

PLANNING COMMITTEE

13 SEPTEMBER 2007

Planning Applications for Determination

Item No	Application No	Location	Parish	Page No.
01	05/01664/FUL	Demolishing of existing office and warehouse, construction of 2/3 storey offices, studios, workshops and 4 three storey houses - Former Depot Frome Road Bradford On Avon Wiltshire	Bradford On Avon	1
02	05/02470/CON	Demolition of existing office and warehouse, construction of 2/3 storey office/studios/workshops and 4 three storey houses - Former Depot Frome Road Bradford On Avon Wiltshire	Bradford On Avon	15
03	07/02231/FUL	Replacement of existing street lighting column with new pole supporting a street light, 3 shrouded antennas, an equipment cabinet and ancillary development - Station Car Park Station Approach Bradford On Avon Wiltshire	Bradford On Avon	19
04	07/02079/FUL	Proposed development of two single storey office and workshop units for use classes B1, B2 and associated external works - Land At Semington Road Melksham Wiltshire	Melksham Without	25
05	07/02364/FUL	Erection of two storey extension and single storey rear extension - 90 Winsley Road Bradford On Avon Wiltshire BA15 1NZ	Bradford On Avon	35
06	07/02472/FUL	Two, single storey extensions providing a conservatory, and utility/family room - Downsview Sandpits Lane Steeple Ashton Wiltshire BA14 6BP	Steeple Ashton	41
07	07/02383/FUL	Alterations and extensions - 27 Ivy Lane South Wraxall Wiltshire BA15 2RZ	South Wraxall	47
08	07/02106/FUL	Additional warehouse and packing facilities building - Land East Of Acheson And Acheson Meridian Business Park North Bradley Wiltshire	North Bradley	53
09	07/02361/FUL	Extension and alterations to form chalet bungalow - 90 Station Road Westbury Wiltshire BA13 3JR	Westbury	61
10	07/01674/FUL	New house - Land Adjacent Manor House The Street Broughton Gifford Wiltshire	Broughton Gifford	65
11	07/02147/FUL	Conversion of dwelling to 2 no maisonettes and ground floor extension - 38 Queensway Warminster Wiltshire BA12 9DW	Warminster	71
12	07/02253/FUL	Replacement dwelling - Heronsview 91B Winsley Hill Limpley Stoke Wiltshire BA2 7JN	Winsley	77
13	07/01377/FUL	Change of use and conversion of existing buildings from commercial to residential, including associated alteration and extension works and construction of new dwellings to form total of 27 residential units - Heywood House Park Lane Heywood Wiltshire BA13 4NA	Heywood	85

14	07/01376/LBC	Change of use and conversion of existing buildings from commercial to residential, including associated alteration and extension works and construction of new dwellings to form total of 27 residential units - Heywood House Park Lane Heywood Wiltshire BA13 4NA	Heywood	109
15	07/02151/FUL	Variation of condition 5 on planning consent 06/00633/FUL - Units 1 To 2 75 Whaddon Hilperton Wiltshire BA14 6NR	Hilperton	123
16	07/01955/FUL	Proposed single storey rear extension - 106 Middle Lane Whitley Wiltshire SN12 8QR	Melksham Without	127
17	07/02110/FUL	Replace windows with UPVC double glazed units - 38 Fitzmaurice Place Bradford On Avon Wiltshire BA15 1EL	Bradford On Avon	131
18	07/01672/FUL	New wall 1.90 metres high adjacent to highway to replace existing wall - 1 Belvedere Road Bowerhill Wiltshire SN12 6AJ	Melksham Without	135
19	07/01647/FUL	Conversion of derelict "wellhouse" to garden store - Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN	Bradford On Avon	139
20	06/03312/LBC	Conversion of derelict 'wellhouse' to garden store - Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN	Bradford On Avon	145
21	07/01721/FUL	Demolition of existing bungalow and erection of new three storey house - 165A Bradford Road Winsley Wiltshire BA15 2HW	Winsley	151

01 Application: 05/01664/FUL

Site Address: Former Depot Frome Road Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382540 160359
Application Type: Full Plan
Development: Demolishing of existing office and warehouse, construction of 2/3 storey offices, studios, workshops and 4 three storey houses
Applicant Details: Wela Invest (UK) Ltd
1-2 Queens Parade Place Bath BA1 2NN
Agent Details: Tektus Architects
St George's Lodge 33 Oldfield Road Bath BA2 3NE
Case Officer: Mr Peter Westbury
Date Received: 01.08.2005 Expiry Date: 31.10.2005

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION:

Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a legal agreement to secure a contribution of £10,000 towards the future provision and maintenance of footpaths in the vicinity of the application site and subject to the following conditions:

Condition(s):

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

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

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

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

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

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

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

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

4 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.

5 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.

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

REASON: To protect the archaeological heritage of the area.

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

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

- i) site investigation and risk assessment works for chemical contamination;
- ii) works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;
- iii) remediation validation works

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

Site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

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

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

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

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

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

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

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

- 10 The development hereby permitted shall not begin until a scheme of suitable noise attenuation works has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the premises are first occupied and maintained in effective condition at all times thereafter.

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

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

- 11 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.

- 12 In respect of the dwellings hereby permitted and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, as amended, there shall be no extensions or external alterations, including alterations to the doors and windows, and no further buildings erected on the site, or any development normally permitted under Schedule 2, Part 1, Classes A-E (inclusive) 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, to ensure that the design of the buildings are not compromised by subsequent unsympathetic alterations.

- 13 The offices and workshops hereby granted permission shall be used only for Class B1 uses as defined in the Town and Country Planning (Use Classes)(Amendment) Order 1995 or any of the statutory instruments revoking or revising this order.

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

POLICY: Policy C38 of the West Wiltshire District Plan First Alteration 2004.

- 14 The development hereby permitted shall not begin until a scheme to deal with asbestos has been submitted to and approved by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of asbestos, and the measures to be taken to avoid risk to the public or the environment when the site is developed which shall be implemented before the development begins. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of public health and safety.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before Planning Committee because Bradford Town Council object and your Officers recommend permission. Consideration of this application was deferred at the meeting of the Planning Committee on 1 June 2006 to allow for negotiation on a revised scheme.

This is an application for full planning permission for the demolition of an existing vacant office and warehouse and the construction of 2/3 storey offices, studios, workshops and four three storey houses on the former Depot in Frome Road, Bradford on Avon.

The application site is located with the settlement boundary of Bradford on Avon. It is surrounded by a mixture of residential and commercial uses on Frome Road, including the Canal Tavern Public House to the east, the Kennet and Avon Canal to the south of the site and recreational land to the north. The buildings surrounding the site incorporate a variety of styles and building materials.

The application site extends to 0.9 hectares on land that appears to be an artificially raised area of land between the canal and Frome Road when viewed from the Victory playing fields which is located in close proximity to the site. The application site is a level site with a number of vacant single storey industrial buildings positioned around a central hard surface. The entrance to the site is located at the junction of Frome Road with the access road to the former glass fibre works and canal.

The proposed office and studio workshop development will be located on the eastern part of the site. It comprises a workshop and garage at ground floor level, with office/studios on the two storeys above. Access to the workshop and garage will be via a central courtyard and access to the office/studios will be via an entrance from Frome Road.

The proposed residential development will be located in the western part of the site. It will comprise a terrace of four dwellings which it is proposed will include integral garages and kitchen at ground floor level. Three dwellings include four bedrooms and one includes three bedrooms within the two storeys above.

The residential development will be located around a central courtyard, the access to which will be from the existing access at Frome Road. The proposed office will be developed over the access creating an arched entrance into the proposed courtyard.

The proposed residential block will incorporate natural bath stone, natural slate roof, painted metal open gutter on painted timber fascia and typical sash windows. The design of the residential block has been amended so that the southern elevation incorporates colour render with a glazed ground floor and the north elevation incorporates timber cladding.

The proposed office block has been positioned so that it maintains a 2m gap from the Almshouses. The height of the building is also lower than that of the Almshouses. The building incorporates identical materials to the residential block, with the exception of the timber cladding. It incorporates a simple design for the Frome Road frontage where the existing boundary wall will be retained. The roofscape has been amended so that the arched entrance to the inner courtyard has become a prominent feature.

Since the deferral of the Application in June 2006, there have been a number of meetings between the Applicant, Case Officer, Conservation Officer and English Heritage to discuss the details of the design of the proposal. The amendments which have been made are a result of those discussions.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Object

Having considered the latest amended proposals indicated that they maintain their objection and state:

“Although there has been some improvement in the design many of the objections made by the Town Council still apply:

The revised scheme seeks to present a more traditional approach to the roadside block but window proportions are poor and need to be altered to reflect the vertical tradition that is Bradford on Avon. The relationship to the almshouses next door is unresolved and the two buildings do not relate one to the other to the detriment of the street scene (the street scene is very important). The issues is not to copy but to respect scale and proportion.

The residential block remains too high and will adversely impact on the canal side. The overall design of the houses has not been improved and it remains an attempt to insert a modern stand-alone building into this historic area. Again window proportions are crude and will rapidly date. The building lacks the quality expected for the site.

Comparison will be made with the Victory Fields development and this lack of appreciation for historic context produces a building that will not sit well within its surroundings.

The Town Council recommends refusal for the reasons given previously and asks that:

1. The site should not be considered for any use other than employment and specifically light industrial and the proposal is contrary to Policy E5.
2. By virtue of its design, appearance and choice of materials it will adversely affect the character of the Conservation Area contrary to policy C18.
3. The proposal constitutes overdevelopment of the site. It is too high, too massive, changes the views of the almshouses, threatens the amenity of the almshouse residents and overwhelms the canal tow path.
4. There is not sufficient parking for the number of proposed offices and dwellings.
5. The entrance into Frome Road is already dangerous and will become more so with the proposed use as the site is in close proximity to a school, an important tourist area with bicycle shop and hire centre, café, public house, restaurant and canal wharf
6. The tall buildings so close to the road will produce a canyon effect and change the nature of the area
7. The proposal does not enhance and maintain the character and environment of the canal and is contrary to policy KA7.

This is a scheme that if constructed as shown will be extremely obtrusive and will have a detrimental effect on efforts to maintain appropriate standards of development with the Conservation area. Local authorities are being urged to seek good standards of design that respect their setting; the only way forward on this project is a total redesign."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to the imposition of conditions

Following the receipt of the amended plans and information confirmed that they raise no objection to the proposal. The earlier representation received stated:

"Having considered the submitted transport report and having regard to the current use of the site and the level of development proposed, it would be difficult to argue that the traffic generation would be increased as a result of the proposal."

- ENVIRONMENT AGENCY: No objection

Following the receipt of amended plans and information confirmed that they have no objection to the proposal.

- BRITISH WATERWAYS: Object on the grounds that the scale of development would have "potential heritage impacts" on the wharf.

Made no further representations following the receipt of amended plans and information.

- WESSEX WATER: No objection subject to the imposition of conditions.

Received amended plans and information and referred back to earlier representation as set out above.

- ENGLISH HERITAGE: No objection.

Following the receipt of amended plans and information English Heritage withdrew their objection to the application:

“Amendments to the building to the rear of the site and that fronting Frome Road have resulted in significant improvements to the design of the scheme as a whole, and in particular the relationship it will have with its neighbours and in the creation of contextually appropriate presence in the streetscene.”

- COUNTY ARCHAEOLOGIST: No objection subject to the imposition of a relevant condition.

Received amended plans and information and referred back to earlier representation as set out above.

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: No objection subject to the imposition of conditions.

The Conservation Officer has been involved in discussions on the application proposal and following the receipt of amended plans and information made the following comments, which are set out in full:

“Following further meetings with the applicants and English Heritage both the viability issues concerning the principle of development on this site and the design issues have been re-examined and as a result a more acceptable scheme has been developed.

The scheme, if constructed in accordance with the recent plans and subject to robust conditions relating to materials and detailing should not be harmful to the setting of the adjacent listed buildings or the character and appearance of the conservation area. I therefore recommend Approval subject to conditions.

I shall therefore go through my reasons for altering my recommendation on this case.

Principle of the scheme.

This site has always had a semi industrial feel that was historically connected to the canal. Unfortunately with a change in the emphasis of the canal and its uses from industrial and commercial to leisure and tourism, so the use of this site has declined. As a result this scheme offers a mixed use more in line with the current character of this part of the conservation area. Office and residential units will provide a level of employment on this site that mirrors the most recent use although in more gentrified form, whilst the residential element facing onto the canal reflects the popularity that the canal now attracts in terms of a visually attractive feature and a focus for visitors/tourists. My main concern had been that although not opposed to this mix of uses I was of the view that it was too much for this small site. The applicants were asked to respond to this point. In their letter of the 8th June the applicants do repeat their view based on the land agents advice that the level of development proposed is necessary to allow for a viable scheme. This is not the most robust or convincing of statements but overall, in the light of the design improvements that have been made, I feel that it would be difficult to justify a case for refusal on the basis of this being an overdevelopment of the site.

Revisions to the design.

A number of changes have been made that in my view have assisted in producing a better quality and more exciting development for this site.

* The reorientation of the residential block to be situated within the existing walls of the site-thus allowing the existing wall to continue to be retained and also ensuring that this part of the scheme looks less cramped than it had previously.

* Some improvements have also been made to the elevational treatment of this group so that the internal courtyard elevation that may be visible from the Tory has been played down with the use of timber cladding and a bolder use of projecting sections allowing for movement in the façade so that it will be less severe than one flat plane.

* A number of improvements to the office block also help to make it a stronger building especially to the three storey section with the main entrance. This should create a more enriched street frontage that will add interest to the conservation area.

* The one area where an alteration should in my view be made is to the main pedestrian door to the office block. The architect shows a traditional 6-panel door. Although there are some traditional elements to this structure I do feel that a more contemporary style door within the glazed surround proposed would be more appropriate. I have already raised this with David Middleton who indicated that this could be looked at again- perhaps through a condition.

Overall, whilst I am of the view that the argument justifying the amount of development on this site is weak, I do not feel that there would be strong enough justification for this application to be refused now that the actual design has been revised to a reasonable extent. The revised scheme will help to provide vitality to what has become quite a neglected part of the conservation area and it would be difficult to argue that there will be any harm caused to the character and appearance of the conservation area."

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

Received amended plans and information and referred back to earlier representation as set out above.

NON-STATUTORY CONSULTATIONS

- TRUSTEES OF ST. KATHRINE'S CHAPEL ALMSHOUSES make the following comments:

1. Boundary: "In view of the height of the proposed Residential Building and its proximity to the wall separating our properties we have concerns about our residents "right to light". Both your proposed Residential and Office/Studios buildings appear to be position right against the boundary wall of our respective properties. This may have implications regarding the Party Wall Act of 1996, and will certainly, in the case of the Residential buildings, adversely effect the amount of light currently enjoyed by the Almshouses."

2. Noise: The workshops employing 25 people will cause high noise levels.

3. Parking: Increase in parking resulting from 25 people working at the site

4. Appearance: Concern that the metal cladding will be out of keeping with the surrounding development which is more traditional.

The Trustees made no further representations following the receipt of amended plans and information.

- BRADFORD ON AVON PRESERVATION TRUST: Object

Received amended plans and information and indicated that they support the objection of Bradford on Avon Town Council.

PUBLICITY RESPONSES

A Site Notice was erected and 41 representations were received 40 objecting to the proposal

21 reiterate the grounds of objection of the Town Council set out above.

Further objections relate to the following:

1. Design

- Objection on design grounds in particular the inclusion of a flat roof.
- The amount and style of houses proposed for the site is unacceptable.
- Concern that the proposed design is alien and would adversely affect the character of the surroundings.
- The proposal would be an eyesore
- Proposed building will be an eyesore from Jones Hill and from points on Winsley Road.
- The residential development is too close to the boundary wall of the Almshouse.
- Proposed building are too close to the pavement.
- The proposed buildings are too tall.
- Density of development is too high.
- Use of stainless steel would be unacceptable
- Plans do not consider the preservation of the area.
- Modern design is unsuitable

2. Loss of employment

- Loss of another employment site
- Office accommodation is not a sensible way of providing employment in the town.
- The site is only suitable for a continuation of the commercial use.

3. Highways Concerns

- Loss of parking
- Increase in traffic
- Increase in parking will cause noise and lack of space for existing residents including the Almshouse.

4. Other comments

- Over intensive use of a prominent site
- New housing should be directed to the outskirts of the town
- The workshops will cause noise
- Concern about proximity to the Tithe Barn
- Comments on developments on sites nearby: "The last thing Bradford wants is another gas works. I know that you have to move with times but not that fast."
- Lack of privacy and light
- Increase disturbance and smells resulting from the proposal.

One letter in support:

"Generally support the intelligent use of space and mix of uses."

RELEVANT PLANNING POLICY

Regional Planning Guidance Note 10

- VIS1 Expressing the Vision
- VIS2 Principles for Future Development
- SS19 Rural Areas
- EN3 Historic Environment
- EN4 Quality in the Built Environment
- EC1 Economic Development
- EC3 Employment Sites

Wiltshire Structure Plan 2016

- DP3 Development Strategy
- DP4 Housing and Employment Proposal
- DP9 Reuse of land and buildings
- T5 Cycling and walking
- T6 Demand Management

West Wiltshire District Plan - 1st Alteration 2004

- C7 Protected Species
- C14 Archaeological Investigation and Recording
- C17 Conservation Areas
- C18 New Development in Conservation Areas
- C22 Demolition in Conservation Areas
- C23 Street Scene
- C27 Listed Buildings
- C30 Skylines
- C31a Design
- C32 Landscaping
- C34a Resource Consumption and Reduction
- C36 Noise
- C37 Contaminated Land
- C38 Nuisance
- C40 Trees Planting
- R4 Open Space in New Housing Developments
- H1 Further Housing Development Within Towns

H24 New House Design
E4 Premises Outside Employment Policy Areas
T10 Car Parking
KA7 Kennet & Avon Canal - Design Standards
S1 Education
U1a Foul Water Disposal
U2 Surface Water Disposal
U3 Flooding
I1 Implementation
I2 The Arts
I3 Access for Everyone

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG4 Industrial, Commercial & Small Firms
PPS6 Planning for Town Centres
PPG13 Transport
PPG15 Planning and the Historic Environment
PPG16 Archaeology and Planning
PPS23 Planning and Pollution Control
PPG24 Planning and Noise
PPS25 Development and Flood Risk

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

West Wiltshire Draft Residential Design Guide
West Wiltshire Open Space Provision in New Housing Developments: A Guide
Bradford on Avon Conservation Area Character Assessment
Bradford on Avon Community Plan 2005 and beyond

RELEVANT PLANNING HISTORY

05/02470/CON Application for Conservation Area Consent for the Demolition of existing office and warehouse (pending consideration).

KEY PLANNING ISSUES

The key issues in the determination of this application are:

- The principle of a mixed-use development in this location.
- The design of the proposal
- Impact on the Conservation Area.
- The loss of the existing buildings and their contribution to the Conservation Area.
- Relationship with nearby listed buildings
- The amount and type of employment floor space.
- Highway considerations.
- Risk from flooding and impact on the canal.

PLANNING OFFICER COMMENTS

The principle of a mixed-use development in this location.

The application site constitutes previously developed land. The proposal combines a mix of both residential and commercial development, with the scheme giving priority to employment generating development. It is in a sustainable town centre location. For these reasons the proposal will contribute positively to bringing new life into this part of Bradford on Avon. This is consistent with planning guidance and policy at all levels and with the Bradford on Avon Community Plan which includes the priority to "preserve Bradford on Avon and the surrounding villages as vibrant, sustainable communities with an economic core, and to reverse the trend towards becoming dormitories (BOACP, p.19).

The design of the proposal

The design of the scheme is considered to be appropriate to this location in that it will respect the existing pattern of development and would respect the quality of architecture of surrounding buildings. The application proposal is considered to be in proportion, composition, form, massing and scale with surrounding development and will create an attractive courtyard surrounded by buildings which will create interest on a vacant site. The Applicants have indicated that it will utilise high quality materials, finishes and details. Therefore the proposal is consistent with Policy C31a of the Development Plan.

The proposed residential block would overlook the canal, towpath and garden and informal parking area associated with the Public House to the south of the site. The area is an attractive public area which will be overlooked by the residential block. The relationship between the proposal, this public area including the canal is considered to be an appropriate one. Furthermore the Applicants have indicated that they will enter in a legal agreement to make a contribution of £10,000 towards improvements to the footpaths in the vicinity of the site.

Particular attention has been paid to the relationship of the application proposal with the Almshouses. The proposed residential block would be shorter than the Almshouses.

It would be positioned 4m from the rear of the Almshouses. However, there are no habitable rooms in the rear of the Almshouses and therefore this would not result in the loss of amenity to the occupiers of the Almshouse.

The Applicants have provided information to confirm that the proposal will have a limited impact on the view of the town from Tory and Newtown.

Impact on the Conservation Area.

New development in conservation areas must be considered against policy C18 of the District Plan which requires proposals to preserve or enhance the character or appearance of the conservation area. To achieve this, the plot layout, scale, form and detailed designs will be required to be characteristic of the area.

Your Officers are aware that there have been representations objecting to the proposal on the grounds that the proposal fails to be in character with the surrounding area. The design of the scheme has been amended in the light of these concerns and particular attention has been paid to the roof design and to obtaining details of the materials to be incorporated into the scheme.

This information has been submitted by the Applicants and has resulted in English Heritage withdrawing their objection to the proposal. The design of the roof is now considered to be in keeping with its surroundings and will not be a dominant feature in this part of the Conservation Area. For this reason the objection of British Waterways is not supported. The improvements to the design of the roof is also recognised by the Conservation Officer.

In addition, the Conservation Officer raises no objection to the proposal and states that the revised scheme will help to provide vitality to this neglected part of the conservation area.

The loss of the existing buildings and their contribution to the Conservation Area.

A Conservation Area Consent application has been submitted and is considered in tandem with this application.

The existing buildings on the site have been redundant for some time. They are approaching a state where they will become unusable. They have a limited life in terms of commercial or industrial use without undergoing extensive repair and refurbishment or more likely rebuilding to accommodate modern industrial use, storage or distribution. The buildings make no positive contribution to the surroundings or the character or appearance of the Conservation Area because of their dilapidated condition. Their loss would enhance the character and appearance of this part of the Conservation Area.

Relationship with nearby listed buildings

The relationship of the revised scheme with nearby listed buildings is appropriate. The scale of the individual buildings proposed to be low key, given the levels of the site and surrounding road. The proposal is considered to be at an appropriate distance from the Almshouses.

The amount and type of employment floor space.

In quantitative terms, the proposed development would create additional employment floor space on the site. The existing redundant buildings on the site have the potential to provide 410 square metres for light industrial floor space. The application proposal makes provision for approximately 540 square metres of employment floor space.

In support of their application, the applicants have also submitted evidence produced by local land agents which states that there is a "ready demand and little supply of suites between 25 and 100 square metres. Some 350 square metres of offices at The Old Gasworks opposite recently attracted competing bids when offered for sale freehold. Local firms are frustrated by the lack of office and business space in the town." It should be noted that this information was submitted in 2006.

The Applicants state that the proposed employment development has the potential to provide employment space for 25 people.

In qualitative terms, office development is considered to be an appropriate employment use for the site, consistent with Policy E4 of the Development Plan. It is compatible with neighbouring land uses. A mixture of residential, commercial and leisure uses surround the site. Therefore the inclusion of office and residential development in this locality is acceptable.

It would not give rise to, or continue existing traffic or environmental problems. This is demonstrated by the absence of an objection from the Highway Authority. The redevelopment offers a significant opportunity to enhance this part of Bradford and will prevent the site from reverting to the current industrial use of the site, which have a detrimental impact on this part of the Conservation Area.

The proposed development would create additional employment floor space on site, would enhance the type of floor space and the mixed-use development will be in accordance with planning policy to create mixed-use sustainable developments in urban areas. This is consistent with Government policy to encourage mixed-use developments on redundant land or buildings in industrial use.

Highway considerations

The Highway Authority has no objection to the proposal and has not supported the concerns of the Town Council. They note that the site is well served by pedestrian footways; it is close to the train station and the town centre. There are therefore clear alternatives to the private car. It is considered that this compensates for the absence of on site car parking.

Nevertheless, the request is made that the applications make a contribution of £10,000 towards improvements to the walkways in the vicinity of the site. The Applicants are aware of this request and have indicated that they are happy to make a contribution towards footpath improvements in the vicinity of the site.

The proposal incorporates an archway. Representations received have suggested that this may prevent emergency vehicles from accessing the courtyard and buildings on the site. However, the Highways Authority have conformed that the archway is an acceptable height and as the buildings are close to Frome Road, there would be no danger arising from this part of the proposal.

Risk from Flooding

The application proposal will not increase the risk of flooding. The Environment Agency has raised no objection to the proposal.

CONCLUSION

This proposal will result in an attractive mixed use development scheme in the centre of Bradford on Avon.

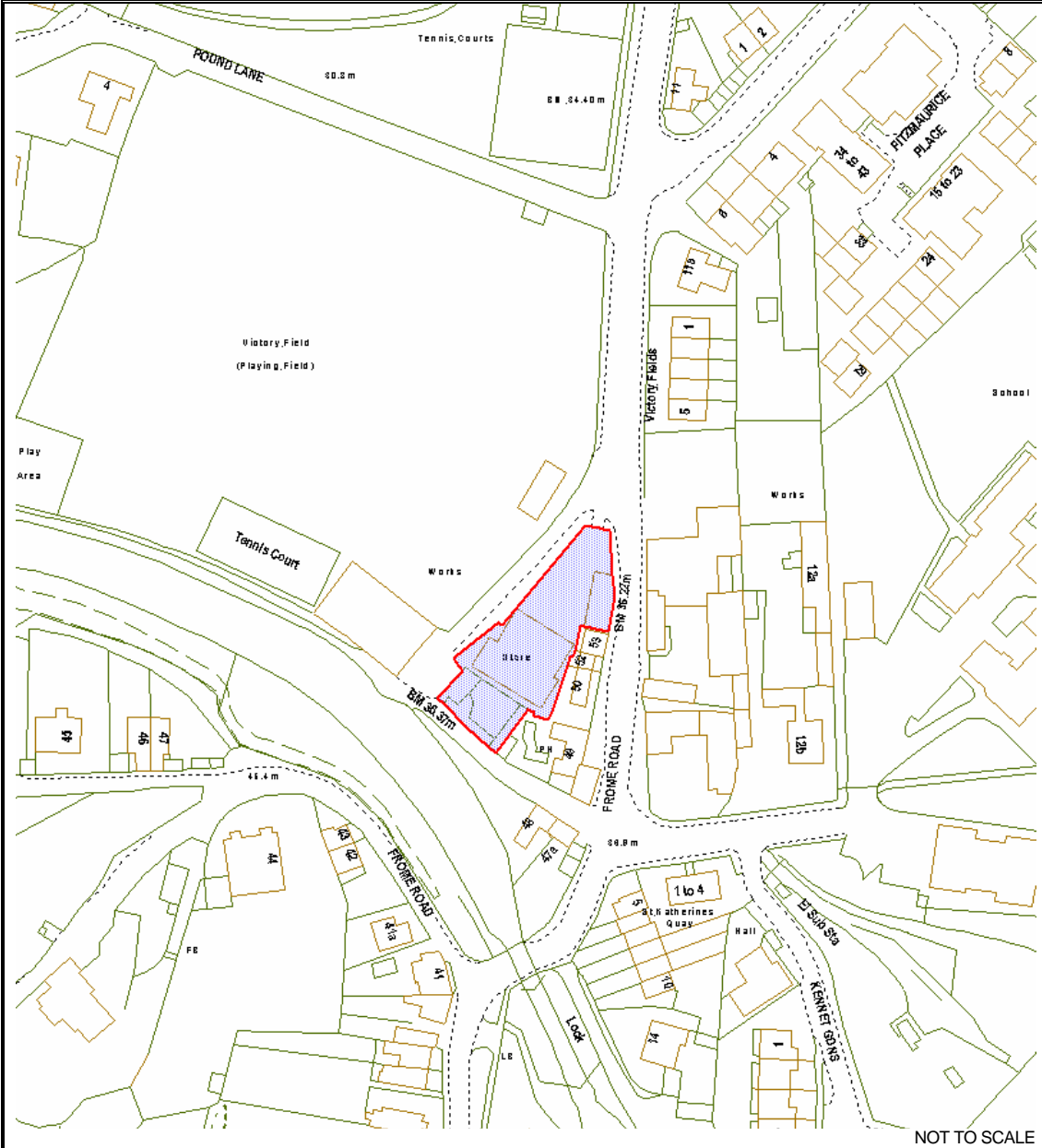
There will be great benefits and enhancements to this part of the Conservation Area in developing this site. There would be substantial economic benefits for the residents of Bradford on Avon resulting from the redevelopment of this sustainable town centre site. The proposed design, layout, form, composition and scale would respond positively to its context and would enhance the appearance of the site and the wider area and the recommendation is framed accordingly.

For the reasons stated above this application is recommended for permission, subject to the completion of a Legal Agreement to secure the provision of improvements to surrounding public footpaths.

PLANNING COMMITTEE

13 September 2007

ITEM NO: 02
APPLICATION NO: 05/02470/CON
LOCATION: Former Depot Frome Road Bradford On Avon
Wiltshire



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SLA: 100022961

02 Application: 05/02470/CON

Site Address: Former Depot Frome Road Bradford On Avon Wiltshire

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382540 160359
Application Type: Conservation Area
Development: Demolition of existing office and warehouse, construction of 2/3 storey office/studios/workshops and 4 three storey houses
Applicant Details: Wela Invest (UK) Ltd
1-2 Queens Parade Place Bath BA1 2NN
Agent Details: Tektus Architects
St George's Lodge 33 Oldfield Road Bath BA2 3NE
Case Officer: Mr Peter Westbury
Date Received: 20.10.2005 Expiry Date: 15.12.2005

REASON(S) FOR RECOMMENDATION:

The loss of the buildings on the site would not have a detrimental impact on the Conservation Area.

RECOMMENDATION:

Conservation Area Consent be granted at a future date in the event of the Development Control Manager being satisfied as to grant Planning Permission for application 05/01664/FUL, which is subject to the prior completion of a Legal Agreement.

Condition(s):

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

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 No demolishing shall take place until the contract to redevelop the site, as approved in application 05/01664 has been let, and work is ready to commence on site.

REASON: In order to preserve the character and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C17
- 3 No demolishing of the existing boundary wall shall take place.

REASON: In order to preserve the character and appearance of the Conservation Area.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C1

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee as the Town Council objects, contrary to Officer's recommendation. It was deferred at the meeting of the Planning Committee on 1 June 2006.

This is a Conservation Area consent application for the demolition of all buildings on land at the Former Depot, Frome Road, Bradford on Avon. The application site is located with the settlement boundary of Bradford on Avon. It is surrounded by a mixture of residential and commercial uses on Frome Road, including the Canal Tavern Public House to the east and the Kennet and Avon Canal to the south of the site, and recreational land to the north.

The site contains a group of buildings currently vacant industrial buildings.

This Conservation Area consent application accompanies the full planning application 05/01664/FUL for a mixed-use development of the site.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Object to the demolition of the existing buildings as the application for demolition consent is premature in the absence of acceptable plans for redevelopment and is therefore contrary to the advice given in paragraph 43.27 of PPG15. The Town Council recommends refusal of this application on the grounds that the site should not be considered for any use other than employment and specifically light industrial and the proposal is contrary to Policy E5.

STATUTORY CONSULTATIONS

- COUNTY ARCHAEOLOGIST: Given the proposed development area will have been disturbed in part by the existing buildings and underground tanks I would suggest the usual approach of undertaking field evaluation is inappropriate. Instead I would recommend that an archaeological watching brief is conducted during any ground works associated with the development."

INTERNAL WWDC CONSULTATIONS

- CONSERVATION OFFICER: No objections.

PUBLICITY RESPONSES

This application was advertised by press and site notice.

2 letters of objection received to application 05/01664/FUL issues related to the application for full planning permission.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016
HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration 2004
C17 Conservation Areas
C22 Demolition in Conservation Areas

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

None.

KEY PLANNING ISSUES

The main issue for this Conservation Area consent application is what level of a contribution do the existing buildings make to the character and appearance of the Conservation Area, and what affect would their demolition would have on the area.

PLANNING OFFICER COMMENTS

The buildings within this site reflect the function and form of the site usage as a former depot. However, they are not in keeping with prevailing styles, materials and form in use in the Conservation Area as a whole. From the Frome Road and recreation ground elevations the site appears as a collection of industrial buildings, of little architectural or historic merit and generally the amalgamation of buildings detract from the character and appearance of the Conservation Area.

The demolition of this building would be appropriate as the buildings make no positive contribution to the character of the Conservation Area. The proposed demolition is therefore consistent with advice in Policy C22.

CONCLUSION

For the reasons stated above this application is recommended for consent as there would be no harm to the character or appearance of the Conservation Area.

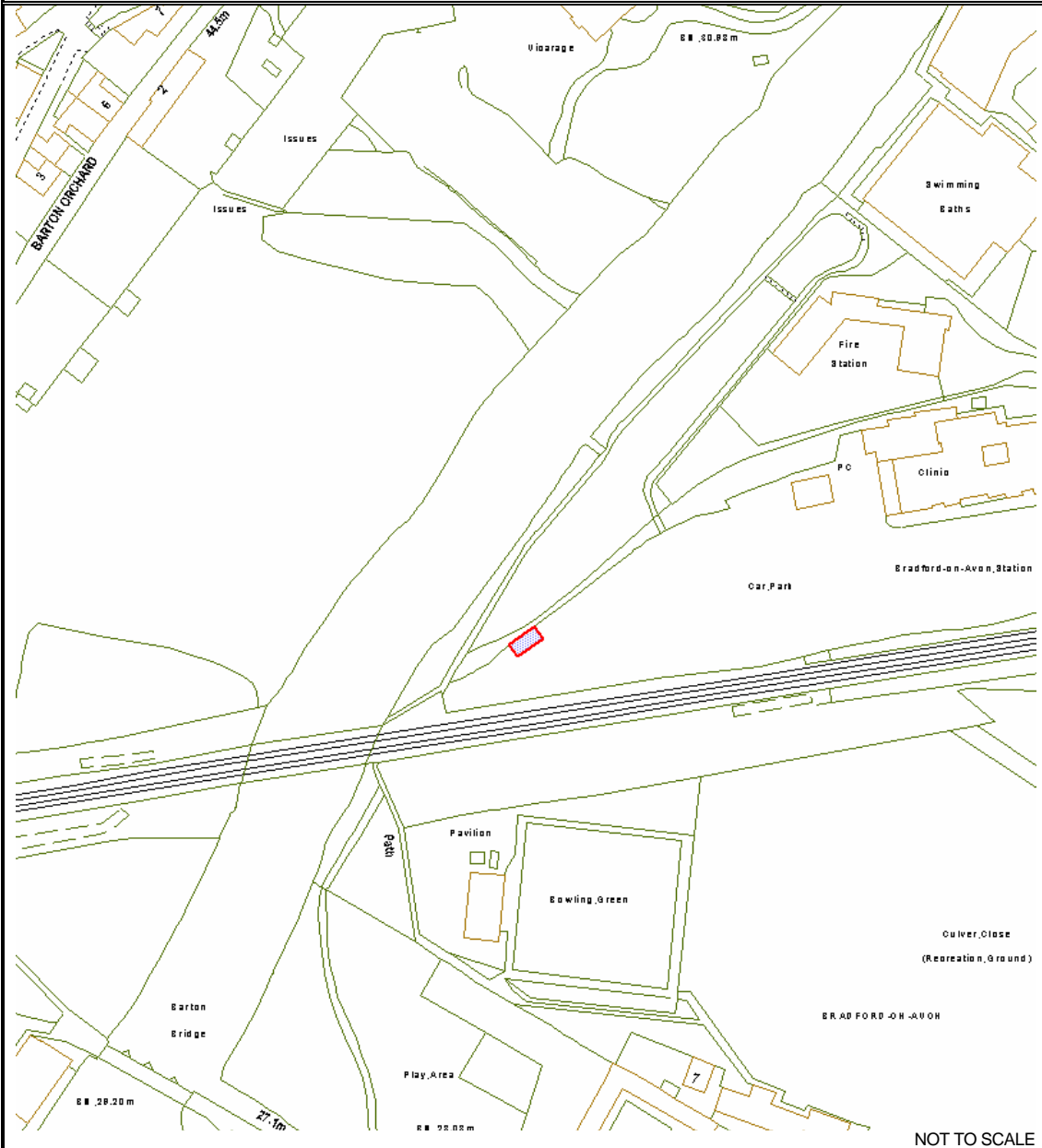
PLANNING COMMITTEE

13 September 2007

ITEM NO: 03

APPLICATION NO: 07/02231/FUL

LOCATION: Station Car Park Station Approach Bradford On Avon
Wiltshire



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SLA: 100022961

03 Application: 07/02231/FUL

**Site Address: Station Car Park Station Approach Bradford On Avon
Wiltshire**

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382414 160685
Application Type: Full Plan
Development: Replacement of existing street lighting column with new pole supporting a street light, 3 shrouded antennas, an equipment cabinet and ancillary development
Applicant Details: 02 UK Ltd
260 Bath Road Slough SL1 4DX
Agent Details: Babcock Networks
Aztec Centre Aztec West Almonsbury Bristol BS32 4TD
Case Officer: Mr Peter Westbury
Date Received: 09.07.2007 Expiry Date: 03.09.2007

REASON(S) FOR RECOMMENDATION:

The proposed development would not materially affect the amenities of the neighbours and any planning objections have been overcome by conditions.

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Bradford on Avon Town Council object and your officer's recommend that planning permission be granted.

This is an application for full planning permission for the replacement of an existing 8m tall lighting column with a lighting column incorporating both the street light and telecommunications equipment. The proposed structure would be 15m tall to the top of the antennae. The application proposal also includes the installation of an equipment cabinet to be positioned on a concrete base in close proximity to the proposed monopole. This cabinet would occupy an area of 1.8 square metres and would be 1.6m tall. It would be surrounded by two 1m tall bollards.

The application proposal would be located in the south-western corner of Bradford on Avon Railway Station car park. This part of the car park is screened to the north by mature trees which the application drawings suggest are 12m tall. The proposal would result in the loss of one car parking space.

The application proposal is accompanied by supporting information including a Declaration of Conformity with ICNIRP Public Exposure Guidelines.

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Object.

“This mast is very obtrusive and totally out of keeping in this position on the river side walk which is a much used area of public amenity.”

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection.

- HERITAGE DEVELOPMENT OFFICER: No objection

NON-STATUTORY CONSULTATIONS

- BRADFORD ON AVON PRESERVATION TRUST: Object.

“The Trust recommends refusal of this application. This huge mast is inappropriate in the Conservation Area and beside the river side walks. It should be placed amongst trees of similar height if it has to be in this area. Has the Conservation Officer commented on this?”

PUBLICITY RESPONSES

A site notice was posted and neighbouring properties were consulted. As a result no representations have been received.

Councillor Brown has made a representation objecting to the proposal stating:

“Please be kind enough to register my objection to the above in the strongest possible terms. I have never heard anything quite so ridiculous as asking to put this equipment right beside a Health Centre and the residents of Bradford on Avon certainly do not want this situated in Station car park nor do the vast number of residents who would be looking down on same from Tory etc.”

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016
TE1 Telecommunications

West Wiltshire District Plan – 1st Alteration 2004
C17 Conservation Area
C18 New development in Conservation Areas
C31a Design
C38 Nuisance
U6 Telecommunications

PPG8 Telecommunications

RELEVANT PLANNING HISTORY

There is no relevant planning history for this site.

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

Policy C18 states that proposals for new development in a Conservation Area will be permitted only if it will preserve and enhance the Conservation Area. The proposal is neutral in this regard. Although located within the Conservation Area, the application site is a corner of an existing public car park on which a lamppost is already positioned. Therefore the application proposal will have no impact on the Conservation Area.

Consistent with advice in Central Government Guidance on Telecommunications (PPG8), Policy U6 states that proposals for new telecommunications development will be permitted especially if the siting and external appearance of the proposed apparatus have been designed to minimise their impact on amenity and the surrounding environment. The application proposal is typical of telecommunications equipment across the District and is an appropriate design for this location within a railway station car park in a town centre location. It will therefore have no detrimental impact on the amenity of the area. It therefore complies with Development Plan policy.

The representation of Councillor Brown cannot be supported as a reason for refusing this application. The plans indicate that the proposal would be located 45m from the Health Clinic. Notwithstanding this, there is nothing within Development Plan policy or Government Guidance to preclude the positioning of telecommunications equipment in proximity to such uses.

It is accepted that the proposal will be more visible than the existing 8m tall structure, but it is considered that it is still an appropriate structure for this location consistent with Development Plan policy for the reasons set out above.

The proposal would result in the loss of one car parking space. The advice of the County Highways Authority has been sought and they raise no objection to the proposal.

Health Considerations

In the light of the representation received from Councillor Brown, Paragraph 29 of PPG 8 states that health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case. Paragraph 30 then goes on to state 'however, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them'.

An ICNIRP certificate has been supplied with the application. ICNIRP is the International Commission on Non-Ionising Radiation Protection. The Certificate confirms that the proposed installation has been designed to be in full compliance with the EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300 Hz). In view that the ICNIRP declaration has been submitted with the application and therefore in accordance with Government guidance, health considerations should not be considered further in the determination of this application.

CONCLUSION

The application complies with Development Plan policy and there are no material considerations to outweigh this compliance, accordingly is recommended for permission.

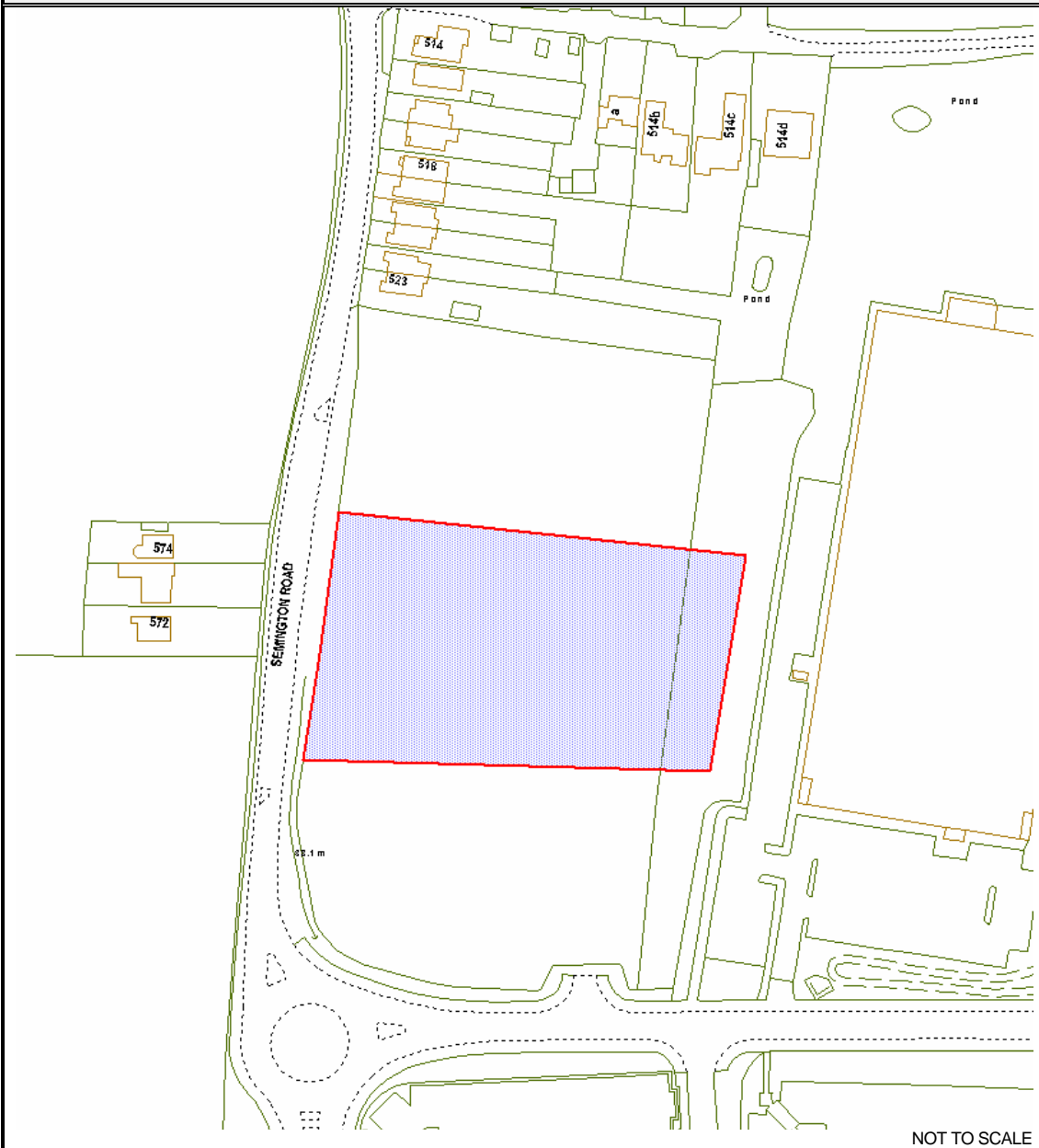
PLANNING COMMITTEE

13 September 2007

ITEM NO: 04

APPLICATION NO: 07/02079/FUL

LOCATION: Land At Semington Road Melksham Wiltshire



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SLA: 100022961

04 Application: 07/02079/FUL

Site Address: Land At Semington Road Melksham Wiltshire

Parish: Melksham Without Ward: Melksham Without
Grid Reference 390120 161822
Application Type: Full Plan
Development: Proposed development of two single storey office and workshop units for use classes B1, B2 and associated external works
Applicant Details: Evans Easyspace Ltd
C/o Kilmartin Plowman And Partners Lodge House 23 Town Street
Horsforth Leeds
Agent Details: Kilmartin Plowman And Partners
Lodge House 23 Town Street Horsforth Leeds LS18 4RJ
Case Officer: Mr Peter Westbury
Date Received: 29.06.2007 Expiry Date: 28.09.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION:

The application be referred to the 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.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31a.

- 3 The proposals for the landscaping of the site, as shown on the approved plans (including 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) shall be carried out as follows:

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 and C40

- 4 Weld mesh or a similar form of protective fencing, at least 2.4 metres high and supported and braced with scaffolding shall be erected around trees to be retained on site. Protective fencing shall conform to specifications in BS5837: 2005 "Trees in Relation to Construction", the details of which shall be submitted to, and approved in writing by, the Local Planning Authority.

Such fencing shall be erected before any equipment, machinery or materials are brought on to the site and before any ground clearance, demolition or construction work, including the erection of site huts, is commenced. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority, but shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site.

Within the areas so fenced, the existing ground levels shall not be altered and there shall be no development or development-related activity of any description, including trenches or pipe runs for services or drains, the deposit of spoil or the storage of materials.

The Local Planning Authority shall be advised in writing when the protective fencing has been erected so that it can be checked on site before development commences.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

REASON: To prevent those trees to be retained on-site from being damaged during the construction works.

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

- 5 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with the submitted details.

REASON: In the interests of highway safety.

- 6 The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, car parking and street furniture shall be constructed and laid out in accordance with the submitted details.

REASON: To ensure that the road is laid out and constructed in a satisfactory manner.

- 7 The proposed road, including footways and turning space shall be constructed in such a manner as to ensure that each unit before it is occupied shall be served by a properly consolidated and surfaced footway and carriageway to at least base course level between any units and the existing highway.

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

- 8 The area allocated for car parking on the submitted plan shall be kept clear of obstruction and shall not be used for any other purpose other than for the parking of cars in connection with the development hereby permitted.

REASON: In the interests of amenity and highway safety.

- 9 Notwithstanding the submitted landscaping scheme, no structure or landscaping including trees and shrubs over 600mm in height shall be erected or permitted in a visibility envelope which shall be taken from a line measuring 4.8 metres into the site along the centre line of the access road and taken to 65 metres along the kerb face to the west of the site. The visibility splay shall thereafter be maintained and kept free of obstruction at all times.

REASON: In the interests of highway safety.

- 10 The development shall not commence until a Travel Plan which meets the current required standard and is in accordance with Supplementary Planning Guidance "Development Related Travel Plans in Wiltshire", has been submitted to and approved in writing by The Local Planning Authority.

REASON: In order to promote alternative means of travel and to manage the effects of any additional traffic in the interests of sustainability.

- 11 No sound reproduction or amplification equipment (including public address systems and loudspeakers) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.

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

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

- 12 Commercial vehicles (including forklift trucks) shall only be started up, manoeuvred, operated, loaded or unloaded between the hours of 0800 and 1800 Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or 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 2004 - Policies C36 & C38.

- 13 No plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays, or at any time on Sundays or 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 2004 - Policies C36 & C38.

- 14 No materials shall be burnt on site.

REASON: In order to minimise nuisance.

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

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

REASON: In the interest of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35.

- 16 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 anyone 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 2004 - Policy U4.

- 17 All surface water drainage from impermeable parking areas and hardstanding for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

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

REASON: To prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U4.

- 19 No development shall take place until plans have been submitted to and approved by the Local Planning Authority showing a 2m footway into the site from the access to connect with the B1 offices and a 7.3m wide eastern access road throughout the site including to the land to the north (Phase 2). The work approved shall be carried out strictly in accordance with the approved details.

REASON: In the interests of highway safety.

- 20 No development shall take place until the recommendations contained in the Ecological Walkover Survey have been implemented to the satisfaction of the Local Planning Authority. Specifically, the Applicants or their successors shall ensure:

- Repair to the existing newt fence surrounding the site so that it is effective throughout its entire length.
- Careful clearance of the area for construction of the access road using hand held tools and supervised by a competent ecologist.
- That a survey to determine the absence or presence of amphibians and/or reptiles is undertaken. If they are found, a mitigation plan and an appropriate mitigation plan shall be submitted to and approved by the Local Planning Authority.

- Careful clearance of encroaching vegetation using hand held tools and supervised by a competent ecologist.
- That any planting scheme on site will be formed exclusively with native species

REASON: In the interests of protecting the ecology of the site.

Note(s) to Applicant:

- 1 The applicant is reminded to seek the advice of Natural England in respect of any development that may affect species protected under the Wildlife & Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994 and the Protection of Badgers Act 1992. They are further advised that this permission does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required as described in Part 1Vd of Circular 06/2005.
- 2 The applicant is advised to contact Wessex Water with regard to agreement to a point of connection to Wessex infrastructure; the protection of Wessex infrastructure within and crossing the site; the discharge of surface water from the site.
- 3 It is recommended that the Applicant give consideration to the inclusion of shower facilities within the building to support cycle use.
- 4 The applicant is advised that Broadband Sound Systems for the purpose of reversing beepers on lorries and forklifts, are likely to have a reduced impact on existing residential amenity and are recommended for use.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Melksham Without Parish Council object and your Officer's recommend permission. It also represents a departure to the Development Plan.

This is an application for full planning permission for the erection of two single storey office and workshop units (Classes, B1, B2 and B8) and associated external works on land to the immediate east of Semington Road, to the north of the Division Police Headquarters, Melksham.

The 0.7 hectare site is located at the junction of the main estate road with the Semington Road. It is level, open, currently grassed, but with a short access "spur" in the southeast corner from the existing highway.

The submitted plans indicate that the proposed two single storey buildings would have a combined floor area of 2010 square metres and would each be 5.4m tall at their highest point. The proposed workshop building would be to the east of the office building and the plans indicate it would have a floor area of 1128 square metres. This building would be constructed in predominantly goose grey metal cladding. The proposed office building would have a floor area of 882 square metres. The proposed buildings would be surrounded by a car park with 60 spaces, including 8 places for disabled drivers. This building would be constructed in brick and cladding.

The landscape proposals for the site involve the retention of all existing hedgerows on the site.

Access to the site will be from the existing spur in the southeast corner granted permission in November 2006 (06/02386/FUL).

The application is accompanied by a Report on a Site Investigation, Ecological Walkover Survey. Landscape scheme and a Design and Access Statement.

CONSULTATION REPLIES:

- MELKSHAM WITHOUT PARISH COUNCIL: Object

"The Council is opposed to any proposed access to this site from Semington Road., The Parish Council also objects to the removal of the old canal hedgerow and trees which they feel should be left alone. In view of the fact that the site still has newts, the Council would also like to see a Landscape Management Plan which will encourage their longevity and ensure a safe habitat for them in the future."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: Request slightly amended plans

"I note that there has been an application W06/2386 on the site for the access and access road into the site. I note that a 2m footway is included adjacent to the carriageway. I also note that this footway would be outside the red line and application site. I require that there is a 2m footway into the site and extends into the site to connect with the B1 Office spaces. I also required that a footway is included along the road (eastern road). I also have concerns with regard to the width of road adjacent to the larger units as it reduces from 7.3m width, and includes a pinch point with disabled parked. I am concerned due to area of land to the north of the site outline as Phase 2 and that an adequate road width (7.3m) should be provided, with a footway."

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

- WESSEX WATER: No objection

- NATURAL ENGLAND: No objection subject to the recommendations included in the Ecological Walkover Report being incorporated into conditions.

- WILTSHIRE WILDLIFE TRUST: No objection subject to the recommendations included in the Ecological Walkover Report being incorporated into conditions.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: Acceptable in policy terms

- ENVIRONMENTAL HEALTH: No comment received.

- LANDSCAPE OFFICER: Requests the submission of additional information

PUBLICITY RESPONSES

A site notice was erected and neighbouring residential properties and commercial premises were consulted. As a result one representation has been received expressing concern about:

- Noise pollution: "There appears to be a lack of raised boundaries and screening to reduce noise produced. In addition there is no information about the potential hours of business. Early morning opening or late hour closing will affect the residential area."

- Highway Safety: Concern about the speed of vehicles travelling through the site.

- Colours of the proposed building are too bright

- Concern about proposals for Phase 2

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP3 Development strategy

DP5 Town centres, district centres and employment areas

RLT4 Other canals

West Wiltshire District Plan - 1st Alteration 2004

C1	Countryside Protection
C7	Protected species
C31A	Design
C32	Landscaping
C34A	Resource consumption and reduction
C40	Tree planting
E1B	New employment land allocations
T3	Transport provision for new development
T4E	New distributor roads
T9	Bus services
T10	Parking
T11	Cycleways
I2	The arts

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

RELEVANT PLANNING HISTORY

06/02386/FUL - Provision of access road and associated works - Permission 08.11.06

KEY PLANNING ISSUES

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

- The principle of the development in policy terms
- Design Issues
- Access and highway considerations
- Amenity Issues
- Landscape Considerations
- The impact on protected species
- Design and landscape considerations.

PLANNING OFFICER COMMENTS

The principle of the development in policy terms

The application site forms part of a 35 hectare strategic employment allocation (Hampton Park West) which specifically includes light industrial, offices, general industrial and warehouse/distribution uses (B1, B2 and B8) as appropriate. This particular development would occupy one of the available plots which abuts the western boundary of this allocation, fronting onto Semington Road, and in terms of the general principle of land use, is therefore acceptable.

The protected route of the former Wilts & Berks Canal passes along the eastern boundary of the site. While the purpose of Policy CA4 of the District Plan is to protect this historic alignment from inappropriate development and to resist proposals which would destroy this original route, it is recognised that the former alignment in this part of Melksham cannot now be realistically restored to water. Emerging proposals suggest an alternative route is far more likely, but no comment has been received from the Wilts & Berks Partnership to confirm the current position or to comment on this particular application.

Notwithstanding the future position, the protected route has already been compromised by the construction of the Divisional Police HQ on the land to the south, and planning permission already granted for the new access road to serve the current application site (06/02386). The canal's historic alignment is both historically and culturally significant and planning policy seeks to protect the line where appropriate, either to return it to water, or for development for recreational and nature conservation uses. It is not considered that either of these possible uses is appropriate or achievable at this location. However as the proposal is inconsistent with Policy CA4 it represents a departure to the development plan.

Design

Within the context of the surrounding employment and business uses, the proposed development is in keeping in terms of scale and general appearance. The specific design reflects the particular function of the building, with the predominant warehouse/workshop elevations in composite panels and a modern office style development.

Access and Highway Considerations

The main access to serve this development in the southeast corner has already been approved under a separate permission granted in November 2006 (06/02386/FUL) subject to a number of conditions relating to the details of its layout and construction. These "details" have already been submitted to, and discharged by, the Local Planning Authority, and work on its construction has begun.

The alterations to the parking arrangements are minor and are also considered acceptable. Alterations to the internal road layout as recommended by the Highways Authority can be secured by condition.

Amenity Issues

A condition attached to the previous permission prevented the use of commercial vehicles on the site before 08.00 hours on Mondays to Saturdays. This is consistent with the conditions which has been attached to planning permissions for industrial development on the neighbouring site to the south.

The proposed site for development is relatively close to residential development. The village is now bypassed by traffic and therefore quieter than it has been for decades. Therefore this has the potential for a loss of amenity to occur due to noise from deliveries, loading of vehicles and the operation of forklift trucks. More specifically there is the potential for loss of amenity to occur due to noise from reversing beepers and banging that occurs from loading and unloading of heavy goods vehicles and the setting down and picking up of loads by forklift trucks.

If the applicant is prepared to use broadband sound or so called "white noise" on all vehicles (including forklifts) that enter the site it will reduce the effect on neighbours. However, this cannot be enforced as a planning condition and the recommendation remained that a 8.00 Monday to Friday.

Landscape Considerations

The Landscape and Tree Officer has recommended that amendments be made to the landscape proposals for the site. At the time of the preparation of the report, these amendments had not been made. However, your Officers are satisfied that they can be secured by condition.

Protected Species

The objection of the Parish Council in respect of the presence of great crested newts on the site is not supported by either Natural England or Wiltshire Wildlife Trust who raise no objection to the proposal subject to the recommendations included in the supporting Ecological Walkover Survey being fully implemented. This is required by the recommended conditions. Both Agencies have stated their view that there are no great crested newts on the site but recommend prudence by making sure that ongoing monitoring takes place during construction.

Other issues

The representation received refers to "Phase 2" reflecting the annotation on the red line plan. There is no "Phase 2" to this proposal. However, this field has been divided and is being developed in a piecemeal fashion. This further phase refers to the development of the part of the field closest to residential properties in Semington Road. The impact on these residential properties will be address when the application is received. Your Officers have received no notification of when this might be.

CONCLUSION

Your Officers support this application and recommend that it be referred to the Secretary of State with a recommendation that planning permission be permitted.

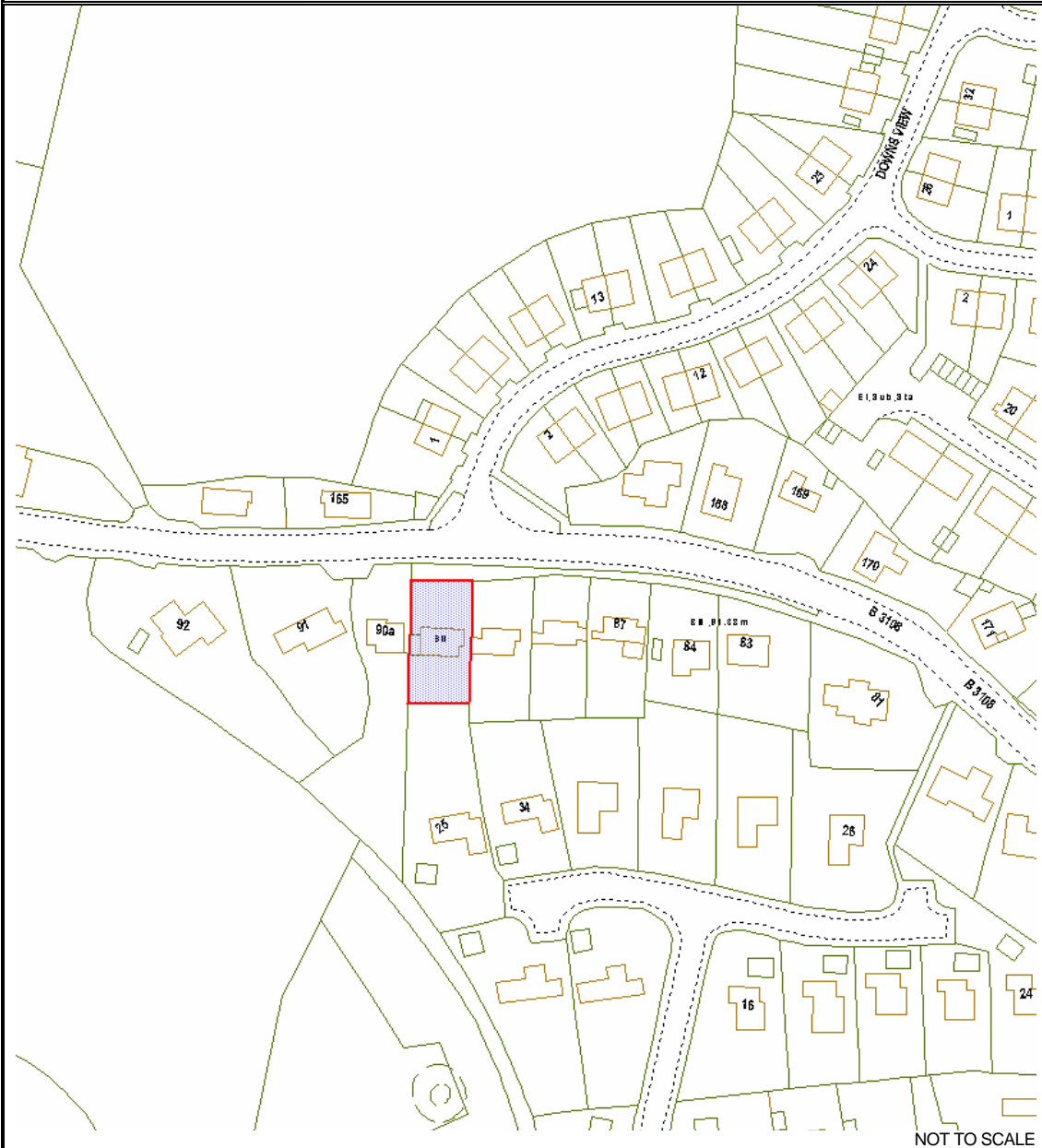
PLANNING COMMITTEE

13 September 2007

ITEM NO: 05

APPLICATION NO: 07/02364/FUL

LOCATION: 90 Winsley Road Bradford On Avon Wiltshire BA15 1NZ



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SLA: 100022961

05 Application: 07/02364/FUL

Site Address: 90 Winsley Road Bradford On Avon Wiltshire BA15 1NZ

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference: 381696 161004
Application Type: Full Plan
Development: Erection of two storey extension and single storey rear extension
Applicant Details: Mrs M Keith
90 Winsley Road Bradford On Avon Wiltshire BA15 1NZ
Agent Details: Jeff Parsons
Building Surveyor 11 Shelley Road Radstock BA3 3YS
Case Officer: Ms Kim Linden
Date Received: 23.07.2007 Expiry Date: 17.09.2007

REASON(S) FOR RECOMMENDATION:

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.

COMMITTEE REPORT

APPLICATION DETAILS

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

The application is a resubmission of a previous scheme for a two storey side extension in application no. 05/01271/FUL granted full permission on 12 August 2005. The side extension in that scheme was to be rendered on the side (east) elevation.

The current scheme also involves the demolition of the existing one storey 'wing' on the eastern side of the host dwelling and its replacement with a two storey side extension on the east side of the dwelling (adjacent to 89 Winsley Road). The current scheme differs from the previous approved scheme as it includes a one storey rear extension with a patio area surrounded by a low stone wall. The ground floor is now to include a kitchen and breakfast area (approved as dining area in application no. 05/01271/FUL). The kitchen approved in application no. 05/01271/FUL is now proposed to be used as a study. There are no changes to the first floor from the previous approved application no. 05/01271/FUL.

The two storey section will be approximately 3.6m in width. The single storey rear extension will extend approximately 2m further than the current rear setback of the host dwelling. The front elevation is to be constructed of Bath stone ashlar. The roof will be constructed of Roman roof tiles. The rear elevation is to be rendered with cement, lime and sand finish and with ashlar quoin surrounds. The side elevation facing 89A Winsley Road will be rendered and surrounded by quoins. The plans do not specify any painting or colour of the render. The current scheme has improved on the fenestration on the front elevation approved in the previous application no. 05/01271/FUL.

The proposal also includes French doors opening to a patio area surrounded by a wall and with steps up from the area leading from the existing rear steps from the living room. The one storey rear extension includes two Velux rooflights.

The host dwelling is a detached two storey dwelling on the edge of Bradford on Avon. It is in a reasonably prominent location, being located on one of the main roads into Bradford and opposite the intersection of Winsley Road with Downs View. The host dwelling is however setback approximately 10m from the highway. It has a single storey wing on the eastern side of the dwelling (3m in width) and a garage on the western side. The host dwelling is an attractive building constructed of ashlar Bath stone and has casement windows with Bath stone surrounds. The side elevation of the host dwelling is currently constructed of ashlar stone. It has a relatively large rear garden which slopes down toward the rear.

The site is not in a conservation area. The area some distance to the west of the site is designated an AONB and to the north west of the site as special landscape area.

It is pointed out that this application has been subject to new processing procedures being trialled under the Vanguard approach to improving the processing of applications so as to, inter alia, improve customer satisfaction and consistency in decision making.

CONSULTATION REPLIES:

BRADFORD ON AVON TOWN COUNCIL:

Comments as follows:

"The Town Council recommends refusal as it objects to the use of render to the side elevation and considers that natural stone should be used. No objections to the extension in principle."

STATUTORY CONSULTATIONS

No statutory consultations necessary.

PUBLICITY RESPONSES

No responses received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan First Alteration 2004:

Policy 31a – Design
Policy C38 – Nuisance

Supplementary Planning Guidance – Design Guidance: House Alterations and Extensions (July 2004).

RELEVANT PLANNING HISTORY

05/01271/FUL – Application for a two storey side extension approved on 12 August 2005. The plans did not include a rear single storey extension. The plans approved in that application included rendering of both the side and rear elevations. The town council did not object in that instance. It is noted that there has however been a newly elected town council since that decision.

KEY PLANNING ISSUES

The key planning issues are impact on the host dwelling, impact on the street scene and any amenity impacts on neighbours, particularly occupiers of 89A Winsley Road, which is adjacent to the proposed side extension.

PLANNING OFFICER COMMENTS

Impact on host dwelling

The proposed extensions and alterations would not have an adverse impact on the host dwelling. The extensions are in scale with the host dwelling and meet council guidance in relation to the design of extensions and alterations. In particular, the rendering of the side and rear elevations is not considered to have an adverse impact on the host dwelling.

Materials used in dwellings within the locality, namely on Winsley Road, include a mixture of natural stone and render, artificial stone, fully rendered front elevations to the street (some painted) and some quite extensive pvcu material where there are conservatories. It is noted that whilst the host dwelling is a very attractive building, the render of the side and rear elevations, is not considered to harm the integrity of the design or visual appearance of the host dwelling in any way. Nonetheless, a condition should be placed on any consent requiring material samples to be provided so as to ensure the colour of the proposed render matches the host dwelling.

In addition, it should be noted that the site is not located within a conservation area or other designated area such as an Area of Outstanding Natural Beauty, nor is the site subject to green belt policy.

Impact on street scene

The proposal includes Bath stone to the front elevation. This is the primary elevation which is visible from the street and therefore the use of Bath stone on this elevation is wholly supported. The side elevation is at an oblique angle to the street but is visible from the street, when heading west along Winsley Road.

There is currently a reasonable gap between the two dwellings, however the gap does not form a key pattern of development in the area. Many surrounding dwellings have closed visual gaps between dwellings and altered side areas including extensions such as conservatories with extensive pvc material where there would otherwise have been visual gaps. The proposal will therefore not result in an adverse visual impact. In addition, the proposal still includes a 1m side setback to the 89A Winsley Road.

The proposed rendering of the side elevation is not considered to have an adverse impact on the street scene given the oblique angle to the street. In particular, the rendering of the side elevation with cement, sand and lime is not considered to have an adverse impact on the street scene. The proposed render is regularly used in construction in the area and can even be a reasonably close match in colour to the Bath stone if not painted, depending on the type of lime etc used. The plans do not indicate that the side will be painted.

Despite the visibility of the side elevation from the street, the proposed rendering of the side elevation is not considered to harm the street scene. The side elevation will also be partly obscured by virtue of the host dwelling being brought closer to 89A Winsley Road. The inclusion of a single storey rear section to be attached to the two storey component is not considered to exacerbate any impacts on the street scene. The rear single storey section will not be visible at all

from the street. As noted above, there does however need to be further detail on the final look of the colour of the proposed render so as to ensure an appropriate match of existing and proposed materials. This could be secured through use of a standard condition on any consent requiring samples of materials to be used.

Impact on neighbouring amenity

The proposal will not have an adverse impact on adjoining properties. There will be a door to the side accessing the utility area which will allow for direct access to the washing line/rear garden. This will be the same as the existing situation although the door will be approximately 0.6m closer to the adjacent property at 89A Winsley Road. There is not considered to be any adverse impacts on the adjoining occupiers.

There will be negligible impact on the amenity of the adjoining property at 89A Winsley Road in terms of overshadowing. The side of the property at 89A Winsley Road facing the host dwelling is currently extensively self-shadowed. The ground floor of that property contains a garage. Although the proposed side extension will extend a further 0.6m closer to the dwelling at 89A Winsley Road this would not have an adverse impact on sunlight access to the adjacent dwelling. Most shadow will fall to the north of the subject dwelling and onto the existing vehicle access and parking area on the site. There will be no adverse overlooking or privacy impacts. The proposed side elevation does not include any windows. The side of the extension, which is to be rendered, will not have an adverse impact on the outlook from 89A Winsley Road. There will also be a 1m side setback to 89A Winsley Road. As noted above, any consent will need to include a condition requiring samples of the materials to be used and this will include detail on colours to be used.

There will be negligible impact on the property to the rear of the site given the depth of the subject property and the distance (approximately 40m) from the dwelling to the rear of the site.

Other matters

It is noted that the previous town council did not raise any objection to the relatively recently approved application (application no. 05/01271/FUL) which effectively included the same relevant components as the proposed development in the current application, that is a two storey side extension which is to be rendered.

It is acknowledged that a new town council has been elected since that application was granted permission and the current proposal also includes a further single storey rear extension to be attached to the two storey component. However, in the absence of any change of council policy since that decision was made, to refuse permission of the current application on the basis of the proposed treatment of the side elevation, as recommended by the town council, would represent an inconsistency in council decision making. In view of the previous determination in application no. 05/01271/FUL, to require the side elevation to be constructed of Bath stone, is considered to be an unreasonable and onerous requirement for the applicant to meet.

CONCLUSION

The principle of the development has been agreed to by the town council. Despite their concern about the rendering of the side elevation, the proposal is not considered to have an adverse impact on the host dwelling, nor the amenity of neighbours and will not harm the street scene. It is therefore consistent with Development Plan policy and recommended for permission, subject to relevant conditions.

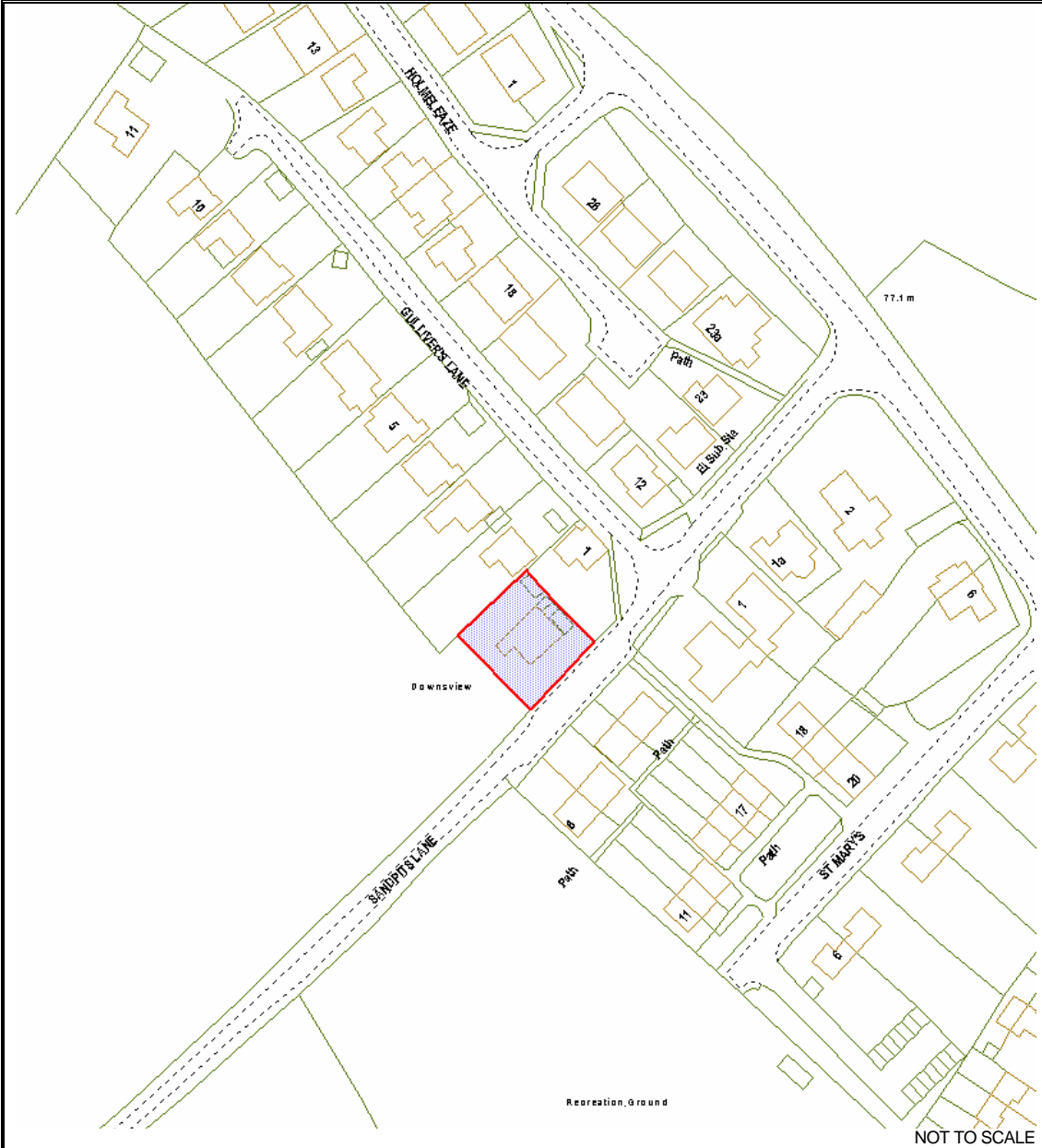
PLANNING COMMITTEE

13 September 2007

ITEM NO: 06

APPLICATION NO: 07/02472/FUL

LOCATION: Downsview Sandpits Lane Steeple Ashton Wiltshire
BA14 6BP



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SLA: 100022961

06 Application: 07/02472/FUL

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

Parish: Steeple Ashton Ward: Summerham
Grid Reference: 390306 157174
Application Type: Full Plan
Development: Two, single storey extensions providing a conservatory, and utility/family room
Applicant Details: Mr And Mrs S Carr
Downsview Sandpits Lane Steeple Ashton Wiltshire BA14 6BP
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Mr Rudolf Liebenberg
Date Received: 31.07.2007 Expiry Date: 25.09.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Steeple Ashton Parish Council object and your Officer's recommend permission.

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

The first extension is a proposed conservatory to the south western side of the building. The plans indicate that it would occupy an area of approximately 28.5 square metres and would be 3.5m in height and this proposal would replace an existing smaller sun lounge.

The second extension, the utility/family room would be for a single storey extension to the north eastern side of the main property. It would occupy a floor area of approximately 28 square metres and would be 4m in height. The proposed extension would replace an existing smaller playroom.

This application is a more considerate approach than under planning application 07/00702/FUL and the applicant has addressed the concerns raised by the Parish Council as well as neighbours, by reducing the height of the proposal from 5m, as under 07/00702/FUL, to 4m as under this planning application.

The table shows the dimensions:

	Floor Area	Height
Conservatory		
Previous (07/00702/FUL)	28.5m ²	3.5m
Current (07/02472/FUL)	28.5m ²	3.5m
Utility/Family Room		
Previous (07/00702/FUL)	28.0m ²	5.0m
Current (07/02472/FUL)	28.0m ²	4.0m

CONSULTATION REPLIES:

- STEEPLE ASHTON PARISH COUNCIL: Object and made the following comments:

"Steeple Ashton Parish Council has concerns regarding this Planning Application. (They note that the conservatory has gained consent and the following is in regard to the utility/family room) and the following objection for Planning Application 07/00702 still stands:

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

They also uphold the reason for part refusal of 07/00702 given by the planning officers, which stated:

The utility/family room extension on the north side of the dwelling would by reason of its height, result in an overbearing impact and loss of sunlight to the neighbouring garden No 1 Gulliver's Lane to the detriment of the occupier's enjoyment of their garden contrary to Policy C38 of the West Wiltshire District Plan – 1st Alteration 2004.

Steeple Ashton Parish Councillors feel that although there is a reduction in height to the apex of the roof from the original Planning Application, due to the redesign of the roof, the reduction of the overall scale and mass has not been addressed, and it appears to be as overbearing as before.

Once again, the site and block plans do not appear to be representative of the site as it currently stands. The garage and extension to the neighbour's house (added more than five years ago) is not indicated on these plans. It is felt that the proposed extension is not to scale and the extension will be larger than shown on the site and block plans.

Furthermore the Council would wish that all responses received from neighbours to the Planning Authority be taken into account prior to the determination of this Application.

Steeple Ashton Parish Councillors would recommend that this Planning application, as it stands is not granted Permission".

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

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

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

The applicant has submitted no support statement under this application.

PUBLICITY RESPONSES

Neighbouring residents were consulted no written objections were received although under the previous application two representations from the same neighbour were received both objecting to the proposal on the following grounds:

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

Under this application one written objection was received from the neighbouring property on Gulliver's Lane and the following issues were raised:

- That no evidence (drawings or photographs) was submitted to show the impact on his neighbouring property and that the drawings and photo's submitted was not representative of any effect there might be on his property at Gulliver's Lane and that the Council is misinformed about the proposed development.

I have visited the neighbouring property at Gulliver's Lane and had a detailed meeting with Mrs Mudge and we agreed that impact on views is not a planning issue but bulk and block of light is. I did explain that the proposal, on their boundary has now been reduced to 4m in height (from 5m) and that the 3.5m rear extension does comply with SPG guidance and, on merit, the proposal complies with Local Plan policy. We agreed that she would write in to raise a formal objection and after deliberation the applicant refused to alter the scheme to a possible playroom over the existing garage, which Mrs Mudge had indicated at the time of the site visit, might be more acceptable.

Our meeting took place for about 45 minutes and we discussed the proposal and objections in detail. The plans and photographs are clear and it seems like a huge argument between the two neighbours are at the heart of the matter. The LPA can only make a recommendation based on the plans and information provided and not resolve personal disputes.

RELEVANT PLANNING POLICY

West Wilts District Plan 1st Alteration 2004

C31a Design
C38 Nuisance

SPG Planning Design Guidance (House alterations and extensions)

Steeple Ashton Village Design Statement

RELEVANT PLANNING HISTORY

05/00907/FUL - Loft conversion and roof enhancement - PERMISSION 04.07.2005.

07/00702/FUL - Erection of single storey extensions for conservatory, utility/family rooms - SPLIT - Part Consent / Part Refusal 16.07.2007.

KEY PLANNING ISSUES

Key to the determination of this application is whether the proposal complies with development plan policy and whether there are any material considerations to outweigh this policy and whether the earlier reason for refusal has been overcome.

PLANNING OFFICER COMMENTS

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

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

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

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

Other material considerations:

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

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

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

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

The proposal by virtue of its scale, height and relationship with the existing buildings on the site, would not represent an overdevelopment of the site.

After careful consideration I conclude that the scale, location and design of the development respects the context of the site and will have no adverse impact on the character of the area or any nearby residential amenity and should therefore benefit from planning permission.

CONCLUSION

After careful consideration I conclude that this proposal is consistent with Development Plan Policy and there are no material considerations to outweigh this policy. The proposal by virtue of the reduction in size, has overcome the earlier reason for refusal.

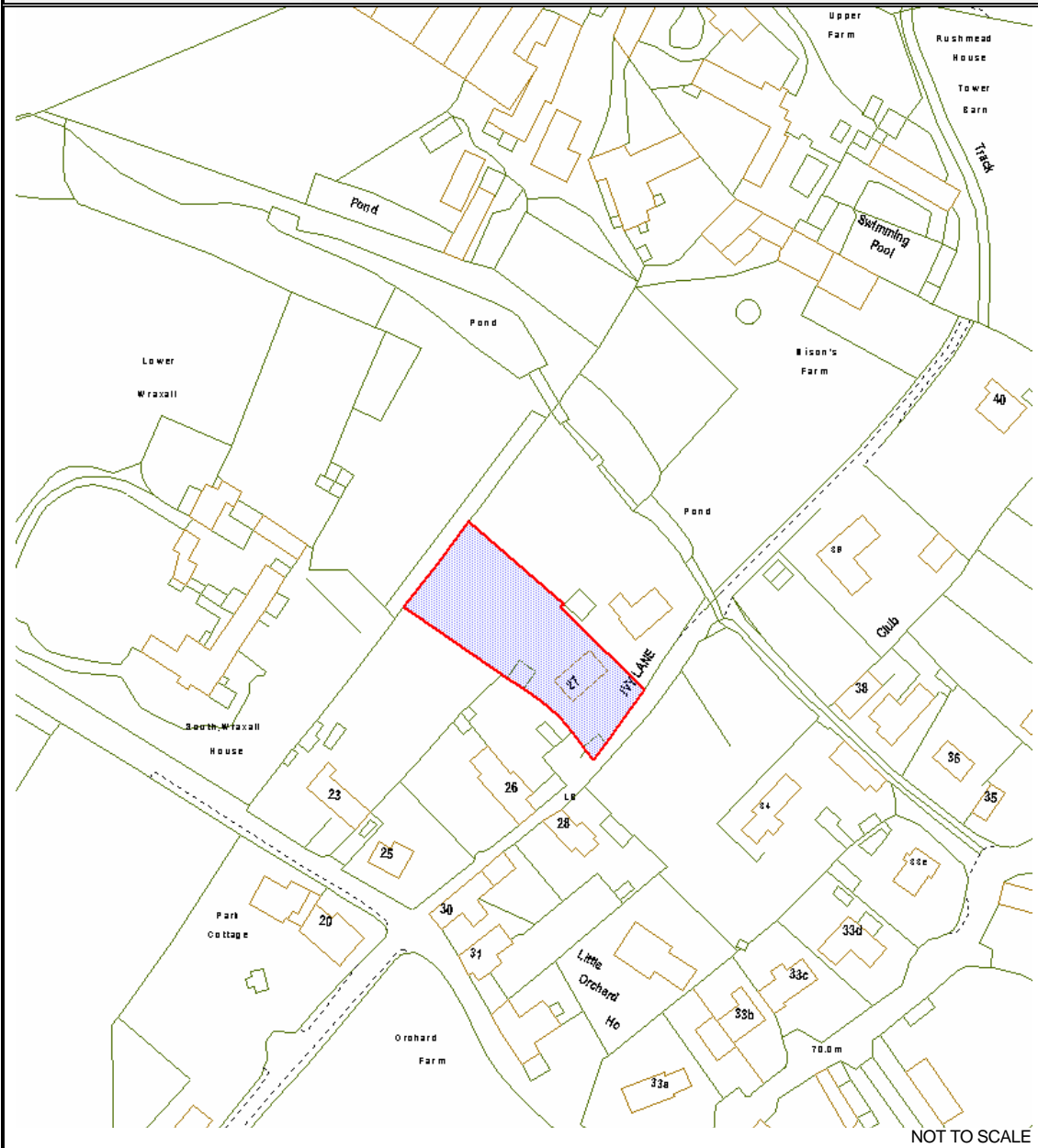
PLANNING COMMITTEE

13 September 2007

ITEM NO: 07

APPLICATION NO: 07/02383/FUL

LOCATION: 27 Ivy Lane South Wraxall Wiltshire BA15 2RZ



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SLA: 100022961

REASON: To ensure the development preserves the character and appearance of the Conservation Area and the setting of the adjacent listed building.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C17 and C27.

COMMITTEE REPORT

APPLICATION DETAILS

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

The proposal involves the demolition of the existing conservatory to the rear, as well as much of the kitchen extension to the side. The latter would be replaced by a new single-storey extension, 16.5 metres in length, but stepping down gradually towards the road. This would provide a double garage and an extended kitchen/dining room. The proposal also involves the reduction in size and height of the existing garage and its use as a guest bedroom with en-suite, and the movement of the vehicular access to the house, away from the common boundary with No 26.

The submission of this application follows negotiations leading to the withdrawal of the previous application (07/01583/FUL).

STATUTORY CONSULTTEES

SOUTH WRAXALL PARISH COUNCIL

No objections, but suggests that conditions should be imposed to maintain the wooden fence along the western boundary and extend the beech hedge along the road frontage.

PUBLICITY RESPONSES

The application was advertised by site notice and neighbour notifications have been carried out. One letter has been received in response, objecting to the proposal on the following grounds:-

- Introduction of substantial built form in advance of existing building line would detract from character and appearance of Conservation Area (although acknowledge that an improvement over previous scheme)
- Overdevelopment of site and insensitive to existing buildings and site boundaries
- Overbearing built form along boundary with No 26
- Loss of part of beech hedge fronting road

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP12 The Western Wiltshire Green Belt
HE7 Conservation Areas and Listed Buildings

West Wiltshire District Plan 1st Alteration (2004)

GB2 Green Belts
C17 Conservation Areas
C19 Alterations in Conservation Areas
C27 Setting of Listed Buildings
C31a Design

PPG2 Green Belts
PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

94/00229/FUL - Single storey rear extension - Permission

99/00182/FUL - Extension of garage to provide annexe & store - Permission

01/01644/FUL - Kitchen extension - Permission

07/01583 - Alterations and extensions - Withdrawn

KEY PLANNING ISSUES

The main issues in this case are whether the proposal amounts to inappropriate development within the Green Belt and whether the proposal preserves or enhances the character or appearance of the South Wraxall Conservation Area and preserves the setting of the adjacent listed building.

PLANNING OFFICER COMMENTS

Green Belt

The whole of the settlement of South Wraxall is "washed over" by the Green Belt. This means that Green Belt policy must be applied, even though the property is well within the settlement, and adjacent to other larger buildings.

The original two storey detached house has a volume of approximately 600 cubic metres. It has since been extended a number of times (see history above). Because the garage has been extended and brought within 5 metres of the house, it has to be included in the calculation for the resulting volume of the property which is some 845 cubic metres, an increase in percentage terms of about 41%.

The current proposals are extensive but involve the removal or reduction in size of all of the permitted extensions. The conservatory (single storey rear extension) would be removed, as would the vast majority of the kitchen extension. The garage would be reduced in size and, because it would no longer be within 5 metres of the main house, would not count towards the resulting volume. The resulting property would measure some 830 cubic metres, an increase in percentage terms of about 38%.

Whilst this increase is larger than would sometimes be permitted to houses in the Green Belt, two factors need to be borne in mind. One is that the house is entirely within a settlement, so any extension would have much less effect on the openness of the Green belt than would the extension of a house in the open countryside. Secondly, the resulting property would, partly because the garage would now be omitted from the calculations and partly because much of the existing extensions would be demolished, be smaller than the existing property. In the circumstances, it is concluded that the proposal would not be disproportionate and would amount to the limited extension of the original building. It would therefore not amount to inappropriate development within the Green Belt.

Conservation Area

The South Wraxall Conservation Area is large and covers all of the older parts of the village. This part of the Conservation Area includes denser, older development to the south-west of the site, with Ivy Lane running past the site, soon turning into a footpath heading across the fields towards the other half of the village.

The current application has been amended from that originally submitted as 07/01583/FUL. Of particular relevance to the Conservation Area is that the garage, which is the forward-most part of the proposals, has now been sunk into the ground by 1 metre, allowing a consequent reduction of the eaves and ridge of the roof by 1 metre. The height of this element would have interfered with views of No 26 and other buildings in the historic part of the Conservation Area from Ivy Lane (as a footpath) to the north-east. The reduction in height should mean that the proposed garage is no

more prominent or intrusive in those views than the existing timber fence separating No 27 from No 26. The projection towards the Lane in itself would not be out of character with the area, given that immediately south-west of the site, both Nos 26 and 28 extend right up to the edge of the Lane.

The proposal also involves the moving of the vehicular access into the property. This would entail the removal of a section of beech hedge, but a section of similar size could be planted to fill the gap that is currently the access to the house. At present, the existing access provides clear views from the Lane of a large area of tarmac, stretching right back to the garage behind the house. The proposed new arrangement would reduce the area of hard-surfacing and make it less intrusive within the Conservation Area, as the new access would give views over a smaller area of driveway and then to the house and flowerbeds in front of the house. Taking the scheme as a whole, it is considered that it would preserve the character and appearance of the South Wraxall Conservation Area.

The effect on the setting of 26 Ivy Lane, the listed building to the south-west, is similar to that on the Conservation Area. Whilst there would be more buildings on the common boundary than is currently the case, these would not, for the most part, be high. The effect on views of the listed building from Ivy Lane to the north-east would be much reduced compared to the previous scheme. It is considered that the height of the garage would not impinge on the views and the rest of the proposed extensions would not have an adverse effect. It is concluded that the setting of the listed building would be preserved.

CONCLUSION

The proposal would not amount to a disproportionate addition to the original building and would not have any material effect on the openness of the Green Belt. It would preserve the character and appearance of the Conservation Area and the setting of the listed building. It is therefore recommended that planning permission be granted.

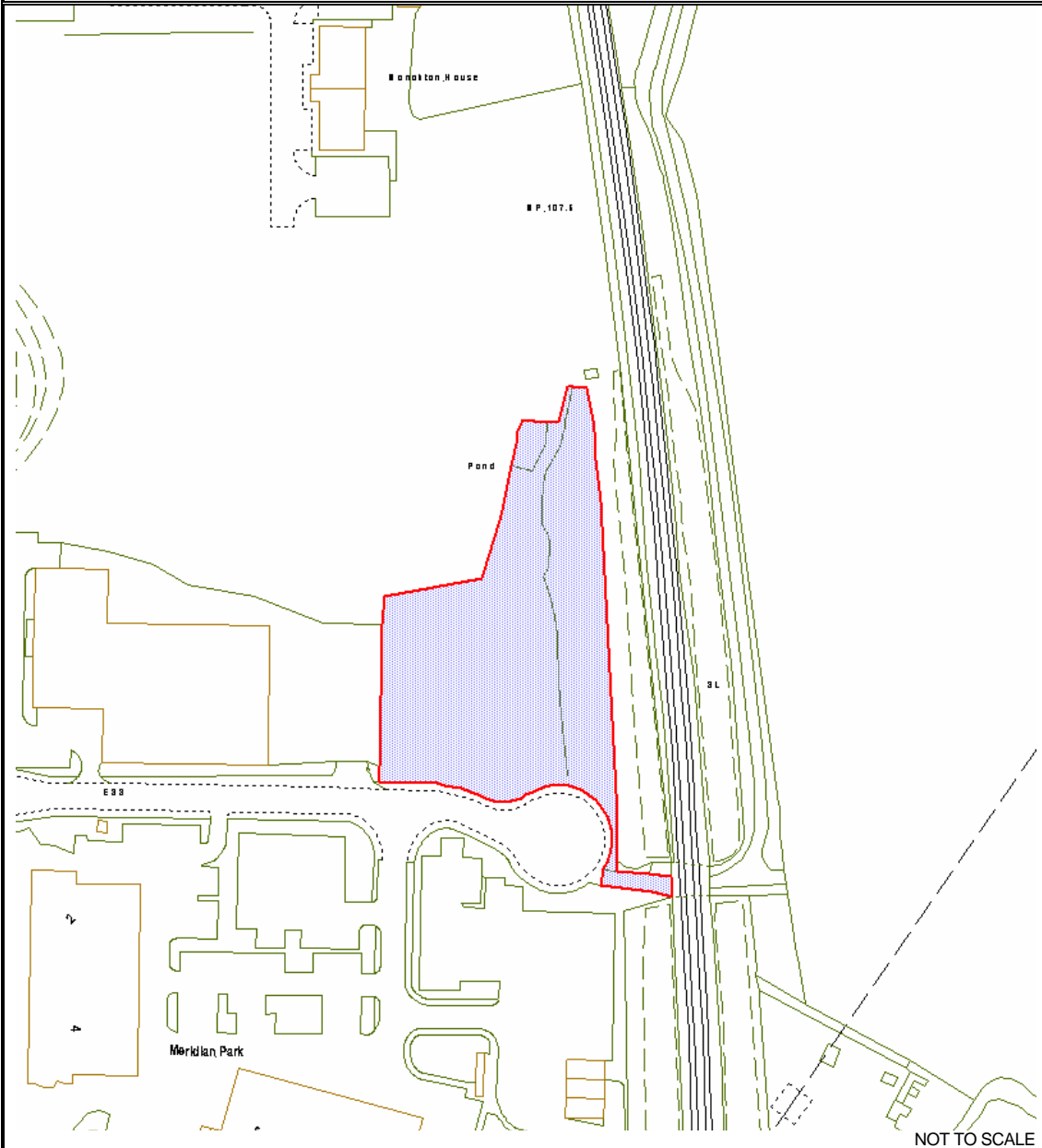
PLANNING COMMITTEE

13 September 2007

ITEM NO: 08

APPLICATION NO: 07/02106/FUL

LOCATION: Land East Of Acheson And Acheson Meridian
Business Park North Bradley Wiltshire



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 07/02106/FUL

**Site Address: Land East Of Acheson And Acheson Meridian Business Park
North Bradley Wiltshire**

Parish: North Bradley

Ward: Trowbridge And North
Bradley

Grid Reference 386441 155337

Application Type: Full Plan

Development: Additional warehouse and packing facilities building

Applicant Details: Acheson And Acheson
Meridian Business Park North Bradley Trowbridge Wiltshire BA14
0BP

Agent Details: BBA Architects Ltd
Henrietta Mews Bath BA2 6LR

Case Officer: Mr Mark Reynolds

Date Received: 21.06.2007

Expiry Date: 20.09.2007

REASON(S) FOR RECOMMENDATION:

The proposal is contrary to the development plan however material planning considerations indicate that a decision should be made not in accordance with the development plan in this case.

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 the uprating of the Yarnbrook pumping station and pumping main, as identified by Wessex Water 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 Notwithstanding the approved plans 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.

4 There shall be no outside storage or display of goods, materials, plant machinery and equipment or other items unless 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 E2.

5 The development hereby permitted shall not be occupied until the sewage disposal works proposed as part of the development scheme have been completed in accordance with the submitted and approved plans.

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 the approved details unless otherwise agreed 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 The approved boundary treatments shall be completed before the building is 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 C31a and C32.

Note(s) to Applicant:

1 The applicant is informed that the granting of planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licenses required as described in Part IV B of the Circular 06/2005.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because it represents a departure from the Development Plan.

This is a full planning application for an additional warehouse and packing facilities (B8) building at Land east of Acheson and Acheson, Meridien Business Park, North Bradley. The main block of the proposed building would be 43m by 35m standing 10.5m in height to ridge level. The walls of the building would be constructed with composite panels with a low level facing brick plinth. The roof of the building would also be constructed in composite panels.

The application site is on land which slopes west to east and consequently the building will be surrounded on three sides by a permacrib retaining wall. The building would utilise an existing service yard. The application site is located within an employment policy area as allocated by a Policy E2 allocation of the West Wiltshire District Plan 1st Alteration 2004.

CONSULTATION REPLIES

NORTH BRADLEY PARISH COUNCIL

Raise no objections

STATUTORY CONSULTEES

HIGHWAY AUTHORITY

The proposed extension would not have an adverse effect on the highway therefore no objection is raised. They initially requested a green travel plan but have subsequently withdrawn this request.

WESSEX WATER

Raise no objections however they note that foul flows from this site would discharge to the Yarnbrook pumping station. The station is operating at capacity, and the developer would be required to contribute to the cost of uprating the station and pumping main.

NETWORK RAIL

Raise no objection in principle however make comments on fencing, drainage, safety, ground levels, site layout, landscaping, environmental issues and plant, scaffolding and cranes.

NATURAL ENGLAND

Raises no objections

WILTSHIRE WILDLIFE TRUST

Withdraws its holding objection following the receipt of an ecological survey

ENVIRONMENT AGENCY

Wish to make no comment on the application

WILTSHIRE AND SWINDON BIOLOGICAL RECORDS CENTRE

Advise that Great Crested Newts were found within 1km of the site.

PLANNING POLICY

Advise that the development is acceptable in policy terms

COUNCIL'S DRAINAGE ENGINEER

Requested additional information on drainage which was received and he advises that there are no objections to the proposal.

BUILDING CONTROL

Wish to make no comments at this stage

ENVIRONMENTAL HEALTH

Raise no objections

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring sites, and by site notices. No comments have yet been received to date.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016

DP1	Priorities for sustainable development
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
E2	Employment policy areas
T10	Car parking
U1a	Foul water disposal
U2	Surface water disposal

White Horse Information and Development Brief

National Guidance

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

RELEVANT PLANNING HISTORY

90/0656/OUT - Class B1 development - Allowed at appeal 28.06.91
99/0121/OUT - Development of land for B1 use - Permission 27.04.99
99/01486/REM - Construction of offices (B1) with associated production and warehousing - Approval - 08.12.1999

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of planning policy, design, highway safety, drainage and protected species.

PLANNING OFFICER COMMENTS

Policy

The application site is located within an employment policy area as allocated by Policy E2 (C) of the West Wiltshire District Plan 1st Alteration 2004. The allocation does not support the introduction of B8 storage and distribution uses at the site. The Planning Policy team have advised that this policy originates from an appeal decision in 1991 (90/0656/OUT) which by condition restricted the uses on the site to B1 business purposes. The proposal is contrary therefore to the Development Plan and has been advertised as a Departure.

Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

In this case it is important to consider whether there are any material considerations to indicate that a decision contrary to the Development Plan should be taken. The intention of this employment land allocation was to provide a high quality, low density built development within a heavily landscaped parkland setting. The area was highlighted as a site for high technology, light industrial uses in the White Horse Information and Development Brief (1985).

However the planning history of the site is a material consideration and must be taken into account. Notwithstanding the restrictive condition planning permission was approved for a mixture of B1 office space on the frontage to the main road and B8 use behind and was granted in 1999 under 99/01486/REM. This has, in effect, set a precedent at this particular site that some B8 floorspace is acceptable.

This existing development has been integrated well within the business park environment. This current proposal is required for the expansion of this business use and the building design and landscaping would be in keeping with the character and appearance of the area. The development should not, in this context, harm the function of the business park as a whole, but instead would act to secure the development of an additional portion of the land allocated for employment development whilst ensuring the retention of Acheson and Acheson as an employer at the existing site. The planning policy team support such an approach because other material considerations indicate that there should not be a policy objection in principle to this proposal.

This proposal would introduce an additional footprint of 1511sq.m of almost exclusively B8 space. The existing warehouse has over 1132sq.m of B8 office space. However given the scale of the original land allocation this additional increase in B8 footprint is not considered to represent a significant departure from the Development Plan that would prejudice the implementation of planning policy E2(C) of the West Wiltshire District Plan 1st Alteration 2004. It is not therefore considered to be significant enough to be referred to the Secretary of State in accordance with the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

Design

The proposed building has been designed to face the existing goods yard so that this goods yard can become dual aspect being used for both the existing and proposed buildings. The building itself has been designed to match the existing building in height and in terms of its appearance utilising cladding. The materials proposed are consistent with neighbouring buildings and subject to a condition regarding samples of materials the design of the building is considered acceptable.

Highway safety

The Highway Authority have raised no objections to the proposal on the grounds of highway safety and their views are supported in this case.

Drainage

The Council's Drainage Engineer requested further details on the drainage implications of the scheme. These have been submitted and are considered acceptable by the Drainage Engineer. Wessex Water have advised that foul flows from the site would discharge to the Yarnbrook pumping station. This pumping station is operating at capacity and the developer will be required to contribute to the cost of upgrading the station and pumping main. This will involve a financial contribution being made and will need to be secured through a legal agreement. Wessex Water is currently being asked to confirm how much this contribution will be.

Protected species

The application has been supported by a survey for great crested newts. Both Natural England and the Wiltshire Wildlife Trust have advised that they endorse recommendations made by Ecosulis Ltd who have produced the report. A Great Crested Newt License would need to be prepared and submitted to Natural England prior to any construction works which would include a detailed method statement, mitigation strategy and habitat enhancement proposals, a management plan and requirements for ongoing population monitoring.

Neighbouring amenity

There are no residential properties in close proximity to the site. The proposed development would be compatible with the surrounding employment uses and the Environmental Health department raise no objections to the development.

OTHER ISSUES

Network Rail have raised concerns regarding a trespass and vandalism risk noting that fencing should be erected parallel to the track. This proposal incorporates 2.4m high security fencing adjacent to the train track which accords with Rail Tracks suggested guidelines.

CONCLUSION

Although technically contrary to the Development Plan policy, the history of the site is a material consideration which supports a recommendation for permission.

09 Application: 07/02361/FUL

Site Address: 90 Station Road Westbury Wiltshire BA13 3JR

Parish: Westbury Ward: Westbury Ham
Grid Reference 386645 151695
Application Type: Full Plan
Development: Extension and alterations to form chalet bungalow
Applicant Details: Mr And Mrs Wells-Pearce
90 Station Road Westbury Wiltshire BA13 3JR
Agent Details: Hedley Rodgman
12 Cotton House Gardens Warminster Wiltshire BA12 9EJ
Case Officer: Mr Clive Miller
Date Received: 20.07.2007 Expiry Date: 14.09.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 The proposed extension and alterations would result in a significant change to the scale and form of the existing dwelling seen in relationship to other dwellings of a similar appearance which would adversely affect the visual amenity of the locality and would not accord with Policy C31a in the West Wiltshire District Plan 1st Alteration 2004 or the Councils Supplementary Planning Guidance-House Extensions and Alterations.
- 2 The proposed rooflights on the two side elevations would result in an unacceptable loss of privacy to adjoining dwellings which would not accord with Policy C38 in the West Wiltshire District Plan 1st Alteration 2004 or the Councils Supplementary Planning Guidance-House Extensions and Alterations.

COMMITTEE REPORT

APPLICATION DETAILS:

This site lies on the north side of Station Road in Westbury. The existing dwelling is part of a row of similarly designed single storey dwellings all with brick walls and hipped roofs. The proposal has been submitted as a result of a refusal for permission in June last under delegated powers to erect extensions and to raise the roof height of the dwelling.

This revised scheme involves providing bedroom and ensuite accommodation in an enlarged roof area. The existing roof height would be raised and one overall hipped roof formed with windows and rooflights on all roof slopes except the front. The integral garage which was refused has been omitted from this scheme.

The Ward Member has requested that this application be considered by Committee so that a public debate can take place.

CONSULTATION REPLIES:

WESTBURY TOWN COUNCIL:

No objections.

PUBLICITY RESPONSES:

Individual letters have been sent and one letter of objection has been received from the occupier of the bungalow to the south east on grounds of loss of light.

RELEVANT PLANNING HISTORY:

Please see details set out in application details above.

PLANNING POLICY:

West Wilts District Plan 1st Alteration 2004
C31a-Design
C38- Nuisance
SPG- House extensions and Alterations

KEY PLANNING ISSUES:

- impact on street scene
- impact on host dwelling
- impact on amenity and privacy of adjoining properties

PLANNING OFFICER'S COMMENTS:

These proposed works would still result in a significant change to the form and scale of the existing dwelling. The property forms part of a row of dwellings of similar form and scale and in such a clearly defined visual context the development would appear visually incongruous and out of place. The overbearing effect on the adjoining property to the north east has been overcome but concerns remain about the potential loss of privacy caused by the rooflights in the roof slopes.

CONCLUSION:

This proposal is still considered to be contrary to the Councils SPG and relevant Local Plan policies.

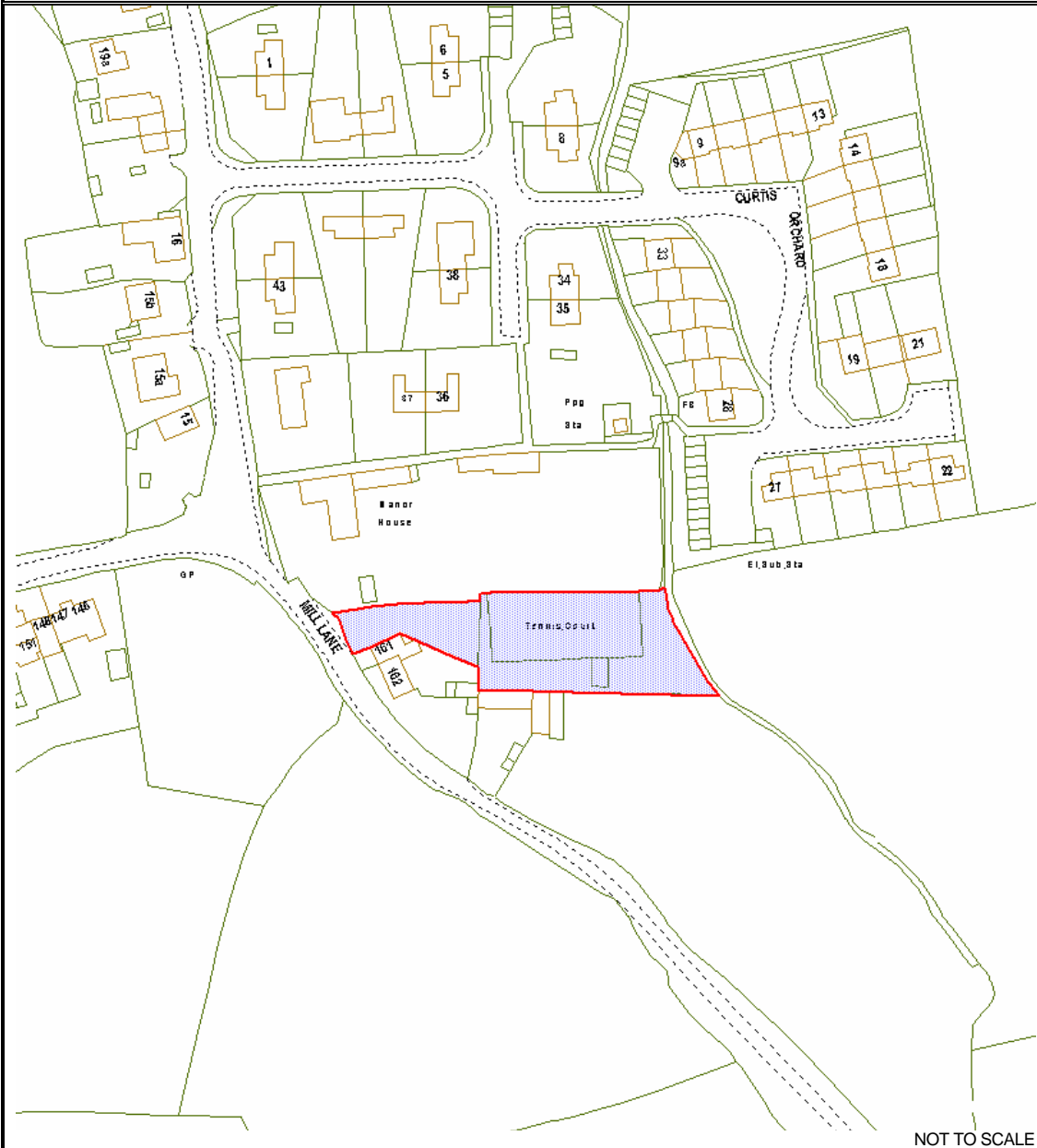
PLANNING COMMITTEE

13 September 2007

ITEM NO: 10

APPLICATION NO: 07/01674/FUL

LOCATION: Land Adjacent Manor House The Street Broughton
Gifford Wiltshire



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SLA: 100022961

10 Application: 07/01674/FUL

Site Address: Land Adjacent Manor House The Street Broughton Gifford Wiltshire

Parish: Broughton Gifford Ward: Avonside
Grid Reference: 387980 163465
Application Type: Full Plan
Development: New house
Applicant Details: Mr And Mrs O'Sullivan
The Manor House The Street Broughton Gifford Wiltshire
Agent Details: Batterham Matthews Design
1 Tollbridge Studios Tollbridge Road Bath BA1 7DE
Case Officer: Mr Matthew Perks
Date Received: 16.05.2007 Expiry Date: 11.07.2007

REASON(S) FOR RECOMMENDATION:

The proposed development would not materially affect the amenities of the neighbours and would not significantly harm any interests of acknowledged importance.

RECOMMENDATION: Planning permission be granted at a future date in the event that the Development Control Manager is satisfied as to the prior completion of a Legal Agreement to secure a developer's contribution towards the provision of affordable housing in accordance with policy.

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 garages and driveway areas indicated on the approved plans together with the means of access thereto shall be completed and made available for use before the premises are 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.

- 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 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Broughton Gifford Parish Council object and your officers recommend permission.

This is an application for full planning permission for a new dwelling on land adjacent to Manor House, The Street, Broughton Gifford. The proposal is a resubmission of an application that was granted permission under reference 98/00398.

The land currently forms part of the curtilage of Manor House, a Grade II* Listed Building. The majority of the site is currently under hard surfacing as a tennis court but an existing stone and clay-tile building would be incorporated into the dwelling. The site falls within the Conservation Area.

The proposed dwelling would be a four-bedroomed bungalow of natural stone under clay double roman tiles. A double garage would be integral to the building. The building would be fairly low profile with a roof ridge height of approximately 6m. Access would be via an existing entrance to the site off of Mill Lane.

CONSULTATION

BROUGHTON GIFFORD PARISH COUNCIL: Object.

The Parish Council state:

"This is a renewal of an application previously given permission, which has now lapsed. The proposed bungalow is very extensive but will not be seen from the road. The Parish Council does not object in principle to the site being used for housing. However, the Parish Council had reservations about the size of the proposed building possibly being an overdevelopment of the site, with no visible car parking allowance for up to possibly four cars being in use. On street parking is definitely not an option in the area.

The Parish Council would anticipate that as permission had lapsed, this application will be judged on the current planning policy criteria. Therefore, if given permission would have to have consideration for an affordable housing element included."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objection.

WESSEX WATER

No objection.

ENGLISH HERITAGE

"The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."

INTERNAL WWDC CONSULTATIONS

HOUSING SERVICES

The housing officer advises as follows:

"I can confirm that Broughton Gifford is regarded as rural and as such the usual AH policy applies - 50% AH provided on site, preferably rented, on a nil subsidy basis, in perpetuity and managed by an RSL which is a member of the Council's Preferred Development Partnership. In this case, because that will result in half a house, we will take a commuted sum in lieu.

There are 11 households in priority need in Broughton Gifford.

The needs are supported from the waiting list and the housing needs survey. The WL indicates that 27% of households require 1 beds, 27% of households require 2 beds and 45% of households require 3 beds.

The Housing needs Survey confirms that the greatest desire is for 2 beds across all tenures.

We would therefore be seeking 50% of a commuted sum based on a 2 bed house. In Broughton Gifford this figure would be in the region of £55,373, however, this is an indicative sum and we would encourage the applicant to contact us to discuss the commuted sum in more detail.

Of course, if the applicant is unable to afford to make a contribution due to the viability of the scheme, provision exists for the applicant to enter into an open book appraisal which will test whether the viability of the scheme is prejudiced by the contribution and, if so, enables a reduced commuted sum to be made.

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

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

The applicant was advised of the affordable housing requirement and has entered into discussion with Housing Services.

PUBLICITY RESPONSES

Neighbours were notified of the proposal and a public notice was posted. No comments were received.

PLANNING POLICY

Wiltshire and Swindon Structure Plan 2016
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
C38 - Effects of development on neighbouring properties
C31a - Design
H2 - Affordable housing within Towns and Villages
H17 - Village Policy Limits
T10 - Parking

PPS3 - Housing

RELEVANT PLANNING HISTORY

98/00398/FUL: Dwelling: Permission: 29.07.1998

KEY PLANNING ISSUES

The site history is a material consideration. The issues in this case are the principle of the development of a dwelling on this site within the Conservation Area and the setting of the Grade II* listed building, and highway considerations.

PLANNING OFFICER'S COMMENTS

The building is within the Village Policy Limits of Broughton Gifford where new residential development is permissible subject to the criteria in policy H17 of the West Wiltshire District Plan, 1st Alteration including the local setting and neighbour amenity. Due consideration is also required in relation to conservation area and the listed building setting.

- Setting in Conservation Area and setting of Listed Building

The proposed dwelling is identical in design and location to that previously granted permission under application reference 98/00398/FUL. The dwelling would be a large four bedroom property of materials matching the existing outbuilding which it is proposed to incorporate into the structure. There are other residential properties in the vicinity, of varying character and form. The site is not visual to the street frontage or prominent to neighbouring dwellings. The building would be within the setting of the Grade II* Listed Building, but at a distance of some 45m. The boundaries to the site are well vegetated with trees and hedges.

- Highway issues

The Highway Authority does not object to the proposal. The comments of the Parish Council are noted, but the plan indicates an integral double garage to the dwelling, as well as a hard standing available for additional parking.

- Affordable Housing

There has been a material change to affordable housing Policy subsequent to the previous granting of permission. This proposed dwelling is located within village policy limits and an affordable housing contribution in line with Policy H2 of the West Wiltshire District Plan 1st Alteration 2004 and the Supplementary Planning Guidance - Affordable Housing therefore applies. Any permission should therefore be subject to an agreement on affordable housing provision.

- Principle of residential development

The history of the site carries weight where the principle of the residential development on the site was accepted. Current Policy in the form of Policy H17 (Village Policy Limits) of the West Wiltshire District Plan 1st Alteration, 2004 permits new residential development. Government Guidance in the form of PPS3 (housing) represents another material change to the Policy Environment. This guidance encourages Local Authorities to pursue residential development at a minimum average density of 30 units per hectare, but that development should be in keeping with surrounding development. This proposal at 5 units per hectare is significantly below that. However, the Conservation Area and Listed Building setting are primary considerations in this case, and a higher density would not be appropriate.

The proposal would not harm neighbouring amenity.

CONCLUSION

The proposal is the same as the previously approved plan. Whilst there have been material changes to the policy environment these changes are not considered to relate to the design of the dwelling. Planning permission is therefore recommended.

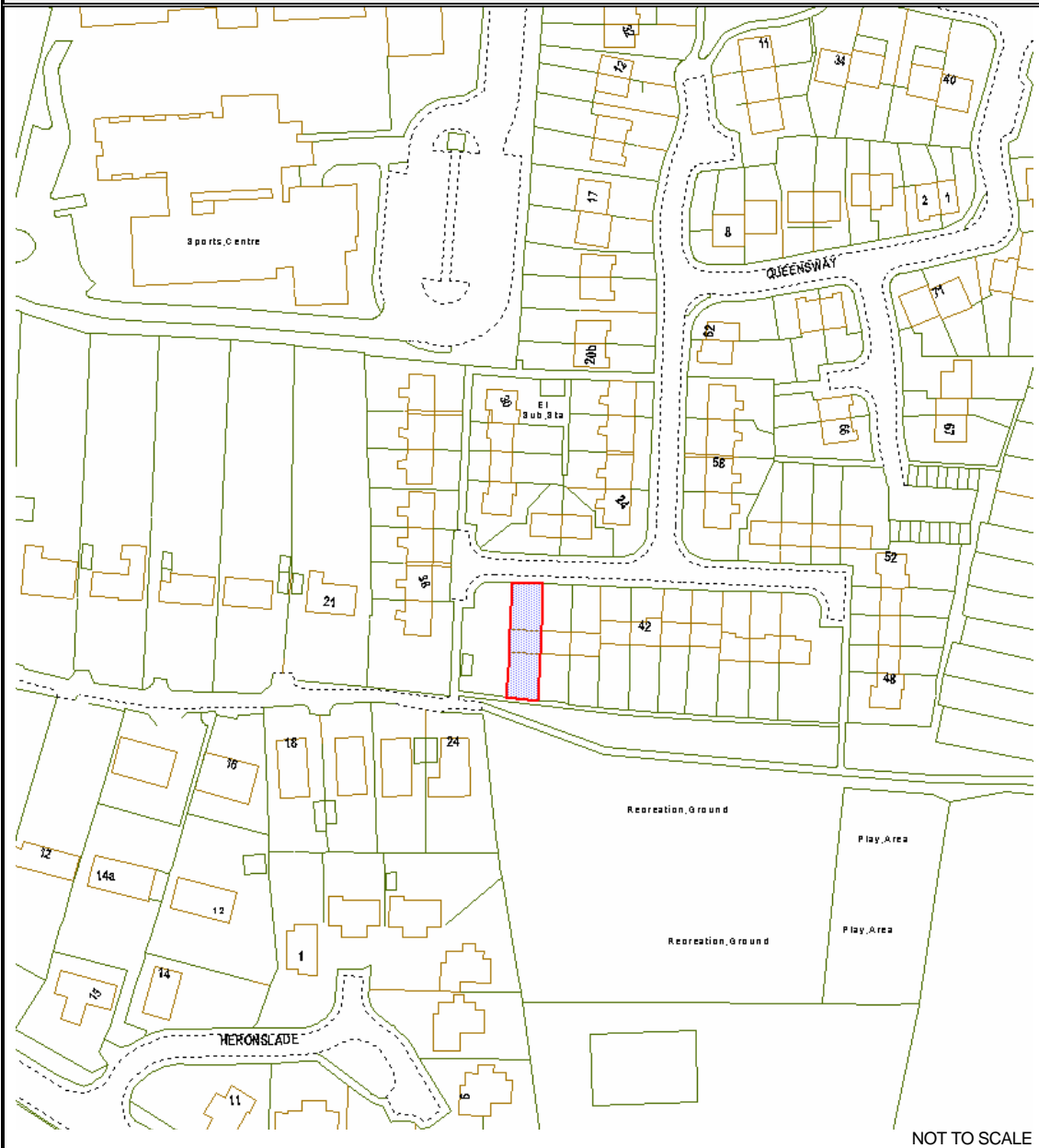
PLANNING COMMITTEE

13 September 2007

ITEM NO: 11

APPLICATION NO: 07/02147/FUL

LOCATION: 38 Queensway Warminster Wiltshire BA12 9DW



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Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

11 Application: 07/02147/FUL

Site Address: 38 Queensway Warminster Wiltshire BA12 9DW

Parish: Warminster Ward: Warminster East
Grid Reference: 388776 144560
Application Type: Full Plan
Development: Conversion of dwelling to 2 no maisonettes and ground floor extension
Applicant Details: DS Windows
Unit 21 White Hays South WWTE Westbury BA13 4JT
Agent Details: Mr E C Stockley
40 Clarendon Avenue Trowbridge Wilts BA14 7BN
Case Officer: Mr Mike Muston
Date Received: 02.07.2007 Expiry Date: 27.08.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

- 2 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 Before the access hereby permitted is first brought into use, the driveway and parking area shall be properly consolidated and surfaced (not loose stone or gravel).

REASON: In the interests of highway safety

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

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

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

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

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

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

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

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

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

- 7 Prior to the occupation of the dwellings hereby granted permission the car parking spaces shown on the approved plans shall be provided and kept available for the parking of cars at all times.

REASON: In the interests of highway safety

COMMITTEE REPORT

APPLICATION DETAILS

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

This current application follows an appeal decision on application 06/01216/FUL, which allowed the conversion of No 38 into 2 two bedroom flats (one on each floor) the erection of 2 no. two bedroom terraced houses on land to the west and the formation of 8 parking spaces. This application leaves the two houses and the 8 parking spaces unaltered but proposes a different arrangement for No 38 itself.

The building would be divided vertically to form 2 no. 2 bed maisonettes rather than 2 flats. A single-storey lean-to extension, some 2 metres in depth, is proposed at the rear to allow the property to be divided into 2 no. two bedroom houses. The extension would be used to provide the two kitchens.

STATUTORY CONSULTEES

WARMINSTER TOWN COUNCIL

Commented that they were not happy with this, as additional spaces means more cars and still a danger to children playing in the area and that the District Council be asked to revisit the entire scheme as this has diverted from the original appeal.

HIGHWAY AUTHORITY

No objections - suggest the imposition of a condition (condition 3 above).

WESSEX WATER

No objections raised.

PUBLICITY RESPONSES

The application was advertised by site notice and 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
C38 Nuisance

SPG on extensions and alterations

RELEVANT PLANNING HISTORY

04/01792/FUL - Pair of 2 bed starter homes - Withdrawn

06/00481/FUL - Conversion/extension to form 5 flats - Refused

06/01216/FUL - Conversion/extension to form 2 houses & 2 flats - Allowed at appeal

KEY PLANNING ISSUES

The only differences between this scheme and the one allowed at appeal are the different way No 38 is subdivided into 2 units, the erection of the single-storey extension at the rear and the omission of a fire escape at the rear. The main issues are, therefore, the effect of these elements on the character and appearance of the area and the living conditions of nearby residents.

PLANNING OFFICER COMMENTS

Character and appearance

The only difference between the scheme allowed at appeal and that before Committee, when seen from any public viewpoint, is that the porches on the front elevation of No 38 are different. It now features 2 porches together in the middle of the house, rather than one canopy in the middle and one porch at the end, as previously proposed. The single-storey rear extension would not be visible from any public area. The new disposition of the porches would not look out of keeping in the street scene and there would be no adverse effect on the character or appearance of the area.

Living conditions of neighbours

The single storey rear extension would be 2 metres in depth and set 0.5 metre away from the neighbouring house, No 39. It would comply with the SPG on extensions and would have no material effect on the neighbour. The removal of the fire escape, which is not needed now that the proposal is to divide the house vertically rather than horizontally, would remove any possible overlooking from occupiers using it.

Highway Safety

There would be no effect on highway safety as the number of units proposed, the number of bedrooms proposed, the number of car parking spaces proposed and the layout of those spaces are all unchanged.

CONCLUSION

The proposal would be very similar to that allowed at appeal. The changes from those approved plans are not significant and would cause no harm to the area in any way. It is therefore recommended that planning permission be granted.

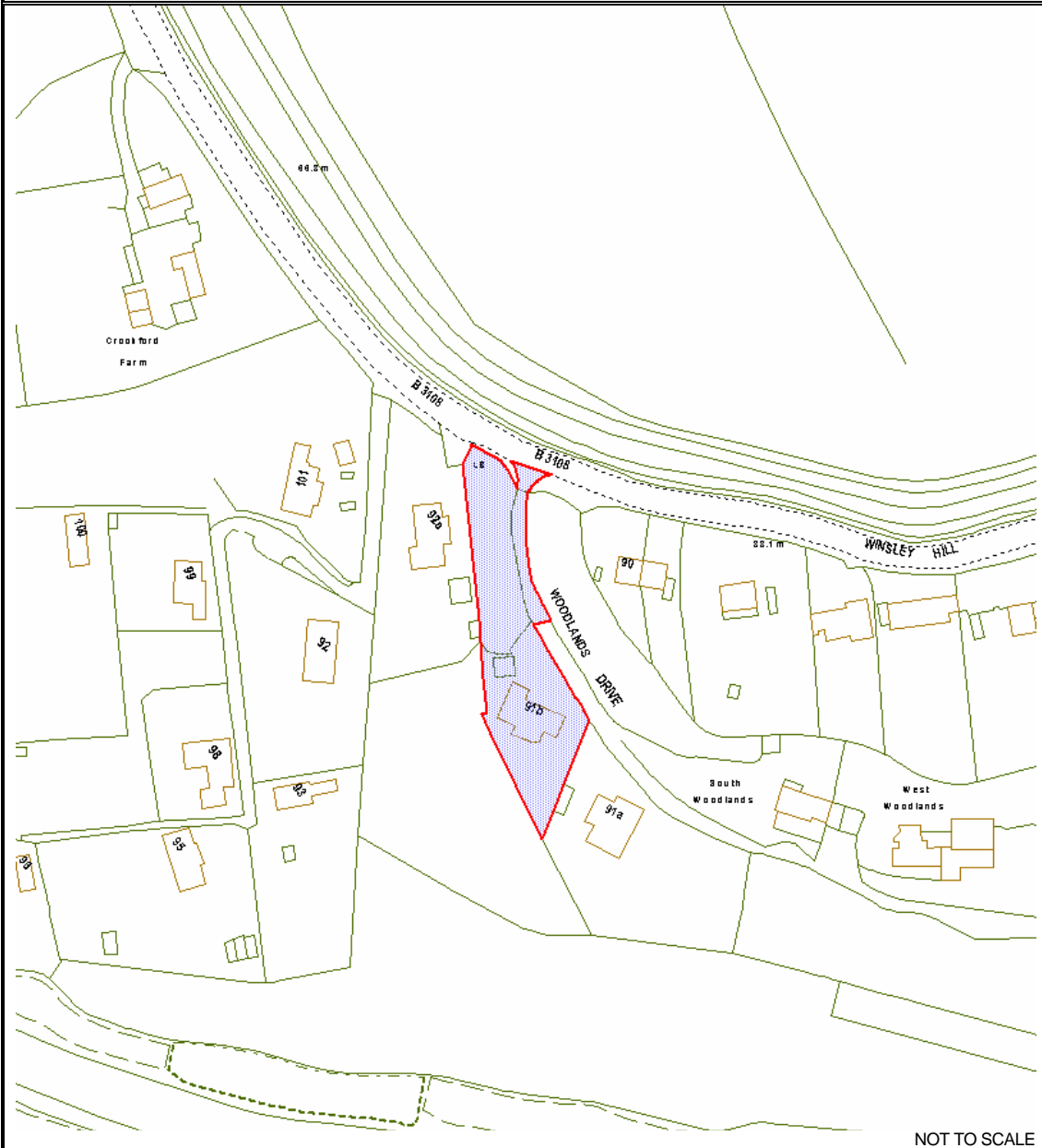
PLANNING COMMITTEE

13 September 2007

ITEM NO: 12

APPLICATION NO: 07/02253/FUL

LOCATION: Heronsview 91B Winsley Hill Limpley Stoke Wiltshire
BA2 7JN



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SLA: 100022961

12 Application: 07/02253/FUL

Site Address: Heronsview 91B Winsley Hill Limpley Stoke Wiltshire BA2 7JN

Parish: Winsley

Ward: Manor Vale

Grid Reference 378618 160929

Application Type: Full Plan

Development: Replacement dwelling

Applicant Details: Mr And Mrs Shirley
Heronsview 91B Winsley Hill Limpley Stoke Wiltshire BA2 7JN

Agent Details: Vines & Lipscombe
Boyers House Black Horse Lane Westbury Leigh Westbury
Wiltshire

Case Officer: Miss Julia Evans

Date Received: 09.07.2007

Expiry Date: 03.09.2007

RECOMMENDATION: Refusal

Reason(s):

- 1 Policy GB2 of the West Wiltshire District Plan - 1st Alteration states that in the Western Wiltshire Green Belt approval will not be given except in very special circumstances for the replacement of existing dwellings provided that the new dwelling is not materially larger than the dwellings to be replaced. The size of the replacement dwelling would be materially larger than the existing dwelling, and would be a disproportionate addition over and above of the size of the original building. The proposal is not supported by any material consideration which would justify making a decision contrary to the Development Plan. The proposed development is therefore not in accordance with Policy GB2 and would constitute inappropriate development resulting in a loss of openness of the Green Belt.
- 2 Policy H20 of the West Wiltshire District Plan - 1st Alteration states that the replacement of existing dwellings in the countryside will be permitted provided the new dwelling is not materially larger than the dwelling to be replaced. The proposed dwelling is materially larger than the existing dwelling and is therefore a substantial alteration to the size of the existing property that is contrary to this policy.
- 3 Policy C2 of the West Wiltshire District Plan - 1st Alteration states that priority will be given to the landscape over other considerations and that development proposals likely to be detrimental to the special landscape character will not be permitted. The size of the proposed dwelling, and its siting, orientation, and design in this prominent location is considered detrimental to this nationally important landscape, and therefore contrary to this policy.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee at the request of Councillor Walker in the interests of public debate.

This is a full application for a replacement dwelling at 91B Winsley Hill, Limpley Stoke. The existing bungalow is located along Woodlands Drive, which is a private road accessing onto Winsley Hill. The property is to the south of the Drive and occupies a steeply sloping site which has extensive views over the Limpley Stoke valley. The existing property is single-storey to the north elevation and two-storey to the south, reflecting the steepness of the site. It is constructed of render walls with felt shingles to the roof. In the northwest corner of the property lies a double garage with attached wood store to the rear. To the west of the site lies a grassed paddock. The area is dominated by the steeply sided Limpley Stoke valley and extensive woodland, amongst which on the gentler sloping areas are residential properties.

This is the second application on the site for a replacement dwelling. The current proposal is identical to that refused under reference 06/03853/FUL. The proposal seeks to replace the existing property with a replacement dwelling constructed of natural random rubble and dressed stone walling, with natural slate to the roof. The northern elevation would be single-storey, whilst the other three elevations would be two-storey. The proposed dwelling would require the demolition of the existing bungalow to allow for the construction of the new property. The double garage and wood store would be retained and no changes would be made to the property's access.

A Design & Access Statement has been submitted which concludes that:

"The proposal is in accordance with local planning policies for small scale development in existing settlements. It also follows the national guidance contained within PPG3. Furthermore the proposal will enhance this plot within the small settlement at Winsley Hill, as it uses better, more traditional and more durable and energy efficient building materials. The proposed design is more in keeping with this setting, which will help to reinforce the local architectural identity where, one might say, there are examples of inappropriate and bland design."

A Protected species Report has also been submitted with the application. This concludes:

"Conclusions. 1) There is no evidence to suggest that large numbers of bats are roosting in the bungalow.
2) The small opening in the southeast gable apex of the bungalow is the only possible bat entry point.
3) There is evidence to suggest that bats, most probably a Pipistrelle (*Pipistrellus* sp), are roosting in the garage.
4) It is possible that other crevice dwelling bats could roost unseen in wall cavities.
5) The replacement dwelling proposed for the site will be a similar size and height to the current bungalow, but will be sited approximately 2 metres further away from the retained garage. Detailed on Drawing No. VLDG 2006/66/02 as provided by Vines and Lipscombe Design Group.
6) Construction in line with the development proposals as detailed on the drawing identified at 5.5. above is not expected to disturb the bats in the garage roost site.
7) Existing boundary hedges and other landscape features will be retained."

The site lies within the Western Wiltshire Green Belt, the Cotswolds Area of Outstanding Natural Beauty, and a Site of Nature and Conservation Interest.

CONSULTATION REPLIES:

- WINSLEY PARISH COUNCIL: "Wishes to make no comment on this application."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: State: - "I note that the application is similar to W06.3853, where the following condition was recommended.

"I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:- The dwelling(s) hereby approved shall not be occupied until the turning space shown on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept clear of obstructions at all times. Reason: In the interests of Highway safety."

- WILTSHIRE WILDLIFE TRUST: State: - "It appears to be almost identical to that we responded to previously (06/03853/FUL). We therefore have no objections and reiterate our comments of 26 March 2007."

- NATURAL ENGLAND: State: - "Based on the information provided, Natural England objects to the proposed development. We recommend that the Local Planning Authority refuse planning permission on the grounds that the application does not contain survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

"Being a building replacement, our concerns relate specifically to the potential impact upon bats. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.'

"Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons holding any relevant licences.

"Further information on protected species surveys can be found on pages 48-50 of the Guide to Good Practice accompanying PPS9. Guidelines on mitigation can also be down loaded from the publications section of Natural England's website at www.naturalengland.org.uk.

"We also recommend that the Local Planning Authority considers all the points made in the attached annex. This provides guidance on survey requirements and information on how the authority should fulfil its duty on biodiversity issues under Section 40(1) of the Natural Environment & Rural Communities Act 2006, Regulation 3(4) of The Conservation (Natural Habitats &c.) Regulations 1994 and Section 74 of the Countryside & Rights of Way Act 2000 to ensure that the potential impact of development on species and habitats of principal importance is addressed.

"Please note that if planning permission is granted, the applicants should be informed that this does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005."

INTERNAL WWDC CONSULTATIONS

- HOUSING: State: - "I note from the description that the application is for a replacement dwelling and therefore, providing there are no additional dwellings being created, Policy H2 does not apply."

PUBLICITY RESPONSES

The application has been advertised with a Departure from the Development Plan Site Notice and neighbour notifications have been undertaken. One response has been received, making the following comments:- the proposed window on the eastern elevation will overlook a neighbour dwelling. If any window is allowed on this side, it should be non-opening and obscure glazed.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP1	Priorities for sustainable development
DP8	Affordable housing
DP9	Reuse of land and buildings
DP12	West Wiltshire Green Belt
DP14	Housing, employment and related development in the open countryside
T6	Demand management
C1	Nature conservation

- C3 Nature conservation
- C5 The water environment
- C8 Areas of Outstanding Natural Beauty

West Wiltshire District Plan – 1st Alteration 2004

- GB2 Control of development in Green Belt
- C1 Countryside protection
- C2 Areas of Outstanding Natural Beauty
- C6 Areas of High Ecological Value, Regionally Important Geological or Geomorphological Sites, and Sites of Nature Conservation Interest
- C7 Protected species
- C31a Design
- C32 Landscaping
- C38 Nuisance
- H2 Affordable housing within towns and villages
- H19 Development in the open countryside
- H20 Replacement dwellings
- T10 Car parking
- U1a Foul water disposal
- U2 Surface water disposal
- U4 Groundwater Source Protection Area

SPG

- Design Guide – Principles (Adopted 5 July 2004)
- Residential Design Guide (Adopted November 2005)

National Guidance

- PPS1 Delivering Sustainable Development
- PPG2 Green Belts
- PPS3 Housing
- PPS7 Sustainable Development in Rural Areas
- PPS9 Biodiversity and Geological Conservation

RELEVANT PLANNING HISTORY

89/01984/FUL – Extension/double garage under conservatory – Permission 16.01.1990

90/01227/FUL – Two-storey extension, detached garage and general improvements – Permission 06.11.1990

06/03853/FUL – Replacement dwelling – Refusal 14.05.2007.

This application was refused for the following reasons:

1 “Policy GB2 of the West Wiltshire District Plan - 1st Alteration states that in the Western Wiltshire Green Belt approval will not be given except in very special circumstances for the replacement of existing dwellings provided that the new dwelling is not materially larger than the dwellings to be replaced. The size of the replacement dwelling would be materially larger than the existing dwelling, and would be a disproportionate addition over and above of the size of the original building. The proposal is not supported by any material consideration which would justify making a decision contrary to the Development Plan. The proposed development is therefore not in accordance with Policy GB2 and would constitute inappropriate development resulting in a loss of openness of the Green Belt.

2 Policy H20 of the West Wiltshire District Plan - 1st Alteration states that the replacement of existing dwellings in the countryside will be permitted provided the new dwelling is not materially larger than the dwelling to be replaced. The proposed dwelling is materially larger than the existing dwelling and is therefore a substantial alteration to the size of the existing property that is contrary to this policy.

3 Policy C2 of the West Wiltshire District Plan - 1st Alteration states that priority will be given to the landscape over other considerations and that development proposals likely to be detrimental to the special landscape character will not be permitted. The size of the proposed dwelling, and its siting, orientation, and design in this prominent location is considered detrimental to this nationally important landscape, and therefore contrary to this policy."

KEY PLANNING ISSUES

The key to the determination of this application is whether the reasons for refusing application 06/03853/FUL have been overcome.

PLANNING OFFICER COMMENTS

The earlier reasons for refusing application 06/03853/FUL are set out above. They reflect the requirement that replacement dwellings in the countryside and green belt should not be "materially larger" than the dwellings to be replaced. The District Plan fails to provide the test on which "materially larger" is to be measured. However consistent with representations from the Applicant, your officers agree that:

"... the words "materially larger" are intended to allow the evaluation of an application to take into consideration a range of factors which might contribute to the perceived visible size of a replacement dwelling, rather than to be based solely on a simplistic calculation of visible volume alone".

Due to the levels of the application site, a visual appraisal of the site is the best means of assessing whether the proposal is "materially larger". In support of their application, the Applicants have provided an overlay of the proposed dwelling over the existing. These indicate a significant vertical emphasis in the proposed dwelling. As a consequence the proposal has a substantially larger visual bulk than the existing dwelling, due to its design and shape, particularly due to its height and width. These factors contribute to a proposal which would appear materially larger than the dwelling to be replaced. As a result the proposal would result in the loss of openness of the green belt contrary to Policy GB2 and contrary to the replacement dwellings policy (Policy H20). The first two reasons for refusal have therefore not been overcome.

The third reason for refusal relates to Policy C2. The property is also located within the Cotswolds Area of Outstanding Natural Beauty where the quality of the landscape is of national importance. This part of the Area of Outstanding Natural Beauty is characterised by its steeply incised valley, which provides distant views into and out of the site. The application site has a prominent location in the AONB. The size, design and particularly the bulk of the proposal mean that it is considered that the proposal would have a detrimental impact in this prominent location. As a consequence the third reason has not been overcome.

The application has not been supported by any very special circumstance to override the loss of openness of the Green Belt resulting from the proposed dwelling. The Design & Access Statement argues that the current building is "large and ugly" with "little or no architectural merit". However, this is not considered to be a very special circumstance.

The site also lies in an area of High Ecological Value and bats are present in the detached garage. A Protected Species Report was provided with the application, which demonstrated that bats occupy the detached garage. The Wiltshire Wildlife Trust has no objection to the proposal, subject to appropriate mitigation measures. Natural England have objected on the basis "that the application does not contain survey information to demonstrate whether or not the development would have an adverse affect on legally protected species." However, the applicant provided the same bat report for the 2006 application, to which Natural England raised no objection, subject to conditions. In view of these contradictory views, it is not felt that a reason for refusal could be substantiated.

The Highway Authority have raised no objection to the scheme subject to a condition being attached concerning surfacing of the parking and turning space.

The Housing Services Section are satisfied that the proposal does not generate an affordable housing need.

The applicant refers to a permission for a replacement dwelling at 92 Winsley Hill (application reference 05/00762/FUL). As ever, each application is treated on its own merits, nevertheless in this case, it was concluded that the size and design of the proposal was appropriate to its location and accordingly planning permission was recommended. This earlier application was considered on volume calculation. In this case, as agreed with the Applicant, your officers are concerned with a visual appraisal of the size and bulk of the proposal in its location and accordingly recommend that planning permission be refused.

The proposal at 92 Winsley Hill was significantly dug into the hillside and contributed to the acceptability of the scheme. Your Officers have measured the size of the proposed dwelling as being 1098 cubic metres. This represents a 44% increase in the size of the original – 651 cubic metres. The application file for 92 Winsley Hill states that the approved dwelling has a volume of 675 cubic metres and represents a 12% increase on the size of the original – 604 cubic metres. In respect of the figures for the application proposal, it should be underlined that these have not been confirmed with the Applicant.

CONCLUSION

The proposal is considered to result in a loss of the openness of the West Wiltshire Green Belt over and above the size of the original dwelling, which is considered inappropriate development. The proposal is also considered detrimental to the nationally important landscape character of the Area of Outstanding Natural Beauty. For this reason the earlier reasons for refusal have not been overcome and the application is recommended for refusal.

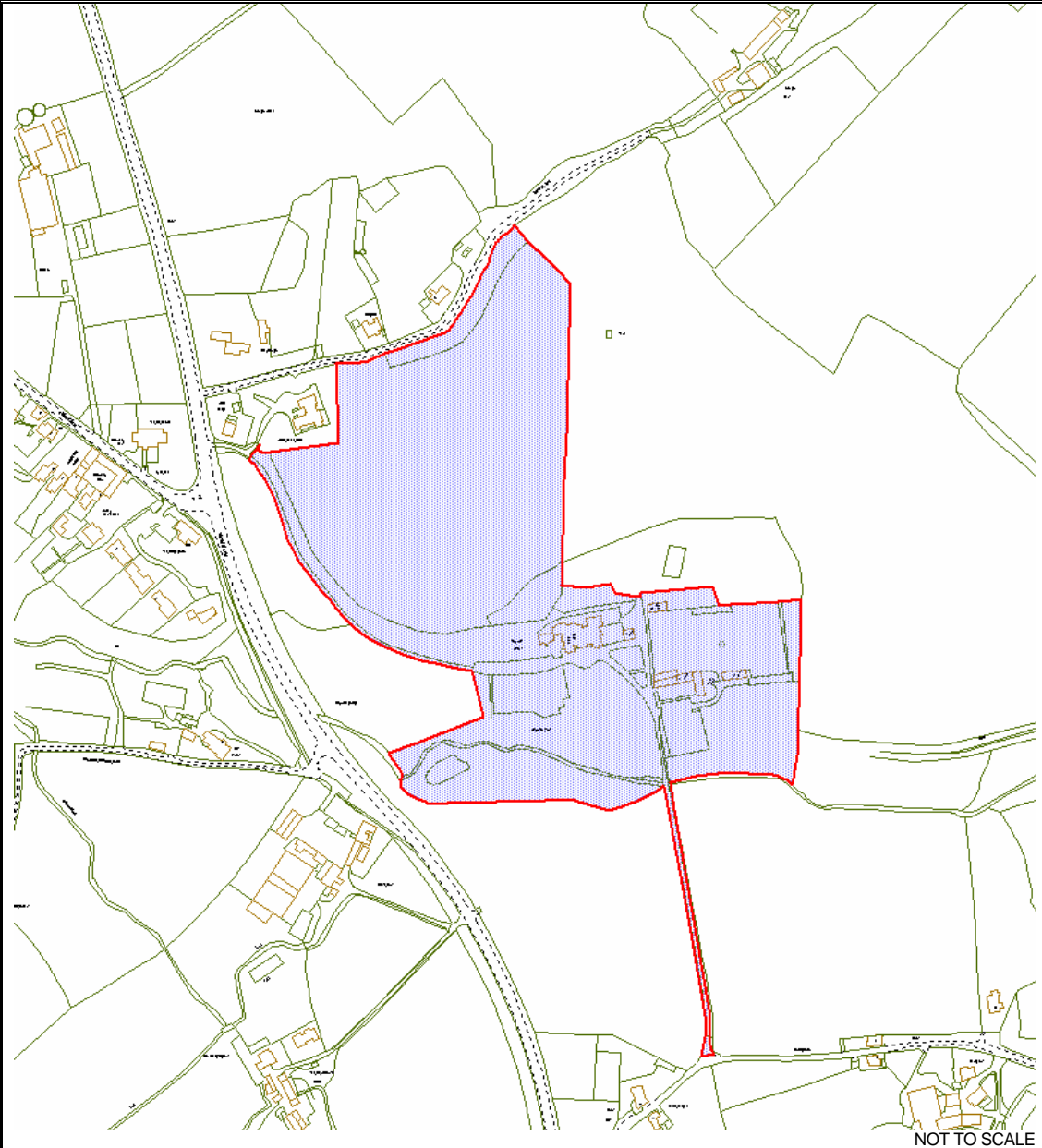
PLANNING COMMITTEE

13 September 2007

ITEM NO: 13

APPLICATION NO: 07/01377/FUL

LOCATION: Heywood House Park Lane Heywood Wiltshire BA13 4NA



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SLA: 100022961

13 Application: 07/01377/FUL

Site Address: Heywood House Park Lane Heywood Wiltshire BA13 4NA

Parish: Heywood Ward: Ethandune
Grid Reference: 387582 153461
Application Type: Full Plan
Development: Change of use and conversion of existing buildings from commercial to residential, including associated alteration and extension works and construction of new dwellings to form total of 27 residential units
Applicant Details: Mr And Mrs C Da Costa
Heywood House Park Lane Heywood Wiltshire BA13 4NA
Agent Details: Wolstenholme & Partners
The Old Church House Church Steps Frome Somerset BA11 1PL
Case Officer: Mrs Judith Dale
Date Received: 19.04.2007 Expiry Date: 19.07.2007

REASON(S) FOR RECOMMENDATION:

Although the proposed development is contrary to the provisions of the Development Plan, this is outweighed by the benefits of securing the future of this historic site.

RECOMMENDATION:

That, subject to the satisfactory resolution of the restoration of the conservatory, the application be referred to the Secretary of State as a Departure which the Council is minded to grant. If the application is not "called in" that the Development Control Manager be authorised to grant permission on completion of a Section 106 agreement to secure the following:

i) A planned and agreed phased timetable for the implementation of the proposed works to ensure the listed structures, including the landscape and garden features, are fully restored before the new build is completed/occupied.

ii) A "clawback" arrangement of 50% of any residual profit made over and above the figures set out in the supporting financial appraisal, to contribute to the provision of affordable housing.

iii) In place of a financial contribution to public open space, an agreed arrangement for public access to the grounds and gardens, and the erection of an information board or similar for educational benefit.

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 development hereby permitted shall be carried out strictly in accordance with the approved plans and details, as supported by the accompanying Strategic Options and Development Proposal document and no variations shall be made without the prior written agreement of the Local Planning Authority.

REASON: To ensure that the character and appearance of this listed building and its setting is conserved and the development is implemented in accordance with the overall objectives for the site.

POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policies C1, C27 & C28.

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

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

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

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

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

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

- 5 Details of the proposed rebuilding, repositioning and/or modification to the wall to the rear of the main house, including sections, full schedule of repair, full structural and construction details, external appearance and finish, shall be submitted to and approved in writing by the Local Planning Authority prior to its construction or repair. The works shall then only be carried out in accordance with those approved details.

REASON: To ensure the character and appearance of this listed building and its setting is conserved.

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

- 6 Details of the proposed rebuilding and/or modification to the walled garden, including sections, full schedule of repair, full structural and construction details and methods of underpinning to support the Structural Report submitted as part of the approved application, and means of attachment and support for any new structure or dwelling shall be submitted to and approved by the Local Planning Authority prior to the commencement of any work on this part of the 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 listed building and its setting is conserved.

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

- 7 All existing materials in any part of the walled garden or the existing wall to the rear of the main house which shall be repaired, dismantled or rebuilt as part of the development, shall be carefully dismantled, set aside and stored in a safe place for reuse in the works to the rebuilding and repair of these walls.

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

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

- 8 Before any building or rebuilding of any part of the wall to the walled garden or the wall to the rear of the main house is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval in writing of the Local Planning Authority.
- REASON: To ensure that the character and appearance of this listed building and its setting is conserved.
- POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policies C27 & C28.
- 9 Details of the siting, design, external appearance of all new fences, railings, gates, bollards and other means of enclosure, including the proposed entrance gates and any proposed bin compounds, shall be submitted to and approved in writing by the Local Planning Authority prior to their construction. The work shall then only be carried out in accordance with those approved details.
- REASON: To ensure that the character and appearance of this listed building and its setting is conserved.
- POLICY: West Wiltshire District Council - 1st Alteration 2004 - Policies C27 & C28.
- 10 Full sectional and topographical details of the proposed car parking area to the rear (north) of the main dwelling shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to this part of the site. The works shall only then be carried strictly in accordance with the approved details.
- REASON: To ensure that the character and appearance of this listed building and its setting is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 11 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C31A.
- 12 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 First Alteration, June 2004 - Policy 32.
- 13 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 construction company 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 Plan First Alteration, June 2004 - Policy 32.

- 14 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, screening of parking areas, 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 First Alteration 2004 - Policies C32 & C40.

- 15 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas.

POLICY: West Wiltshire District Plan First Alteration 2004 - Policies C32 & C40.

- 16 No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON: To protect the archaeological heritage of the area

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C14 & C15

- 17 No development shall commence until a revised report covering survey, assessment and mitigation of protected species has been submitted to and approved by the Local Planning Authority. This report shall include:

- a) An assessment of the potential for great crested newts at this site using data from the WSBRC and further survey if appropriate.
- b) Measures which will be taken to ensure protection of bats and their roosts, to cover specific measures for buildings and trees.

- 18 The development shall be carried out in accordance with the recommendations 6.2 to 6.7 and 6.10 and 6.11 of the Ecological Survey for Protected Species (September/October 2006) submitted as part of this application.

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

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

- 19 Before any development hereby permitted is commenced, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority outlining how the watercourses may be affected and will be protected from pollution and access both during and post construction. The development shall be carried out in accordance with the approved plan.

REASON: In order to protect wildlife habitats.

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

- 20 A strip of land 8 metres wide adjacent to the top of the watercourse bank must be left clear of all development (eg. buildings, structures, fences and trees) as shown on Drawing No. 1167/58C. Ground levels must not be raised within this area.

REASON: To facilitate access, essential maintenance and possible future improvements.

- 21 Surface water shall be disposed to a soakaway system designed and constructed in accordance with BS 8301:1985 (Section 8.4).

REASON: To ensure the satisfactory provision of drainage facilities to serve the proposed development.

- 22 No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by and implemented to the satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

- 23 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. 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 anyone time, which ever 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.

REASON: To prevent pollution of the water environment.

- 24 Before any development is commenced, details of three improved passing places along the access drive from Park Lane to the main parking areas shall be submitted for the approval of the Local Planning Authority; and the passing places shall be constructed in accordance with the approved details before the first occupation of the development.

REASON: In the interests of the highway safety.

- 25 Before any development is commenced, details of a giveway junction marking the layout at the junction of the access drive with Park Lane shall be submitted for the approval of the Local Planning Authority; and the giveway markings shall be provided in accordance with the approved details before the first occupation of the development.

REASON: In the interests of the highway safety.

- 26 No access at any time, for any purpose, except for use by emergency vehicles, shall be made to and from the site via the existing access to the A350 which serves West Lodge and White Horse Close.

REASON: In the interests of the highway safety and to prevent the use of a substandard access point.

- 27 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any amendment subsequent to that Order, no development falling within Schedule 2, Parts 1 and 2 (in their entirety) shall be carried out without the express planning permission of the Local Planning Authority.

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

- 28 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.

- 29 A Management Plan including long term objectives, management responsibilities, maintenance schedules and permitted uses for the buildings, terraces and all areas of public space not incorporated within the Landscape Management Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the residential occupation of any part of the development.

REASON: In order to ensure a proper use and management regime in keeping with the character and setting of this listed building and grounds

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C1, C27 & C28.

Note(s) to Applicant:

- 1 The applicant is advised to consult with both Wessex Water and the Environment Agency with regard to water supply and foul drainage arrangements and capacity.
- 2 The applicant is advised to consult with Natural England and the District Ecologist with regard to the ecological impact of the development on protected species and the management and monitoring of the development to ensure their protection.
- 3 The applicant is encouraged to incorporate sustainable travel plan material and information within the initial sales literature for the proposed residential units and to accommodate sustainable principles within the site management plan required by condition 29.
- 4 The applicant is advised that the landscaping scheme required by condition 14 shall incorporate, among other planting, adequate and appropriate screen planting around the proposed carparking areas.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because it involves a Departure from the Development Plan which has to be referred to the Secretary of State if the Council is minded to permit.

Heywood House is a substantial, three storey, Jacobean style Grade II* listed building, originally constructed around 1600, but largely rebuilt in 1837, the majority of the current property dating from this time. Although originally part of a much larger estate, the mansion now sits in the centre of grounds of some 25 acres, on a slope that rises gently to the north, so that the front (south) elevation overlooks lawns which lead down to a stream and the site of a former lake.

A large walled garden dating from the 19th century lies to the east of the main house, and there is evidence to suggest that there were originally a large number of glasshouses, cottages for gardeners and other outbuildings attached to the north and south walls of the garden. Most of these structures have now disappeared, with only the Gardener's Cottage to the north, and the Coach House and Archive Store to the south remaining intact. The original formal garden is now a sloping grassed area with a number of mature specimen trees within the enclosed space.

To the south of the garden and the remaining buildings is a large tarmacked car park screened along its south and east boundaries by stands of poplar trees. It is served directly by the main access to the property, a 300m single width straight driveway emerging onto Park Lane, approximately 150m from its junction with the A350 Trowbridge-Westbury Road. A secondary access to the northwest of the house also emerges onto the A350 some distance to the north.

Rebuilt as a country house in the mid 19th century, the building was temporarily used as a hospital during the First World War, but continued predominantly in residential use until 1964 when the house and its reduced estate of 272 acres was sold for part use as a school.

The premises were acquired in 1982 by the National Trust for use as its national headquarters and the main house and extant outbuildings all converted to office and ancillary uses. This use continued until the site was sold to the current owner and applicant in 2005, when a programme began to update and refurbish the buildings to provide a number of office suites.

This detailed application is a comprehensive proposal to return the site to residential use and restore the walled garden and remaining grounds to something of their former state. In detail, the scheme is for a total of 27 residential units, provided through a combination of new build and conversion:

Conversion

- The main house, itself, is to be converted to provide a 1 no. one bed, 4 no. two bed and 2 no. three bed apartments. The large existing conservatory on the west end is to be modified by removing the glass roof with its glazing bars and replacing it with a lead roof on new rafters, together with replacing the glazing panels on its east elevation with painted plywood. This modified structure would then be 'attached' to a new single storey extension to be built onto the Ludlow Room to provide an eighth unit.
- The Butcher's Shop and Gardener's Cottage will revert to single detached dwellings (two beds).
- The Coach-houses will be internally sub-divided to provide 5 terraced units.
- The Archive Store will be converted to provide a pair of two storey, two bed cottages.

New Build

- A total of 7 predominantly two bed units built into the north and south sections of the walled gardens on the footprint of three earlier buildings. These are referred to as the Northern and Southern Glasshouses and the North Cottage.
- Three detached bungalows behind the east wall of the garden.

These new buildings are proposed in a mixture of brickwork and render, under clay tiles or slates as appropriate.

An integral part of the scheme is the complete restoration of the walled garden and the landscaping of the surrounding grounds, described in greater detail in a later part of this report.

Access to the estate will remain unaltered, but electric security gates are to be installed at the main entrance where it emerges onto Park Lane. Parking will be provided at a ratio of 2 spaces per unit, plus visitor parking, and located in small, discreet areas across the estate.

The application was originally accompanied by a number of comprehensive statements and reports, including a detailed financial appraisal, historic buildings report, transportation statement, landscape appraisal, arboricultural survey, survey for protective wildlife, and strategic options and development proposal report. A flood risk assessment and supplementary arboricultural report were subsequently submitted in response to requests by relevant consultees.

A parallel application for listed building consent has been submitted for determination by the Planning Committee and immediately follows this report.

CONSULTATION REPLIES:

- HEYWOOD PARISH COUNCIL

'The stated objectives of these applications is to safeguard the long-term future of Heywood House, a two star listed building. The Parish Council believes that the proposals although a material departure from the Development Plans are, by the mechanism of an enabling agreement, in principle an acceptable means of achieving the objectives.

Subject to the stopping of vehicular access to the A350 adjacent to West Lodge the Parish Council has no highways or amenities objections.

Therefore, provided the completion of the whole scheme is secured by legal agreements in a form approved by English Heritage legal advisers paying particular attention to appropriate legal bonds and the phasing of the works, and provided the WWDC Conservation Officer and English Heritage give their support to the proposals the Parish Council strongly supports the applications.'

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY

"The applicant has discussed the principles of this development prior to the submission and this authority provided a positive response to the proposals in a letter dated 27 July 2006."

No highway objection is raised subject to conditions requiring the construction of improved parking spaces along the access drive; improved junction markings at its junction with Park Lane; the limitation of the existing secondary access in the northwest corner of the site to emergency vehicles only.

- ENVIRONMENT AGENCY

The Agency has withdrawn its original flood defence objection to the proposal subject to conditions relating to the retention of a clearance area adjacent to the top of the watercourse bank; appropriate arrangements for the disposal of surface water and foul drainage; and the storage of oils or chemicals on the site.

The point has been made separately that evidence is needed that the existing and proposed septic tank drainage is adequate to treat the volume of sewage from the development. A package sewage treatment plant or connection to the existing public foul sewer may subsequently be required.

- WESSEX WATER comments that:

- * Details of the required water demand should be submitted and that an off-site linked main is likely to be required.
- * With regard to foul drainage, design flow rates are required to determine whether the existing pipeline has adequate capacity.
- * There are no objections to the surface water drainage to existing soakaways.

Wessex Water confirms that the required information to determine the adequacy of its infrastructure can be dealt with by condition.

- COUNTY ARCHAEOLOGIST

Confirms that the Proposed Development Area is of architectural interest, that a settlement has been recorded on the site since the 13th century and earthworks have been recorded to the south of the site at Guernsey Farm. A condition making provision for an archaeological watching brief is recommended.

- LOCAL EDUCATION AUTHORITY

Confirms that no financial contribution to education provision is required.

- WILTSHIRE WILDLIFE TRUST

Has no objection to the application, but requests:

- * That all of the recommendations contained within the Ecological Survey should be imposed as planning conditions.
- * A watching brief over the tree and shrub clearance to reduce the likelihood of harm to breeding birds.
- * Monitoring of tree felling for the presence of bats.
- * Submission and approval of a construction environmental management plan to prevent pollution, and a long-term environmental management plan to enhance biodiversity.

- NATURAL ENGLAND

Originally objected to the proposal on the grounds that the application contained insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species, including several species of bats, badgers, great crested newts and reptiles.

Following the provision of additional information, this objection is withdrawn subject to conditions relating to the timing works to the roof of the main house to avoid disturbance to bats; the closure of an existing and active badger sett nearby; appropriate survey work in the region of the watercourse in the event of future works; an exclusion area around the watercourse; a "destructive" search by hand of any potential hibernation sites that are due to be removed.

- DISTRICT ECOLOGIST

Originally supported the view of Natural England that there was insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. Following the receipt of additional information:

"It is still relevant to condition the provision of further information outlined in my comments of 15 June for bats. Without this, and the information for other protected species, the application would be unacceptable on the grounds of potential impact to protected species."

The required conditions relate to:

- (a) A database search from WSBRC to identify whether great crested newts occur in the area.
- (b) With regard to bats, mitigation works to ensure bats can continue using existing roosts; measures to avoid disturbing bats; a survey and mitigation report of trees to be felled.
- (c) With reference to reptiles and amphibians, a survey and mitigation report for reptiles in areas of new build; an assessment of the potential for great crested newts with recommendations.
- (d) That certain recommendations from the originally submitted ecological survey are formally imposed as conditions of approval.

- ENGLISH HERITAGE

Summarises its comments as follows:

'Building is Listed Grade II* and set within a landscape setting. The property is a large house, presently in office use, but located close to a major road and cement works. We have been involved in pre-application discussions and the submission has been framed as an enabling development proposal as advised by the Council. As we are not party to all the information (especially financial) it will be the role of the Local Planning Authority to assess whether the proposals meet the key criteria set out in our policy guidance Enabling Development and the Conservation of Heritage Assets. From our knowledge of the proposals we are supportive of the intention of the proposals to provide a sustainable and appropriate use for the building to enable the listed building and its surroundings to be repaired, restored and maintained for the future.'

Within the body of the detailed response, English Heritage makes a number of further observations:

- A financial appraisal is necessary to ensure that the amount of proposed development is the minimum necessary to secure viability of the building and estate

- PPG 15 states that the most appropriate use for a property is that for which it was originally designed. The best for this property would therefore be as a single residence in conjunction with its landscape setting. However it is recognised that there are a number of issues to address including viability of uses and it is for the Council to determine whether a robust case has been made to justify the proposed change of use to 27 residential units.

- While there is no objection to the overall subdivision of the house, there is inadequate detailing with regard to the conversion and upgrade of the conservatory into a kitchen/living area. The structural engineers report makes reference to increasing the size of the glazing bars and adding more ties, but the drawings do not adequately show the implications of these works or whether building regulations will require additional works such as double glazing.

- VICTORIAN SOCIETY

Has no objection in principle to the return of the house and its ancillary buildings to residential use, nor to the finer details of the conversion with the exception of the proposal to convert and extend the conservatory. Although not original, this structure is considered to be an important, attractive and historic feature of a Grade 2* listed building, specifically mentioned in the list description. In the view of the Victorian Society, it is essential to the character of a conservatory that it be a glass roofed/glass walled structure and to re-roof it in lead and replace some of its walls with timber would effectively destroy that character. In summary, 'while we believe that while there is much merit in the overall conversion scheme, the proposed works to the conservatory make it unacceptable, and we would urge you to refuse Listed Building Consent for the application until this issue is addressed.'

- WILTSHIRE COUNTY COUNCIL STRATEGIC MANAGER

Comments that the application site is not situated within any settlement identified in the adopted District Plan and is regarded as being located in the open countryside. Consequently

- the new build element of the development would be contrary to Policy DP 14 of the Structure Plan

- the conversion of the existing buildings to residential units along with 10 new dwellings, to provide a total of 27 dwellings on the site, is not of an appropriate scale for the open countryside and does not constitute appropriate re-use in line with Policy DP9

- development of this scale at this location would be contrary to Structure Plan Policy DP1 which aims to achieve a pattern of land-uses which minimise the need to travel and facilitates the increased use of public transport, cycling and walking.

However, 'if the District Council, in consultation with English Heritage, is fully satisfied that the development is necessary to secure the future of the historic site and the benefits of the proposal clearly outweigh the disbenefits, Wiltshire County Council, as strategic planning authority, raises no objections to the proposal.'

INTERNAL CONSULTATIONS

- PLANNING POLICY MANAGER

Identifies the following as being the key issues in terms of planning policy:

Loss of Employment Floorspace

Concludes that given the size and nature of the proposal site and its location within open countryside, which poses difficult questions of accessibility, there is an issue of continued viability and whether it remains fit-for-purpose.

Affordable Housing Provision

Concludes that this site cannot be treated as an affordable housing exception site but due to its unique nature and exceptional circumstances, falls to be considered under standard policy H2. Consequently it would be appropriate to seek a contribution towards affordable housing subject to the outcome of a financial open book exercise.

On the basis of the submitted appraisal, the currently projected profit margin falls below a level of required contribution but given the unpredictable nature of the development process and the property market, it would be reasonable for the District Council to incorporate a 'clawback' condition within a S.106 agreement. It is suggested that the District Council seek to clawback 50% of any residual profit made, over and above that currently set out.

Historic Fabric/ Design

In exceptional circumstances planning policy does allow proposals that seek to change the use of historic buildings, on the basis that those proposals will aid in the continued preservation and maintenance of the building. In this case, supported by doubt over continued employment viability, there would appear to be potential for the District Council to consider other land uses that can ensure the continued survival of the historic building.

Accessibility

The proposal site has poor access to facilities, services and amenities and future occupiers/residents will be forced to rely on the private motor car for travel perpetuating unsustainable travel patterns. Unfortunately, given the relative remoteness of the proposal site there is little that can be done to either improve overall accessibility or reduce car trips other than to incorporate measures that discourage unnecessary car ownership and use. Promotional material encouraging more sustainable use of the private car (car sharing and promoting trips with more than one purpose/destination) and incorporated within initial sales material are suggested as having a prominent place within any future site management plan.

Recreation/Open Space

The proposed level of housing generates/triggers a site specific need for recreation/open space which given the site's remote location should be on site. This requirement would be met through the restoration of the historic park land and landscaping. Additionally, the existing public right of way to the east of the site needs to be maintained.

- CONSERVATION OFFICER

Due to the importance of this building and the heritage considerations which surround the application, the Conservation Officer's comments are given in full.

"Heywood House and its ancillary buildings and garden structures once formed an important residential estate between Trowbridge and Westbury was built in 1837. Whilst its status as a building has gradually diminished over the years in terms of uses, it is still a magnificent building that commands northern views from the A350 when travelling between the two settlements. It is described by Pevsner as "proudly neo-Jacobean" and symbolises the epitome of the country house of its day. There are many fine examples of Victorian technology inside the house, although recent uses have neglected these quality features.

Over the past 2 years there have been a series of pre-application meetings that have gradually developed this proposal into a relatively well thought out scheme with the current agent/owner. This was primarily concerned with the overall principle of the change of use of the building from the offices that the National Trust had operated there to a purely residential scheme. Although there is a potential policy concern with the loss of employment use for this building, it should be noted that in conservation terms the PPG15 guidance clearly states that the original use for an historic building is considered to be the most appropriate use. It is therefore in conservation terms to return the house and buildings within the grounds to residential or ancillary residential. Ideally one single residential use for the house would be the most appropriate solution for Heywood House; however, the long period of time that lapsed before it was eventually sold indicates that this was not supported on the open market. This is supported by the financial appraisal that indicates that there would be a significant financial loss to anyone wanting to restore the house and grounds for a single occupancy.

1. Viability.

Heywood House has been empty for approx 3-4 years and although it is currently well looked after and superficially in moderately good condition; it is still on the cusp of being a building at risk as it is not in use despite attempts by the owner to market it for commercial use.

Surveyor's reports have indicated that the main house requires a considerable amount of roof and stone repairs in order to prevent further deterioration in the building's fabric. In addition to this there are large cracks in the buildings that require localised repairs. Separately but just as importantly is the Conservatory that was demolished and almost entirely replaced by a modern replica in the 1980s by the National Trust. Conservatories are extremely vulnerable structures given the nature of the construction and use. The current owners have estimated that this building alone requires a large amount of money to be invested in it in order to stop the leaks that have come about from it being unused and neglected.

The walled garden and its associated garden buildings were neglected by the National Trust and in some cases, where they were redundant, fallen into disrepair. The most notable of these is the Northern Glasshouse, where much of this structure was removed by the Trust through the formal application procedure.

There are therefore several factors in considering this proposal that need to be borne in mind:

1. Repairs to the main house
2. Repairs to the Conservatory
3. Repairs to existing ancillary buildings within the grounds and the walled garden which is an important feature in respect to the setting of the listed building as well as being a significant feature that has survived relatively unaltered since it was originally constructed.
4. Reinstatement of lost ancillary buildings within the grounds that would make an important contribution to the setting of the listed building were they to be implemented.

In the light of the extra costs that will be required for the restoration to a high standard of these buildings and structures it is considered that there is robust justification for this proposal and the additional development based on C26E of the WWDC local plan that states " The maintenance of buildings listed as being of architectural or historic interest and others within conservation areas will be sought through the application of the following:

- E - Consideration of the possible relaxation of other planning policies in special circumstances, if this would secure the retention of a building of architectural or historic interest provided the proposal would not be detrimental to the local environment or to the character of the building".

2. Proposal

Mansion House

The scheme allows for the subdivision of the main house into 8 residential units. This has been carefully developed in cooperation with the council's officers over some time. The result is one where the principle rooms in the house -of which there are many!- will be retained and not subdivided into small areas. Care has been taken to avoid contrived spaces and leave the

original plan form of the house relatively unaltered. One of the most successful units will be one that retains the grand central staircase and will be a 2 storey unit rather than a single storey flat. The house contains several staircases so this has allowed for this unusual treatment of the main staircase without jeopardising the building architectural integrity. In addition to the sensitive approach that has been made regarding the subdivision of the house, later, and in some cases, harmful additions to the mansion will be removed. This includes a 1980's fire escape, ugly velux rooflights, and inappropriate modern partitions put in for the offices. It is also unfortunate that the previous occupiers showed little sensitivity towards the installation of lighting fixtures and other services in the building with the result that fine decorative plaster ceilings have been damaged and obscured by inappropriate light fittings.

The house will generally undergo a major upgrade both in terms of its external fabric with major repairs carried out, whilst internally the whole building will be treated respectfully allowing original features to be reinstated. In conclusion it is considered that the principle of this scheme together with the quality of detail shown in the proposals will preserve and enhance the character of this stunning building.

Existing Ancillary Buildings and features

There are a large number of buildings such as the coach house recently converted to offices and garden buildings of different styles and quality of architecture within the grounds. Many of these have fallen into disuse and dereliction. One of the most important is the walled garden with remnants of associated glass houses and other structures. Although the wall to this garden has survived relatively intact there are some areas that have suffered from lack of maintenance in the past.

Part of the success of this scheme is the holistic approach that the developer has taken to the whole site regarding each element of the surviving estates features and landscape as significant in the overall concept to this development. The conversions proposed are once again minimal in terms of the alterations proposed to the exterior of these buildings and the resultant units are both spacious and non-invasive in terms of creating any new additions. The only aspect of the scheme that does not comply to this principle is the treatment of the conservatory and the new units that are proposed as enabling development. (See below)

Detailed historic research has been undertaken in trying to re-create the lost buildings that were part of the original design concept for the walled garden. Two important buildings -the northern and southern glasshouses were demolished by the National Trust. The scheme proposes the replacement of these structures. Certain features will be reinstated, whilst allowing for residential uses within them. So although they will not perform the function of glasshouses and will not have glazed roofs, they will in terms of size, location and scale is very similar to the historic structures that have been lost. In addition, the walled garden will have major repairs carried out to it and will benefit structurally from these additional house units for structural support.

New Build

There are four new units that are proposed within the grounds of the House that are proposed primarily for enabling development. Three are situated to the east of the walled garden and one to the north between two existing buildings. Their impact on the site has been minimised by the low scale and simple design that reflects the garden buildings form and the materials used will also be compatible with the existing buildings on the site. Indeed the discreet location of the eastern cottages means that they will be well hidden in most views within the site. The conservatory, as already mentioned, is a modern replacement of the earlier structure, demolished in 1985. It is attached to the main house by a high wall that forms the rear wall to it. The developer considers that the most viable use for this structure given its current poor condition and the money needed to be spent on it is to convert it into a separate residential unit and create an extension behind the wall to provide extra accommodation for it. Officers have been concerned about this individual unit for several reasons; the need for the extension in such close proximity to the main house although it is well obscured by the high wall, and the need to impose a solid lead roof to the conservatory apart from the retention of the central upstanding lantern along the ridge. It was also considered that the change of use from a purely recreational and ancillary space to a residential unit could be harmful to the listed building's character.

3. Setting

Generally this issue has to be considered against the wider context of the whole of what should be regarded as the historic landscape setting to the mansion house and its ancillary buildings and structures. Within this context and bearing in mind that there are many enhancements that are proposed to the buildings and grounds it is considered that overall this scheme should be seen as a positive enhancement and preservation of the listed building. The only area of concern is of the proposed alterations to the conservatory as raised above. However, it is acknowledged that the position of the conservatory will mean that in views within the grounds the impact of the external changes to the structure will have little wider impact.”

- LANDSCAPE OFFICER

Following the submission of a Supplementary Arboricultural Report, no objections are raised to the proposal. Four conditions are recommended relating to the implementation of works, arboricultural supervision, the submission of a detached landscaping scheme, and a landscape management plan.

- DRAINAGE OFFICER

No comment, other than if there is to be any proposal to discharge into the watercourse, permission is requested in writing.

- HOUSING ENABLING OFFICER

Has expressed concern over the requirement to provide an overage payment to the National Trust which reduces the amount available for any clawback contribution to affordable housing on completion of the development

PUBLICITY RESPONSES

The application was advertised by site notice and in the local press as Major Development affecting a Listed Building, and as a Departure from the Development Plan. Relevant site notices were attached at both entrances to the site. Extensive neighbour notification of those properties surrounding the estate was also carried out.

No letters of comment or objection have been received.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP1 Priorities for Sustainable development

DP3 Development Strategy

DP9 Reuse of land and buildings

DP14 Housing, Employment and Related Development in the Open countryside

HE2 Other Sites of Archaeological or Historic Interest

HE7 Conservation Areas and Listed Buildings

West Wiltshire District Council - 1st Alteration 2004

C1 Countryside protection

C6A Landscape features

C7 Protected species

C14 Archaeological field evaluation

C26 Maintenance of buildings

C27 Listed buildings

C28 Alterations and extensions to listed buildings

C29 Demolition in listed buildings

C31A Design

C32 Landscaping

C38 Nuisance

R4 Open space in new housing developments

H2	Affordable Housing
H19	Development in the open countryside
H21	Conversion of Rural Buildings
H24	New housing design
E5	Loss of employment floorspace
T10	Car parking
S1	Education
U1	Infrastructure
U1A	Foul water disposal
U2	Surface water disposal
U3	Flooding
I1	Implementation

PPS1 - Delivering Sustainable Development
 PPS3 - Housing
 PPS7 - Sustainable Development in Rural Areas
 PPG13 - Transport
 PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

There is a considerable planning history relating to this site from 1982 onwards and is used for office purposes by the National Trust. This is of little relevance to the current proposal other than to indicate the scale of changes to the fabric of the listed building over the past 25 years.

KEY PLANNING ISSUES

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

- The loss of employment.
- The principle of residential conversion and the extent of new enabling residential development in the countryside.
- The overall heritage objective including the preservation of a Grade II* listed building and the impact of any works on the character and appearance of this building and its surroundings.
- Highway and access considerations.
- Landscape and arboricultural issues, including the provision of public open space.
- Ecological considerations and the impact of the development on protected species.
- Other issues including affordable housing, amenity and the phasing of the proposed development.

PLANNING OFFICER COMMENTS

1) Loss of Employment

Policy E5 of the District Plan clearly supports the maintenance of existing employment levels and opportunities within the district and will only permit the loss of floorspace where it can be demonstrated that there is an adequate supply of alternative accommodation within the area.

Additionally, Policy H21 will only permit the conversion of buildings in the countryside to residential purposes where, among other criteria, all reasonable efforts have been made to secure business or other suitable uses in preference.

In the two years since the applicant has acquired the site, it has remained in limited commercial use. The buildings have been upgraded and refurbished to provide 13 office suites, at a total cost of £250,000. The "Heywood House Business Centre" was launched in September 2005, supported by a vigorous marketing campaign which 'included agents, brand creations, brochures, letting boards, buildings floodlit, websites, colour ads, national and local press coverage, a champagne event, presentations at seminars, mailshots and telesales.' Notwithstanding these rigorous efforts, after 18 months, only 15% of the available space has been let, none of it within the main house, and there have been no serious enquiries for office use since July 2006.

The rural location of the premises, the cost of the building's upkeep and the inflexibility posed by the listed building, combine to limit the employment "value" of the site as a whole. Analysis of the employment market suggests that office space is required to look modern, be open-plan, have toilets and kitchens on every floor, disabled access, comfortable working temperatures throughout and low service charges, none of which are available or possible within the main house. The very robust marketing exercise has failed to secure a viable business use for either the whole or part of the premises and its retention for this purpose is proving increasingly unlikely.

On the basis of the continuing deterioration in the fabric of the main house in particular, through continued lack of occupation, its restoration to a residential use is an increasingly justified proposition.

2) Principle of Residential Conversion and Extent of Enabling Development

In addition to an employment justification, residential conversions in the countryside may only be acceptable when they safeguard and enhance the essential form, structure and character of the building and its surroundings. In this particular case, the stated objectives behind this project are:

- * To provide suitable appropriate uses for all buildings on the site, to enable the listed structures and their surroundings to be repaired, restored and maintained to a high standard into the future.
- * To convert The Mansion back into its original domestic use as separate residences, thus removing later inappropriate additions dependent on office use.
- * To restore the landscaped setting of The Mansion and its dependent buildings.
- * To convert the existing dependent buildings back to domestic use to enhance the setting of The Mansion.
- * To recreate the associated dependent buildings once existing around The Walled Garden, (as indeed there would have been around any large country house), so that the whole complex regains its original cohesion.

These would be entirely consistent with the Local Authority's statutory obligation to have regard to the desirability of preserving listed buildings and their settings.

Policy C26 recognises that the neglect of a building can ultimately lead to its destruction, and will therefore permit proposals for change of use where this will secure its future maintenance, and where its character, appearance, features and setting will not be adversely affected. The question of the continued viability of the current employment use offers some potential for other land uses to be considered to ensure the survival of this historic building, and the return of the site to its original residential use, to provide it with a sustainable future is a principle which, in this case, can be supported.

Members need to be aware, however, that in order to provide a sustainable residential future for the building, the project requires not only conversion of all the existing buildings on the site, but also the 'building' of an additional 10 units. These 10 units are to be accommodated within six predominantly single storey buildings around the perimeter of the walled garden. Supporting information states that:

'The proposed new build, indeed the plan as a whole, is very largely based on the 1887 Ordnance Survey. This historic evidence shows existing buildings in the location for all the proposed buildings, with the exception of the three cottages to the east of the wall of The Walled Garden, although the 1920s estate plan supports these three units as well, with buildings in the south east corner of the Walled Garden, both attached to and beyond the wall.'

Whilst such evidence appears to support the location for the proposed dwellings, justification for the principle and scale of this new development requires fuller consideration:

- Policy C1 clearly prevents new development in the countryside unless for agricultural or forestry purposes or where there is other overriding justification such as schemes of national importance or overriding benefit to the local economy. It might be considered that the maintenance and restoration of an important Grade II* listed building, in the interests of the national heritage, would fall within such consideration.

- The County Council's Strategic Plan Manager makes it clear in her consultation response that the overall scale of this residential scheme, and the proposed amount of new build would not be appropriate in the open countryside and would be contrary to Structure Plan policies. The development would also be unacceptable on the grounds of its unsustainable location, and the necessary reliance on the car. However, the advice goes on to acknowledge that this development is required to secure the long-term future of an important heritage asset. Consequently, "if the District Council, in consultation with English Heritage, is fully satisfied that the development is necessary to secure the future of the historic site and the benefits of the proposal clearly outweigh the disbenefits" then no objection is raised to the proposal.

- In its turn, English Heritage refers to its own policy advice and the criteria which any enabling development should meet:

- * The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity Interest of the asset, or materially harm its setting
- * The proposal avoids detrimental fragmentation of management of the heritage asset
- * The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose
- * The problems are those which arise from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid
- * Sufficient financial assistance is not available from any other source
- * It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits
- * The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (ie disbenefits) of providing the enabling development

It is clear that the proposed development meets all of those criteria which relate to the character, need and function of the historic asset. With regard to the scale of the development, and whether the 10 'new' units represents the minimum necessary to support viability, the detailed financial appraisal submitted with the application appears to show that this is the case. With no new enabling development at all, and the conversion only of the existing buildings, the submitted figures show an overall loss in the region of £750,000. At the opposite end of the scale, and with the erection of 9 new dwellings, a marginal loss of some £20,000 is still shown, with "break even" (and a profit of 3%) only indicated beyond the threshold of 10 new units.

Although a single residential use would clearly be the most appropriate in planning terms as being that for which Heywood House was originally designed (PPG15), it appears to be unviable both financially and practically. Financially, the appraisal shows that the conversion of the house and its grounds back to a single residential estate would result in a loss of £1.7 million. Practically, the property was actively on the market for 18 months but there was no serious interest in its use as a single residential estate. Reasons given were the very large floor area of the house and ancillary buildings, and the enormous cost of repair and upkeep of the fabric of the buildings and grounds. Marketing advice also suggests that the proximity of the A350 and the planned Westbury By-pass are active deterrents to potential buyers in the relevant price bracket. This combination of factors is unlikely to make Heywood House viable as a single residential estate, hence the current proposal for multi occupation on this much larger scale.

There is no doubt that the development as it stands is contrary to Structure and District Plan policies, but in the interests of the long term retention and maintenance of this important heritage asset, it is considered that the scheme can be supported in terms of the principle.

3) Heritage Considerations and the Impact of the Proposal on the Character and Appearance of the Listed Buildings

A detailed analysis of the heritage aspect of this proposal is given in the Conservation Officer's comments in the earlier part of this report. This clearly addresses the overall viability issue, and identifies four main areas for consideration:

i) The repairs to the main house and subsequent conversion

This aspect of the development raises no concerns from a listed building point of view, and is actively supported by both the Conservation Officer and English Heritage.

ii) Modification of the conservatory

By contrast, this element of the scheme has attracted significant objections from the Conservation Officer, English Heritage and the Victorian Society, and at the time of preparing this report, it remains an unresolved and unacceptable part of the proposal.

This aspect of the scheme has been a continuing concern throughout the pre-application process, with the proposal to convert and extend the conservatory to form a new residential unit, an unsatisfactory solution. The proposed extension to the west of the Ludlow Room is itself, not ideal, and is only needed as enabling development to offset the costs of converting the conservatory. These conversion works, involving the replacement of the glazed roof with lead and several of the window openings with timber, are to provide for an open plan kitchen/living room attached to a new stone built extension. The result is a conservatory which will no longer look or operate as one, and the creation of a contrived and generally unsatisfactory residential unit from a living point of view.

On this basis, the value of retaining the conservatory at all must be questioned, and some consideration has been given by your officers to the demolition of the structure as a "less unacceptable solution". However, the applicant is not prepared to accept this suggestion, citing unviability and the inherent value and importance of retaining this listed conservatory. Notwithstanding, the views of English Heritage and the Victorian Society have been sought on this particular suggestion as a means of finding a satisfactory compromise. The former has made no formal response; the latter does not consider that a case for demolition has been made and reiterates that despite major restoration works on this structure in 1987, the conservatory must be regarded as part of the Victorian fabric of the listed building and should be retained largely as it is. They advise:

"Our preferred option would still be retention as a community facility. If, as the applicants claim, there is really no prospect of this, and if there is really no way to make the structure habitable without introducing inappropriate materials, then the whole of the living accommodation will have to be placed within the rear extension, making a small flat with a very large conservatory. Re-roofing in lead seems to us to be so inappropriate as to be unacceptable in principle."

The preferred option of simply retaining the conservatory in its present form, for ancillary use by the Ludlow Room apartment, or for general use by any of the Mansion's future residents, has previously been dismissed by the applicant as unviable, costing an estimated £66,000 simply to repair. This latest proposal by the Victorian Society has been put to the applicant as an alternative and his comment is anticipated in time to be considered at the Planning Committee.

At the time of preparing this report, this remains the one area of the scheme where the applicant and officers are unable to agree.

iii) Repairs to existing ancillary buildings within the grounds and the walled garden

The Conservation Officer's analysis fully supports the holistic approach taken to the whole site, which includes minimal alterations to the surviving buildings, the recreation of "lost" buildings that were originally part of the garden concept, and the restoration of the garden itself.

iv) New build

The new build element relating to the modified conservatory has already been addressed and requires no further amplification.

With regard to the new cottages to be constructed within the grounds, having accepted the principle as enabling development, their scale and simple design is considered to be entirely appropriate within this landscape context.

As is evident from the above, with the exception of the proposed works to the conservatory, this development is seen as a positive enhancement and preservation of the listed building and its setting.

4) Highway and Access Considerations

In terms of accessibility, the Heywood House estate is singularly unsustainable with regard to public transport, cycling and walking, with poor access to facilities, services and amenities and a total reliance on the private motor car for travel. Unfortunately, given the relative remoteness of the proposal site, there is little that can be done to improve this aspect, either practically or through financial contributions, while the site's historic uses as a school, hospital and offices have set something of a precedent.

The Planning Policy consultation response does highlight the opportunity for the applicant to promote sustainable travel as part of any sales material or site management plan, and this approach can be encouraged through an informative on the decision notice.

Against this background, it is important that any future use of this site does not exacerbate or encourage higher levels of traffic generation than are already "permitted" by its authorised office use. The submitted Transportation Study concludes that the proposed development for 27 residential units will generate less daily trips than if the approved office use were to operate to capacity. This is based on a likely resident profile of young professionals, "empty nesters", divorcees and second home owners, rather than families for whom the individual units and site location are generally unsuitable.

Comparison with former traffic levels associated with the National Trust also suggests that the proposed development would generate fewer vehicle movements than was historically the case, although this particular point would now be difficult to prove. Nonetheless, the Highway Authority accepts the conclusions drawn by the transportation statement, and although there is a deficiency in the existing access arrangements in terms of geometry and visibility at the Park Lane/A350 junction, "it is considered that these proposals will reduce risk to road safety at this junction".

Parking provision at two spaces per unit (55), together with 27 visitor parking spaces is considered more than adequate; these are to be provided in a number of small groups around the site for general convenience and to minimise the visual dominance of the car. Minor works required by the Highway Authority to upgrade the existing main access and to close the existing secondary access except for emergency use in the northwest corner of the site, can be covered by condition.

5) Landscape and Arboricultural Considerations, including Open Space Provision

The accompanying landscape appraisal identifies the surrounding character of the location as "not particularly distinctive", citing the nearby railway lines, the A350 and the cement works as detracting from the rurality of its immediate environs. Within that context, Heywood House is described as a historic property which "has had an eventful and varied history, and its form and character today are indicative of the process of steady decline that this estate has experienced in the 20th century". The appraisal concludes that:

"It is considered that, in landscape and visual terms, the proposed development can be integrated into the receiving landscape of Heywood House without detriment to its character or visual qualities, or to the wider landscape. Indeed, the landscape improvements, which such development will generate, will result in considerable benefits to the garden and its local landscape setting."

The applicant has identified 13 separate landscape improvements which are designed to remove the site's institutional appearance and to enhance its overall setting. These include:

- improving the area around the main house by reducing car parking and changing the surface materials.
- removing the main car park and utilitarian street furniture south of the coach-house and reinstating this area as a garden with a croquet lawn, together with new avenue planting.
- restoring the walled garden by replacing the 19th century network of paths and other features and removing inappropriate planting.
- restoring the quadrangular yew garden to the southwest of the mansion.
- recreating a small arboretum in the southeast corner.
- strengthening and restoring the existing hedgerow on the eastern boundary with new planting.

Both the Conservation Officer and Landscape Officer support these proposals, all of which are considered entirely appropriate and necessary to "support" the repair and conversion of the existing building and restore the gardens and historic parkland to something of their original appearance.

This links directly with the policy requirement (R4) for the development to contribute in some way to the provision of open space and recreational facilities. Given the target market and likely resident profile, the provision of on-site children's play facilities would not be appropriate, while there would be little benefit to residents from any contribution off-site. Simply in terms of open space, the development already includes 9 acres for communal use in place of enclosed private gardens. While such communal space would not directly benefit the wider community, there would be some indirect benefit as the enhanced gardens will be visible from some public land. In addition:

- The Landscape Officer has recommended an educational parkland tree planting scheme, using semi-mature stock and with some form of public access, possibly local school trips.
- The applicant proposes that the grounds and gardens could be opened once a year under the National Garden Scheme or similar arrangement.
- An information board would be placed at the entrance to the site describing its history.

These more relevant contributions are considered acceptable within the policy framework.

6) Ecological Considerations

The submitted ecological survey identified a number of issues with regard to nesting birds, bats, great crested newts, reptiles and water voles, and both Natural England and the District Ecological have raised concerns over the lack of detailed survey material and mitigation measures to fully address the matter of protected species. Some of these issues are more properly dealt with under protected species licensing, while enough information on specific areas has been provided throughout the processing of the application for both bodies to now withdraw their original objections and to accept that the several outstanding matters can be dealt with by appropriate planning conditions. These are included as numbers 17 and 18.

7) Other Issues

i) Affordable Housing

The Planning Policy response in the earlier part of this report sets out the detailed policy framework for the delivery of affordable housing as part of this development - the conclusion is that a financial contribution to affordable housing may be sought.

However, the financial appraisal of the development (with or without the future erection of garages or demolition of the conservatory) shows the projected profit margin to be at a level which would not currently support a financial contribution to affordable housing. Under such circumstances, Council policy can make provision for a "clawback" payment, in the event that the actual profit margin exceeds that currently anticipated. The policy recommendation is for a 50% clawback of any residual profit made, over and above the submitted figures.

ii) Amenity

The application site occupies 25 acres of open land, set within a much larger historic parkland area. There are a small number of properties located beyond the boundaries of the application site, the nearest of which are some several hundred metres from the existing complex of buildings. At such distances, any impact would be limited to traffic considerations and the restoration of vehicle movements to a level no higher than those associated with the National Trust.

iii) Phasing of Development

Since the proposed enabling development is only acceptable to support the full restoration of the main house, the ancillary outbuildings and the grounds and gardens, it is necessary to ensure a properly phased and timetabled programme to secure the full completion of the project beyond the construction and completion of such enabling development. This is to be negotiated as part of a S106 agreement with the applicant.

CONCLUSION

This major restoration project has been the subject of discussions between the applicant and the Local Authority and English Heritage for the past 2 years since the departure of the National Trust from the site. The overall objective has been to provide a sustainable and appropriate use for this building, to enable the listed building and its surroundings to be repaired, restored, and maintained for the future. The result is a comprehensive, well-presented and expensive scheme which, when completed, would fulfil the original objective and contribute in a very positive way to safeguarding the heritage of this historic estate.

As identified in the main body of this report, there are many important planning issues raised by this proposal, but possibly only three of some concern:

- The loss of employment is unfortunate but this issue has been robustly tested and is unlikely to deliver a viable or alternative commercial use in the current or foreseeable climate. Additionally, in conservation terms, Government guidance states that the original use for an historic building is ultimately considered to be the most appropriate, in this case, residential.
- The scale of enabling development needed to support the overall scheme is clearly quite significant, and contrary to both Structure and District Plan policies for development in the countryside. However, in order to secure the long-term future of the heritage asset and to complete the restoration project in its entirety, a financial analysis suggests this is the minimum necessary to secure a fairly marginal return. Additionally, it is clear from the submitted information that much of the new build, in footprint terms, is a restoration of earlier buildings in those locations, for which there is added heritage justification. On that basis, if members agree that the overall heritage benefits outweigh the disbenefits of such a development, the proposal can be justified in policy terms.
- While the restoration and improvements to the house, outbuildings and gardens are generally supported by the relevant heritage and conservation experts, the proposed conversion of the conservatory remains an unacceptable part of the scheme. As a self-contained project, this particular part of the proposal cannot be supported and in the event that an application were to be subsequently submitted for this element alone, it would undoubtedly be recommended for refusal. However, it is not a stand-alone proposal, but part of a larger scheme, which will ensure the future retention of the whole building and estate. This much wider objective cannot be ignored and ultimately requires a pragmatic and broader view to be taken in certain specific areas and on some aspects of detail. It remains both your officer's and the general conservation view that the

proposed modification to the conservatory is an alien solution which is detrimental to its character and appearance and which, in all probability, will result in a singularly inappropriate residential unit in terms of function. This may, of course, lead to requests for further modifications in the future, but such requests will be judged on their merits at that time.

Notwithstanding the above concerns, the remainder of the proposal will clearly deliver a well conceived, comprehensive and respectful upgrade of this most important building and its grounds. Therefore, with this wider heritage objective in mind, the application as currently proposed is supported, subject to the satisfactory resolution of the restoration of the conservatory, and is recommended for referral to the Secretary of State for permission.

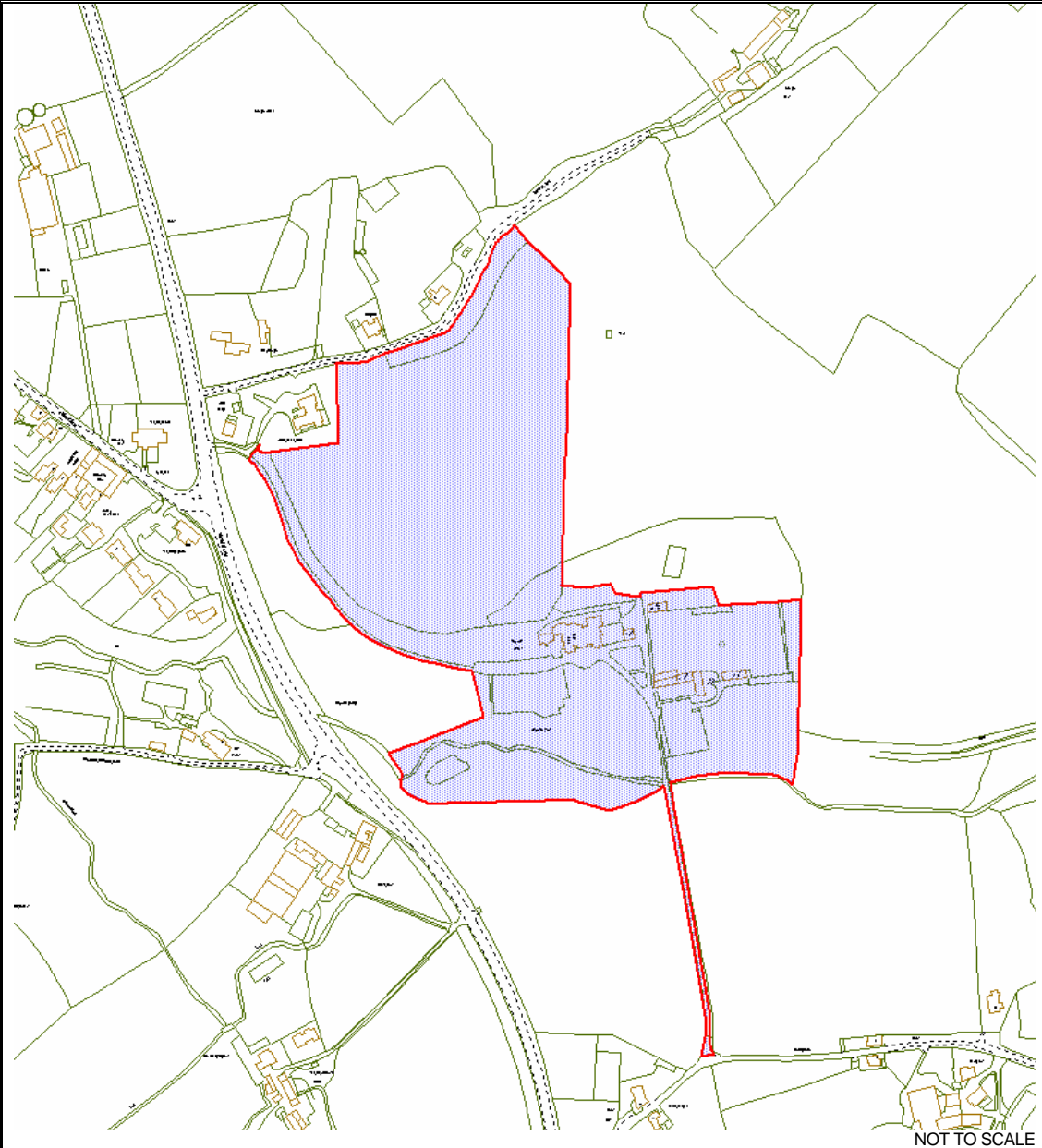
PLANNING COMMITTEE

13 September 2007

ITEM NO: 14

APPLICATION NO: 07/01376/LBC

LOCATION: Heywood House Park Lane Heywood Wiltshire BA13 4NA



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www.westwiltshire.gov.uk

SLA: 100022961

14 Application: 07/01376/LBC

Site Address: Heywood House Park Lane Heywood Wiltshire BA13 4NA

Parish: Heywood Ward: Ethandune
Grid Reference 387582 153461
Application Type: Listed building
Development: Change of use and conversion of existing buildings from commercial to residential, including associated alteration and extension works and construction of new dwellings to form total of 27 residential units
Applicant Details: Mr And Mrs C Da Costa
Heywood House Park Lane Heywood Wiltshire BA13 4NA
Agent Details: Wolstenholme & Partners
The Old Church House Church Steps Frome Somerset BA11 1PL
Case Officer: Mrs Judith Dale
Date Received: 19.04.2007 Expiry Date: 14.06.2007

REASON(S) FOR RECOMMENDATION:

RECOMMENDATION: That, subject to the satisfactory resolution for the restoration of the conservatory, the application be referred to the Secretary of State as development affecting a Grade 2* Listed Building which the Council is minded to grant. If the application is not "called in" by the Secretary of State, the Development Control Manager be authorised to grant listed building consent on completion of a Section 106 Agreement to secure the following: -

A planned and agreed phased timetable for the implementation of the proposed works to ensure that the listed structures, including the landscape and garden features, are fully restored before the new build is completed/occupied.

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 A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.
- REASON: To ensure that the development harmonises with its setting.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.
- 4 A full room-by-room schedule of works, including any repairs and the full fire/sound insulation works, together with proposed services, including relevant plans and information, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the main house and ancillary outbuildings, 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.
- 5 Details of all new or replacement flues, extract ducts, vents, grilles, meter housings, satellite dishes and like features shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To protect and preserve the character of the listed building.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C27 & C28.
- 6 Details of all new or replacement internal doors, door linings, architraves, beadings, skirtings, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 7 Any cast iron rainwater goods in need of replacement must be replaced on a like-for-like basis. Details of all new or replacement other 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.
- 8 Details of the method of the treatment and fixing shut of the ground floor and first floor internal doors as shown on plan reference 1167/34A and 32D 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 fabric, character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policies C27 & C28.
- 9 Notwithstanding the submitted plans, full details of the proposed construction and the modification of the conservatory roof and walls, including sections, structural and construction details and elevations, and methods of fixing and attachment of the extension to the existing fabric of Heywood House shall be submitted to and approved by the Local Planning Authority prior to any commencement of any works to this part of 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 2004 – Policies C27 & C28.

- 10 Details of the proposed rebuilding and/or modification to the walled garden, including sections, full schedule of repair, full structural and construction details and methods of underpinning to support the Structural Report submitted as part of the approved application, and means of attachment and support for any new structure or dwelling shall be submitted to and approved by the Local Planning Authority prior to the commencement of any work on this part of the 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 listed building and its setting is conserved.

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

- 11 Details of the proposed rebuilding, repositioning and/or modification to the wall to the rear of the main house, including sections, full schedule of repair, full structural and construction details, external appearance and finish, shall be submitted to and approved in writing by the Local Planning Authority prior to its construction or repair. The works shall then only be carried out in accordance with those approved details.

REASON: To ensure the character and appearance of this listed building and its setting is conserved.

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

- 12 All existing materials in any part of the walled garden or the existing wall to the rear of the main house which shall be repaired, dismantled or rebuilt as part of the development, shall be carefully dismantled, set aside and stored in a safe place for reuse in the works to the rebuilding and repair of these walls.

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

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

- 13 Before any building or rebuilding of any part of the wall to the walled garden or the wall to the rear of the main house is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour, and method of pointing, for the approval in writing of the Local Planning Authority.

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

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

- 14 Details of the siting, design, external appearance of all new fences, railings, gates, bollards and other means of enclosure, including the proposed entrance gates and any proposed bin compounds, shall be submitted to and approved in writing by the Local Planning Authority prior to their construction. The work shall then only be carried out in accordance with those approved details.

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

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

- 15 Full details of any repairs or alterations to the existing Ice House, including sectional and elevational details shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to that structure. The works shall only then 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 2004 – Policies C27 & C28.

- 16 Full sectional and topographical details of the proposed car parking area to the rear (north) of the main dwelling shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to this part of the site. The works shall only then be carried strictly in accordance with the approved details.

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

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

- 17 Details, including samples where appropriate, of the materials for the surface of all roads, footways and pedestrian areas, cycleways and all other hard surfaced areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, or prior to the commencement of any relevant phase of the development, whichever is appropriate. The development shall be carried out in accordance with approved details.

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

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

- 18 A Management Plan including long term objectives, management responsibilities, maintenance schedules and permitted uses for the buildings, terraces and all areas of public space not incorporated within the Landscape Management Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the residential occupation of any part of the development.

REASON: In order to ensure a proper use and management regime in keeping with the character and setting of this listed building and grounds.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C1, C27 & C28.

COMMITTEE REPORT

APPLICATION DETAILS

This application for listed building consent is brought to Committee in support of the parallel full application reported above which involves a Departure from the Development Plan. The application details are identical to those of that previous application as follows: -

Heywood House is a substantial, three storey, Jacobean style Grade II* listed building, originally constructed around 1600, but largely rebuilt in 1837, the majority of the current property dating from this time. Although originally part of a much larger estate, the mansion now sits in the centre of grounds of some 25 acres, on a slope that rises gently to the north, so that the front (south) elevation overlooks lawns which lead down to a stream and the site of a former lake.

A large walled garden dating from the 19th century lies to the east of the main house, and there is evidence to suggest that there were originally a large number of glasshouses, cottages for gardeners and other outbuildings attached to the north and south walls of the garden. Most of these structures have now disappeared, with only the Gardener's Cottage to the north, and the Coach House and Archive Store to the south remaining intact. The original formal garden is now a sloping grassed area with a number of mature specimen trees within the enclosed space.

To the south of the garden and the remaining buildings is a large tarmacked car park screened along its south and east boundaries by stands of poplar trees. It is served directly by the main access to the property, a 300m single width straight driveway emerging onto Park Lane, approximately 150m from its junction with the A350 Trowbridge-Westbury Road. A secondary access to the northwest of the house also emerges onto the A350 some distance to the north.

Rebuilt as a country house in the mid 19th century, the building was temporarily used as a hospital during the First World War, but continued predominantly in residential use until 1964 when the house and its reduced estate of 272 acres was sold for part use as a school.

The premises were acquired in 1982 by the National Trust for use as its national headquarters and the main house and extant outbuildings all converted to office and ancillary uses. This use continued until the site was sold to the current owner and applicant in 2005, when a programme began to update and refurbish the buildings to provide a number of office suites.

This detailed application is a comprehensive proposal to return the site to residential use and restore the walled garden and remaining grounds to something of their former state. In detail, the scheme is for a total of 27 residential units, provided through a combination of new build and conversion:

Conversion

- The main house, itself, is to be converted to provide a 1 no. one bed, 4 no. two bed and 2 no. three bed apartments. The large existing conservatory on the west end is to be modified by removing the glass roof with its glazing bars and replacing it with a lead roof on new rafters, together with replacing the glazing panels on its east elevation with painted plywood. This modified structure would then be 'attached' to a new single storey extension to be built onto the Ludlow Room to provide an eighth unit.
- The Butcher's Shop and Gardener's Cottage will revert to single detached dwellings (two beds).
- The Coach-houses will be internally sub-divided to provide 5 terraced units.
- The Archive Store will be converted to provide a pair of two storey, two bed cottages.

New Build

- A total of 7 predominantly two bed units built into the north and south sections of the walled gardens on the footprint of three earlier buildings. These are referred to as the Northern and Southern glasshouses and the North Cottage.
- Three detached bungalows behind the east wall of the garden.

These new buildings are proposed in a mixture of brickwork and render, under clay tiles or slates as appropriate.

An integral part of the scheme is the complete restoration of the walled garden and the landscaping of the surrounding grounds, described in greater detail in a later part of this report.

Access to the estate will remain unaltered, but electric security gates are to be installed at the main entrance where it emerges onto Park Lane. Parking will be provided at a ratio of 2 spaces per unit, plus visitor parking, and located in small, discrete areas across the estate.

The application was accompanied by a number of comprehensive statements and reports, including a Historic Building's Report, Financial Appraisal and Strategic Options in Development Proposal Report, this latter document incorporating structural analysis of the walled garden and the larger existing conservatory which is located at the western end of the main house.

CONSULTATION REPLIES:

- HEYWOOD PARISH COUNCIL

'The stated objectives of these applications is to safeguard the long-term future of Heywood House, a two star listed building. The Parish Council believes that the proposals although a material departure from the Development Plans are, by the mechanism of an enabling agreement, in principle an acceptable means of achieving the objectives.

Subject to the stopping of vehicular access to the A350 adjacent to West Lodge the Parish Council has no highways or amenities objections.

Therefore, provided the completion of the whole scheme is secured by legal agreements in a form approved by English Heritage legal advisers paying particular attention to appropriate legal bonds and the phasing of the works, and provided the WWDC Conservation Officer and English Heritage give their support to the proposals the Parish Council strongly supports the applications.'

STATUTORY CONSULTATIONS

- ENGLISH HERITAGE

Summarises its comments as follows:

'Building is Listed Grade II* and set within a landscape setting. The property is a large house, presently in office use, but located close to a major road and cement works. We have been involved in pre-application discussions and the submission has been framed as an enabling development proposal as advised by the Council. As we are not party to all the information (especially financial) it will be the role of the Local .Planning Authority to assess whether the proposals meet the key criteria set out in our policy guidance Enabling Development and the Conservation of Heritage Assets. From our knowledge of the proposals we are supportive of the intention of the proposals to provide a sustainable and appropriate use for the building to enable the listed building and its surroundings to be repaired, restored and maintained for the future.'

Within the body of the detailed response, English Heritage makes a number of further observations:

- A financial appraisal is necessary to ensure that the amount of proposed development is the minimum necessary to secure viability of the building and estate

- PPG 15 states that the most appropriate use for a property is that for which it was originally designed. The best for this property would therefore be as a single residence in conjunction with its landscape setting. However it is recognised that there are a number of issues to address including viability of uses and it is for the Council to determine whether a robust case has been made to justify the proposed change of use to 27 residential units.

- While there is no objection to the overall subdivision of the house, there is inadequate detailing with regard to the conversion and upgrade of the conservatory into a kitchen/living area. The structural engineers report makes reference to increasing the size of the glazing bars and adding more ties, but the drawings do not adequately show the implications of these works or whether building regulations will require additional works such as double glazing.

- VICTORIAN SOCIETY

Has no objection in principle to the return of the house and its ancillary buildings to residential use, nor to the finer details of the conversion with the exception of the proposal to convert and extend the conservatory. Although not original, this structure is considered to be an important, attractive and historic feature of a Grade 2* listed building, specifically mentioned in the list description. In the view of the Victorian Society, it is essential to the character of a conservatory that it be a glass roofed/glass walled structure and to re-roof it in lead and replace some of its walls with timber would effectively destroy that character. In summary, 'while we believe that while there is much merit in the overall conversion scheme, the proposed works to the conservatory make it unacceptable, and we would urge you to refuse Listed Building Consent for the application until this issue is addressed.'

INTERNAL CONSULTATIONS

- CONSERVATION OFFICER:

Due to the importance of this building and the heritage considerations which surround the application, the Conservation Officer's comments are given in full:

“Heywood House and its ancillary buildings and garden structures once formed an important residential estate between Trowbridge and Westbury was built in 1837. Whilst its status as a building has gradually diminished over the years in terms of uses, it is still a magnificent building that commands northern views from the A350 when travelling between the two settlements. It is described by Pevsner as "proudly neo-Jacobean" and symbolises the epitome of the country house of its day.

There are many fine examples of Victorian technology inside the house, although recent uses have neglected these quality features.

Over the past 2 years there have been a series of pre-application meetings that have gradually developed this proposal into a relatively well thought out scheme with the current agent/owner. This was primarily concerned with the overall principle of the change of use of the building from the offices that the National Trust had operated there to a purely residential scheme. Although there is a potential policy concern with the loss of employment use for this building, it should be noted that in conservation terms the PPG15 guidance clearly states that the original use for an historic building is considered to be the most appropriate use. It is therefore in conservation terms to return the house and buildings within the grounds to residential or ancillary residential. Ideally one single residential use for the house would be the most appropriate solution for Heywood House; however, the long period of time that lapsed before it was eventually sold indicates that this was not supported on the open market. This is supported by the financial appraisal that indicates that there would be a significant financial loss to anyone wanting to restore the house and grounds for a single occupancy.

1) Viability

Heywood House has been empty for approx 3-4 years and although it is currently well looked after and superficially in moderately good condition; it is still on the cusp of being a building at risk as it is not in use despite attempts by the owner to market it for commercial use.

Surveyor's reports have indicated that the main house requires a considerable amount of roof and stone repairs in order to prevent further deterioration in the building's fabric. In addition to this there are large cracks in the buildings that require localised repairs. Separately but just as importantly is the Conservatory that was demolished and almost entirely replaced by a modern replica in the 1980s by the National Trust. Conservatories are extremely vulnerable structures given the nature of the construction and use. The current owners have estimated that this building alone requires a large amount of money to be invested in it in order to stop the leaks that have come about from it being unused and neglected.

The walled garden and its associated garden buildings were neglected by the National Trust and in some cases, where they were redundant, fallen into disrepair. The most notable of these is the Northern Glasshouse, where much of this structure was removed by the Trust through the formal application procedure.

There are therefore several factors in considering this proposal that need to be borne in mind:

1. Repairs to the main house
2. Repairs to the Conservatory
3. Repairs to existing ancillary buildings within the grounds and the walled garden which is an important feature in respect to the setting of the listed building as well as being a significant feature that has survived relatively unaltered since it was originally constructed.
4. Reinstatement of lost ancillary buildings within the grounds that would make an important contribution to the setting of the listed building were they to be implemented.

In the light of the extra costs that will be required for the restoration to a high standard of these buildings and structures it is considered that there is robust justification for this proposal and the additional development based on C26E of the WWDC local plan that states " The maintenance of buildings listed as being of architectural or historic interest and others within conservation areas will be sought through the application of the following:

- Consideration of the possible relaxation of other planning policies in special circumstances, if this would secure the retention of a building of architectural or historic interest provided the proposal would not be detrimental to the local environment or to the character of the building".

2) Proposal

Mansion House

The scheme allows for the subdivision of the main house into 8 residential units. This has been carefully developed in cooperation with the council's officers over some time. The result is one where the principle rooms in the house -of which there are many! - will be retained and not subdivided into small areas. Care has been taken to avoid contrived spaces and leave the original plan form of the house relatively unaltered. One of the most successful units will be one that retains the grand central staircase and will be a 2 storey unit rather than a single storey flat. The house contains several staircases so this has allowed for this unusual treatment of the main staircase without jeopardising the building architectural integrity. In addition to the sensitive approach that has been made regarding the subdivision of the house, later, and in some cases, harmful additions to the mansion will be removed. This includes a 1980's fire escape, ugly velux rooflights, and inappropriate modern partitions put in for the offices. It is also unfortunate that the previous occupiers showed little sensitivity towards the installation of lighting fixtures and other services in the building with the result that fine decorative plaster ceilings have been damaged and obscured by inappropriate light fittings.

The house will generally undergo a major upgrade both in terms of its external fabric with major repairs carried out, whilst internally the whole building will be treated respectfully allowing original features to be reinstated. In conclusion it is considered that the principle of this scheme together with the quality of detail shown in the proposals will preserve and enhance the character of this stunning building.

Existing Ancillary Buildings and features

There are a large number of buildings such as the coach house recently converted to offices and garden buildings of different styles and quality of architecture within the grounds. Many of these have fallen into disuse and dereliction. One of the most important is the walled garden with remnants of associated glass houses and other structures. Although the wall to this garden has survived relatively intact there are some areas that have suffered from lack of maintenance in the past.

Part of the success of this scheme is the holistic approach that the developer has taken to the whole site regarding each element of the surviving estates features and landscape as significant in the overall concept to this development. The conversions proposed are once again minimal in terms of the alterations proposed to the exterior of these buildings and the resultant units are both spacious and non-invasive in terms of creating any new additions. The only aspect of the scheme that does not comply to this principle is the treatment of the conservatory and the new units that are proposed as enabling development. (See below)

Detailed historic research has been undertaken in trying to re-create the lost buildings that were part of the original design concept for the walled garden. Two important buildings -the northern and southern glasshouses were demolished by the National Trust. The scheme proposes the replacement of these structures. Certain features will be reinstated, whilst allowing for residential uses within them. So although they will not perform the function of glasshouses and will not have glazed roofs, they will in terms of size, location and scale is very similar to the historic structures that have been lost. In addition, the walled garden will have major repairs carried out to it and will benefit structurally from these additional house units for structural support.

New Build

There are four new units that are proposed within the grounds of the House that are proposed primarily for enabling development. Three are situated to the east of the walled garden and one to the north between two existing buildings. Their impact on the site has been minimised by the low scale and simple design that reflects the garden buildings form and the materials used will also be compatible with the existing buildings on the site. Indeed the discreet location of the eastern cottages means that they will be well hidden in most views within the site.

The conservatory, as already mentioned, is a modern replacement of the earlier structure, demolished in 1985. It is attached to the main house by a high wall that forms the rear wall to it.

The developer considers that the most viable use for this structure given its current poor condition and the money needed to be spent on it is to convert it into a separate residential unit and create an extension behind the wall to provide extra accommodation for it. Officers have been concerned about this individual unit for several reasons; the need for the extension in such close proximity to the main house although it is well obscured by the high wall, and the need to impose a solid lead roof to the conservatory apart from the retention of the central upstanding lantern along the ridge. It was also considered that the change of use from a purely recreational and ancillary space to a residential unit could be harmful to the listed building's character.

3. Setting

Generally this issue has to be considered against the wider context of the whole of what should be regarded as the historic landscape setting to the mansion house and its ancillary buildings and structures. Within this context and bearing in mind that there are many enhancements that are proposed to the buildings and grounds it is considered that overall this scheme should be seen as a positive enhancement and preservation of the listed building. The only area of concern is of the proposed alterations to the conservatory as raised above. However, it is acknowledged that the position of the conservatory will mean that in views within the grounds the impact of the external changes to the structure will have little wider impact.

4. Further Minor Amendments. (Received Aug 3rd 2007)

A meeting was held with the applicants on 30th July, in order to raise a number of points that require further clarification or refinement as part of this application. The following list indicates the concerns raised on conservation grounds and the response from the applicant.

Main House

Rooflights - It should be noted that the developers propose to use good quality roof lights that are designed to emulate the Victorian style. One rooflight is shown to be visible on the rear elevation (northern). We have endeavoured to have any rooflights discreetly located so that they are hidden by existing architectural features. It was asked that this one to Unit 7 be deleted as it was not discreetly located. The applicants have agreed to this amendment.

Doors - clarification was sought over where doors are proposed to be blocked that they should be retained in situ rather than entirely removed from their historic position. This was agreed would be the position in all respects where doors are shown to be blocked in the main house.

Conservatory - In the light of the views given above, there were two issues of concern raised on the alterations proposed to this structure:

1. The first that the introduction of a solid lead roof would result in a characterless internal ceiling to the converted unit as it was shown to be entirely plaster boarded throughout. This has now been amended so that the principle rafters of the conservatory roof structure will be left exposed. This will allow for a greater identity with the original building's form internally if the conversion goes ahead.

2. The second concern is over the impact of the lead roof and therefore of the conversion of this structure to the setting of the main building and to the way a conservatory with a virtually solid roof can still be read as such externally. The extreme reaction to the harm that was considered would be created to the main building's setting and to the character of the conservatory was to suggest it was simply demolished. This is actually not as major as it sounds as the conservatory was demolished in 1985 and underwent a major rebuilding exercise in 1987 so very little of the original structure survives today. It is considered that there will also be a need to replace more of this 1980's replica with a further 2008 structure that will be even more removed from the original. It is also considered that the Summary of recommendations applicant's conversion is contrived and that in order to make the structure work as a separate unit an extra extension has to be added. Approve.

Negotiate revised scheme for further comments from conservation.

This is the one area of the scheme where the applicant and officers have not been able to agree.

General Issues

Satellite Dishes- concern was raised over the location of some of the dishes on the buildings in the site. This has been re-evaluated and revised positions found that should allow for discrete positioning.

Bin Stores - no provision had been shown for bin compounds within the site. The amendments now indicate where the enclosures for the bins will be and there are no further concerns raised.

Privacy Film- This is shown on the Coach House on the existing large glazed entrance doors.

Following the submission of details showing this detail installed on a listed building this concern has been removed.

Conditions

There will be a need for numerous detailed conditions relating to the actual conversion works to the mansion house and other existing building and features on the site. This will also need to be tied in to a Section 106 that will control the phasing of works so that we can ensure that the listed structures are fully restored before the new build takes place.

Further details will need to be submitted, including any gates, new walls or other forms of enclosure within the grounds. Materials will also be a major issue requiring samples and panels of brickwork etc for site inspection.”

PUBLICITY RESPONSES

The application was advertised by site notice and in the local press as development affecting a listed building. Relevant site notices were attached to both entrances to the site. No letters of comment or objection have been received.

RELEVANT PLANNING HISTORY

There is a considerable planning history relating to this site from 1982 onwards and is used for office purposes by the National Trust. This is of little relevance to the current proposal other than to indicate the scale of changes to the fabric of the listed building over the past 25 years.

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016
HE7 Conservation Areas and Listed Buildings

West Wiltshire District Council - 1st Alteration 2004
C26 Maintenance of buildings
C27 Listed buildings
C28 Alterations and extensions to listed buildings
C29 Demolition in listed buildings

PPG15 - Planning and the Historic Environment

KEY PLANNING ISSUES

The key issues raised by this application relate to the overall heritage objective, and the impact of the proposed development on the character and appearance of this Grade II* listed building and its setting.

PLANNING OFFICER COMMENTS

A detailed analysis of the heritage aspect of this proposal is given in the Conservation Officer's comments in the earlier part of this report. This clearly addresses the overall viability issue, and identifies four main areas for consideration:

i) The repairs to the main house and subsequent conversion

This aspect of the development raises no concerns from a listed building point of view, and is actively supported by both the Conservation Officer and English Heritage.

ii) Modification of the conservatory

By contrast, this element of the scheme has attracted significant objections from the Conservation Officer, English Heritage and the Victorian Society, and at the time of preparing this report, it remains an unresolved and unacceptable part of the proposal.

This aspect of the scheme has been a continuing concern throughout the pre-application process, with the proposal to convert and extend the conservatory to form a new residential unit, an unsatisfactory solution. The proposed extension to the west of the Ludlow Room is itself, not ideal, and is only needed as enabling development to offset the costs of converting the conservatory. These conversion works, involving the replacement of the glazed roof with lead and several of the window openings with timber, are to provide for an open plan kitchen/living room attached to a new stone built extension. The result is a conservatory which will no longer look or operate as one, and the creation of a contrived and generally unsatisfactory residential unit from a living point of view.

On this basis, the value of retaining the conservatory at all must be questioned, and some consideration has been given by your officers to the demolition of the structure as a possible "less unacceptable solution". However, the applicant is not prepared to accept this suggestion, citing unviability and the inherent value and importance of retaining this listed conservatory. Notwithstanding, the views of English Heritage and the Victorian Society have been sought on this particular suggestion as a means of finding a satisfactory compromise. The former has made no formal response; the latter does not consider that a case for demolition has been made and reiterates that despite major restoration works on this structure in 1987, the conservatory must be regarded as part of the Victorian fabric of the listed building and should be retained largely as it is. They advise:

"Our preferred option would still be retention as a community facility. If, as the applicants claim, there is really no prospect of this, and if there is really no way to make the structure habitable without introducing inappropriate materials, then the whole of the living accommodation will have to be placed within the rear extension, making a small flat with a very large conservatory. Re-roofing in lead seems to us to be so inappropriate as to be unacceptable in principle."

The preferred option of simply retaining the conservatory in its present form, for ancillary use by the Ludlow Room apartment, or for general use by any of the Mansion's future residents, has previously been dismissed by the applicant as unviable, costing an estimated £66,000 simply to repair. This latest proposal by the Victorian Society has been put to the applicant as an alternative and his comment is anticipated in time to be considered at the Planning Committee.

At the time of preparing this report, this remains the one area of the scheme where the applicant and officers are unable to agree.

iii) Repairs to existing ancillary buildings within the grounds and the walled garden

The Conservation Officer's analysis fully supports the holistic approach taken to the whole site, which includes minimal alterations to the surviving buildings, the recreation of "lost" buildings that were originally part of the garden concept, and the restoration of the garden itself.

iv) New build

The new build element relating to the modified conservatory has already been addressed and requires no further amplification.

With regard to the new cottages to be constructed within the grounds, having accepted the principle as enabling development, their scale and simple design is considered to be entirely appropriate within this landscape context.

As is evident from the above, with the exception of the proposed works to the conservatory, this development is seen as a positive enhancement and preservation of the listed building and its setting.

CONCLUSION

This major restoration project has been the subject of discussions between the applicant and the Local Authority and English Heritage for the past 2 years since the departure of the National Trust from the site. The overall objective has been to provide a sustainable and appropriate use for this building, to enable the listed building and its surroundings to be repaired, restored, and maintained for the future. The result is a comprehensive, well-presented and expensive scheme which, when completed, would fulfil the original objective and contribute in a very positive way to safeguarding the heritage of this historic estate.

As identified in the main body of the report which supports the accompanying planning application, there are many important planning issues raised by this proposal. These include the loss of employment and the scale of enabling development which are not directly for consideration as part of this listed building application, but which are relevant to the scheme as a whole.

Specifically on the listed building aspects, while the restoration and improvements to the house, outbuildings and gardens are generally supported by the relevant heritage and conservation experts, the proposed conversion of the conservatory remains an unacceptable part of the scheme. As a self-contained project, this particular part of the proposal cannot be supported and in the event that an application were to be subsequently submitted for this element alone, it would undoubtedly be recommended for refusal. However, it is not a stand-alone proposal, but part of a larger scheme, which will ensure the future retention of the whole building and estate. This much wider objective cannot be ignored and ultimately requires a pragmatic and broader view to be taken in certain specific areas and on some aspects of detail. It remains both your officer's and the general conservation view that the proposed modification to the conservatory is an alien solution which is detrimental to its character and appearance and which, in all probability, will result in a singularly inappropriate residential unit in terms of function. This may, of course, lead to requests for further modifications in the future, but such requests will be judged on their merits at that time.

Notwithstanding the above concern, the remainder of the proposal will clearly deliver a well conceived, comprehensive and respectful upgrade of this most important building and its grounds. Therefore, with this wider heritage objective in mind, the application as currently proposed is supported subject to the satisfactory resolution for the restoration of the conservatory, and is recommended for referral to the Secretary of State for permission.

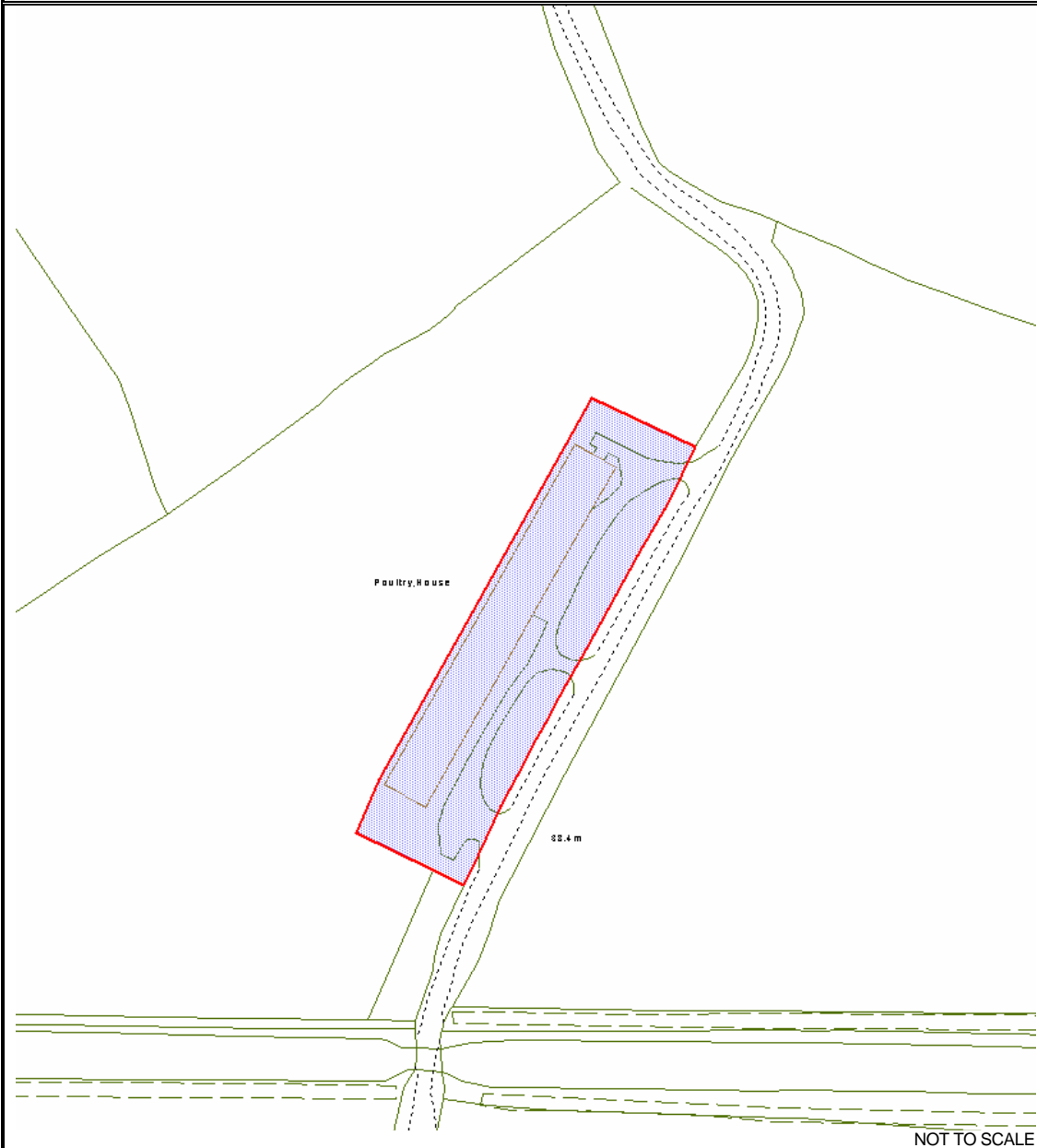
PLANNING COMMITTEE

13 September 2007

ITEM NO: 15

APPLICATION NO: 07/02151/FUL

LOCATION: Units 1 To 2 75 Whaddon Hilperton Wiltshire BA14 6NR



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SLA: 100022961

15 Application: 07/02151/FUL

Site Address: Units 1 To 2 75 Whaddon Hilperton Wiltshire BA14 6NR

Parish: Hilperton Ward: Avonside
Grid Reference 387930 160874
Application Type: Full Plan
Development: Variation of condition 5 on planning consent 06/00633/FUL
Applicant Details: Mr D Tucker
Whaddon Grove Farm Whaddon Lane Hilperton Trowbridge
Wiltshire
Agent Details: Land Development And Planning Consultants Ltd
FAO David R Pearce Lavender Cottage Nettleton Chippenham
Wiltshire
Case Officer: Mr Mike Muston
Date Received: 03.07.2007 Expiry Date: 28.08.2007

REASON(S) FOR RECOMMENDATION:

The removal of the condition would cause no material harm to the safety of the highway or the living conditions of nearby residents.

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 premises shall be used for the storage of domestic goods owned by the tenant(s) of the building and for no other purpose (including storage in connection with any commercial or industrial activity or any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: In order to protect the amenity of the surrounding area

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

- 3 Before the use hereby permitted is implemented the area between the nearside carriageway edge and an area extending 2 metres parallel to it over the entire site frontage shall be cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety

- 4 Each entrance shall be recessed, having a minimum width of 4.5 metres and they shall be constructed 4.5 metres back from the carriageway edge and the sides shall be splayed outward at an angle of 45 degrees toward the carriageway edge. The area between the entrances and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Hilperton Parish Council object contrary to your officers recommendation.

Permission 06/00663 included condition 5, which stated that "the building shall not be subdivided into more than fifteen separate units", and gave the reason for the conditions as "in order to protect the amenity of the surrounding area". This application is seeking to remove this condition.

STATUTORY CONSULTEES

HILPERTON PARISH COUNCIL: Object.

Objects on the grounds that there has been no material change in circumstances since this condition was made and the Council does not want to see any increase in traffic using the lane, especially with the inadequacy of the road system and poor visibility at the junction with the B3105.

HIGHWAY AUTHORITY

Bearing in mind the appeal decision for 05/01085/FUL, where the Inspector did not have concerns over the traffic associated with a domestic storage use, and the estimated expected traffic giving a low trip generation, no highway objection is raised.

PUBLICITY RESPONSES

The application was advertised by site notice and neighbour notifications have been carried out. No letters have been received in response.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)
C38 Nuisance

RELEVANT PLANNING HISTORY

05/01085/FUL - Change of use to domestic storage units - Allowed at appeal (nearby similar unit to north) on 19.12.2005

06/00633/FUL - Change of use to domestic storage units - Permission 21.03.2007

KEY PLANNING ISSUES

The main issue in this case is whether the removal of the condition would cause any material harm to highway safety or the living conditions of nearby residents.

PLANNING OFFICER COMMENTS

The application site is a redundant poultry shed, located just north of the bridge over the Kennet and Avon canal. In 2005, an application was made on a similar unit a short distance to the north to change the use of the building to domestic storage units. This was refused by the Council but went to appeal. The Inspector in that case considered that the proposed use would only give rise to a modest number of additional daily vehicle movements in comparison to the lawful use, and that these would not have a significantly greater impact on the road, despite its inadequacies.

The Inspector considered the matter of conditions and imposed one restricting the premises to the storage of domestic goods and not for any other use within Class B8. She did not impose a condition restricting the number of units into which the unit could be divided.

In 2006, application 06/00633/FUL was submitted, for essentially the same use on the building the subject of this application, another redundant poultry shed a short distance to the south. Given the history on the unit to the north, the Council resolved to permit this application, subject to conditions, which included the same condition restricting the use as on the appeal decision, as well as the now disputed condition 5.

The current applicant has experience of operating domestic storage units and has found that the majority of demand is for smaller units. It is for this reason that they are seeking the removal of this condition. The applicant says that from his experience, the average let is for six months, and that the average occupier makes a single trip at the beginning and a single trip at the end of this period. There is no need for any other traffic movements in association with the use. As a result, the permitted use of the two sites for domestic storage would produce 0.78 of a vehicle movement per day. The proposed relaxation of condition 5 would potentially add another 0.35 of a vehicle movement per day. From your officers' experience of such units, these estimates seem reasonable.

Such an increase would definitely not be noticeable by nearby residents and would have no material effect on the use of the roads. Under the circumstances, it would not be defensible to seek to retain the condition when no harm would result from its removal.

There is no element of new build. It is an existing former poultry house. After permission was granted, with the condition stating no more than 15 units, the owner began sub-dividing it for the proposed users who all require smaller units than had originally been envisaged. He is now left with a building comprising 15 small units and a large equivalent area of building unused. He hopes to sub-divide this part of the building on a similar basis to that which he has carried out already.

CONCLUSION

No harm would result from the removal of the condition. It is therefore recommended that permission be granted for the removal of condition 5 of 06/00633/FUL.

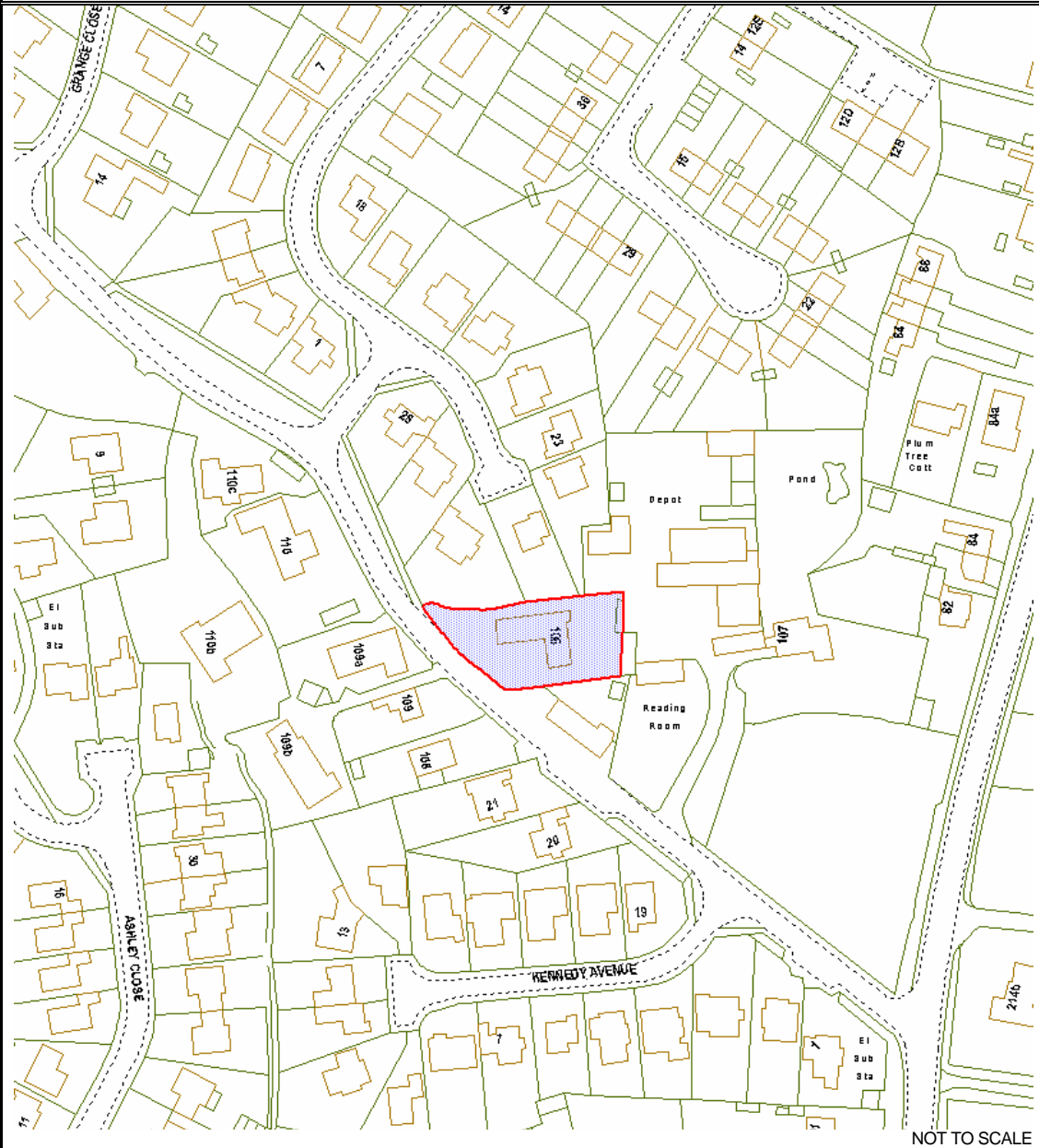
PLANNING COMMITTEE

13 September 2007

ITEM NO: 16

APPLICATION NO: 07/01955/FUL

LOCATION: 106 Middle Lane Whitley Wiltshire SN12 8QR



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SLA: 100022961

16 Application: 07/01955/FUL

Site Address: 106 Middle Lane Whitley Wiltshire SN12 8QR

Parish: Melksham Without Ward: Atworth Whitley And South Wraxall

Grid Reference 388659 166171

Application Type: Full Plan

Development: Proposed single storey rear extension

Applicant Details: Mr Barry Pocock
106 Middle Lane Whitley Melksham Wiltshire SN12 8QR

Agent Details: A Harlow & Son
46 Longford Road Melksham Wiltshire SN12 6AT

Case Officer: Mr Mike Muston

Date Received: 19.06.2007 Expiry Date: 14.08.2007

REASON(S) FOR RECOMMENDATION:

The proposed development would not materially affect the amenities of the neighbours 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 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors, other than those hereby approved, shall be added to the north elevation elevation of the development hereby permitted.

REASON: In the interests of amenity and privacy.

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Melksham Without Parish Council objects contrary to your officers recommendation.

This application is for a single-storey extension to the side and rear of this detached bungalow. It would be 5.58 metres long and extend beyond the existing side elevation of the bungalow by 2.7 metres. It would have an eaves height of 2.7 metres to match the existing property and a ridge height of some 4.9 metres to match that over the existing kitchen, which it would adjoin. It would occupy much of the gap between the existing side wall of the bungalow and the over 2 metre high conifer hedge that marks the boundary with the rear of 25 Brookfield Rise, the property to the north. A gap of approximately 1 metre would remain between the extension and the boundary. The agent has checked these measurements on site and has confirmed that this gap of 1 metre would remain, although the proposal may involve a reduction of the conifer hedge on the boundary.

STATUTORY CONSULTEES

MELKSHAM WITHOUT PARISH COUNCIL: Object.

The Council has concerns that the new build is right up to the boundary line of the adjacent property, which will result in loss of light to the garden. Also point out that the plan for the north elevation does not show the existing windows. (Revised plans have been submitted showing these windows.)

PUBLICITY RESPONSES

Neighbour notifications have been carried out. One letter has been received in response, raising concerns about the application and requesting amendments. The main areas of concern are:-

- Concern about the accuracy of the plans as some windows not shown (Revised plans have been submitted showing these windows)
- Loss of sunlight to the rear garden of the adjoining house
- Request that the roof be amended to flat or gently sloping
- Wishes to be assured that a gap would still exist between the nearest point of the extension and the boundary (Investigations by the agent and the submission of revised plans show a remaining gap of approximately 1 metre.)

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)
C38 Nuisance

RELEVANT PLANNING HISTORY

88/02353/FUL - 2 storey extension, alterations to roofspace & garage - Permission

96/00192/FUL - Replacement conservatory - Permission

99/01340/FUL - Two extensions - Permission

02/00711/FUL - Garage with playroom over and store to side - Permission

KEY PLANNING ISSUES

The main issue in this case is the effect of the proposal on the living conditions of the occupiers of the adjacent property to the north.

PLANNING OFFICER COMMENTS

The proposed extension would be clearly visible from the rear garden of 25 Brookfield Rise, which backs on to the part of the application site where the current extension is proposed. However, it would only have an eaves height of some 2.7 metres and a ridge height of about 4.9 metres. It would be visible at the bottom of the neighbour's rear garden, but this would be over 20 metres from the rear elevation of the house itself. In the circumstances, it is not considered the proposal would have any materially harmful effect on the amenities of the neighbours. A condition is recommended to prevent the insertion of any windows in the northern elevation of the extension without requiring planning permission.

CONCLUSION

It is not considered that the living conditions of the occupiers of the adjoining dwelling would be materially harmed. It is therefore recommended that planning permission be granted, subject to the conditions listed above.

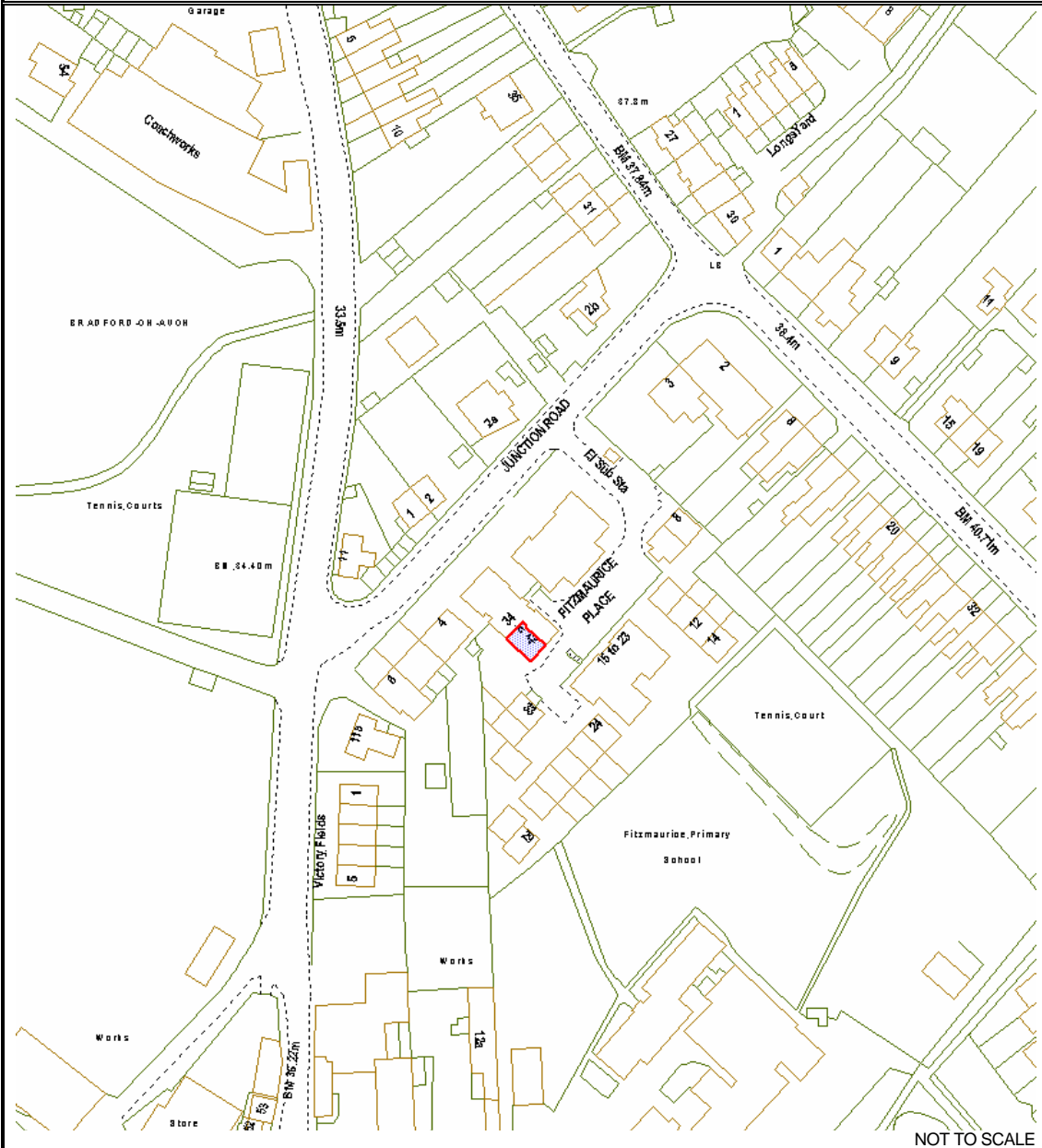
PLANNING COMMITTEE

13 September 2007

ITEM NO: 17

APPLICATION NO: 07/02110/FUL

LOCATION: 38 Fitzmaurice Place Bradford On Avon Wiltshire
BA15 1EL



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SLA: 100022961

17 Application: 07/02110/FUL

Site Address: 38 Fitzmaurice Place Bradford On Avon Wiltshire BA15 1EL

Parish: Bradford On Avon Ward: Bradford On Avon South
Grid Reference 382620 160496
Application Type: Full Plan
Development: Replace windows with UPVC double glazed units
Applicant Details: Miss E Hillard
38 Fitzmaurice Place Bradford On Avon Wiltshire BA15 1EL
Agent Details: Mrs J Rosier
15 Trowbridge Road Bradford On Avon Wiltshire BA15 1EE
Case Officer: Miss Andrea Levin
Date Received: 27.06.2007 Expiry Date: 22.08.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the planning committee because Bradford on Avon Town Council objected to the proposal and your planning officer recommends permission.

This is a full application for no. 3 replacement windows on a first floor flat located in Bradford on Avon Conservation Area. The existing windows are timber framed and are currently in a poor condition. The proposed windows would be UPVC framed and would not alter the size or the design of the windows.

The property is characterised as a modern apartment complex, of buildings of similar design. It is located within the Bradford on Avon Conservation Area.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

The Town Council considers the use of UPVC inappropriate within the Conservation Area and requests that the replacement windows are constructed in timber to match existing. No objection to the use of double glazing.

PUBLICITY RESPONSES

The proposal was advertised by way of site notice and letters to the neighbouring properties. A letter was received from Bradford on Avon Preservation Trust with the following comments:

The trust supports the view of the Town Council regarding this application. The use of UPVC is inappropriate in the Conservation Area. Timber windows are preferred. Recommend refusal.

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

SPG – Planning Design Guidance (House alterations and extensions)

KEY PLANNING ISSUES

The main issues to consider regarding this application are the potential impact on the host dwelling, the character and appearance of the Conservation Area and the neighbouring amenity.

PLANNING OFFICER COMMENTS

Policy C18 and C19 of the West Wiltshire District Plan states that materials and colours which blend with their setting are used. Traditional local materials will be expected, except in locations away from public view. The proposed replacement windows would be a design to match the existing windows on the building, and although the proposed UPVC window frames would generally be an inappropriate addition to a building within the conservation area, in this case it is considered to be acceptable, because the windows would be facing onto a private car park, therefore would not be seen from the street or the adjacent highway.

Policy C38 of the West Wiltshire District Plan states that proposals will not be permitted which would detract from the amenities enjoyed by, or cause nuisance to, neighbouring properties and uses. The proposed development would not involve the addition of any new windows therefore there would be no loss of light or privacy to any surrounding properties.

CONCLUSION

For the above reasons, the proposed development should be recommended for permission.

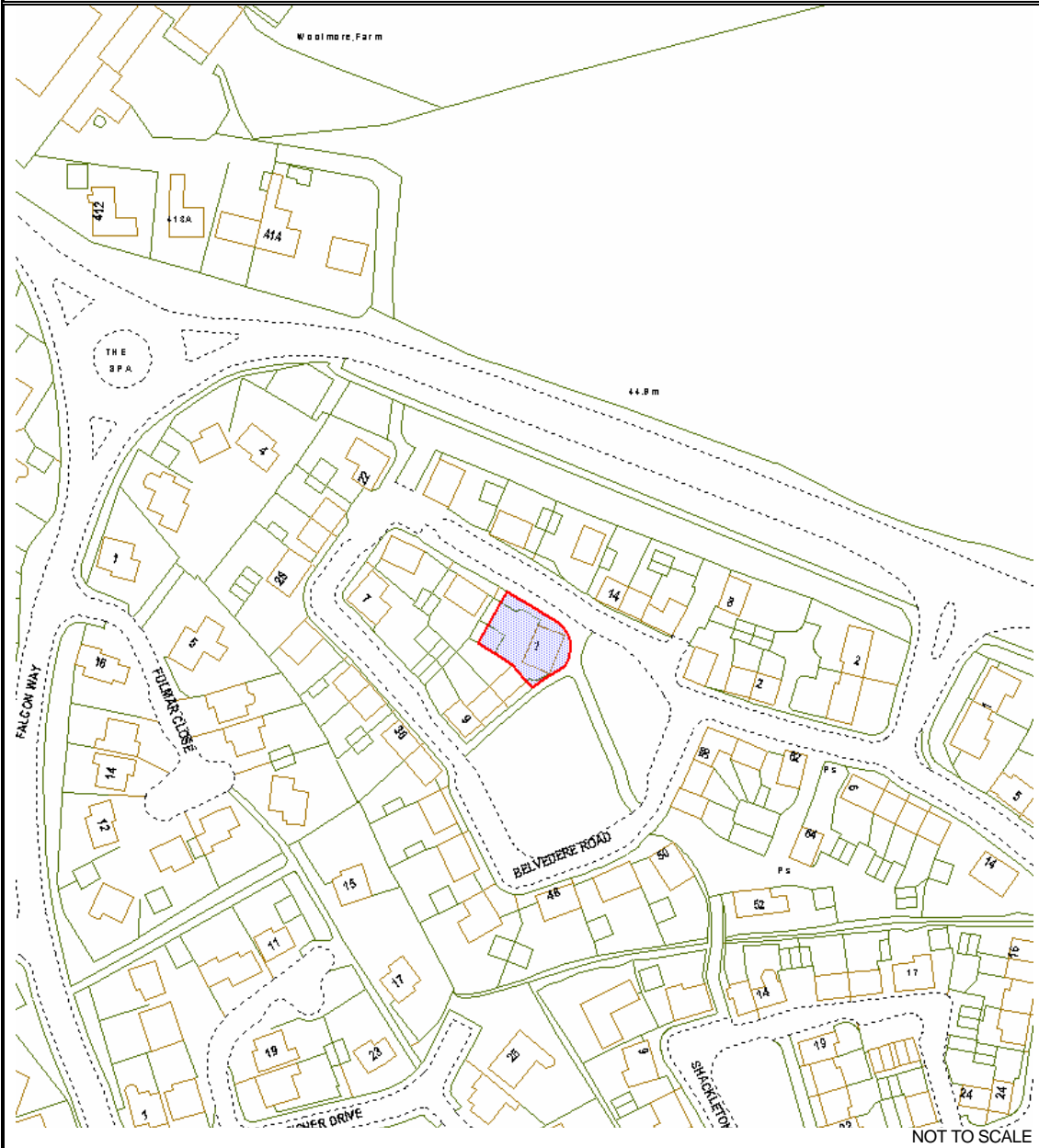
PLANNING COMMITTEE

13 September 2007

ITEM NO: 18

APPLICATION NO: 07/01672/FUL

LOCATION: 1 Belvedere Road Bowerhill Wiltshire SN12 6AJ



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SLA: 100022961

18 Application: 07/01672/FUL

Site Address: 1 Belvedere Road Bowerhill Wiltshire SN12 6AJ

Parish: Melksham Without Ward: Melksham Without

Grid Reference 391802 162291

Application Type: Full Plan

Development: New wall 1.90 metres high adjacent to highway to replace existing wall

Applicant Details: Mr And Mrs I Forester
1 Belvedere Road Bowerhill Wiltshire SN12 6AJ

Agent Details:

Case Officer: Miss Andrea Levin

Date Received: 15.05.2007 Expiry Date: 10.07.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.4m x 2.4 m and which shall be kept free of obstruction above a height of 0.6m

REASON: In the interests of Highway safety

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought before the Planning Committee because Melksham Without Parish Council objected to the proposal and your planning officer recommends permission.

This is a full application for the erection of a boundary wall, 1.0 metres North of the existing boundary wall. The proposed wall would form the boundary wall of the rear garden and would run alongside the existing public pavement. An existing boundary wall would be removed in order to accommodate the proposed development.

The proposal would measure 1.9 metres high, 11.75 metres in length and approximately 0.16 metres in depth.

The area is characterised by predominantly red brick boundary treatments, and the proposal would re-use existing blocks and incorporate bricks to match existing. The wall would end with a 2.0 metre high red brick gate post on its Northeastern point.

The proposal would involve the inclusion of amenity land approximately 2.5 metres in width and 19 metres in length, into the domestic curtilage of the dwelling.

CONSULTATION REPLIES

MELKSHAM WITHOUT PARISH COUNCIL: Object.

The council is unhappy about this land being enclosed by a wall as it will cause visibility problems. The land in question is a service strip. It may have restrictive covenants on it. It has not yet been adopted and is still controlled by Persimmons. There is doubt as to whether the land is actually part of this property.

HIGHWAY AUTHORITY: No objection.

I note that at this point the footway has a width of 3m. Therefore the visibility at the access points for the property and neighbouring property will not be adversely affected. The only requirement that I have is that a pedestrian intervisibility splay is provided to cater for visibility of and for pedestrians and drivers in relation to the footway.

I recommend that no highway objection be raised subject to the condition provided being attached to any permission granted.

PUBLICITY RESPONSES

The proposal was advertised by way of letters to the neighbouring properties. No comments received.

RELEVANT PLANNING HISTORY

None.

PLANNING POLICY

West Wilts District Plan 1st Alteration 2004

C31a – Design

C38 – Nuisance

SPG – Planning Design Guidance (House alterations and extensions)

KEY PLANNING ISSUES

The key issues with this application are the impact on the character of the area and the street scene.

PLANNING OFFICER COMMENTS

The repositioning of the boundary wall to include amenity land directly to the Northeast of the property would essentially involve a change of use. The existing area is currently poorly maintained, and its removal would not be to the detriment of the street scene, as there is only poor quality vegetation, which is currently detracting from the visual amenity of the close.

The inclusion of this amenity land into the domestic curtilage of the property would ensure the proper maintenance of the land, thus conforming to policy C31a of the district plan.

The materials to be used in the proposed development would be in keeping with the surrounding area, which is characterised by redbrick boundary walls.

The comments provided by Melksham Without Parish Council regarding ownership of the land are not a relevant planning matter. Further to this, a letter has been provided with the application from Bloor Homes stating that the land is considered to be under the ownership of the applicants', therefore it can be enclosed within the curtilage of their property, subject to planning permission.

Following comments received from Highway Authority, it is considered that there would be no impact upon the highway safety as a result of the proposal.

There are no neighbour amenity issues to consider with regard this application.

CONCLUSION

In conclusion, the proposal conforms to the relevant policies, and no planning objections are raised.

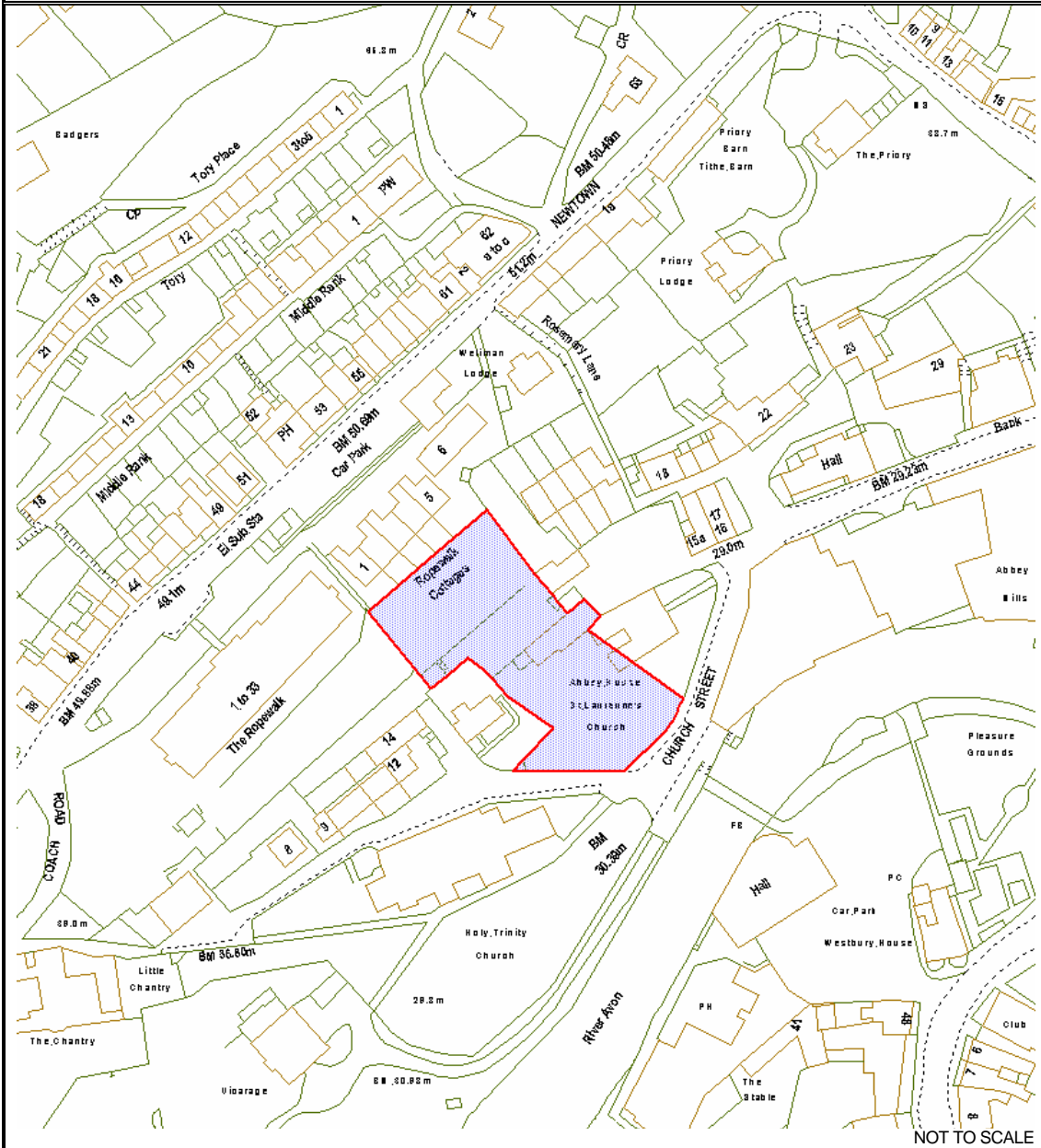
PLANNING COMMITTEE

13 September 2007

ITEM NO: 19

APPLICATION NO: 07/01647/FUL

LOCATION: Hortons House 15 Church Street Bradford On Avon
Wiltshire BA15 1LN



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SLA: 100022961

19 Application: 07/01647/FUL

Site Address: Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference: 382439 160935
Application Type: Full Plan
Development: Conversion of derelict "wellhouse" to garden store
Applicant Details: Mr And Mrs J Seekings
Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN
Agent Details: Mr J J Sample
Parham Bungalow Parham Lane Market Lavington Devizes Wilts
Case Officer: Mr Russell Brown
Date Received: 10.05.2007 Expiry Date: 05.07.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Consent

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 character and fabric of the listed building is protected.

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

- 3 The oak boarding shall not be stained or painted, but left natural to achieve a silvered finish.

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the Planning Committee as the Town Council object and your officers recommend permission. This is a re-submission of an identical scheme following a refusal at Planning Committee – the listed building consent application was deferred at that meeting and now accompanies this re-submitted application.

This is a full planning application for the reinstatement of a wellhouse for use as a garden store room. The site is in the curtilage of Hortons House in Bradford On Avon which is a Grade II* listed building. The wellhouse is directly behind the Saxon church, which is a Grade I listed building, and is sited at a higher level, behind a stone wall and iron railings.

The wellhouse is currently in a state of some ruin. Three walls are still principally intact but there is no roof structure and no south eastern wall.

Therefore the structure now forms a very small courtyard with the well opening in the middle. Historically the site of the well, actually a cistern, was enclosed with a building and the evidence that the applicant's have found seems to suggest that the building was in fact used for a garden store even at that time.

The application proposes to reinstate the missing wall with a vertical oak board panel with a matching vertical oak board door. The remaining walls would be built back up with natural stone to their former heights to allow a lean-to roof structure finished with reclaimed clay roman tiles.

The applicant has submitted a letter explaining the background of the application and the situation as they see it regarding the comments of the Town Council. It is not possible to attach this letter as an annexe to this report, as requested by the applicant, as it is not procedure to add such justification statements in this way. The letter is on the application file. The background information statement shows the historical investigation and information that the applicants have undertaken and goes on to discuss the stone versus timber options, concluding that the timber option is preferable, for reasons of access and structural integrity of the cistern underneath and in terms of conforming with conservation guidelines. The letter also infers that a stone option would be very difficult to achieve due to ownership issues as it would mean the wall being built into the railed stone wall of the boundary with the church.

Following the Planning Committee where the previous planning application was refused and the listed building consent application was deferred, the trustees of the Saxon church were written to expressly asking their opinion of the application, as this was a concern of the Committee and a reason for deferral. The response is noted in the Publicity section later in this report.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

Objections:

“This is an extremely sensitive part of the Conservation Area being close to the Saxon church. In these circumstances use of wood for the sides of the store would be inappropriate and the Town Council commends the use of stone as was proposed in one of the previous applications.

The Town Council is concerned that the Saxon/Holy Trinity church trustees have not been informed once again.

Roman rooftiles are inappropriate materials for this building: stone rooftiles should be used in keeping with nearby buildings.”

STATUTORY CONSULTEES

ENGLISH HERITAGE

No objections

INTERNAL WWDC CONSULTEES

CONSERVATION OFFICER

"No objections. This is the second time that this scheme has been submitted - subject to my previous comments I have no further issues with this application. The works to repoint and consolidate the existing walls have been completed satisfactorily so the structure of the wall should be sound."

Previous comments:

"I have had pre-application discussions about this scheme on site. This is a complicated site because of the number of restraints attached to it or in close proximity to it.

Historically, it is clear that there was a form of structure here sometime ago with its stone walls to 3 sides still remaining relatively intact. It is likely that this would have been a covered structure for housing the well in this location. The well was no doubt an important resource that probably would have served a number of dwellings and poss. business's in the area not to mention the fire station over the road! Indeed the map of 1901 seems to indicate that there may have been a more substantial structure located here.

* The location of this proposal is adjacent to the Grade I listed St Laurence's Chapel and there has been a lot of archaeological interest within the grounds of this church. With the close proximity of the churchyard, I would have thought it likely that the County Archaeologists would want to at least have an opportunity of considering this proposal.

* The setting of both the churches and the Annex to Abbey House known as Hortons House, let alone other listed buildings in the vicinity!, make it important to consider the setting of all of them. The greatest impact of this scheme, however, will be the Chapel itself as the proposal will face the churchyard behind a small stone wall and railings. The topography of the area means that the proposed structure will be raised above the level of the churchyard and certainly its roof and part of its elevation will be visible above the wall and through the railings from the churchyard. In terms of the

other listed buildings in the area most will have views of this building but in my opinion they will not be harmful or adversely effect the setting of these buildings as they will be some distance away and in any case this is a relatively modest structure.

* With historic justification for this scheme, I would argue that there is good justification for reinstating it providing the materials and style of building is traditional and appropriate to the conservation area.

The original pre-application scheme proposed the same building form with a lean-to roof but with a slightly different shaped frontage executed in stone. The front has now been simply as a flat face with clearance shown over the well entrance. The only other difference is the use of timber instead of stone for the wall cladding. I do not feel that this should be a problem bearing in mind that this is a smart garden shed and replaces a more conventional timber shed presently housed in this location. Admittedly the original well head building may have had a return wall of stone but I am still not concerned with the use of timber providing it is oak and not stained. The recent new extension to Barton Farm clearly indicates that the timber there is stained in an unfortunate orange colour that is not appropriate. I am also aware that timber has been used in the front of the new extension to 14, Church Street next door to this, so I would feel it would be difficult to justify resisting timber in this situation. A further thought is that the timber door should match in indistinctly with the timber cladding to the same width of boarding etc."

PUBLICITY

The application has been advertised and a site notice attached to the site. Neighbour notifications have also been undertaken. No responses have been received from this procedure.

The response to the letter to the Saxon church includes the following points:

- Opposition to a proposal to incorporate the 'well house' structure into the church's boundary, but accepted the idea of building on the existing footprint.

- Would not be opposed to a wooden door and a small amount of wooden cladding.
- At no time has the church insisted on wood: they would be very happy with stone.

PLANNING POLICY

West Wiltshire District Plan 1st Alteration 2004
C17 – Conservation Area
C27 – Listed Buildings
C28 – Alterations to Listed Buildings
C31a – Design
C38 – Nuisance

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

RELEVANT PLANNING HISTORY

06/03666/FUL – Proposed conversion of derelict wellhouse to garden store – Refused
16.02.2007.

KEY PLANNING CONSIDERATIONS

The key issues in this application are the effect of the proposal on:

- the character of the curtilage listed wellhouse
- the setting of the surrounding listed buildings
- the special character and appearance of the Conservation Area
- neighbouring and public amenities

PLANNING OFFICERS COMMENTS

The existing structure is in a state of ruin and considerable disrepair. The structure will continue to deteriorate, even with reasonable maintenance, until it falls completely. Consequently, it can be seen that the reinstatement of this building would safeguard the remaining structure and ensure its continuing longevity.

The character of the existing is that of a deteriorating structure. It is clear that there was previously a building on this site and its reinstatement raises no objections in principle. It is likely that the building was completely stone built.

The proposed timber panel walling for the south east elevation would create a softer elevation in appearance than a stone wall and would actually provide a visual reference to the fact that the wall had collapsed or been removed in the past.

The use of traditional oak boarding for both the wall and the door would be an acceptable material providing that it is left as a natural finish and not stained. This should be the subject of a condition. Oak has been used elsewhere in the locality to great effect and it is felt that this use of material would not harm the character of the listed building.

The proposed use of reclaimed clay Roman roof tiles would not be at odds with the surrounding area. The use of clay would be a complementary material when compared to the stone tiles in use on the adjacent structures. The character and appearance of the listed structure and the historic environment in this area would not be harmed by the use of natural reclaimed clay tiles.

For similar reasons as above, the settings of the adjacent listed buildings – primarily Hortons House itself, Grade II*, and the Saxon church, Grade I – and the special character and appearance of the Conservation Area would not be adversely affected due to the sympathetic form of the proposal, discreet design and the sensitive use of materials.

In terms of neighbouring and public amenities, the only demonstrable effect the proposal would have would be on the visual amenities from the churchyard of the Saxon church and part of Church Street. For the reasons outlined above, the appearance of the proposal would not be visually intrusive and therefore would not harm the amenities of the public or any neighbours. In addition to this, the trustees of the Saxon church have not expressed strong views either way and seem to be happy with the timber option.

To address the Town Council's second point directly: as has been made clear the trustees of the Saxon church have been made fully aware and have responded accordingly.

CONCLUSION

The proposal would not result in harm to the character or settings of the listed buildings, the special character and appearance of the Conservation Area or neighbouring amenities. Therefore the application is recommended for permission.

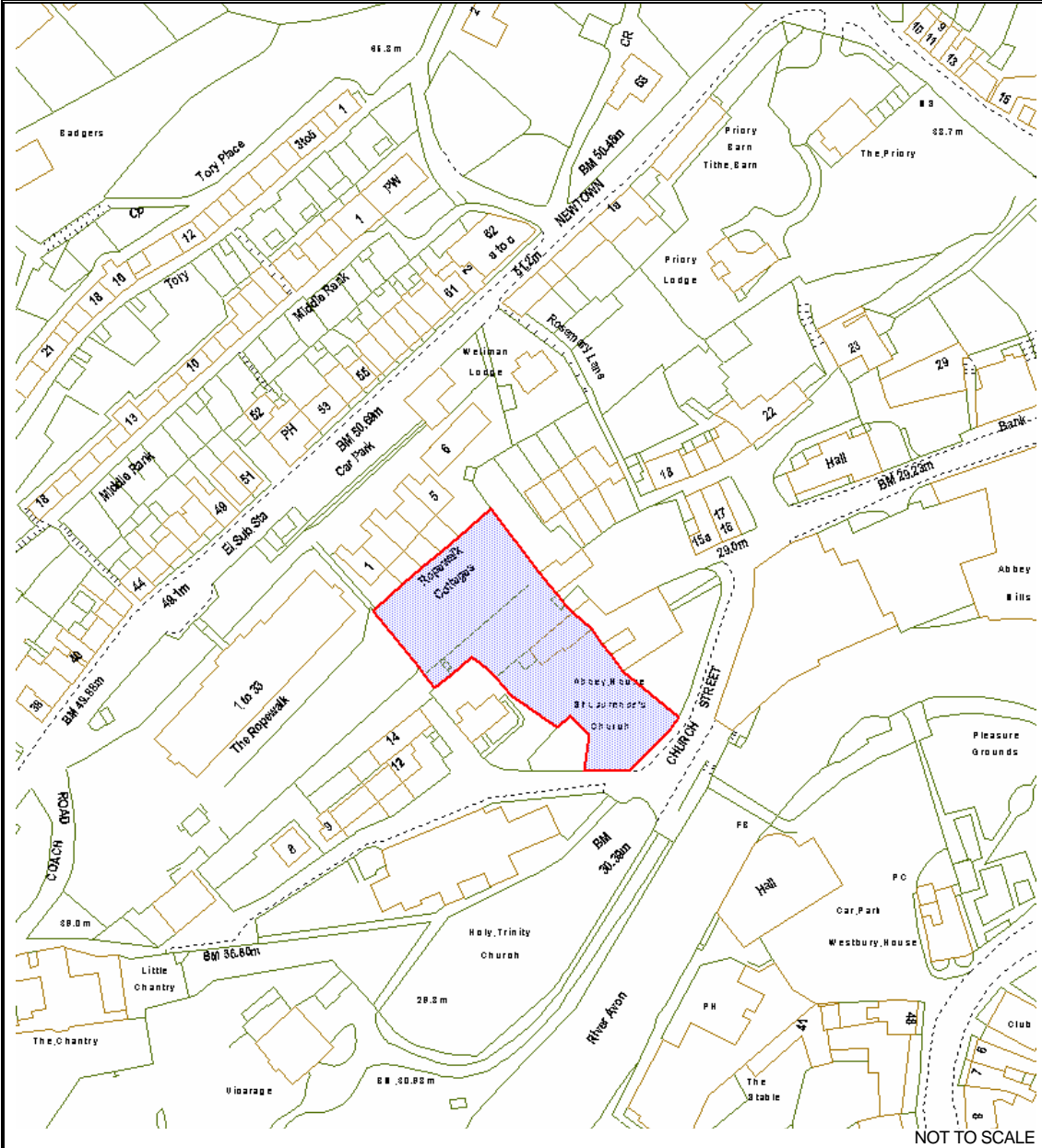
PLANNING COMMITTEE

13 September 2007

ITEM NO: 20

APPLICATION NO: 06/03312/LBC

LOCATION: Hortons House 15 Church Street Bradford On Avon
Wiltshire BA15 1LN



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SLA: 100022961

20 Application: 06/03312/LBC

Site Address: Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference: 382439 160935
Application Type: Listed building
Development: Conversion of derelict 'wellhouse' to garden store
Applicant Details: Mr And Mrs J Seekings
Hortons House 15 Church Street Bradford On Avon Wiltshire
BA15 1LN
Agent Details: Mr J J Sample
Parham Bungalow Parham Lane Market Lavington Devizes Wilts
Case Officer: Mr Russell Brown
Date Received: 31.10.2006 Expiry Date: 26.12.2006

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION:

The Secretary of State be informed that this Council raises no objection to the proposal and recommends that listed building consent be granted at a future date in the event of the Development Control Manager being satisfied that the Secretary of State remits the application to this Council for decision.

Condition(s):

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

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

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

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

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

- 3 The oak boarding shall not be stained or painted, but left natural to achieve a silvered finish.

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

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

- 4 Details of all new or replacement rainwater goods, which shall be of cast iron construction and finished in black, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & C28.
- 5 All existing stonework on site shall be carefully set aside and stored in a safe place for re-use in the works to the listed building.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.
- 6 Details of the new roof structure shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works to the roof. The works shall then only be carried out strictly in accordance with those approved details.
- REASON: To ensure that the character and appearance of the listed building is conserved.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies C27 & 28.
- 7 Details of the elevations of the new door, at a scale of not less than 1:20, and sections through all frames 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to the planning committee as the Town Council object and your officers recommend consent. This application was deferred by the Planning Committee previously and the full planning application was refused. A re-submission of a full planning application for an identical scheme now accompanies this application.

This is an application for listed building consent for the reinstatement of a wellhouse for use as a garden store room. The site is in the curtilage of Hortons House in Bradford On Avon which is a Grade II* listed building. The wellhouse is directly behind the Saxon church, which is a Grade I listed building, and is sited at a higher level, behind a stone wall and iron railings.

The wellhouse is currently in a state of some ruin. Three walls are still principally intact but there is no roof structure and no south eastern wall.

Therefore the structure now forms a very small courtyard with the well opening in the middle. Historically the site of the well, actually a cistern, was enclosed with a building and the evidence that the applicant's have found seems to suggest that the building was in fact used for a garden store even at that time.

The application proposes to reinstate the missing wall with a vertical oak board panel with a matching vertical oak board door. The remaining walls would be built back up with natural stone to their former heights to allow a lean-to roof structure finished with reclaimed clay roman tiles.

The applicant has submitted a letter explaining the background of the application and the situation as they see it regarding the comments of the Town Council. It is not possible to attach this letter as an annexe to this report, as requested by the applicant, as it is not procedure to add such justification statements in this way. The letter is on the application file 07/01647/FUL. The background information statement shows the historical investigation and information that the applicants have undertaken and goes on to discuss the stone versus timber options, concluding that the timber option is preferable, for reasons of access and structural integrity of the cistern underneath and in terms of conforming with conservation guidelines. The letter also infers that a stone option would be very difficult to achieve due to ownership issues as it would mean the wall being built into the railed stone wall of the boundary with the church.

Following the Planning Committee where this listed building consent application was deferred and the previous planning application refused, the trustees of the Saxon church were written to expressly asking their opinion of the application, as this was a concern of the Committee and a reason for deferral. The response is noted in the Publicity section later in this report.

CONSULTATION REPLIES

BRADFORD ON AVON TOWN COUNCIL

Objections:

“This is an extremely sensitive part of the Conservation Area being close to the Saxon church. In these circumstances use of wood for the sides of the store would be inappropriate and the Town Council commends the use of stone as was proposed in one of the previous applications.”

STATUTORY CONSULTEES

ENGLISH HERITAGE

No objections

INTERNAL WWDC CONSULTEES

CONSERVATION OFFICER

“I have had pre-application discussions about this scheme on site. This is a complicated site because of the number of restraints attached to it or in close proximity to it.

Historically, it is clear that there was a form of structure here sometime ago with it's stone walls to 3 sides still remaining relatively intact. It is likely that this would have been a covered structure for housing the well in this location. The well was no doubt an important resource that probably would have served a number of dwellings and poss. business's in the area not to mention the fire station over the road! Indeed the map of 1901 seems to indicate that there may have been a more substantial structure located here.

* The location of this proposal is adjacent to the Grade I listed St Laurence's Chapel and there has been a lot of archaeological interest within the grounds of this church. With the close proximity of the churchyard, I would have thought it likely that the County Archaeologists would want to at least have an opportunity of considering this proposal.

* The setting of both the churches and the Annex to Abbey House known as Hortons House, let alone other listed buildings in the vicinity!, make it important to consider the setting of all of them. The greatest impact of this scheme, however, will be the Chapel itself as the proposal will face the churchyard behind a small stone wall and railings. The topography of the area means that the proposed structure will be raised above the level of the churchyard and certainly its roof and part of its elevation will be visible above the wall and through the railings from the churchyard. In terms of the other listed buildings in the area most will have views of this building but in my opinion they will not be harmful or adversely effect the setting of these buildings as they will be some distance away and in any case this is a relatively modest structure.

* With historic justification for this scheme, I would argue that there is good justification for reinstating it providing the materials and style of building is traditional and appropriate to the conservation area.

The original pre-application scheme proposed the same building form with a lean-to roof but with a slightly different shaped frontage executed in stone. The front has now been simply as a flat face with clearance shown over the well entrance. The only other difference is the use of timber instead of stone for the wall cladding. I do not feel that this should be a problem bearing in mind that this is a smart garden shed and replaces a more conventional timber shed presently housed in this location. Admittedly the original well head building may have had a return wall of stone but I am still not concerned with the use of timber providing it is oak and not stained. The recent new extension to Barton Farm clearly indicates that the timber there is stained in an unfortunate orange colour that is not appropriate. I am also aware that timber has been used in the front of the new extension to 14, Church Street next door to this, so I would feel it would be difficult to justify resisting timber in this situation. A further thought is that the timber door should match in indistinctly with the timber cladding to the same width of boarding etc. The present elevation proposal looks imbalanced in this respect.”

PUBLICITY

The application has been advertised and a site notice attached to the site. No responses have been received from this procedure.

The response to the letter to the Saxon church includes the following points:

- Opposition to a proposal to incorporate the ‘well house’ structure into the church’s boundary, but accepted the idea of building on the existing footprint.
- Would not be opposed to a wooden door and a small amount of wooden cladding.
- At no time has the church insisted on wood: they would be very happy with stone.

PLANNING POLICY

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

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

RELEVANT PLANNING HISTORY

06/03666/FUL – Proposed conversion of derelict wellhouse to garden store – Refused
16.02.2007.

KEY PLANNING CONSIDERATIONS

The key issues in this application are the effect of the proposal on:

- the character of the curtilage listed wellhouse
- the setting of the surrounding listed buildings

PLANNING OFFICERS COMMENTS

The existing structure is in a state of ruin and considerable disrepair. The structure will continue to deteriorate, even with reasonable maintenance, until it falls completely. Consequently, it can be seen that the reinstatement of this building would safeguard the remaining structure and ensure its continuing longevity.

The character of the existing is that of a deteriorating structure. It is clear that there was previously a building on this site and its reinstatement raises no objections in principle. It is likely that the building was completely stone built.

The proposed timber panel walling for the south east elevation would create a softer elevation in appearance than a stone wall and would actually provide a visual reference to the fact that the wall had collapsed or been removed in the past.

The use of traditional oak boarding for both the wall and the door would be an acceptable material providing that it is left as a natural finish and not stained. This should be the subject of a condition. Oak has been used elsewhere in the locality to great effect and it is felt that this use of material would not harm the character of the listed building.

The proposed use of reclaimed clay Roman roof tiles would not be at odds with the surrounding area. The use of clay would be a complementary material when compared to the stone tiles in use on the adjacent structures. The character and appearance of the listed structure and the historic environment in this area would not be harmed by the use of natural reclaimed clay tiles.

For similar reasons as above, the settings of the adjacent listed buildings – primarily Hortons House itself, Grade II*, and the Saxon church, Grade I – would not be adversely affected due to the sympathetic form of the proposal, discreet design and the sensitive use of materials.

The final comment of the Conservation Officer's comments refer to the original plans, revised plans were submitted to overcome the issue by matching the oak board widths on the panel and the door.

CONCLUSION

The proposal would not result in harm to the character or settings of the listed buildings. Therefore the application is recommended for consent.

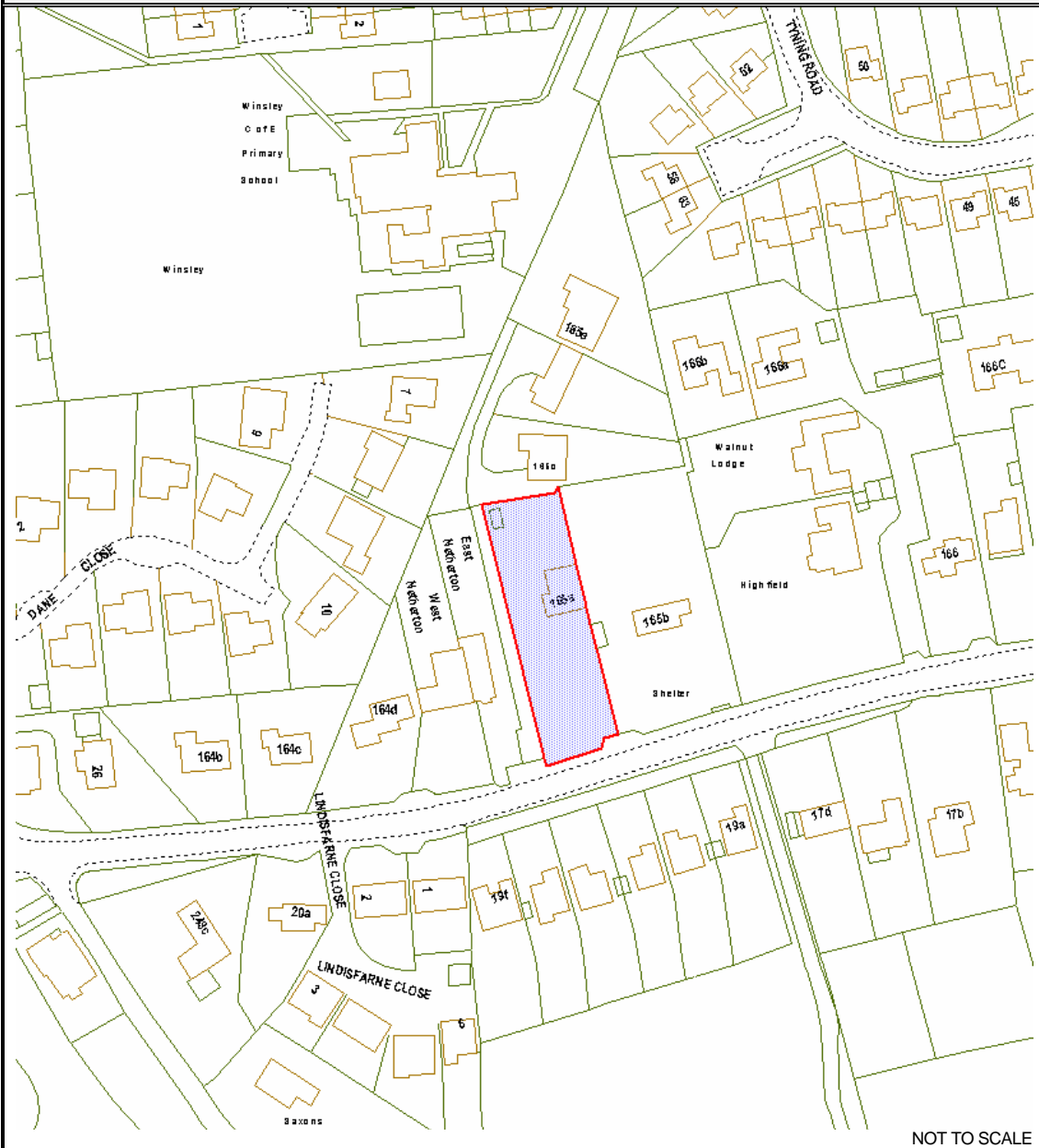
PLANNING COMMITTEE

13 September 2007

ITEM NO: 21

APPLICATION NO: 07/01721/FUL

LOCATION: 165A Bradford Road Winsley Wiltshire BA15 2HW



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SLA: 100022961

21 Application: 07/01721/FUL

Site Address: 165A Bradford Road Winsley Wiltshire BA15 2HW

Parish: Winsley

Ward: Manor Vale

Grid Reference 380291 161096

Application Type: Full Plan

Development: Demolition of existing bungalow and erection of new three storey house

Applicant Details: Mr And Mrs T Baddeley
East Netherton Bradford Road Winsley Bradford -on-Avon Bath

Agent Details: Mr John Blake
Units 18 And 19 Londonderry Farm Keynsham Road Willsbridge
Bristol

Case Officer: Mr Mark Reynolds

Date Received: 29.05.2007

Expiry Date: 24.07.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Permission

Condition(s):

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

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

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

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

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

- 3 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 existing dwelling on the site shall be demolished, and the materials permanently removed from the site, within 3 months of the first occupation of the dwelling hereby permitted.
- REASON: In the interests of property planning of the area.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policies H1, H7, H20 & H21.
- 6 The first floor windows in the west and east elevation shall be obscure glazed prior to the first occupation of the development hereby permitted and shall be maintained as such at all times thereafter.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.
- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order with or without modification, no windows or doors above ground floor level, other than those hereby approved, shall be added to the west and east elevation of the development hereby permitted.
- REASON: In the interests of amenity and privacy.
- POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to committee because Winsley Parish Council object to the application and Officers recommend permission.

This is a full planning application for the demolition of an existing bungalow and its replacement with a three storey house. The proposed dwelling would occupy a footprint of 15.2m in width by 10.5m in depth and it would stand 10.7m in height to ridge level. The proposed dwelling would be constructed in bath stone at the front elevation and rendered side and rear elevations with ashlar stone plinth, quoins, string course and window surrounds with double glazed timber sash windows. The dwelling would have a dedicated parking area located in front of the new dwelling. The application site is located in the village of Winsley.

CONSULTATION REPLIES

WINSLEY PARISH COUNCIL

Commented on the 29th June as follow;

'The Council considers there might be a green belt issue over volume. If however the application is considered acceptable in that respect then the Council would wish the following to be considered:

- The Council regrets the loss of another small bungalow if the application is approved.
- The Council believes that from a public perspective the proposed design would be better without the terrace at third floor level because of potential noise and light issues.
- The lack of a garage in the plan, for such a large property.
- The site is not a brownfield site as the applicant has described in section 10 of the planning application form'

Further comments were received to revised plans on the 6th August advising as follows;

'The Council notes the removal of the terrace at third floor level in the revised plans which meets one of the Council's earlier comments'.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

The replacement dwelling will make use of an existing access, to which no Highway objection is raised.

WESSEX WATER

Raise no objections.

INTERNAL CONSULTTEES

HOUSING SERVICES

This is a replacement for an existing dwelling and therefore does not meet the requirements of Policy H2.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, letters were received raising the following objections;

- Overdevelopment
- Conditions controlling use in the future
- Noise and light pollution
- Highway safety
- Loss of light to 165D
- Out of character
- Loss of privacy and light to property behind and 19c
- House floor area understated
- Loss of a tree
- Solar panels proposed but not shown

PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

H17 - Village policy limits

H24 - New housing design

C3 - Special Landscape Area

C31a – Design

C38 – Nuisance

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key planning issues in this case to consider are issues of policy, design and neighbouring amenity.

PLANNING OFFICER COMMENTS

The application site is located within the village policy limit for Winsley where further residential development is acceptable subject to conditions. In this case the most relevant criteria being that the development would be in keeping with the character, appearance and distinctive spatial form of the settlement and that it would not result in the loss of an important open space or visual gap.

The character of the street is for large detached dwellings to be located in generous sized plots of land set back from the highway. The proposal would result in a new build dwelling being located in line with the neighbouring dwellings to the east and west. The siting of the dwelling would therefore respect the grain of development in the area. The dwelling has been designed to incorporate three storeys and it would be of a similarly large size to the adjacent property, East Netherton to the west. The dwelling has been designed to reflect some of the architectural features of this adjacent property. It does however have its own visual character and the addition of a further individually designed dwelling to the street would be in keeping with the mix of dwelling types apparent in the street. The design of the proposal has been amended through negotiations on the scheme to remove a front balcony which has simplified the design of the dwelling and the proposal is now considered acceptable. The proposal would not involve the loss of an important open space or visual gap.

Concerns have been raised regarding the development and its potential impact upon neighbouring amenity. The proposed dwelling would be positioned set back in the plot and the only first floor side windows proposed in the side elevations are for non-habitable rooms. The back garden behind the dwelling would be in excess of 30m in length and it is not considered that despite neighbour concerns that any overlooking of properties to the rear of the site will occur. Likewise there will be no overlooking of properties at the front on the opposite side of the road because of the large separation distances. There exists two windows in the side elevation at first floor level of East Netherton these are parallel with the proposed dwelling and this coupled with an adequate separation distance between dwellings should mitigate overlooking of the proposed dwelling to an acceptable extent.

The proposed dwelling sited aligned with both neighbouring properties should not overshadow neighbouring properties and there are no objections raised to the proposal in terms of impact upon neighbouring amenity.

The Highway Authority have been consulted on the application regarding highway safety issues and although objections have been received from the public the proposal is considered acceptable in that it will utilise an existing access and adequate car parking will be provided.

The proposal involves the replacement of one dwelling with another it does not therefore attract a requirement for affordable housing under Policy H2 of the West Wiltshire District Plan 1st Alteration 2004.

Winsley is inset from the green belt and therefore residential development is permissible within Winsley.

The Parish Council expresses regret at the loss of the bungalow and the fact that the proposal does not provide for a garage, the Council cannot however resist the application on this basis.

The Parish Council suggest that the land is a green field site. PPS 3 however defines brownfield land as land 'which is or was occupied by a permanent structure,including the curtilage of the developed land and any associated fixed surfaceinfrastructure'. The land must therefore be considered as a brown field site.

A neighbour has suggested that the proposal represents overdevelopment. The development of the site for one dwelling is a low density form of development and is not considered to represent overdevelopment.

A neighbour has suggested a condition restricting the future use of the building to avoid other unacceptable uses taking place in the building. This is not necessary because if a material change of use takes place then a planning application will be required.

Concern has been raised that the accompanying documentation may understate the house size and that solar panels may be proposed. It is important that the submitted plans are used to calculate the size of the dwelling and assess what is proposed because these plans will form the basis for any planning decision at the site.

The loss of a tree has been raised as a source of complaint. This recommendation for permission may be conditional upon a landscaping plan being submitted which will allow control of landscaping issues. Notwithstanding this there are no trees proposed for removal that are considered to be worthy of a TPO being made.

CONCLUSION

The proposal is acceptable and permission is recommended.