditch to the side of the building and the removal of inappropriate cement render to the side are attached to the decision notice as informatives so that the applicant is aware of these matters in the interest of its long term remediation and maintenance.

## CONCLUSION

The character of the listed building would be preserved and enhanced.

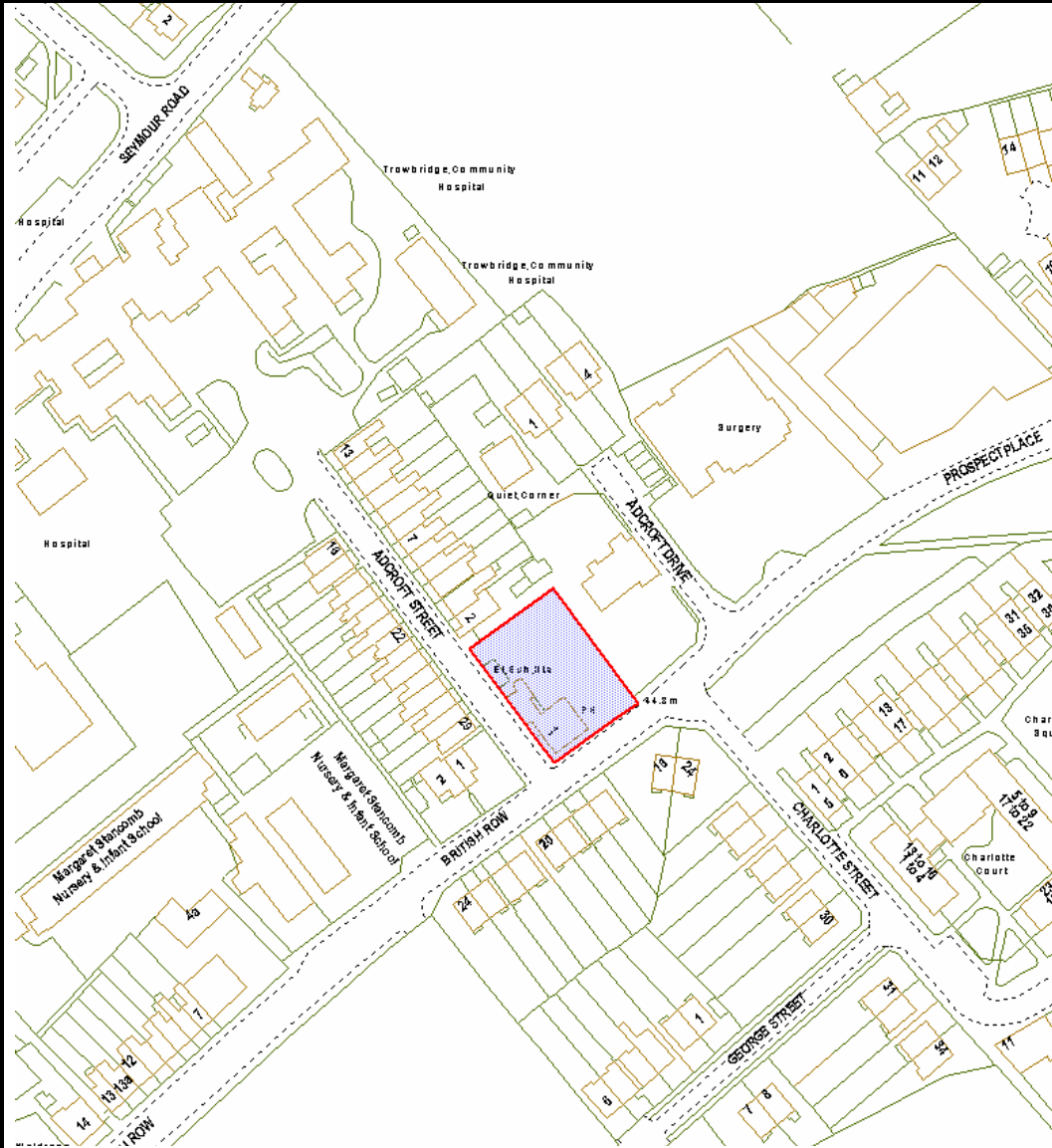
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 11

APPLICATION NO: 07/00054/FUL

LOCATION: The Black Swan 1 Adcroft Street Trowbridge  
Wiltshire BA14 8PF



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SLA: 100022961

**11 Application: 07/00054/FUL**

**Site Address: The Black Swan 1 Adcroft Street Trowbridge Wiltshire BA14 8PF**

Parish: Trowbridge Ward: Trowbridge North East  
Grid Reference 385568 158385  
Application Type: Full Plan  
Development: Residential re-development comprising of three terrace properties, one detached home and two apartments  
Applicant Details: Mountside Estates  
36 Great Pultney Street London  
Agent Details: Barrie Newcombe Associates  
Winnington Hall Winnington Northwich Cheshire CW8 4DU  
Case Officer: Mr Russell Brown  
Date Received: 05.01.2007 Expiry Date: 02.03.2007

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposed terrace would constitute an alien form of development that would fail to respect the historic character of the area and would, by reason of its bland and unsympathetic design, which lacks the fine architectural detail of the principal listed building and others within the locality, harm the character of the historic streetscene and would neither preserve nor enhance the special character and appearance of the Conservation Area contrary to Policies C17, C18, C31A, H1 and H24 of the West Wiltshire District Plan 1st Alteration (2004).
- 2 The proposed terrace would constitute an alien form of development, which lacks the fine architectural detail of the principal listed building and others within the locality, and would, by reason of its bland and unsympathetic design together with its location and relationship to the existing buildings, harm the special character and setting of the principal listed building and others within the locality contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).
- 3 The proposed detached dwelling would, by reason of its form, scale, size, unsympathetic design and siting fails to respect the existing built form within the historic environment and would result in the loss of an important visual gap, that would harm the existing distinctive spatial form of the immediate area and would neither preserve nor enhance the special character and appearance of the Conservation Area contrary to Policies H1, H24, C17, C18 and C31A of the West Wiltshire District Plan 1st Alteration (2004).
- 4 The proposed detached dwelling by reason of its form, scale, size, bland exterior, unsympathetic design and siting, fails to respect the historic layout of the site and the fine detail of the principal listed building, and would appear visually intrusive and harmful to the character and setting of this and other listed buildings within the locality contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Planning Committee at the request of Councillor James.

This is a full planning application for the conversion of the former public house into 2 flats, a new build terrace of 3 dwellings to the north west of the listed building and a detached dwelling to the north east of the listed building along British Row.

The site comprises the former Black Swan public house which is a Grade II Listed building and is located at the junction of Adcroft Street with British Row in Trowbridge and includes the public house car park and garden.

It is situated within a Conservation Area and many of the surrounding buildings are listed. The former public house is sited in the southern corner of the site and the neighbouring residential properties to the north west are terraced, as are the properties on the opposite side of Adcroft Street.

The existing building is built in natural stone under a slate roof. There is an historic extension to the rear of the building with blocked up windows on the street elevation. There is an existing flat in the building. The proposals would require the removal of an existing electricity sub-station.

The proposal is to convert the main building into 2 flats and demolish the rear extension.

The proposed terrace would be to the north west of the site and would be approximately 13.5 metres in length, 8 metres in depth and 8 metres in height and would front on to Adcroft Street. The applicants have stated that the materials for the terrace would match the existing terraces.

The proposed detached house would measure approximately 7.5 metres by 8 metres and 6.7 metres high. It would have a parapet wall around a hipped roof with a chimney to one side of the roof.

Both the terrace and the detached house would be attached to the listed building by the boundary walls. Hence these structures also require listed building consent, applied for under 07/00053/LBC.

Vehicular access for the development would be to the side of the new terrace from Adcroft Street and would be gated back from the highway. The access would lead to an area providing 8 off street parking spaces. There would also be access from the car park to parking for the proposed detached dwelling.

The proposed terrace would have private rear gardens. The part of the site between the rear of the pub and the proposed terrace would be a small communal amenity area with a cycle store and a bin store.

### **CONSULTATION REPLIES**

#### **TROWBRIDGE TOWN COUNCIL**

No objection

#### **STATUTORY CONSULTTEES**

#### **HIGHWAY AUTHORITY**

No objection subject to conditions



## WESSEX WATER

No objections subject to satisfactory connections and protection of apparatus

## INTERNAL WWDC CONSULTEES

## PLANNING POLICY

Acceptable in policy terms

## PUBLICITY

The application was publicised by site notice and press advertisement and neighbours were notified. One letter of objection has been received, making the following points:

- All of the properties in Adcroft Street are listed and in a Conservation Area.
- The terrace should be designed to give a similar appearance to the existing terrace properties.
- The architectural features in the rest of the street such as the horizontal and vertical stone banding should be included on the new terrace to ensure they are in keeping with the existing houses and retain the character of the area.
- The terrace only shows two chimneys. There should be three chimneys, one per property.

## PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016  
HE7 – Conservation Area and Listed Buildings

West Wiltshire District Plan 1st Alteration 2004  
C17 – Conservation Areas  
C18 – New Development in Conservation Areas  
C27 – Listed Buildings  
C28 – Alterations and Extensions to Listed Buildings  
C31a – Design  
C38 – Nuisance  
H1 – Further Housing Development Within Towns  
H24 – New Housing Design

PPS1 – Delivering Sustainable Development  
PPG3 – Housing  
PPG15 – Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

04/01833/FUL – Detached dwelling – Refused 16.11.2004

05/00423/FUL – Erection of three terraced houses, conversion of public house and living accommodation to two additional apartments and ground floor change to A1/A2 use – Refused 28.04.2005

05/01561/FUL – Erection of 4 (no) terraced houses and conversion of public house to apartments – Refused 06.06.2006

05/03022/LBC – Conversion of public house to 4 no apartments – Refused 06.06.2006

07/00053 – Parallel application for listed building consent – Pending

## KEY PLANNING CONSIDERATIONS

The key issues are the change of use of the public house, the effect of the proposals on the special character and appearance of the Conservation Area, the impact on the listed building.

Other matters for consideration are whether the development is acceptable in design terms and the effect on highways matters, neighbouring amenity and the electricity sub-station.

## PLANNING OFFICER'S COMMENTS

### The Change Of Use

Although a commercial use, public houses are, under certain circumstances, identified as providing a community use and serving the community. However, this is a disused public house that, due to its proximity to the town centre and other public houses, would not be a premises required for retention as a community facility.

The applicant could, if requested, provide economic evidence to demonstrate that the public house use was no longer commercially viable and surplus to requirements. However, this is not an issue that needs resolution under District Plan policy.

There is sufficient public house provision elsewhere within the locality. Consequently, the loss of the existing use is unlikely to have a negative impact upon the local community.

### The Proposed Terrace

The plot for the terrace is currently the electricity sub-station and pub car park between the listed pub and the existing listed terrace of houses on Adcroft Street. The proposed terrace would be sited along the street frontage and its form is therefore in keeping with the terraces in Adcroft Street.

However, the design of the proposed terrace does not copy nor does it respect the other terraced properties in the street. The bland design lacks the fine architectural details found on other buildings within the historic streetscene and makes no reference to the historic nature of the surroundings.

Consequently, the proposed terrace would constitute an alien feature that would be out of keeping with the surrounding historic character of the area. It would by reason of its poor design, its proximity to neighbouring listed buildings and its siting within the Conservation Area, harm the setting of the surrounding listed buildings and would not preserve or enhance the special character and appearance of the Conservation Area contrary to Policies C17, C18, C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).

### Works To The Exterior Of The Listed Building

The demolition of the extension to the listed public house is acceptable in terms of the impact on the character and fabric of the listed building. This rear extension is not one of particular historical importance as it is a later addition that does not enhance the character of the listed building. Its demolition would return the listed building to its original proportions and would be of benefit to the wider visual amenity of the area.

There would be no other external alteration of the main listed building in the conversion. The character of the building is that of a public house and the conversion would not result in the loss of that character.

The internal works to the listed building are discussed in the parallel listed building consent application 07/00053/LBC.

### The Proposed Detached Dwelling

As with the proposed terrace, this proposed detached house is poorly designed, poorly related to the existing spatial form of the area and with little regard to its surroundings. The proposed detached house would have completely blank side elevations and the fenestration, particularly at the rear, would not respect the surroundings.

The form of the proposed house is an attempt to echo that of the principal listed building but fails due to its bland exterior and lack of architectural detail. The principal listed building, the public house, is sited on the corner of its plot and stands within the Conservation Area as a building of particular historic interest. The construction of the adjacent building as proposed, that attempts, but fails, to emulate the fine detail of the listed building, would appear visually intrusive and harm the special nature of the setting of the listed building.

Indeed, there is a principle objection to any development on this part of the site, as this area, historically the garden, is key to the setting of the listed building. This pub garden represents an important visual gap in the street scene both in terms of the importance to the setting of the listed building, the special character and appearance of the Conservation Area, and the general visual amenity of the public realm.

The proposed detached dwelling is therefore contrary to Policies C17, C18, C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).

#### Parking and Highways

The proposal includes 8 off-street car parking spaces and all vehicular access is restricted to being from Adcroft Street. This is to the satisfaction of the Highway Authority subject to suggested conditions.

#### Neighbouring Amenities

The terrace would be to the south west of the end elevation of the adjacent terrace property and would therefore not result in a detrimental overbearing and overshadowing effect. Furthermore, due to the alignment and siting of the terrace there would not be an overlooking created by the proposal. Consequently, the proposal would not harm the amenities of the occupiers of the neighbouring properties.

#### The Electricity Sub-station

The applicant has not submitted any information regarding the status of the electricity sub-station, over which the proposed terrace is sited.

#### CONCLUSION

The proposed terrace and detached house are poorly designed and would not be in keeping with the historic characteristics of the surrounding area. The proposals would not preserve or enhance the special character and appearance of the Conservation Area. The proposals would harm the setting of the surrounding listed buildings. The application is accordingly recommended for refusal.

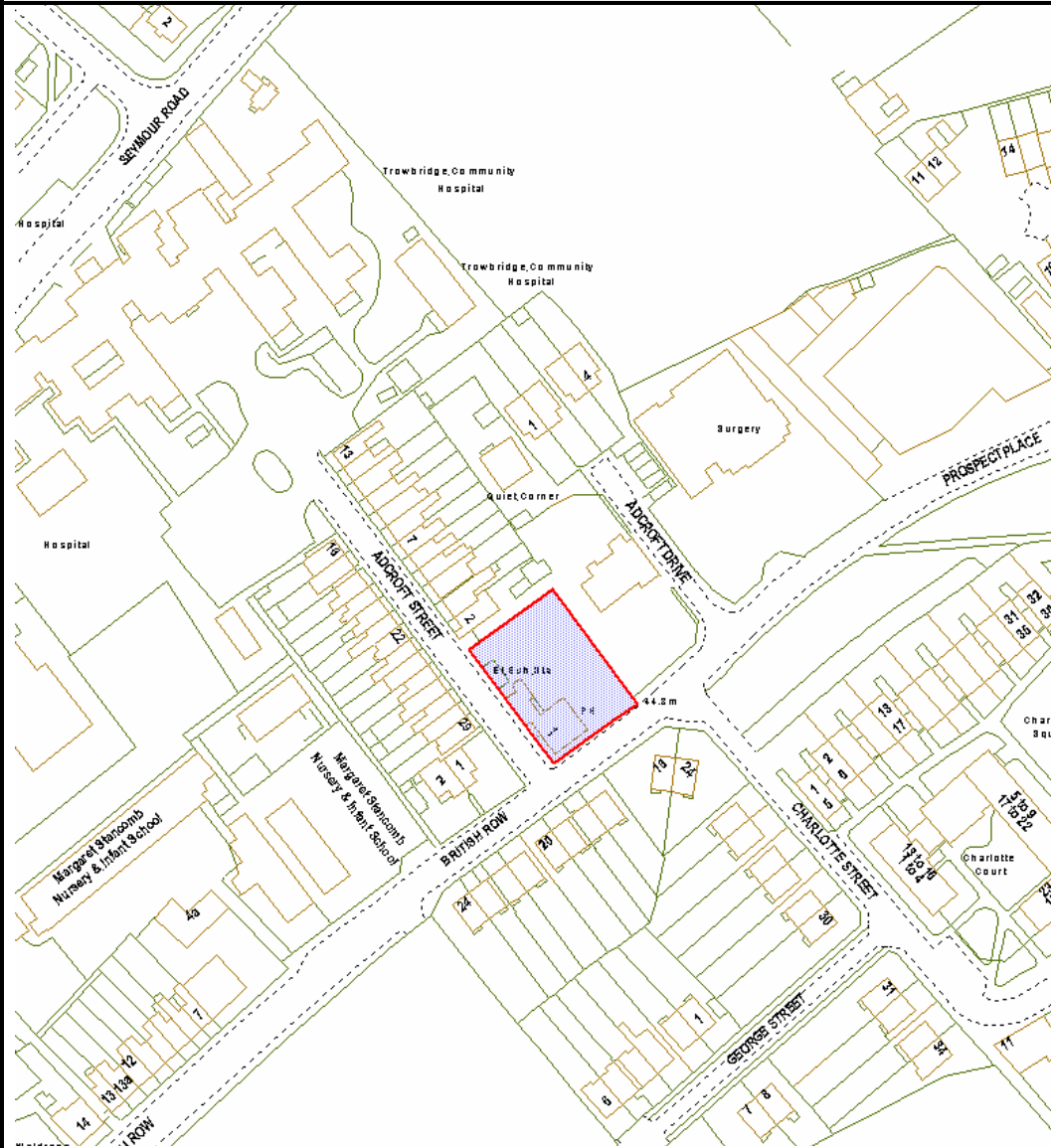
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 12

APPLICATION NO: 07/00053/LBC

LOCATION: The Black Swan 1 Adcroft Street Trowbridge  
Wiltshire BA14 8PF



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

SLA: 100022961

**12 Application: 07/00053/LBC**

**Site Address: The Black Swan 1 Adcroft Street Trowbridge Wiltshire BA14 8PF**

Parish: Trowbridge Ward: Trowbridge North East  
Grid Reference 385568 158385  
Application Type: Listed building  
Development: Residential re-development comprising of three terrace properties, one detached home and two apartments in listed building  
Applicant Details: Mountside Estate  
36 Great Pultney Street London  
Agent Details: Barrie Newcombe Associates  
Winnington Hall Winnington Northwich Cheshire CW8 4DU  
Case Officer: Mr Russell Brown  
Date Received: 05.01.2007 Expiry Date: 02.03.2007

**RECOMMENDATION: Refusal**

**Reason(s):**

- 1 The proposed terrace would constitute an alien form of development, which lacks the fine architectural detail of the principal listed building and others within the locality, and would, by reason of its bland and unsympathetic design together with its location and relationship to the existing buildings, harm the special character and setting of the principal listed building and others within the locality contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).
- 2 The proposed detached dwelling by reason of its form, scale, size, bland exterior, unsympathetic design and siting, fails to respect the historic layout of the site and the fine detail of the principal listed building, and would appear visually intrusive and harmful to the character and setting of this and other listed buildings within the locality contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

This application is brought to Planning Committee at the request of Councillor James.

This is a full planning application for the conversion of the former public house into 2 flats, a new build terrace of 3 dwellings to the north west of the listed building and a detached dwelling to the north east of the listed building along British Row.

The site comprises the former Black Swan public house which is a Grade II Listed building and is located at the junction of Adcroft Street with British Row in Trowbridge and includes the public house car park and garden.

It is situated within a Conservation Area and many of the surrounding buildings are listed. The former public house is sited in the southern corner of the site and the neighbouring residential properties to the north west are terraced, as are the properties on the opposite side of Adcroft Street.

The existing building is built in natural stone under a slate roof. There is an historic extension to the rear of the building with blocked up windows on the street elevation. There is an existing flat in the building.

The proposal is to convert the main building into 2 flats and demolish the rear extension.

The proposed terrace would be to the north west of the site and would be approximately 13.5 metres in length, 8 metres in depth and 8 metres in height and would front on to Adcroft Street. The applicants have stated that the materials for the terrace would match the existing terraces.

The proposed detached house would measure approximately 7.5 metres by 8 metres and 6.7 metres high. It would have a parapet wall around a hipped roof with a chimney to one side of the roof.

Both the terrace and the detached house would be attached to the listed building by the boundary walls. Hence these structures also require listed building consent, applied for under 07/00053/LBC.

## CONSULTATION REPLIES

### TROWBRIDGE TOWN COUNCIL

No objection

### INTERNAL WWDC CONSULTEES

### CONSERVATION OFFICER

Does not intend to comment on this scheme and is happy for the Heritage Development Officer to proceed to a decision.

### NON-STATUTORY CONSULTEES

### PUBLICITY

The application was publicised by site notice and press advertisement to which there has been no response although comments on the parallel application for full planning permission from an objector refer to matters related to the listed building.

- All of the properties in Adcroft Street are listed and in a Conservation Area.
- The terrace should be designed to give a similar appearance to the existing terrace properties.
- The architectural features in the rest of the street such as the horizontal and vertical stone banding should be included on the new terrace to ensure they are in keeping with the existing houses and retain the character of the area.
- The terrace only shows two chimneys. There should be three chimneys, one per property.

### PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016  
HE7 – Conservation Area and Listed Buildings

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

## RELEVANT PLANNING HISTORY

04/01833/FUL – Detached dwelling – Refused 16.11.2004

05/00423/FUL – Erection of three terraced houses, conversion of public house and living accommodation to two additional apartments and ground floor change to A1/A2 use – Refused 28.04.2005

05/01561/FUL – Erection of 4 (no) terraced houses and conversion of public house to apartments – Refused 06.06.2006

05/03022/LBC – Conversion of public house to 4 no apartments – Refused 06.06.2006

07/00054/FUL – Parallel planning application – pending.

## KEY PLANNING CONSIDERATIONS

The key issue in this application is the effect of the proposals on the character and setting of the listed buildings.

Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## PLANNING OFFICER'S COMMENTS

### The Proposed Terrace

The plot for the terrace is currently the electricity sub-station and pub car park between the listed pub and the existing listed terrace of houses on Adcroft Street.

The design of the proposed terrace does not copy nor does it respect the other terraced properties in the street. The bland design lacks the architectural details found on other buildings within the historic streetscene and makes no reference to the historic nature of the surroundings.

Consequently, the proposed terrace would constitute an alien feature that would be out of keeping with the surrounding historic character of the area. It would by reason of its poor design and its proximity to neighbouring listed buildings, both those within the site and surrounding area, harm their setting contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).

### Works To The Listed Building

The demolition of the extension to the listed public house is acceptable in terms of the impact on the character and fabric of the listed building. This rear extension is not one of particular historical importance as it is a later addition that does not enhance the character of the listed building. Its demolition would return the listed building to its original proportions and would be of benefit to the wider visual amenity of the area.

There would be no other external alteration of the main listed building in the conversion. The character of the building is that of a public house and the conversion would not result in the loss of that character.

The internal works to the listed building are acceptable as they would result in minimal interruption of historic fabric and would result in the building being brought back into use. The building is currently on the Building's At Risk register and therefore this would allow the building to be repaired and given a viable use for its long term benefit.

## The Proposed Detached Dwelling

This proposed detached house is poorly designed, poorly related to the existing spatial form of the area and with little regard to its surroundings. The proposed detached house would have completely blank side elevations and the fenestration, particularly at the rear, would not respect the surroundings.

The form of the proposed house is an attempt to echo that of the principal listed building but fails due to its bland exterior and lack of architectural detail. The principal listed building, the public house, is sited on the corner of its plot and stands within the Conservation Area as a building of particular historic interest. The construction of the adjacent building as proposed, that attempts, but fails, to emulate the fine detail of the listed building, would appear visually intrusive and harm the special nature of the setting of the listed building.

Indeed, there is a principle objection to any development on this part of the site, as this area, historically the garden is key to the setting of the listed building. This pub garden and representing an important visual gap in the street scene in terms of its importance to the setting of the listed building.

The proposed detached dwelling is therefore contrary to Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).

## CONCLUSION

The proposed terrace and detached house are poorly designed and would not be in keeping with the historic characteristics of the surrounding area. The proposals would harm the settings of the surrounding listed buildings.







**13 Application: 07/00241/FUL**

**Site Address: Masons Arms 52 Newtown Bradford On Avon Wiltshire BA15 1NG**

Parish: Bradford On Avon Ward: Bradford On Avon North  
Grid Reference 382366 160992  
Application Type: Full Plan  
Development: Proposed change of use from public house to two self contained residential units  
Applicant Details: Amek (Commercial) Investments Ltd  
C/o Savills F A O John Romanski Hephher Dixon Bridewell Gate 9  
Bridewell Place  
Agent Details: Savills  
F A O John Romanski Hephher Dixon Bridewell Gate 9 Bridewell  
Place London  
Case Officer: Mr Matthew Perks  
Date Received: 23.01.2007 Expiry Date: 20.03.2007

**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 full details of landscaping works to the amenity space to the south west of the building have been submitted to an approved by the the Local Planning Authority . These works shall be carried out as approved.

REASON: To provide a satisfactory landscaped setting for the development and to preserve the appearance of the Conservation Area and setting of the listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C17, C27 and C32.

**Note(s) to Applicant:**

- 1 This permission must be read in conjunction with Listed Building Consent Ref 07/00244/LBC, which imposes conditions in relation to the works to the building.

## COMMITTEE REPORT

### APPLICATION DETAILS

This application is brought to Committee because the Town Council objects to the proposal, contrary to officer's recommendation.

This is a for full planning application for the change of use from Public House to two self-contained residential units at Masons Arms, 52 Newtown, Bradford On Avon.

The application site is located on the north western side of Newtown, between The Ropewalk and Middle Rank. The building is Grade II Listed and is located within the Conservation Area and within town policy limits. A separate application for listed building consent has been submitted for the proposed internal conversion works. No external extensions to the building are proposed. The application is proposed as a car-free scheme.

Supporting documentation submitted includes an "Historic Building Impact Assessment", an Access and Design Statement, a traffic assessment and a briefing note on the proposed construction of a new ground floor staircase.

### CONSULTATION REPLIES:

#### BRADFORD ON AVON TOWN COUNCIL

Refusal Recommended: "Bradford on Avon Town Council Planning and Town Development Committee disapproves of taking another commercial property out of public use. Its view is that a public house or entertainment establishment in this part of the town would be viable and is a community benefit. The affect of this application on the conservation area would be deadening in this very important and sensitive street. The Town Council has seen no evidence that the property has been marketed with a licensed victualler's agency. The Town Council recommends refusal as the proposed change of use and provision of on-site car parking will adversely affect the character of the conservation area and the setting of the listed building contrary to District Plan Policies C17, C20 and C27."

### STATUTORY CONSULTATIONS

#### HIGHWAY AUTHORITY

The Highway Authority objected on the grounds of highway safety, where parking arrangements on site were not acceptable. The authority however advised that a car-free scheme would be acceptable in this site.

As a consequence, the applicant withdrew the parking proposals, and proposed a car-free scheme.

#### WESSEX WATER

No objection.

### INTERNAL WWDC CONSULTATIONS

#### PLANNING POLICY

The building concerned is listed and lies within the Bradford on Avon Conservation Area. It is in a slightly elevated position, but given its surroundings, is not visually prominent. It is situated on a narrow road, sometimes congested with parked vehicles. The building has been used as a public house, which may be considered as a community facility. The surrounding properties are almost entirely residential, though the town centre is within walking distance.

The proposal involves the conversion of the building to residential use with some internal works. The drawings provided do not indicate substantive internal works, whilst externally, the alterations appear to be the use (reinstatement) of railings to the front boundary and the creation of a 2 space car parking area in the side garden. However, given the historical value of the building it is recommended that the views of the Heritage Development Officer, at least, are sought so that the impact of the proposal on the character of the building - and the surrounding listed buildings - are fully assessed.

Listed building issues aside, planning policy requires that the proposal, which includes the change of use as well as the physical alterations, must not harm the special character and appearance of the conservation area; this includes the impact on the street scene of any frontage and boundary alterations.

The creation of parking spaces and the movement of vehicles to and from the highway need to be considered carefully given the existing characteristics and parking in the vicinity. Proposals should not jeopardise pedestrian and highway safety.

Finally, the loss of the public house, as a community facility, needs to be addressed. Although a commercial use, public houses are, under certain circumstances, identified as providing a community use. The applicant could, if requested, provide economic evidence to demonstrate that the existing public house use was no longer commercially viable and surplus to requirements. However, this is not an issue that needs resolution under District Plan policy. There is sufficient public house provision within the locality. Consequently, the loss of the existing use is unlikely to have a negative impact upon the local community. The preservation of existing public house uses is not identified as specific concern within the Bradford on Avon Community Plan - although it is noteworthy that the Community Plan does identify the issue of maintaining and enhancing commercial retail units throughout the town.

#### Conclusions:

Impact on the character and appearance of the conservation area:

Given the few external alterations, there are no major issues. The reinstatement of railings (assuming an appropriate design) would be acceptable. The only point of concern is the effect of the creation of the 2 car parking spaces on the street scene of this conservation area; this is a matter of detail for the case officer to consider.

#### Vehicular access and parking:

Given the parking congestion locally, the creation of off street parking would be beneficial - but it depends on the impact on the Conservation Area and on the setting of the listed building and on any views of the Highway Authority.

#### Loss of a community facility

Normally the loss of a public house would be of concern. However, there are numerous public houses within walking distance in the town centre, so it would be difficult to justify loss of a community facility as a reason for refusal in this case, especially as the existing use already contains a residential element.

The proposal is acceptable in policy terms.

#### HERITAGE DEVELOPMENT OFFICER

The Heritage Development Officer was involved in negotiations with the applicant, leading to revisions to the internal layout of the building, the removal of parking and improvements to the street scene.

The parking element of the scheme has been removed and a wall re-instated in the historic position. This is welcomed. The subdivision of the upper rear room has been reduced to a minimum. this is now acceptable.

The fabric issues regarding the new staircase have been investigated and the findings are acceptable. A method statement detailing the specific works, including any remedial works, should be required by condition.

The only matter of concern left is that the ground floor front room remains divided between the dining room and living room. If this partition is removed there are no objections.

Recommendation: Approve once scheme amended to remove the partition as referenced above."

## PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement and neighbours were notified. 2 responses were received. One letter of support and one letter expressing interest in the continued use of the building as a public house.

The letter of support is from a neighbour who opposes any re-opening of a public house for reasons of neighbouring amenity, parking, availability of other pubs in the area, noise and obstruction of Newtown by delivery vehicles.

## PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

DP1 - Sustainable development  
DP5 - Employment, leisure and shopping  
DP7 - Housing in Towns and Main Settlements

West Wiltshire District Plan 1st Alteration, 2004

C17 - Character and appearance of conservation areas  
C20 - Change of use in Conservation Areas  
C27 - Character and setting of Listed Buildings  
C28 - Alterations and extensions to Listed Buildings  
C38 - Effects of development on neighbouring properties  
CF1 - Community Facilities  
C31a - Design  
H1 - Housing development in towns  
T10 - Parking

PPS 1 - Delivering sustainable development.  
PPS 3 - Housing  
PPG 15 - Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

07/00244/LBC - Parallel application for listed building consent - Pending

## KEY PLANNING ISSUES

The main issues in this case are the principle of residential development, the change of use from a public house, highway safety and the impact on the listed building and conservation area.

## PLANNING OFFICER'S COMMENTS

Change of use to residential purposes:

The proposal accords with policy on residential development within towns. The building is located within town policy limits for Bradford On Avon in a highly sustainable locality in close proximity to the town centre and public transport.

The Highway Authority finds the proposed car-free development of the site to be preferable to the provision of on-site parking in a hazardous situation. The change of use from Public House would not be unacceptable in terms of development plan policy, and the opinion is that there is a wholly adequate provision of pubs in the vicinity.

A desk-top survey indicates that there are 17 public houses within 1 mile of the site.

The building does not fall within the town centre commercial area where development plan policy tends to support the provision of leisure and entertainment facilities. The area is predominantly residential in character.

Impact on listed building and Conservation Area:

The Heritage Officer advises that the proposals as amended are acceptable in terms of their impact on the fabric of the listed building and on the appearance of the Conservation Area.

The building was originally a dwelling later converted to a public house (according to the historic building assessment the house was built in the late 17th Century and evolved into a 19th Century public house).

The proposed change of use would not harm the appearance of the Conservation Area and the proposed external works (replacement of wall and fencing) would in fact enhance the appearance of the street scene in this locality.

The conversion to dwellings would be likely to lead to the stable and permanent maintenance of the listed structure and add to the vitality of the area.

## CONCLUSION

The proposed change of use would enhance the conservation area and result in the refurbishment and maintenance of the listed building. The loss of the public house would be unlikely to impact negatively on the community and would represent an appropriate conversion in this residential locality.

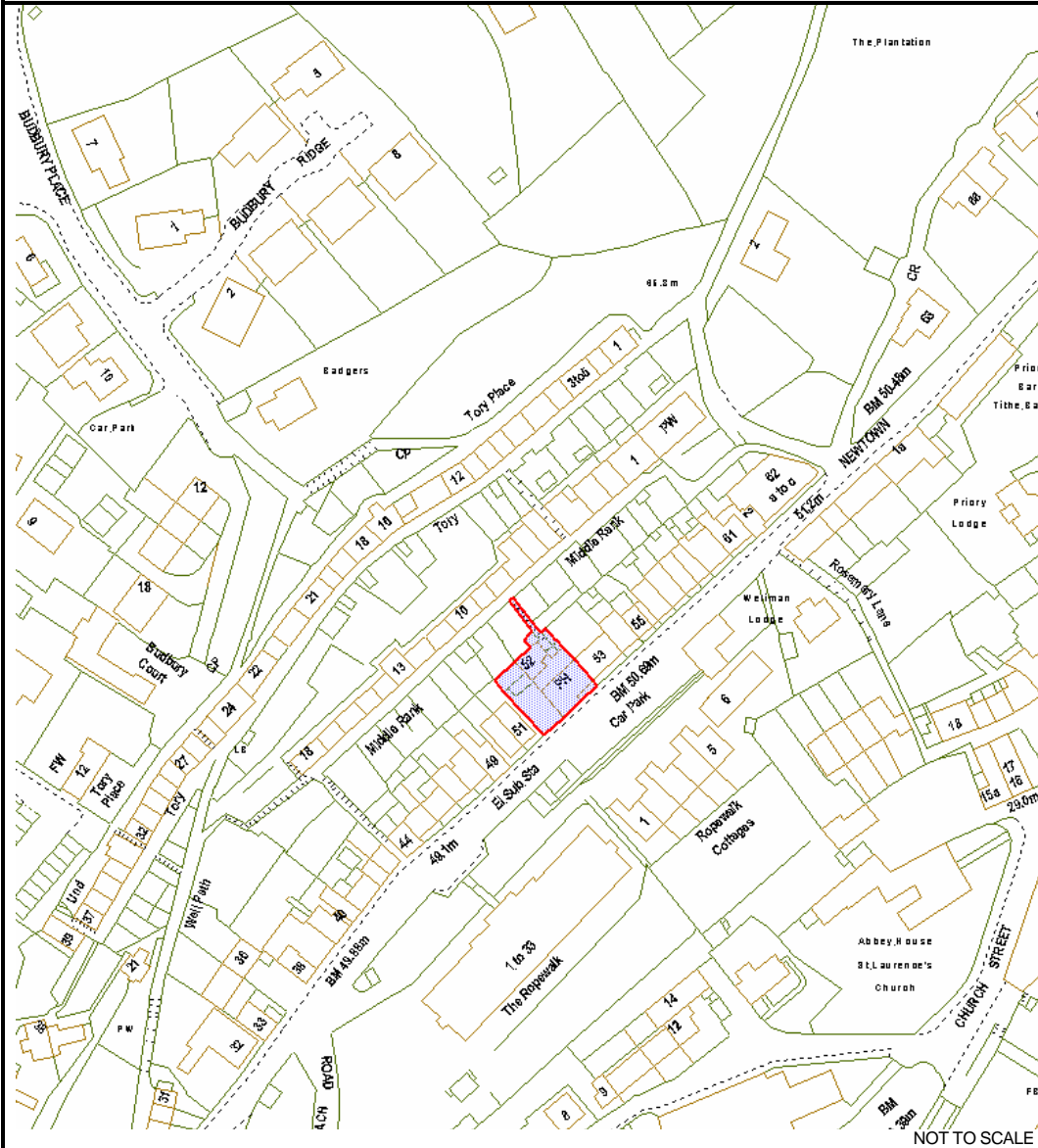
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 14

APPLICATION NO: 07/00244/LBC

LOCATION: **Masons Arms 52 Newtown Bradford On Avon  
Wiltshire BA15 1NG**



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Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961



**14 Application: 07/00244/LBC**

**Site Address: Masons Arms 52 Newtown Bradford On Avon Wiltshire BA15 1NG**

Parish: Bradford On Avon Ward: Bradford On Avon North  
Grid Reference 382366 160992  
Application Type: Listed building  
Development: Proposed change of use from public house to two self contained residential units  
Applicant Details: Amek (Commercial) Investments Ltd  
C/o Savills F A O John Romanski Hephher Dixon Bridewell Gate 9  
Bridewell Place  
Agent Details: Savills  
F A O John Romanski Hephher Dixon Bridewell Gate 9 Bridewell  
Place London  
Case Officer: Mr Matthew Perks  
Date Received: 23.01.2007 Expiry Date: 20.03.2007

**REASON(S) FOR CONSENT:**

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

**RECOMMENDATION: Consent**

**Condition(s):**

- 1 The 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 the design and finish of the proposed railing and wall to the street boundary shall be submitted to and approved by the Local Planning Authority prior to their construction. 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.

- 3 A method statement detailing works for the construction of the proposed staircase, including any remedial work following the opening up of the stair void, shall be submitted to and approved by the Local Planning Authority prior to its installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.

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

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

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

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

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

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

- 6 Details of all new or replacement internal doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.

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

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

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

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

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

- 8 A full schedule of repairs shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the listed building, and subsequently the works shall be carried out strictly in accordance with the 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 Committee because the Town Council objects contrary to officers recommendation.

This application is for listed building consent for works to the Grade II listed "Masons Arms", 52 Newtown, Bradford On Avon to enable the change of use from Public House to two self-contained residential units.

No external alterations to the building are proposed.

Internal alterations include:

- the removal of the bar and the creation of a staircase from ground to first floor level;
- the subdivision of the bar space into an open-plan living room/dining area and kitchen. This involves the blocking up of doorways and the use of studwork;
- the installation of an en-suite bathroom of studwork to the room to the rear;
- no changes are proposed to the second floor.

A replacement railing and new wall are proposed to the street boundary to the site.

The "Masons Arms" is located on the north western side of Newtown, between The Ropewalk and Middle Rank.

Supporting documentation submitted includes an "Historic Building Impact Assessment", an Access and Design Statement and a briefing note on the proposed construction of a new ground floor staircase.

#### CONSULTATION REPLIES:

##### BRADFORD ON AVON TOWN COUNCIL

Refusal Recommended: "Bradford on Avon Town Council Planning and Town Development Committee disapproves of taking another commercial property out of public use. Its view is that a public house or entertainment establishment in this part of the town would be viable and is a community benefit. The affect of this application on the conservation area would be deadening in this very important and sensitive street. The Town Council has seen no evidence that the property has been marketed with a licensed victualler's agency. The Town Council recommends refusal as the proposed change of use and provision of on-site car parking will adversely affect the character of the conservation area and the setting of the listed building contrary to District Plan Policies C17, C20 and C27. "

##### INTERNAL WWDC CONSULTATIONS

##### HERITAGE DEVELOPMENT OFFICER

The Heritage Development Officer was involved in negotiations with the applicant, leading to revisions to the internal layout of the building, the removal of parking and improvements to the street scene.

The parking element of the scheme has been removed and a wall re-instated in the historic position. This is welcomed. The subdivision of the upper rear room has been reduced to a minimum. This is now acceptable.

The fabric issues regarding the new staircase have been investigated and the findings are acceptable. A method statement detailing the specific works, including any remedial works, should be required by condition.

The only matter of concern left is that the ground floor front room remains divided between the dining room and living room. If this partition is removed there are no objections.

Recommendation: Approve once scheme amended to remove the partition as referenced above.

The applicant has submitted a final plan in accordance with the recommendations of the Heritage Development Officer.

## PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement to which there has been no response.

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration, 2004  
C27 - Character and setting of Listed Buildings  
C28 - Alterations and extensions to Listed Buildings

PPG 15 - Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

07/00241/FUL - Parallel planning application - Pending

## KEY PLANNING ISSUES

The only issue in this case is the effect of the proposals on the character and setting of the listed building. The Council has a special duty to protect the historic environment.

## PLANNING OFFICER'S COMMENTS

The Heritage Officer advises that the proposals are acceptable in terms of their impact on the fabric of the listed building. However, details of the proposed railing to the front of the dwelling and of the new staircase should be made a condition of any consent.

The proposals would bring an otherwise vacant building back into a viable use that would ensure its future preservation. It is evident from the historic appraisal that this building was originally residential and there would be no harm to its special character.

## CONCLUSION

There would be no harm to the character or integrity of this listed building.



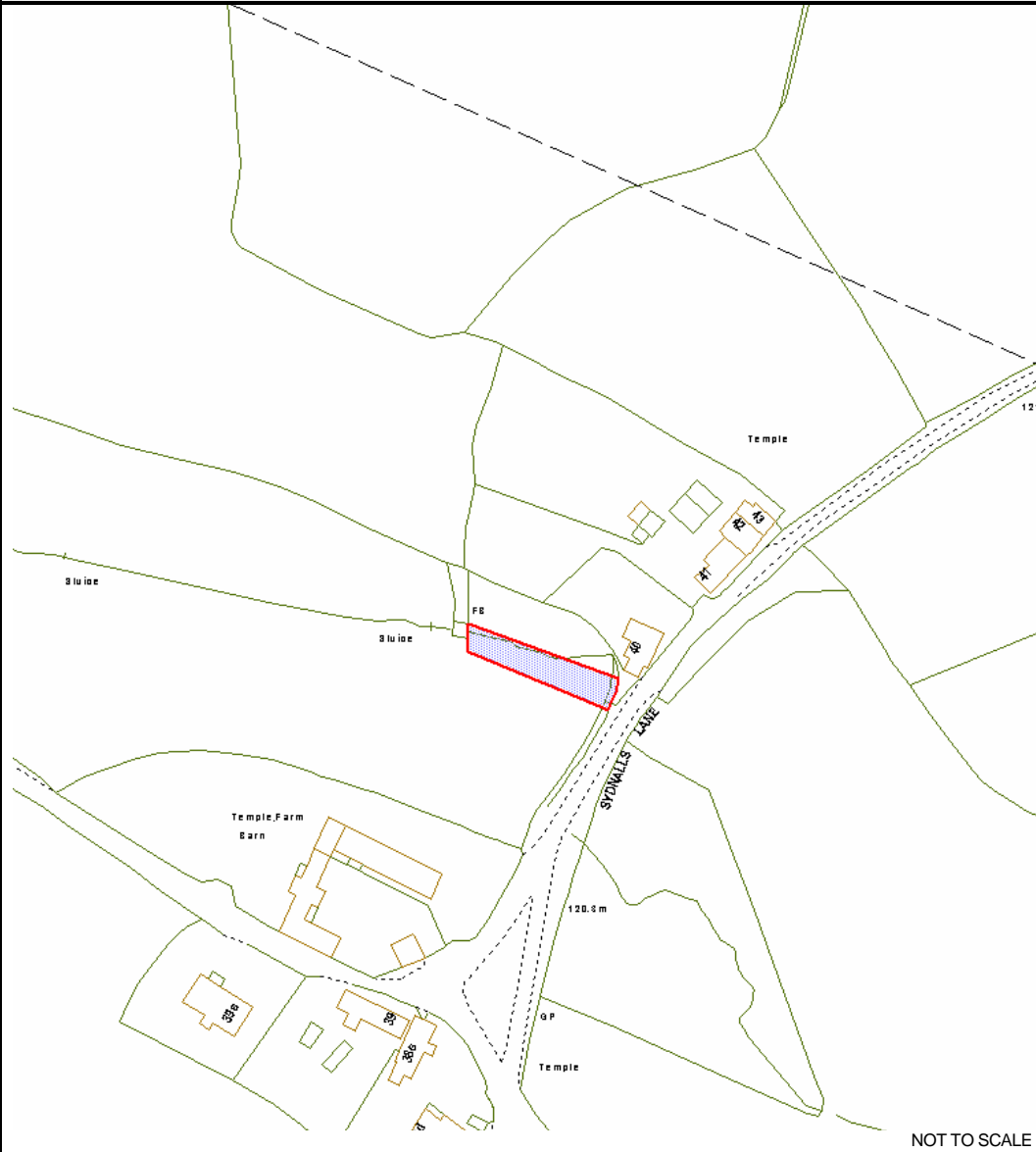
**PLANNING COMMITTEE**

**23 August 2007**

**ITEM NO: 15**

**APPLICATION NO: 06/02733/FUL**

**LOCATION: Lilac Cottage 40 Temple Corsley Wiltshire BA12 7QP**



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Fax: 01225 770314  
[www.westwiltshire.gov.uk](http://www.westwiltshire.gov.uk)

SLA: 100022961

**15 Application: 06/02733/FUL**

**Site Address: Lilac Cottage 40 Temple Corsley Wiltshire BA12 7QP**

Parish: Corsley Ward: Shearwater  
Grid Reference 382596 144976  
Application Type: Full Plan  
Development: Construction of stables for the personal use of stabling of horses  
Applicant Details: Mrs D A Rickhuss  
Lilac Cottage 40 Temple Corsley Wiltshire BA12 7QP  
Agent Details: Horsfall & Norris  
Chartered Architects Red Tuns Barn Trudoxhill Somerset BA11  
5DR  
Case Officer: Mrs Rosie MacGregor  
Date Received: 05.09.2006 Expiry Date: 31.10.2006

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

- 2 No development shall take place until samples of materials to be used in the construction of the external walls and roof of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The colour and texture of finishes shall be designed so as to minimise the impact of the stables on the rural environment. Development shall only be carried out strictly in accordance with the approved materials.

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

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C2 & C31a.

- 3 Full details of the proposed method of storage of manure on the site together with the location of the manure storage including details of drainage and means of disposal from the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on the site. No waste, including manure, shall be burnt on the site.

REASON: In order to minimise nuisance and protect the water environment.

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

- 4 The development hereby permitted shall be used only for the keeping and grazing of horses and shall not be used for any commercial purposes, including the keeping of horses at livery or as a riding school or any other use incidental to the domestic enjoyment of the adjoining dwelling, No 40 Temple.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents and to define the permission.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy E10.

- 5 The development hereby permitted shall be located at a minimum distance of 2 metres from the bank of the stream.

REASON: In order to prevent any harm to the bank of the stream adjoining the site.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy U3.

- 6 Before the building hereby permitted is first brought into use a fence shall be placed adjacent to the side of the stream in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be carried out strictly in accordance with the approved details.

REASON: In order to prevent subsidence of the bank to the stream as a result of trampling by horses.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy U3.

- 7 Details of any lighting to the site (including measures to minimise sky glow, glare and light trespasses), shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any lighting at the site. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interest of prevention of light pollution.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C35.

- 8 The site shall be landscaped in accordance with the landscaping scheme which shall be subject to the prior approval of the Local Planning Authority. The approved scheme, which shall include the retention of the existing hedgerows, and shall include additional tree planting shall be implemented in the first appropriate planting season using trees and shrubs of approved species and height and shall be maintained thereafter for a period of not less than five years. Any trees and shrubs which fail within that period shall be replaced at the satisfaction of the Local Planning Authority and maintained for a further period of five years.

REASON: To ensure that a satisfactory landscaping setting for the development.

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

- 9 The hedgerow on the lane frontage shall be retained and reinforced with additional planting that shall form part of the landscaping scheme. The hedge shall be maintained of a height of not less than 2 metres for as long as the development remains on site.

REASON: To ensure that a satisfactory landscaping setting for the development.

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C2 & C32.



- 10 The development hereby permitted shall not be commenced until details of any surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The drainage works 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 2004 – Policy U2.

- 11 When the stables hereby granted cease to be occupied by the applicant, Mrs D A Rickhuss, the use shall cease, the building shall be removed and the land reinstated to its former condition.

REASON: The development is only acceptable under the personal circumstances of the applicant.

**Note(s) to Applicant:**

- 1 You are advised of your responsibility and that of the landowner to maintain and clear the watercourse and maintain a free-flowing stream to reduce the potential for any flooding or harm to the bank.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

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

This is full planning application for a stable block for the use of stabling of horses for the applicant's own personal use at Lilac Cottage, 40 Temple, Corsley.

The proposed stables would comprise an L-shaped building containing three loose boxes, constructed from timber under a green corrugated Onduline sheet roof.

There is an existing field access which traverses the adjoining field and this would remain unchanged.

Lilac Cottage is situated on Sydnalls Lane in the small settlement of Temple within the Parish of Corsley. The stables would be located in a paddock to the side of the dwelling which the applicant rents from the Longleat Estate and who have no objection to the proposals.

A stream forms the eastern boundary to the site and a public footpath crosses the fields on the western boundary of the site. The site is located within an Area of Outstanding Natural Beauty.

### CONSULTATION REPLIES:

- **CORSLEY PARISH COUNCIL:** "The proposed site for the stables is within the curtilage of a garden. The particular section of garden lies to the south and runs parallel with a stream that dissects the garden as a whole. The location of the stables, according to an additional plan to the original application, is located in southeast corner (the datum), of the land adjacent to the stream. At this point the corner of the building will be approximately 1.50 metres from the stream, the stream being approximately 0.50 metres lower than the existing ground level with the stream level falling. From this point the building runs parallel with the gardens southern boundary in a westerly direction. It should be noted that the land falls away in a westerly direction from the datum corner. This will require the base of the building to be raised in level by approximately 0.75 metres at the westerly end of the building.

The additional site plan does not appear to accurately indicate the position of the stream. It is more likely that the position of the northwest corner of the building is considerably closer to the stream than indicated.

An existing tree located to the east of the building will give some visual cover from the adjacent Sydnalls Lane but the hedge line and height extending toward the south from the site will most probably not obscure line of sight. The whole site is openly visible from the public right of way running close to the southeast garden boundary in a southerly direction to Sydnalls Lane.

The stream runs in an east west direction in this location through land that has previously been water meadow. Along the length of the stream where livestock are grazed a wire fence has been erected in order to protect the soft edges of the stream. Collapse of the stream edge and weed growth in the stream have, in the past, caused localised flooding at times of increased water flow. In this situation, in order to avoid damage by horses to the banks of the stream, a wire fence to both stream banks would be absolutely necessary. Failure to protect the existing water flow may result in flooding of adjacent land.

The site investigations concluded that:

The proposed location of the stables upon the land is unsuitable due to inadequate land area immediately around the stables. The problem becomes more acute following the erection of suitable livestock fencing to prevent damage to the stream and stream edges.

The proposed location of the stables upon the land is unsuitable due to the required land infill necessary to attain a level base without prejudice to the existing stream levels and water table.

An unacceptable impact upon the visual amenity in an Area of Outstanding Natural Beauty and Special Landscape Area would occur.

The development would in all likelihood adversely effect the stream water quality and possibly increase the flood risk due to stream bank erosion or damage.

The development fails to adequately address matters regarding high standards of design and construction materials, also the care of the land to ensure that the equestrian activities do not have an adverse effect on the immediate countryside.

It was also considered that the proposal would result in an over development of the site.

After due consideration the Parish Council voted in favour of: REFUSAL

The following policies of the West Wiltshire District Plan, First Alteration, relevant to this decision were: C2, C3, C9, E10.

In the event West Wiltshire District Council find in favour of the application the Parish Council recommended that the following conditions should be applied:

- a) Prior to the commencement of the development details of materials to be used externally shall be submitted and approved by the planning authority.
- b) Prior to occupation and/or use of the stables details of the external colour shall be submitted and approved by the planning authority. A suitable colour is dark green.
- c) Prior to occupation and/or use of the stables details of means of manure storage and disposal shall be submitted and approved by the planning authority.
- d) Prior to occupation and/or use of the stables details of surface water drainage shall be submitted and approved by the planning authority.
- e) The development shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever.
- f) No portable buildings, or other structures used for storage or shelter, shall be stationed upon the site to which this application relates without the prior approval in writing of the Local Planning Authority."

## INTERNAL WWDC CONSULTATIONS

- **PLANNING POLICY:** The watercourse adjoining the proposed site, Redford Water, does not have a modelled indicative floodplain. However, there is an indicative floodplain which is modelled downstream to the west. This secondary watercourse falls under the District Council's responsibility. Development impact upon water environments remains an important planning policy issue. These matters are addressed in detail through Planning Policy Statement 25 at National level and Policies U3 and U4 in the District Plan. However given the nature of the proposed development, a stable block, it is not believed that the proposal will have a significant downstream impact. If there is an identified issue/problem with the watercourse bank erosion associated with the proposal, Planning Policy is confident that this can be addressed through the application of an appropriate condition to either adjust the siting of the stable block or through the introduction of mitigation measures.

- **DRAINAGE AND CIVIL ENGINEER:** The Redford watercourse is the responsibility of the landowner on whose land it crosses.

1) Having regard to the comments from the Parish Council the following recommendation is made:

-

- 2) That the new stables are situated at least 2 metres away from the bank of the stream;
- 3) That a wire fence is placed on the side of the stream to reduce the risk of bank subsidence through trampling;
- 4) The manure storage is placed as far away from the stream as possible to ensure that the water quality is not affected;
- 5) That the landowner is made aware of his responsibilities to clear the watercourse if necessary;
- 6) That details of surface water disposal are submitted to the council.

## PUBLICITY RESPONSES

The proposal was advertised by site notice and press advertisement and neighbours were notified to which there has been no response.

## RELEVANT PLANNING POLICY

West Wiltshire District Plan – 1st Alteration 2004

C2 Areas of Outstanding Natural Beauty

C9 Rivers

U2 Surface water disposal

U3 Flooding

C31a Design

C38 Nuisance

R11 Footpaths and rights of way

E10 Horse related development

PPS1 Delivering sustainable development

PPS7 Sustainable development in rural areas

PPS25 Development and flood risk

## RELEVANT PLANNING HISTORY

None

## KEY PLANNING ISSUES

The key issues to consider with this application are the impact of the stable block on the countryside and rural amenity within an Area of Outstanding Natural Beauty, design, amenity, and the water environment.

## PLANNING OFFICER COMMENTS

The proposal is for a small stable block which is intended entirely for the applicants own use for the stabling of their own horses for their personal enjoyment. The footprint and height of the stables would be relatively modest and the site forms part of a dip in the land with Sydnalls Lane rising in both directions towards the main road to the northeast and the remainder of the settlement of Temple to the southwest.

It is considered in this context that the stables would have little impact on the quality of the countryside or the rural amenity. Indeed the use of timber for the elevations and the overall design is typical of stable buildings. Such buildings are typical structures within the countryside where rural recreation is encouraged.

Furthermore, Planning Policy Statement 7 – Sustainable Development in Rural Areas states that, equestrian activities are popular forms of recreation in the countryside that fit well with farming activities.

The council's own policy E10 requires that proposals for equestrian facilities shall have regard to minimising their effect on the appearance of the countryside and to highway implications.

The siting of the stables close to the existing dwelling would be well-related to the built form of the settlement and would have little impact on the character of the countryside. Furthermore, the site is partially obscured by existing hedgerows and a condition requiring further landscaping is recommended in the event of planning permission being granted.

The application is for stables for the personal use of the applicant, but a condition to prevent commercial use is also recommended in order to prevent any inappropriate use which could have greater implications on the environment and highway safety from taking place.

Furthermore, in view of the proximity to residential development conditions to prevent the burning of horse manure and requiring details of the method of storage are also recommended.

The Council's Drainage Engineer recommends a number of conditions to overcome the concerns of the Parish Council and these views are supported and can form the basis for conditions to be attached to any planning permission being granted.

The Parish Council is concerned that no other structures for storage or shelter should be stationed on the site. The site itself is agricultural land and no material change of use has occurred therefore the siting of anything in connection with horses, even if a portable building, would require planning permission.

## CONCLUSION

The proposed stables would be relatively modest and would be of a typical construction for buildings of this type. It is considered that they would cause no harm to the character of the countryside or rural amenity within the Area of Outstanding Natural Beauty. The environment and amenity of neighbours can be protected by condition.



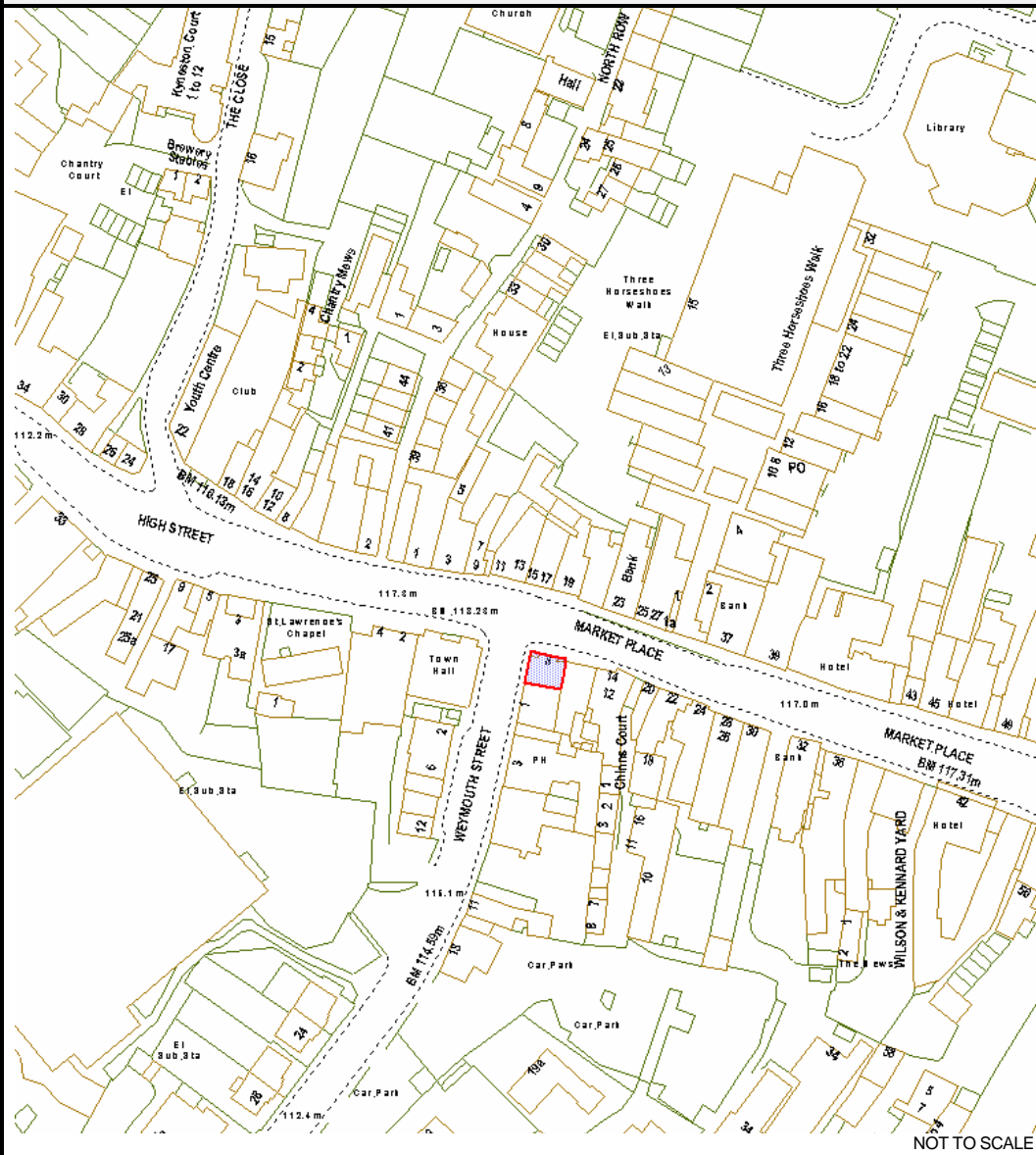
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 16

APPLICATION NO: 07/00886/ADV

LOCATION: 8 Market Place Warminster Wiltshire BA12 9AN



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SLA: 100022961

**16 Application: 07/00886/ADV**

**Site Address: 8 Market Place Warminster Wiltshire BA12 9AN**

Parish: Warminster Ward: Warminster East  
Grid Reference 387446 145079  
Application Type: Advertisement  
Development: Shop sign x 2 and projecting sign x 2  
Applicant Details: Martin Bradbury  
Northwood (West Wiltshire) 57 Market Place Warminster Wiltshire  
BA12 9AZ  
Agent Details:  
Case Officer: Mr David Cox  
Date Received: 16.03.2007 Expiry Date: 11.05.2007

**REASON(S) FOR CONSENT:**

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

**RECOMMENDATION: Consent**

**Condition(s):**

1 The projecting signs shall not be illuminated

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan- 1st Alteration 2004 – Policy C24.

**COMMITTEE REPORT**

**APPLICATION DETAILS**

This application is brought to Committee because the Town Council objects to the proposal contrary to your Officers recommendation.

This is an application for Advertisement Consent for the retention of two non-illuminated advertisement fascia signs and two projecting signs at 8 Market Place, Warminster.

The signs have already been erected on this Grade II listed building. The signs are made from wood with acrylic raised letters.

The site is situated within the town centre and within the Conservation Area.

## CONSULTATION REPLIES:

### WARMINSTER TOWN COUNCIL

Objection: These signs are too prominent for this location and are totally out of character with the area and the members would like to see something more appropriate in that part of town.

## STATUTORY CONSULTATIONS:

### HIGHWAY AUTHORITY

No objection subject to the signs not being illuminated.

## PUBLICITY RESPONSES

The proposal has been publicised by site notice and press advertisement and neighbours were notified to which there has been no response.

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004  
C17 – Conservation Areas  
C18 – New Development in Conservation Areas  
C24 - Advertisements  
C27 – Listed Buildings  
C28 – Alterations and Extensions to Listed Buildings  
C31a – Design

PPG 15 – Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

07/00892/LBC –Parallel application for listed building consent. Pending.

## KEY PLANNING ISSUES

The key issues are visual amenity and highway safety.

## PLANNING OFFICER COMMENTS

Impact on the visual character of the Local Environment.

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. This is reinforced by Council policy.

It is considered that the signs blend in with the setting of the wider conservation area given that there is a range of signs within the high street of Warminster. It considered that these signs by virtue of their site and position would not harm the local environment or visual amenity.



Impact on Highway Safety:

The Highway Authority have no objection to the scheme provided that the projecting signs are not illuminated.

## CONCLUSION

There would be no harm to visual amenity or highway safety.

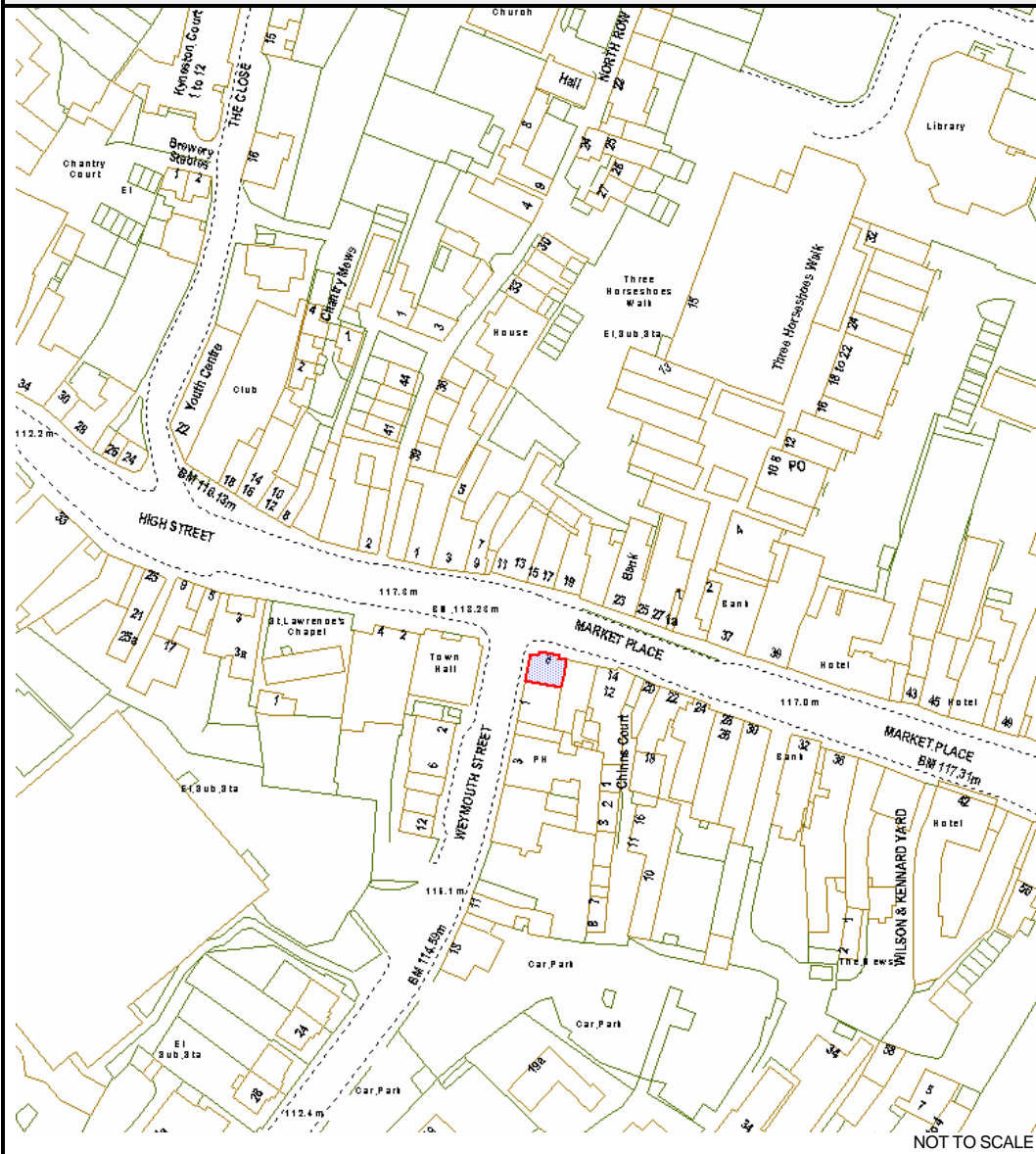
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 17

APPLICATION NO: 07/00892/LBC

LOCATION: 8 Market Place Warminster Wiltshire BA12 9AN



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SLA: 100022961

**17 Application: 07/00892/LBC**

**Site Address: 8 Market Place Warminster Wiltshire BA12 9AN**

Parish: Warminster Ward: Warminster East  
Grid Reference 387446 145079  
Application Type: Listed building  
Development: Two advertising fascia signs and two projecting signs  
Applicant Details: Northwood (West Wiltshire) Ltd  
FAO Mr M Bradbury 57 Market Place Warminster Wiltshire  
BA12 9AZ  
Agent Details:  
Case Officer: Mr David Cox  
Date Received: 16.03.2007 Expiry Date: 11.05.2007

**REASON(S) FOR CONSENT:**

**The proposed signage would not harm the character of the listed building.**

**RECOMMENDATION: Consent**

**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 listed building consent for the retention of two advertisement fascia signs and two projecting signs at 8 Market Place, Warminster.

The signs have already been erected on this Grade II listed building. The signs are made from wood with acrylic raised letters.

The site is situated within the town centre and within the Conservation Area.

CONSULTATION REPLIES:

WARMINSTER TOWN COUNCIL

Objection: These signs have an adverse impact on this and neighbouring listed buildings.

STATUTORY CONSULTATIONS:

HERITAGE OFFICER

No objections to the timber fascia. Plastic lettering would normally not be acceptable but these have minimal visual intrusion.

## PUBLICITY RESPONSES

The proposal has been publicised by site notice and press advertisement to which there has been no response.

## PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004

C27 – Listed Buildings

C28 – Alterations and Extensions to Listed Buildings

PPG 15 – Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

07/00886/ADV – Advertisement consent for the same proposal. Pending.

## KEY PLANNING ISSUES

The key issue to consider is whether the proposal would preserve or enhance the character of the listed building.

## PLANNING OFFICER COMMENTS

Impact on 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. Policies C27 and C28 are also relevant.

The key consideration in this case is whether the signs harm the special architectural or historic interest of the listed building. The signs are made from wood which is an acceptable traditional material and although the lettering is acrylic the size and style of lettering is such that it is of traditional format. Although as a general rule, the use of plastic on listed buildings should be avoided, it is not unusual for acrylic to be used on signage.

It is considered that in this instance given that the wooden fascia sign and traditional style of acrylic lettering would not harm the historic interest of the building.

Additionally given the profile of the lettering wooden lettering could easily fall into disrepair and look unsightly. The lettering should retain its appearance for a long time which will continue to protect the visual appearance of the building.

## CONCLUSION

There will be no harm to the character of this historic building.



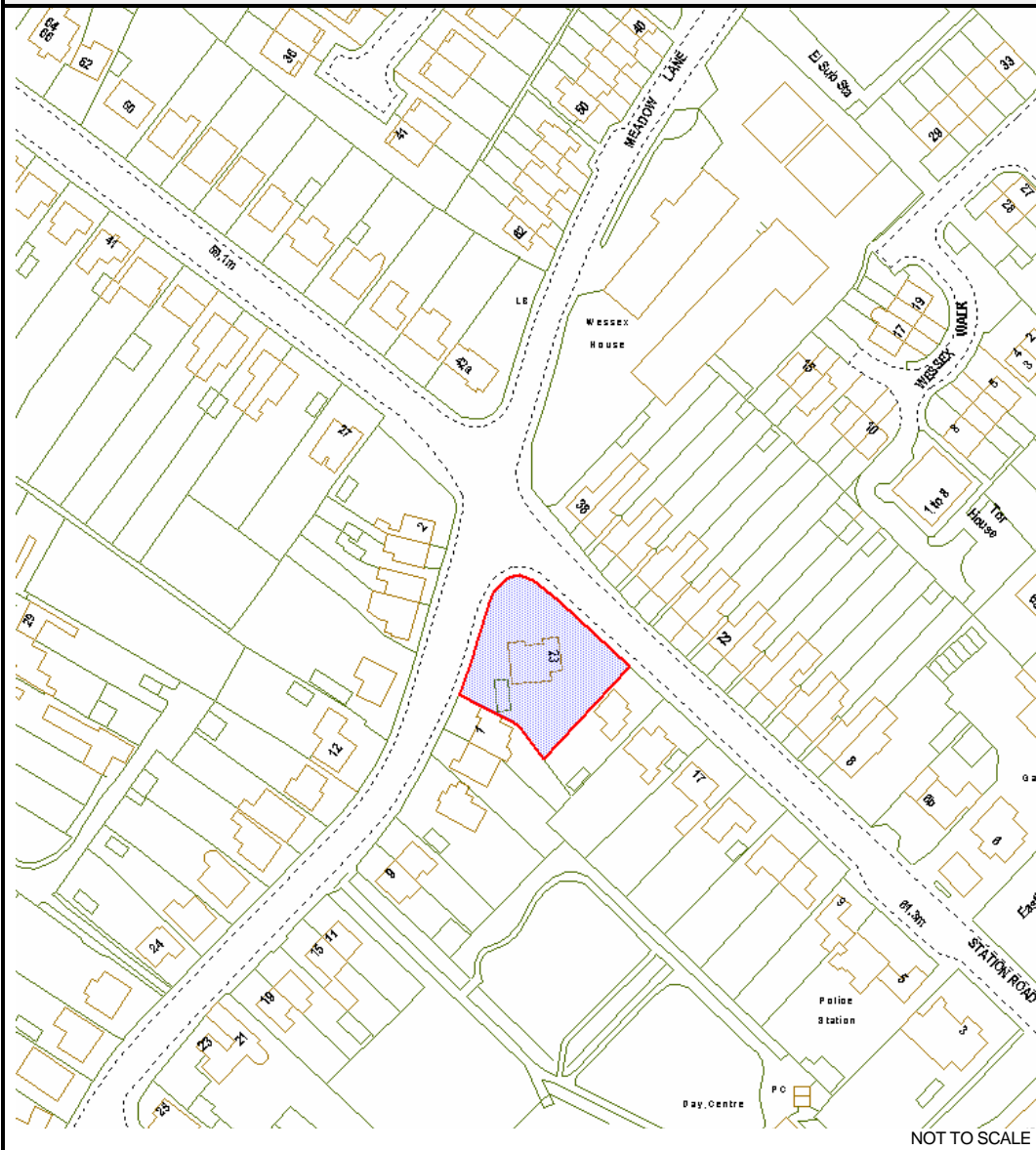
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 18

APPLICATION NO: 07/01909/FUL

LOCATION: 23 Station Road Westbury Wiltshire BA13 3JL



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West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655 Ext 602  
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SLA: 100022961

**18 Application: 07/01909/FUL**

**Site Address: 23 Station Road Westbury Wiltshire BA13 3JL**

Parish: Westbury Ward: Westbury Ham  
Grid Reference 386913 151430  
Application Type: Full Plan  
Development: Replace garage with two guest rooms and dining room extension  
Applicant Details: Mr And Mrs McQuillan  
23 Station Road Westbury Wiltshire BA13 3JL  
Agent Details: Mr Lionel Curtis  
The Old Vicarage The Downs Clandown Radstock BA3 3DD  
Case Officer: Mr Mike Muston  
Date Received: 06.06.2007 Expiry Date: 01.08.2007

**REASON(S) FOR PERMISSION:**

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

**RECOMMENDATION: Permission**

**Condition(s):**

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

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

- 2 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 Prior to the first use of the extension hereby permitted, plans shall be submitted to and approved in writing by the Local Planning Authority, showing a maximum of 1 parking space per guest bedroom, and a maximum of 2 spaces for the permanent residents. The spaces shown on these approved plans shall be kept available for use at all times when any of the guest accommodation is occupied.

REASON: In the interests of highway safety.

POLICY: Parking Standards, Appendix G, West Wiltshire District Plan First Alteration.

## **COMMITTEE REPORT**

### **APPLICATION DETAILS**

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

This is a full planning application which involves the replacement of the existing garage on the Eden Vale Road side of this chalet bungalow with guest house accommodation, with a single-storey extension to provide 2 additional en-suite guest bedrooms and an enlarged dining room.

The main part of the extension, housing the new bedrooms, would be 11.15 metres in length and 3.94 metres wide. It would appear as a free-standing gabled building, linked to the main building by a small area of flat-roofed porch and dining-room extension. This would adjoin the existing flat-roofed dining room to the rear of the building. The extension in place of the garage would have an eaves height (2.6 metres) to match the existing building and a ridge height (4.4 metres) to match the two front-facing hips.

### **STATUTORY CONSULTTEES**

#### **WESTBURY TOWN COUNCIL**

Objected as the application did not demonstrate that the parking standards for a guest house have been met.

#### **HIGHWAY AUTHORITY**

No objections

### **PUBLICITY RESPONSES**

Neighbour notifications have been carried out. No letters have been received in response.

### **RELEVANT PLANNING POLICY**

West Wiltshire District Plan 1st Alteration (2004)  
C31a - Design  
TO3 - Hotels, Guest Houses and Self-Catering Accommodation  
Appendix G Parking Standards

PPS 1 – Delivering Sustainable Development

### **RELEVANT PLANNING HISTORY**

01/01037/FUL - Domestic annex and detached garage – Approved – 21.08.98

06/01206/FUL - 2 storey rear extension and garage conversion - Approved – 07.07.06

### **KEY PLANNING ISSUES**

The main issue in this case is the effect of the proposal on the character and appearance of the area.



## PLANNING OFFICER COMMENTS

The existing garage is set away from the Eden Vale Road frontage of this site and the proposal would be in the same location, albeit one metre closer to the road. It would replicate the form of the garage, and would be set back behind the main front elevation of the building. It is not considered that any material harm to the street scene would result.

Furthermore, because of its location, no effect would occur to any neighbours.

The Town Council has objected on the grounds that the application does not demonstrate that parking standards can be met. The premises have a large area to the front of the building available for car parking. It is not marked out but could accommodate 5/6 cars. The parking standards require a maximum of one space per guest bedroom and up to 2 spaces for the permanent residents. It is apparent that these standards can be met but, in order to answer the Town Council's objection, a condition is recommended to deal with this aspect of the proposal.

It should be noted that the premises are in a sustainable location within walking distance of the railway station and bus routes.

## CONCLUSION

The proposed works are considered not to have a harmful effect on the character and appearance of the area and it is recommended that planning permission be granted.

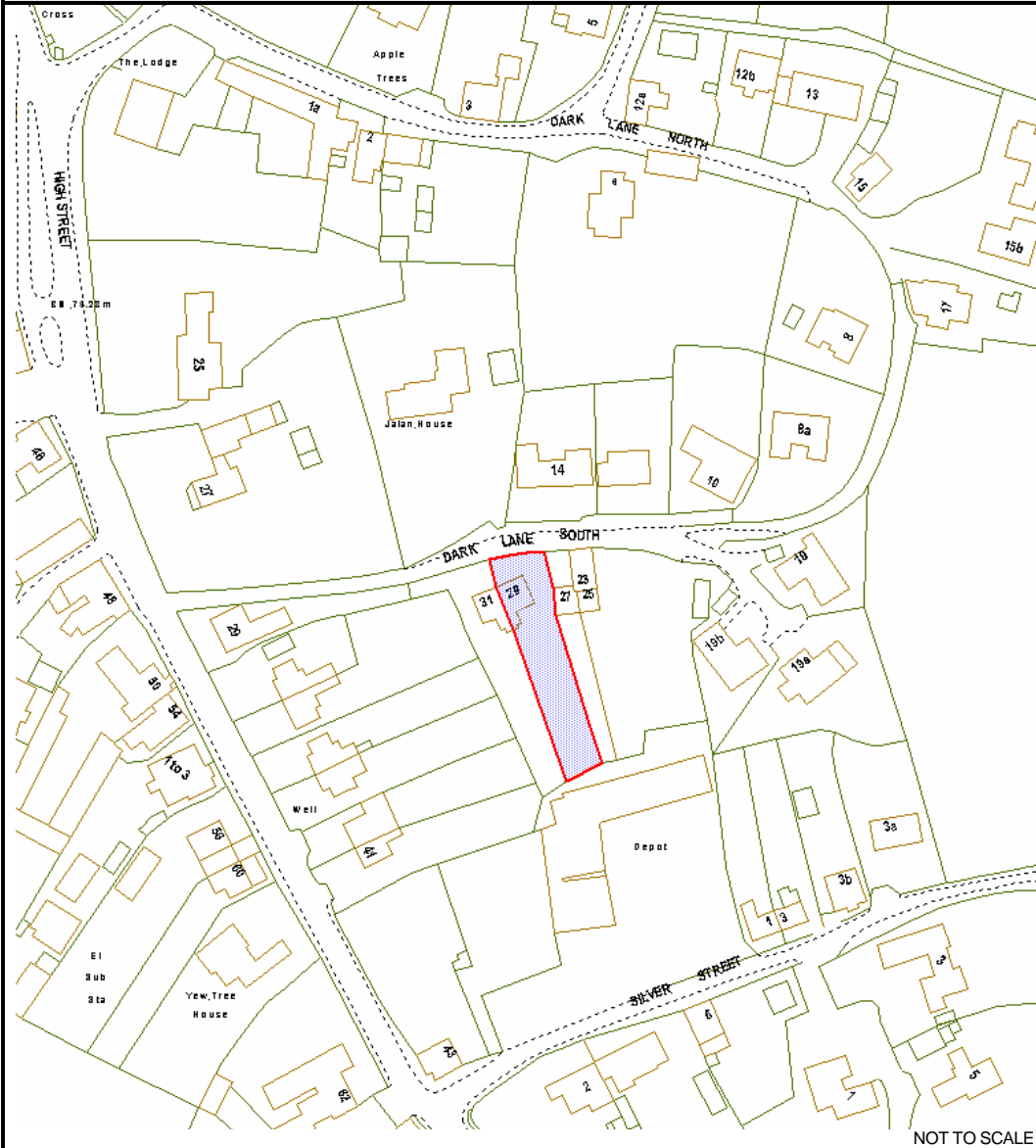
# PLANNING COMMITTEE

23 August 2007

ITEM NO: 19

APPLICATION NO: 07/02042/FUL

LOCATION: 29 Dark Lane South Steple Ashton Wiltshire BA14 6EZ



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SLA: 100022961

**19 Application: 07/02042/FUL**

**Site Address: 29 Dark Lane South Steeple Ashton Wiltshire BA14 6EZ**

Parish: Steeple Ashton Ward: Summerham  
Grid Reference 390798 156749  
Application Type: Full Plan  
Development: Two storey extension to rear with single storey extension to side of property  
Applicant Details: Mr And Mrs M Moran  
29 Dark Lane South Steeple Ashton Wiltshire BA14 6EZ  
Agent Details: Mr H Grist  
32 Daniell Crest Warminster Wilts BA12 8NZ  
Case Officer: Miss Andrea Levin  
Date Received: 20.06.2007 Expiry Date: 15.08.2007

**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 the Parish Council objects contrary to your Officers recommendation.

This is a full application for a two-storey extension to the rear and a single storey extension to the side of the property.

The proposed single storey lean-to extension would measure 2.7 metres in width, 3.9 metres in depth and 3.8 metres in height. The proposed rear extension would measure 9.0 metres in width, 4.5 metres in depth and 7.3 metres in height to its ridge from ground floor to ridge height. The proposals would be constructed from materials to match existing.

29 Dark Lane South is a semi-detached dwelling built from brick under a clay pantiled roof and situated within the conservation area.

## CONSULTATION REPLIES

### STEEPLE ASHTON PARISH COUNCIL

The Parish Council has concerns regarding this application and as such is unable to endorse it.

The Councillors are not against enlarging the property in principle. They would suggest that any alterations to the dwelling should be in sympathy with the neighbouring attached property and should be attached to the back of the property so that there is no imbalance in the symmetry of the semi-detached houses as viewed from Dark Lane South.

However, the construction of the proposed side extension could easily result in an inappropriate over-development of the area to the detriment of the adjoining properties. The Councillors are principally concerned as to the adverse visual impact that this proposed side extension would have upon the character of the property, neighbouring properties and the general setting of the area.

In recent years owners of similar properties on nearby High St, Steeple Ashton, have applied for planning permission to enlarge their properties to the side and rear. These Planning Applications have also been registered by Steeple Ashton Parish Council, concerned about the change of character to the dwellings and the general setting of the area.

Steeple Ashton Parish Councillors would recommend that this Planning Application, as it stands, is not granted Permission.

### FRIENDS OF STEEPLE ASHTON

- The Friends have an objection to part of this application. The rear two storey extension is acceptable, but the side single storey extension, if built, would unbalance the pair of houses.

- A part example of this type of extension was 04/00672/FUL (41 High Street, Steeple Ashton) which was refused partly on the grounds of the unbalancing effect of the extension. We acknowledge that this property is in less prominent site, but we still consider that if this is granted it would set a precedent.

## PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement and neighbours were notified to which there has been no response.

## RELEVANT PLANNING HISTORY

None

## PLANNING POLICY

West Wilts District Plan 1st Alteration 2004  
C18 – New Development in Conservation Areas  
C19 – Alterations in Conservation Areas  
C31a – Design  
C38 – Nuisance

## KEY PLANNING ISSUES

The main issues to consider are the character of the surrounding Conservation Area, the potential impact on the host dwelling and the neighbouring amenity.

## PLANNING OFFICER COMMENTS

The proposed rear extension, which would be barely visible from any public vantage point, would utilise a design that would harmonise with the existing property, with the roof pitch sitting approximately 0.25 metres below that of the principal ridgeline, making it a subsidiary element to the host building.

The proposed small side extension would also be a subsidiary element to the host dwelling, as it would be set back from the front building line of the property by approximately 6.0 metres.

The proposed extensions would be built from matching materials that are characteristic of the local area and would be constructed in a design to harmonise with the original dwelling. These extensions would have minimal impact upon the character or appearance of the Conservation Area which would not be harmed by the proposals.

Furthermore, as the proposed side extension would be positioned back from the frontage, in effect within the rear garden, making it a subservient element. Even though the property is one of a pair of semi-detached properties, this extension would be unlikely to result in a loss of symmetry to the building as a whole and would have a minimal impact upon the pair of semi-detached properties when viewed from the street scene.

The proposed extensions would have no impact upon the neighbouring amenity, as any loss of daylight issues would be negated by the existing identical two-storey rear extension on the adjoining property and there would be no windows proposed for the Northeast elevation therefore there would be no loss of privacy to No. 27.

## CONCLUSION

The proposals would not harm the character or appearance of the Conservation Area or streetscene, have no adverse impact upon the host dwelling, or neighbouring amenity.



**20 Application: 07/01485/FUL**

**Site Address: The Old Coach House 12 Woolley Green Bradford On Avon  
Wiltshire BA15 1TX**

Parish: Bradford On Avon Ward: Bradford On Avon North

Grid Reference 383778 161604

Application Type: Full Plan

Development: Demolition of timber garage and building of new stone built garage

Applicant Details: Mr A Wooster  
The Old Coach House 12 Woolley Green Bradford On Avon  
Wiltshire BA15 1TX

Agent Details:

Case Officer: Mr James Taylor

Date Received: 01.05.2007 Expiry Date: 26.06.2007

**JUSTIFICATION REASON:**

**The proposal represents inappropriate development in the Green Belt. However, the removal of the existing flat roofed garage of non-traditional appearance and its replacement with a building of traditional design and materials, albeit of a greater volume, would enhance the setting of the Grade II Listed Building and as such would represent the very special circumstances necessary to justify the granting of permission as a Departure from the Development Plan.**

**RECOMMENDATION:**

**The application be referred to the First Secretary of State as a departure from the Development Plan and planning permission be granted at a future date in the event of the Development Control Manager being satisfied that the application is remitted back to the Council for a decision.**

**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 and the setting of the listed structures.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 – Policies C31a and C27.

- 3 All existing Elm boarding that is in a re-usable condition; free from woodworm infestation and rot shall be carefully dismantled, set aside and stored in a safe place for re-use in the

proposed replacement garage. Notwithstanding the plans hereby approved details of the means of re-use of materials shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development.

REASON: To ensure that the historic context of the site is maintained and the setting of the listed buildings is conserved.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C27.

## **COMMITTEE REPORT**

### APPLICATION DETAILS

This application is brought to Committee as it represents a Departure from the Development Plan.

This is a full planning application for a replacement garage within the grounds of a Grade II listed building known as The Old Coach House which is surrounded in part by ashlar stone walls with arched openings which are also listed Grade II.

The proposed garage would be constructed from natural stone with clay tiles to the roof. The garage would be approximately 15 metres long, 4.5 metres wide and 5.4 metres high to the ridge of the roof. In addition to garage facilities the garage would also provide a store, plant facilities for the adjoining previously constructed swimming pool and changing facilities.

The existing structure appears from site inspection to be in a dilapidated state of repair and the applicant is concerned about its future stability. It is constructed from timber with a flat roof with a nominal pitch. It is approximately 12 metres long, 3 metres wide and has a maximum height of 2.7 metres. It is located in the northern part of the garden curtilage approximately 28 metres from the house which is Grade II listed. Access to the garage is obtained through an arched opening in the front boundary wall which is separately listed Grade II in its own right.

The application site forms part of a small settlement of dwellings at Woolley Green to the north of Bradford on Avon in a rural location forming part of the Western Wiltshire Green Belt. The Old Coach House originally formed part of the stable complex associated with the Grade II\* Listed Woolley Grange located on the opposite side of the road.

### CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: No objections

### INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: No objection. There would be clear improvements to the historic environment and the setting of listed structures. Elm boarding retention would be desirable depending on condition of timber.

### PUBLICITY RESPONSES

The application was publicised by site notice and press advertisement, both as a Departure and because it is a listed building and neighbours were notified to which there has been no response.

### RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)  
GB2 Control of Development in Green Belt  
C4 Landscape Setting  
C27 Listed Buildings  
C28 Alterations and Extensions to Listed Buildings  
C31a Design  
C38 Nuisance



SPG Supplementary Planning Guidance on House Alterations and Extensions

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPG15 Planning and the Historic Environment

## RELEVANT PLANNING HISTORY

06/03081/FUL – Garden wall and swimming pool – Approved – 05.12.06

06/02488/LBC – Garden wall and swimming pool – Approved – 05.12.06

## KEY PLANNING ISSUES

The key issues to consider with this application are the impact on the setting of the Grade II listed buildings and whether the scheme is appropriate development in the Green Belt. Design and amenity issues of the development must also be addressed.

## PLANNING OFFICER 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.

The existing structure is of no architectural or historic merit. The proposed structure is of a sympathetic form and scale to the historic context of the site, utilising natural materials to the external surfaces and a high pitched roof typical of the locality.

The Council's Heritage Development Officer raises no objection to the proposals, indeed he states that it would improve the historic environment and setting of the listed structures. It is also his view that it would be desirable to clad one side of the proposed structure in the saved elm boards and this can be controlled by condition. However, it is noted from inspection and the accompanying design statement that there is rot and woodworm in the existing structure so the amount of materials salvageable may be limited.

There is a presumption against the construction of new buildings in the Green Belt. Permission should only be granted in very special circumstances for development that does not comply with stringent criteria contained within policy.

The proposed development would be significantly larger than the existing dilapidated structure and although well screened by walls and natural vegetation would be inappropriate development in the Green Belt because of the increased height and volume of the building.

However, the potential enhancement to the setting of the listed buildings must be one of the primary considerations. Furthermore, the actual harm to the Green Belt as a result of the relatively small increase in volume over and above the existing structure would have a minimal impact on the openness of the Green Belt.

It is important to assess the potential for the very special circumstances, namely the enhancement to the setting of the listed structures. The existing garage structure has no historic or architectural merit and is clearly in a very poor state of repair. The only redeeming feature is the attractive elm board cladding, parts of which are still in a reasonable state. The current proposal represents an opportunity to erect a more sympathetic structure with thought given to the wider context of this site which is of significant historic and architectural importance.

It is considered that the proposal would enhance the setting of the listed buildings to the extent that it represents the very special circumstances necessary to justify a Departure from the Development Plan.

The proposal would not harm the amenity of the neighbouring properties as it would be some distance away and the traditional design would be sympathetic to other buildings within this historic group.

## CONCLUSION

The enhancement to the setting of the listed structures outweighs any harm to the Green Belt.