

PLANNING COMMITTEE

4 October 2007

Planning Applications for Determination

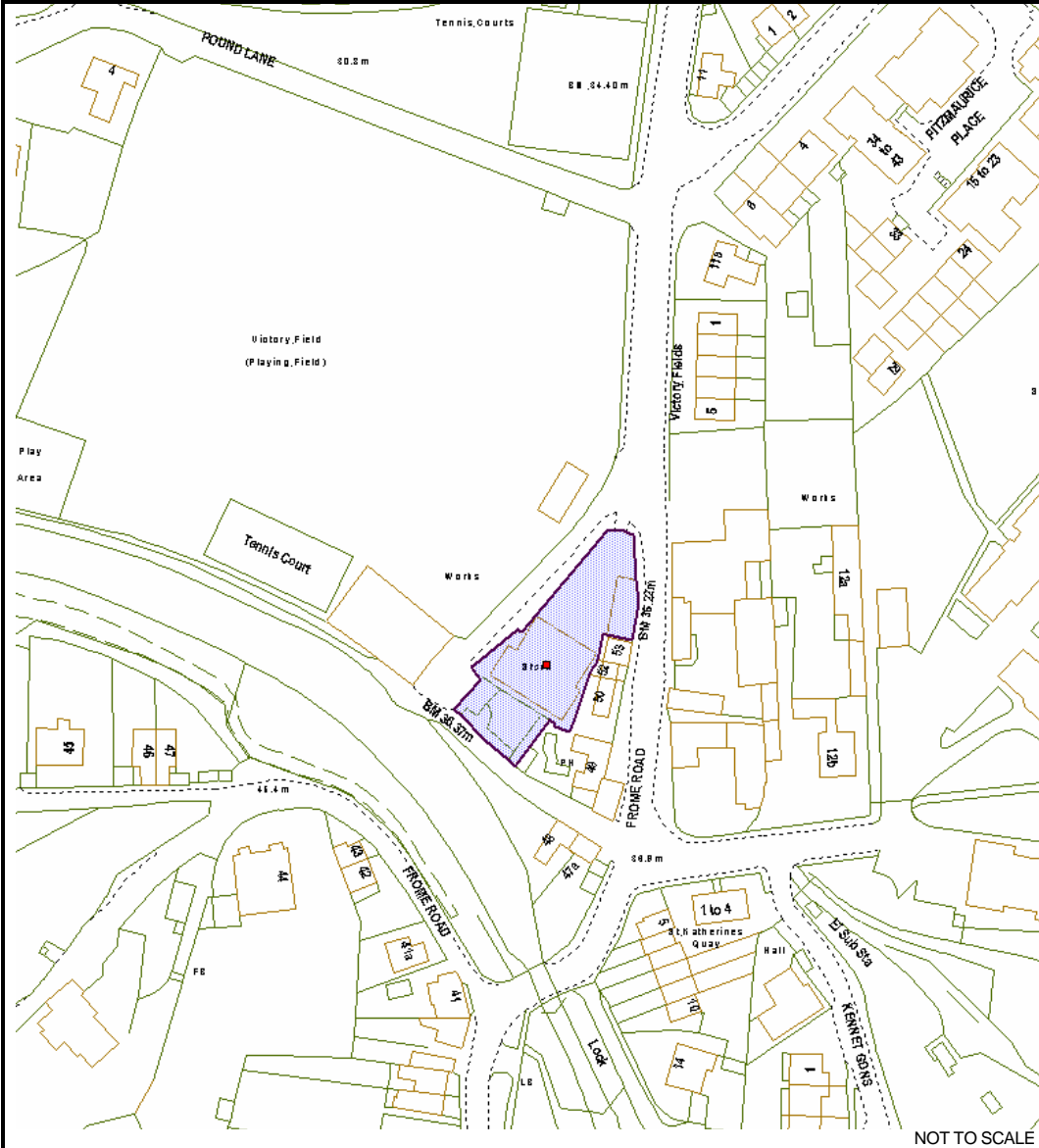
Item No.	Application No.	Location	Parish	Page No.
01	05/01664/FUL	Demolishing of existing office and warehouse, construction of 2/3 storey offices, studios, workshops and 4 three storey houses - Former Depot Frome Road Bradford On Avon Wiltshire	Bradford On Avon	1
02	05/02470/CON	Demolition of existing 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	07/01721/FUL	Demolition of existing bungalow and erection of new three storey house - 165A Bradford Road Winsley Wiltshire BA15 2HW	Winsley	19
04	07/01647/FUL	Conversion of derelict "wellhouse" to garden store - Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN	Bradford On Avon	25
05	06/03312/LBC	Conversion of derelict 'wellhouse' to garden store - Hortons House 15 Church Street Bradford On Avon Wiltshire BA15 1LN	Bradford On Avon	31
06	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	37
07	07/01955/FUL	Proposed single storey rear extension - 106 Middle Lane Whitley Wiltshire SN12 8QR	Melksham Without	41
08	07/02327/FUL	Conversion of an existing house to form a children's nursery for approximately 50 children - Leigh Cottage 6 Sladesbrook Bradford On Avon Wiltshire BA15 1SH	Bradford On Avon	45
09	07/02590/REM	Proposed dwelling - 375 Long Leaze Lane Melksham Wiltshire SN12 6QJ	Melksham (Town)	51
10	07/01571/OUT	Erection of two dwellings and 12 replacement parking spaces - Garage Block At Dorset Crescent Melksham Wiltshire	Melksham (Town)	55
11	07/02512/FUL	Two storey two bedroom dwelling house (semi-detached) - Land Adjacent 14 Ash Grove Westbury Wiltshire	Westbury	61
12	07/02416/FUL	Formation of new external terrace area by recessing existing shopfront and erection of balustrade along open sides within boundary lines to allow use of public terrace area from facility - Chicago Rock Cafe Park Road Trowbridge Wiltshire BA14 8AQ	Trowbridge	67
13	07/02415/LBC	Formation of new external terrace area by recessing existing shop front and erection of balustrade along open sides within boundary lines to allow use by public of terrace area from facility - Chicago Rock Cafe Park Road Trowbridge Wiltshire BA14 8AQ	Trowbridge	71
14	07/01783/FUL	Extension over existing garage - Moonrakers Upton Scudamore Wiltshire BA12 0AE	Upton Scudamore	75

15	07/02312/ADV	New signage to nationally update image of corporate client, one fascia sign with internal illumination to letters only, three fascia signs non illuminated and one projecting sign with internal illumination to letters only - 5 - 7 High Street Westbury Wiltshire BA13 3BN	Westbury	79
16	07/02436/REM	Erection of three dwellings - Land East Of 6 Lower Marsh Road Warminster Wiltshire	Warminster	83
17	07/02262/FUL	Single storey extension to rear of property - The Hollies 55 Westbury Leigh Westbury Wiltshire BA13 3SF	Westbury	89
18	07/02263/LBC	Single storey extension to rear of property - The Hollies 55 Westbury Leigh Westbury Wiltshire BA13 3SF	Westbury	97

PLANNING COMMITTEE

4 October 2007

ITEM NO: 01
APPLICATION NO: 05/01664/FUL
LOCATION: Former Depot Frome Road Bradford On Avon
Wiltshire



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

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 was deferred at the meeting of the Planning Committee to afford members the opportunity to visit the application site. This report has been amended to include the representations included on the Late List for the meeting on 13 September 2007.

This application is brought before Planning Committee because Bradford Town Council object and your Officers recommend permission. Consideration of this application was earlier 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 the following further representation which was reported on the Late List on 13 September 2007:

In summary the current views of the Trustees are as follows:

“1. We accept that the current site is untidy and that it would benefit from some development that is in keeping with the surrounding area.

2. We accept that a number of changes have been made by the Architects regarding the appearance of the proposed development which are a big improvement on the initial application plans.

3. We are in favour of quiet offices over light industrial units as this should help keep work noise levels down which will benefit the Almswomen.

4. We are concerned about the increase in parking that will be needed.

5. OUR MAIN CONCERN is the overall size of the development proposed and the proximity to our boundary walls. The office building is very close to the end of the Almshouse building and the Residential building is too close to the boundary wall. We respectfully suggest that there would only be maximum of three dwellings under the current size of this application.

6. It has been said that particular attention has been paid to the relationship of the application proposal with the Almshouses and that there would be no loss of amenity to the occupiers as the rooms facing the development sites are only kitchens and bathrooms. We do not agree We feel that this development is large enough to over dominate the Almshouses and we also point out that the almshouse garden is to the rear of the building will also be overshadowed by the development.

- 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.

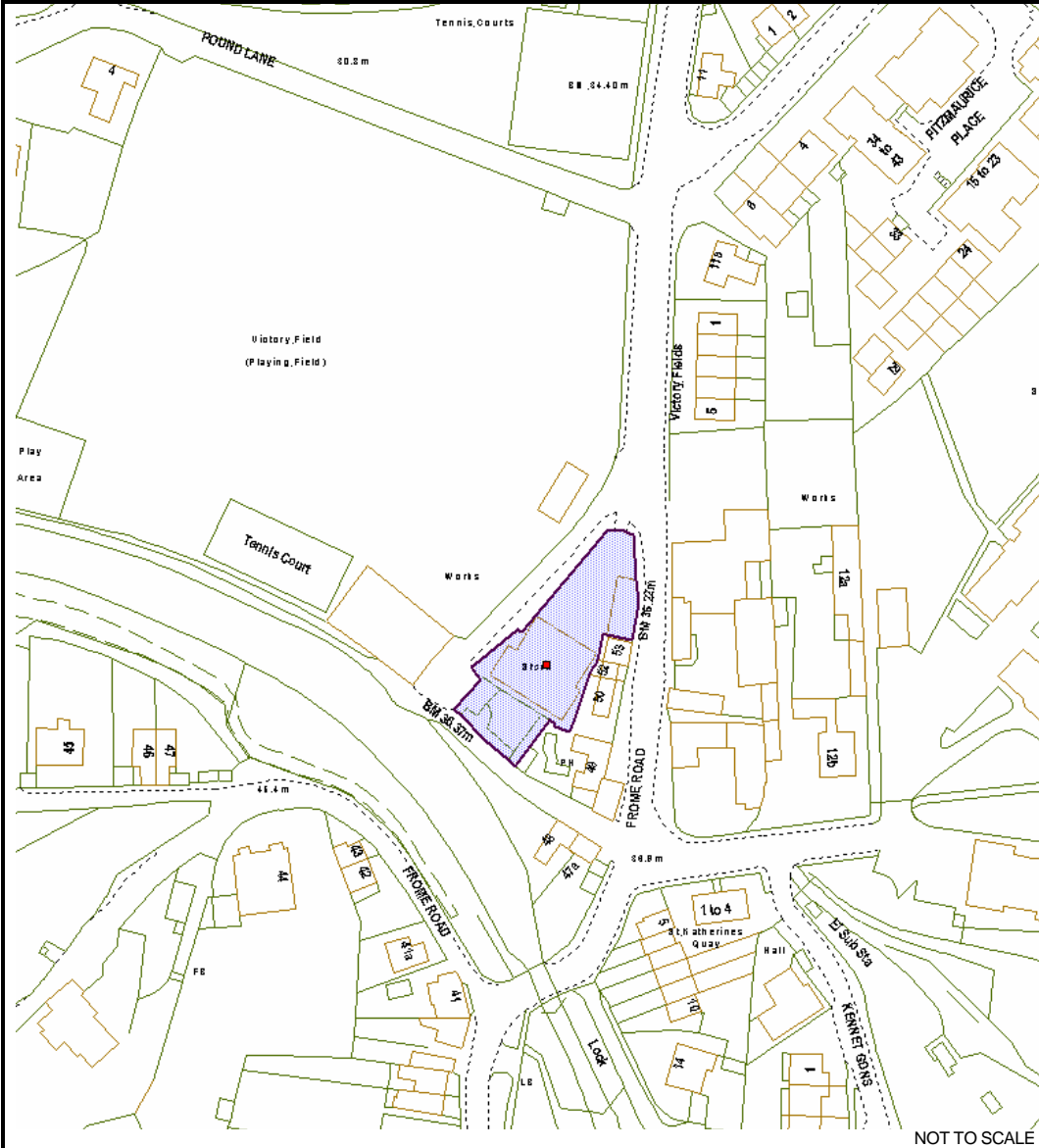
There will be great benefits and enhancements to this part of the Conservation Area in developing this site. There would be substantial economic benefits for the residents of Bradford on Avon resulting from the redevelopment of this sustainable town centre site. The proposed design, layout, form, composition 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

4 October 2007

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



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

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 and the wall shall be protected during demolition of the main buildings on the site. A schedule of protection works for the boundary wall shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing on site.

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 was deferred at the meeting of the Planning Committee of 13 September 2007 to afford members the opportunity to visit the site.

This application is brought before the Planning Committee as the Town Council objects, contrary to Officer's recommendation. It was earlier 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

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.

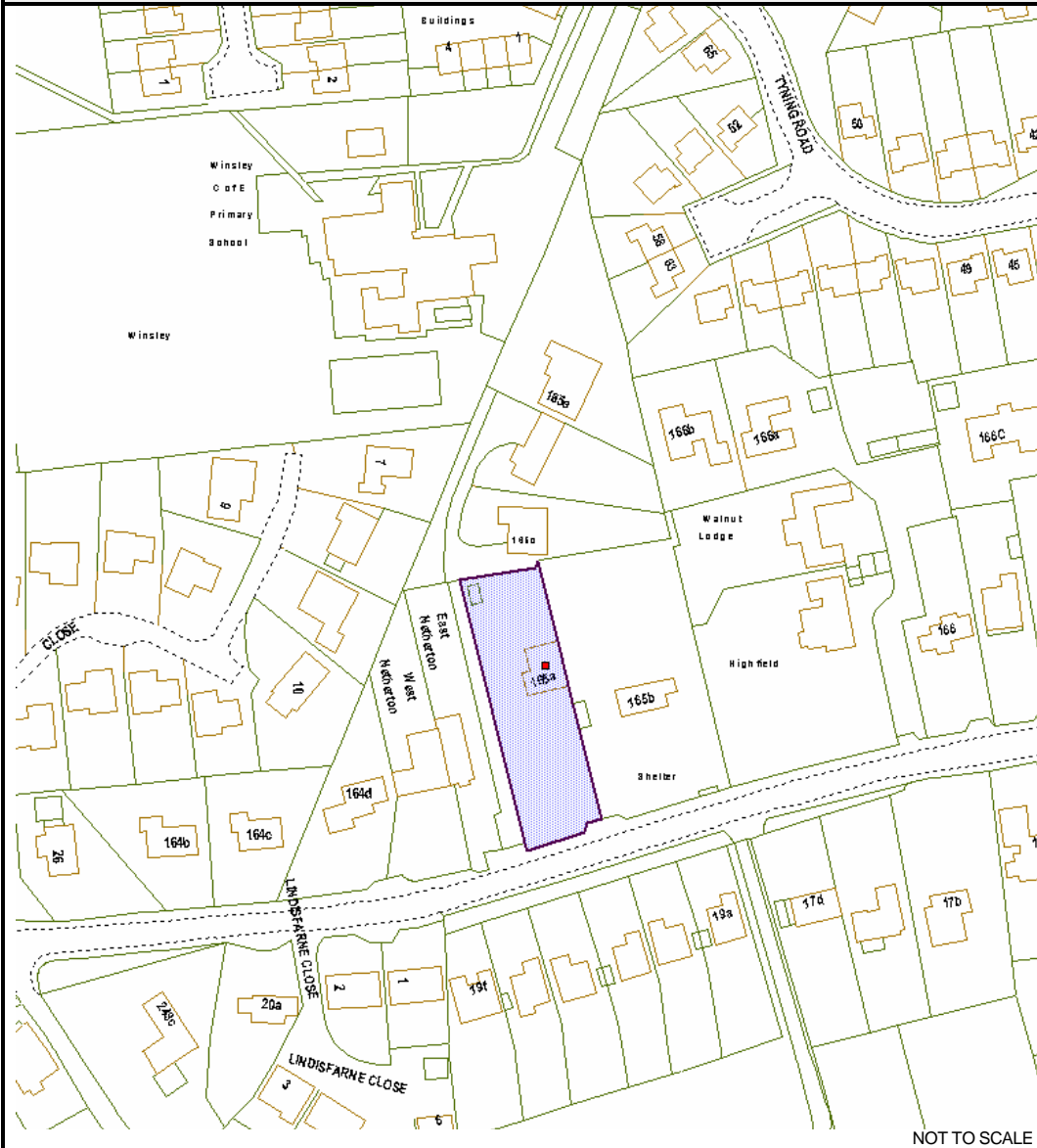
PLANNING COMMITTEE

4 October 2007

ITEM NO: 03

APPLICATION NO: 07/01721/FUL

LOCATION: 165A Bradford Road Winsley Wiltshire BA15 2HW



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

03 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 surface infrastructure'. 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.

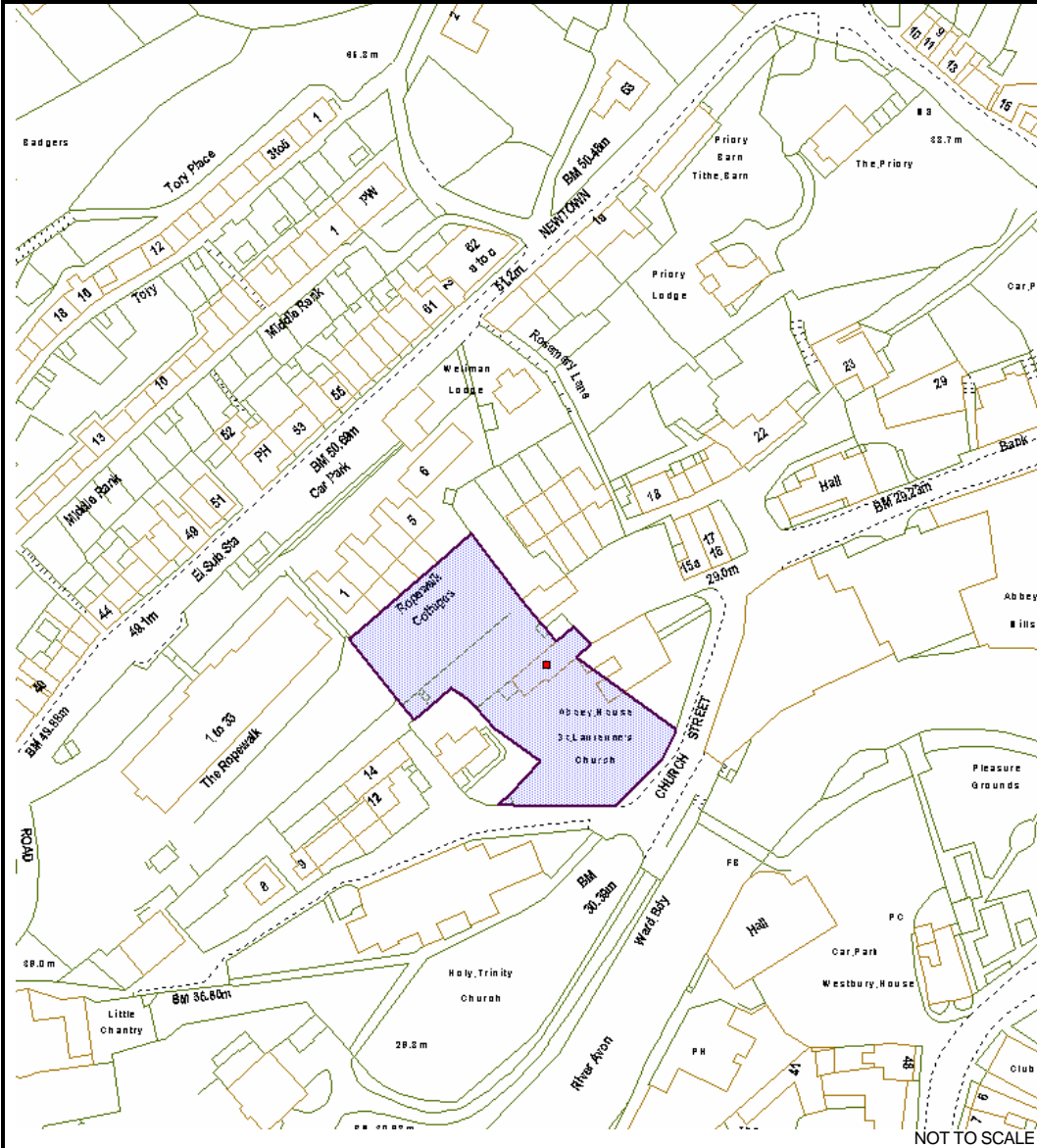
PLANNING COMMITTEE

4 October 2007

ITEM NO: 04

APPLICATION NO: 07/01647/FUL

LOCATION: Hortons House 15 Church Street Bradford On Avon
Wiltshire BA15 1LN



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

04 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: 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 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 preparation of the Report for the Meeting of the Planning Committee on 13 September 2007, the Applicant submitted a further representation expressing concern about the Town Council's involvement in this case and the lack of factual information before them when they considered the application.

- * They affirm that both sides of structure will retain existing stone and English Oak will be used only for the front elevation because stone is unsuitable.
- * The Trustees of the Saxon Church have been kept informed
- * Roman tiles, unlike stone tiles are perfectly in keeping with the site and nearby buildings.

Their representation continues that should the application be rejected, they will not consider timber sides or stone tiles but will leave the structure in its ruinous state or lodge an appeal against rejection of the application.

These comments were included on the Late List for the Meeting on 13 September 2007.

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 roof tiles are inappropriate materials for this building: stone roof tiles 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 affect 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 OFFICER 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.

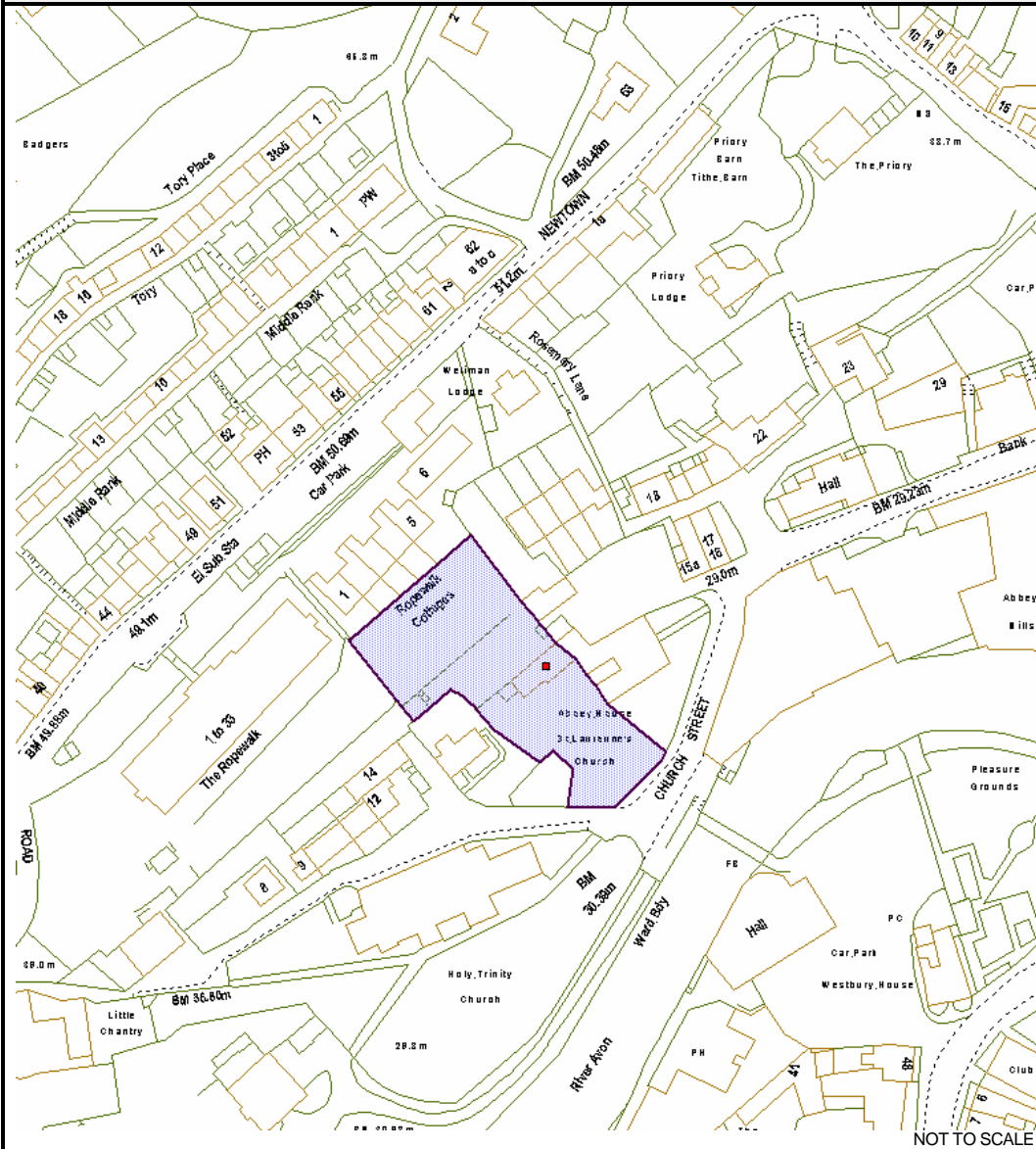
PLANNING COMMITTEE

4 October 2007

ITEM NO: 05

APPLICATION NO: 06/03312/LBC

LOCATION: Hortons House 15 Church Street Bradford On Avon
Wiltshire BA15 1LN



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

05 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.

Following the preparation of the Report for the Meeting of the Planning Committee on 13 September 2007, the Applicant submitted a further representation expressing concern about the Town Council's involvement in this case and the lack of factual information before them when they considered the application.

- * They affirm that both sides of structure will retain existing stone and English Oak will be used only for the front elevation because stone is unsuitable.
- * The Trustees of the Saxon Church have been kept informed
- * Roman tiles, unlike stone tiles are perfectly in keeping with the site and nearby buildings.

Their representation continues that should the application be rejected, they will not consider timber sides or stone tiles but will leave the structure in its ruinous state or lodge an appeal against rejection of the application.

These comments were included on the Late List for the Meeting on 13 September 2007.

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 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 affect 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.

"1 The proposal would by reason of the use of timber, result in an inappropriate material that would neither preserve nor enhance the character or appearance of the Conservation Area contrary to Policies C17 & C18 of the West Wiltshire District Plan - 1st Alteration 2004.

2 The proposal would by reason of the use of timber, result in an inappropriate material that would harm the character and setting of the surrounding Listed Buildings in particular the Grade I Listed Saxon Church contrary to Policies C27 & C28 of the West Wiltshire District Plan - 1st Alteration 2004."

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 OFFICER 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.

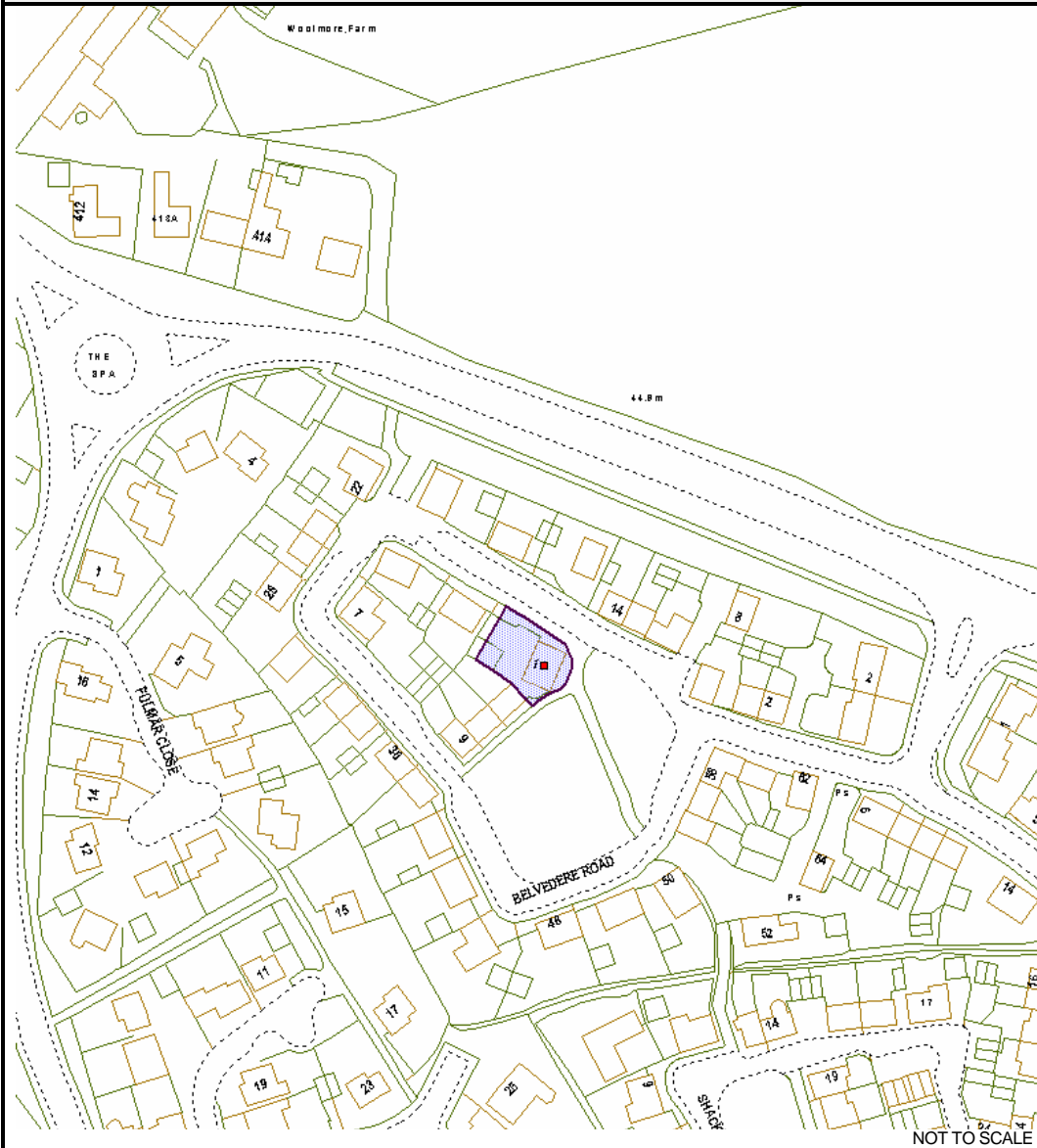
PLANNING COMMITTEE

4 October 2007

ITEM NO: 06

APPLICATION NO: 07/01672/FUL

LOCATION: 1 Belvedere Road Bowerhill Wiltshire SN12 6AJ



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

06 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 to the 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 and 11.75 metres in length.

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 North-eastern point.

The proposal would involve the inclusion of amenity land which the plans indicate is 2.5m wide to the north of the main dwellinghouse and narrowing to 2m to the north of the existing rear garden 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.

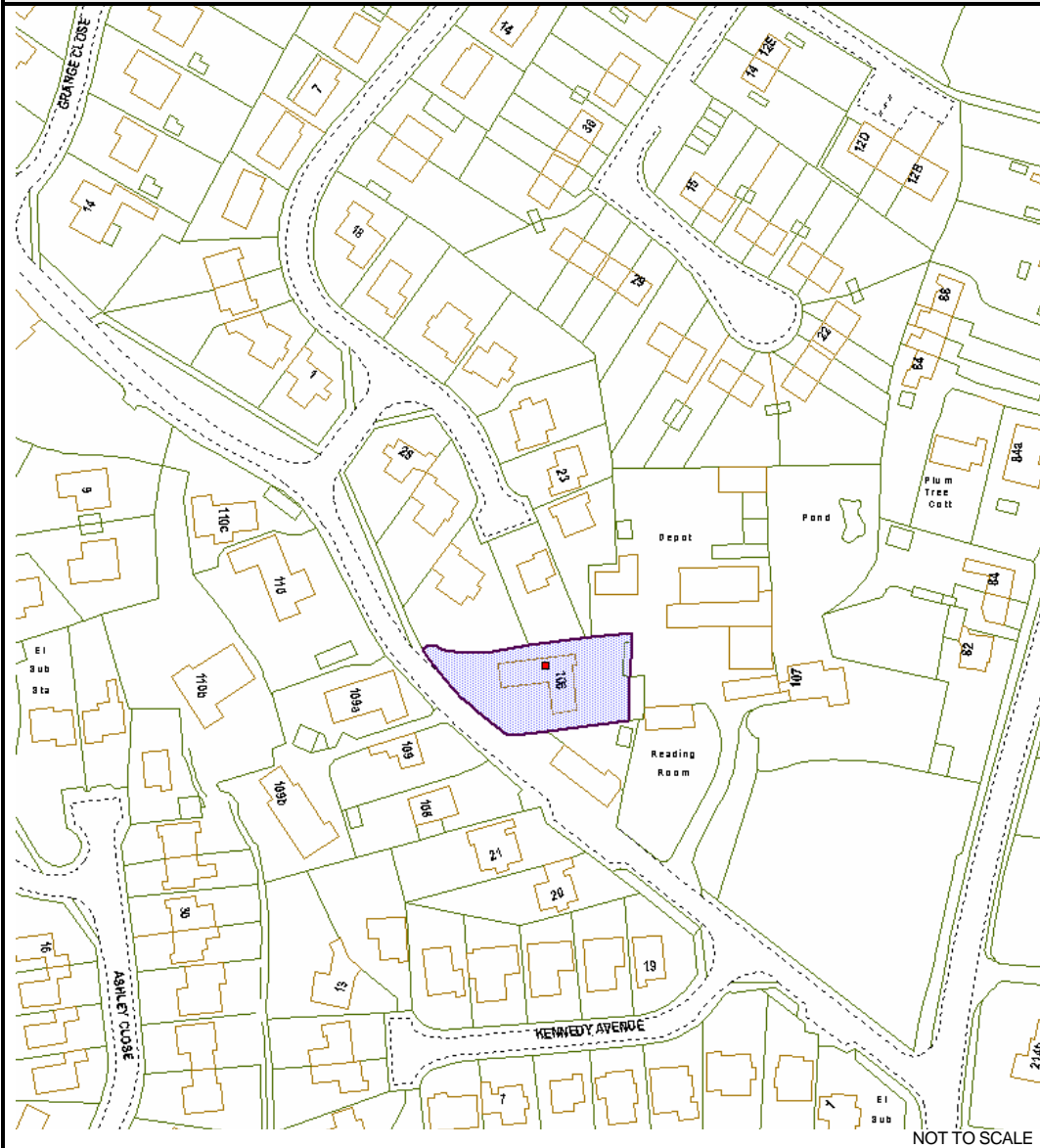
PLANNING COMMITTEE

4 October 2007

ITEM NO: 07

APPLICATION NO: 07/01955/FUL

LOCATION: 106 Middle Lane Whitley Wiltshire SN12 8QR



NOT TO SCALE

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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

07 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 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 CONSULTTEES

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 roof space & 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.

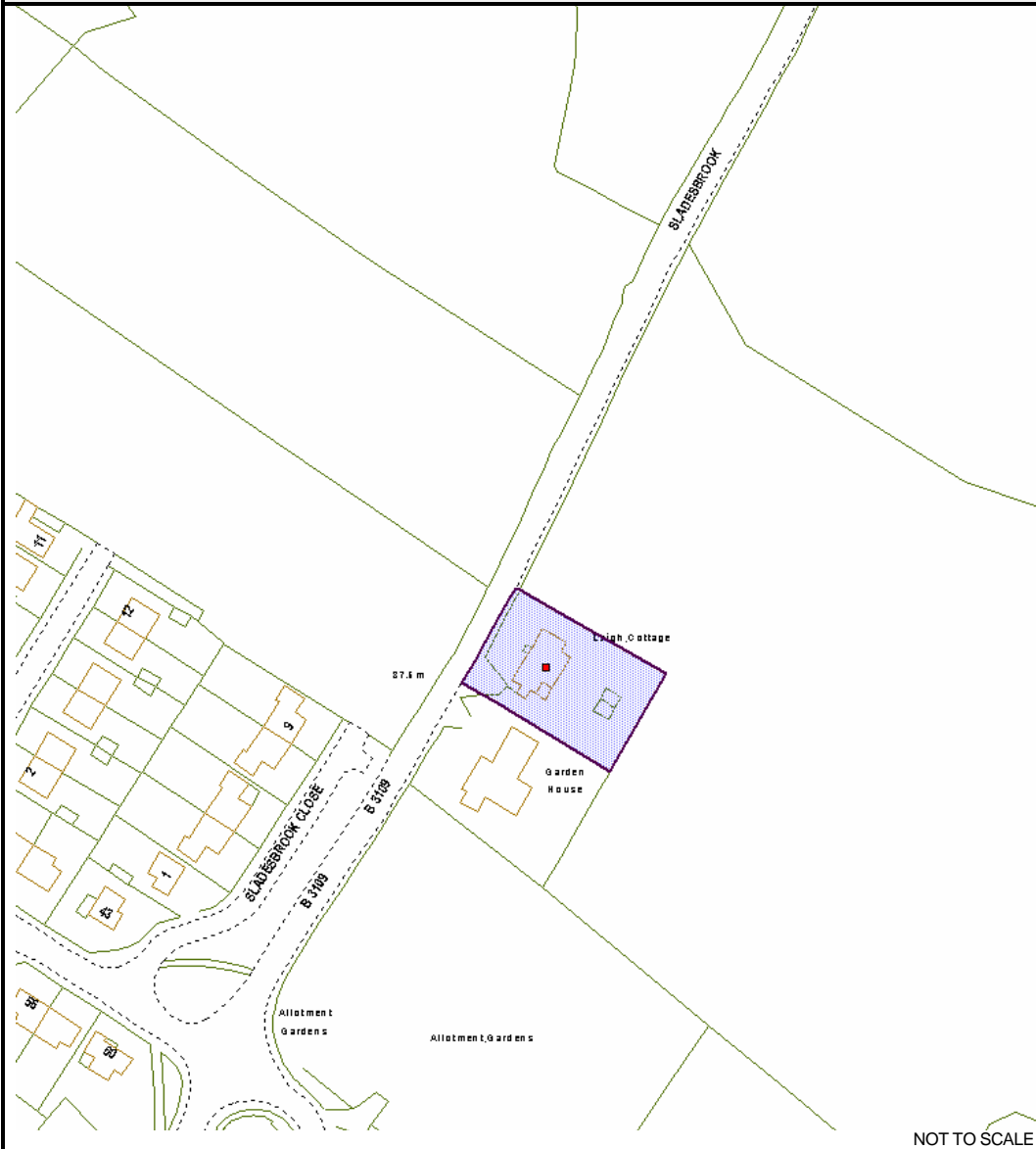
CONCLUSION

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

4 October 2007

ITEM NO: 08
APPLICATION NO: 07/02327/FUL
LOCATION: Leigh Cottage 6 Sladesbrook Bradford On Avon
Wiltshire BA15 1SH



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

08 Application: 07/02327/FUL

**Site Address: Leigh Cottage 6 Sladesbrook Bradford On Avon Wiltshire
BA15 1SH**

Parish: Bradford On Avon Ward: Bradford On Avon North
Grid Reference 383046 161641
Application Type: Full Plan
Development: Conversion of an existing house to form a children's nursery for approximately 50 children
Applicant Details: Mr And Mrs Alan Miller
6 Durham Place Chelsea London SW3 4ET
Agent Details: Bruges Tozer Partnership
F A O Mr R Swann Wallbridge Mills The Retreat Frome Bath
Case Officer: Mr Peter Westbury
Date Received: 25.07.2007 Expiry Date: 19.09.2007

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 more than 50 children shall attend the nursery school at any one time.

REASON: In order to control the number of vehicle movements along Sladesbrook, and in the interests of highway safety.

- 3 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The Travel Plan shall include a timetable for implementation, and shall be implemented in accordance with the approved scheme.

REASON: In pursuit of sustainable transport objectives.

- 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 The approved use shall not be brought into operation until the access shown on the approved plan has been constructed to the satisfaction of the highways authority.

REASON: In the interests of highway safety.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because Bradford on Avon Town Council object contrary to your Officer's recommendation that planning permission be granted.

This is an application for full planning permission for the change of use of a residential property in Sladesbrook, Bradford on Avon to a children's nursery for approximately 50 children between 3 months old and 14 years. The proposal also includes After School provision.

The application proposal involves no physical alterations to the fabric of the building. Internally, the proposal includes refurbishment to create playroom, office, kitchen, laundry, storeroom and toilet accommodation.

The layout of the site will be altered to create 12 additional car parking spaces, including a space for people with disabilities in close proximity to the main entrance to the proposal. The existing access and the existing garden and surrounding rear garden wall will be retained. Part of the front garden wall has been demolished to ensure that there is sufficient space to provide the required visibility splay required by the Highways Authority.

The application proposal will result in the loss of one tree on site. None of the trees on the site are subject to a Tree Preservation Order.

In support of their application the Applicants have indicated that they have prepared a draft travel plan, draft prospectus, a letter of support from Christchurch School and details of a questionnaire they undertook, which indicated a need for nursery and after school provision in this part of Bradford-on-Avon.

The proposed operating hours would be 8am to 6pm Monday to Friday.

The nursery will employ 10 staff.

In respect of the appropriateness of using the building for this use, the Applicants state:

"As it is now the case that Ofsted are the body that will issue our Registration certificate I was able to confirm that we have worked closely with Ofsted from the outset of this project and they are meeting with us at the beginning of October to arrange a second visit to the property. On successful completion of this visit Ofsted will then issue us with our Certificate of Registration, without which we are unable to operate."

CONSULTATION REPLIES:

- BRADFORD ON AVON TOWN COUNCIL: Object

"The Town Council recommends refusal. This property is situated on a busy main access route from the north to town and is located near to a school. With regard to access the proposed use will involve substantial movement to and from the premises leading to congestion and potential danger. The pavements are extremely narrow rendering pedestrian access difficult.

Further alterations to the street scene including the boundary wall and trees would be detrimental and the Town Council is concerned that the site will be overdeveloped and allow insufficient space for external play."

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection

"We have undertaken a separate speed survey and concluded that your (the Applicants) results are acceptable. Therefore... I confirm that the sight distance of 52m as shown on your drawing should be shown on any planning submission and this sight line established with no planting or obstruction above a height of 600mm above adjacent road level. With these details shown, a small scale development for nursery would be acceptable subject to satisfactory parking provision"

Following further consultation, the Highway Authority have confirmed:

"I have checked the file and we undertook a speed measurement survey between 11am and 11.45am on 6th July 2007. This was done in order to validate the data received from the agent for the applicant. The agents' survey was undertaken on the morning of 18th June 2007, involving the recording of the speed of 200 vehicles.

"Our survey indicated that their survey was accurate and that the 85 percentile (ie. the speed of the 85th fastest vehicle out of 100) was 34mph.

"It is important to note that the speed recordings include vehicles travelling faster and slower than the final reading (the 85th percentile reading) which is used to calculate the sight distance, and so there will always be a perception of vehicles speeding. From our site observations, vehicles are generally slowing on the approach to the mini-roundabout and the speed limit of 30mph. Also, as the road is relatively narrow, it was noted that vehicles tend to travel below the speed of 40mph. Of course, some vehicles will travel at (or beyond) this speed, but the figure used for the sight line is a reasonable sighting distance in the circumstances."

- WILTSHIRE COUNTY COUNCIL CHILDCARE DEVELOPMENT OFFICER: Supports the application and congratulates the applicant on their proposals for the site.

INTERNAL WWDC CONSULTATIONS

- PLANNING POLICY: No objection in principle but request confirmation that the Highways Authority are satisfied with the proposal.

- ENVIRONMENTAL HEALTH: No objection following the receipt of amended plans.

NON-STATUTORY CONSULTATIONS

BRADFORD ON AVON PRESERVATION TRUST: Object

- Concern about traffic congestion.
- Concern about potential for danger for children crossing the road.
- Trees will be lost.
- The proposal would be detrimental to the streetscene
- The site is cramped and the outside play area inadequate, especially for children.

CHRISTCHURCH SCHOOL - Support the application

"Further to the government directive issued to primary schools regarding Extended School Provision and Early Years Education and following information received from our Childcare Development Officer we have met with the [Applicant] regarding her proposal to set up a Day Nursery in the upper part of Bradford on Avon. "

Following a detailed present from the Applicant and further discussion, the School offer their full backing to this proposal:

"A setting such as the one proposed can only be seen as a very positive addition in this area of Bradford -on-Avon".

The school welcome the potential for "strong links to be developed " between the school and Leigh Cottage, which is in easy walking distance of the school.

PUBLICITY RESPONSES

A site notice was erected and neighbouring properties were consulted. As a result four representations have been received making the following comments:

- Very busy road, particularly in the mornings
- Width of the road means that any vehicle exiting the property has to use the whole of the road when turning left because the road is narrow at this point.
- For those using the nursery at school hours, the parking around Berryfield, Christchurch Road, Sladesbrook Close and Sladesbrook is already very heavy and the school have, on a number of occasions, had to take measures to reduce the dangers to our children using the pavements to walk to school, none of which have produced long-term solutions.
- Concern about people crossing Sladesbrook

RELEVANT PLANNING POLICY

Wiltshire Structure Plan 2016

DP5 Development Plan

T6 Transportation - Demand Management

West Wiltshire District Plan First Alteration

T3 Transport Provision for New Developments

T10 Car Parking

CF1 Community Facilities

PPS1 Delivering Sustainable Development

PPG13 Transport

RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

07/02326/ADV - Erection of a hanging sign and sign mounted on a new 5 bar gate to the entrance. Pending Consideration.

KEY PLANNING ISSUES

The main issues in the determination of this application is whether this proposed site represents an appropriate location for a children's nursery, in particular can a safe highways solution be found and is the site capable of conversion.

PLANNING OFFICER COMMENTS

Policy CF1 states that proposals for the development of land for community facilities such as the application proposal will be permitted provided that the proposals have regard to scale, siting, design, access, highways, parking provision, residential amenities and other local environmental considerations. The importance and need for this community facility is underlined by the representation received from the local school, who fully back the proposal.

The proposal involves no alteration to the external fabric of the main building on the site. The applicants have volunteered a condition which states that the external features of the building should be maintained. The alterations to the land surrounding this building are appropriate and will not result in a loss of amenity to surrounding residential occupiers.

The application site is capable of being converted for this purpose and has been confirmed by the Environmental Health Section of the Council. Furthermore in support of their application, the Applicants have indicated that they have the support of Ofstead

Highways Considerations

The representations received indicate the concern that the proposal will result in an increase in traffic in Sladesbrook which in turn will result in highway safety issues.

The Applicants have met with the Highways Authority who have indicated that the proposal would be acceptable in highways terms if satisfactory visibility could be achieved to the right onto Sladesbrook at a 2m setback,

A speed survey was commissioned on 18 June 2007 and this confirmed a 85th percentile speed of 34 mph on Sladesbrook. Based on Manual for Streets at this pace a 52m visibility splay to the right is required. The Highways Authority have confirmed that this is achievable within the site boundary.

The Highway Authority have indicated that they have undertaken a separate speed check and this has confirmed that the results are consistent with our speed survey. This has confirmed that the proposed visibility splay of 2m x 52m to the right is acceptable.

Alongside the absence of an objection from the Highways Authority, the Applicants have voluntarily indicated that they will implement a Travel Plan for the users of the nursery. This has been implemented with success at the Applicants other nursery in Upper Westwood. This Travel Plan includes the provision of the following measures:

- Staggered children drop-off and collection times
- A Walking Bus
- Healthy Lifestyle Education
- Cycle and Scooter storage
- Car Sharing/minibus pickup
- Outdoor safety measures.

For those parents who will continue to use their cars to the site, provision is made for 12 parking spaces. The Development Plan Appendix G states that for a nursery of 50 children with 10 members of staff, there should be a maximum of 10 car parking spaces. Given that the Applicants will actively encourage alternative means of transport to the proposal the provision of 12 parking spaces is more than sufficient.

CONCLUSION

The application proposal is consistent with development plan policy and there are no material considerations to outweigh that policy. Accordingly your Officers support this application.

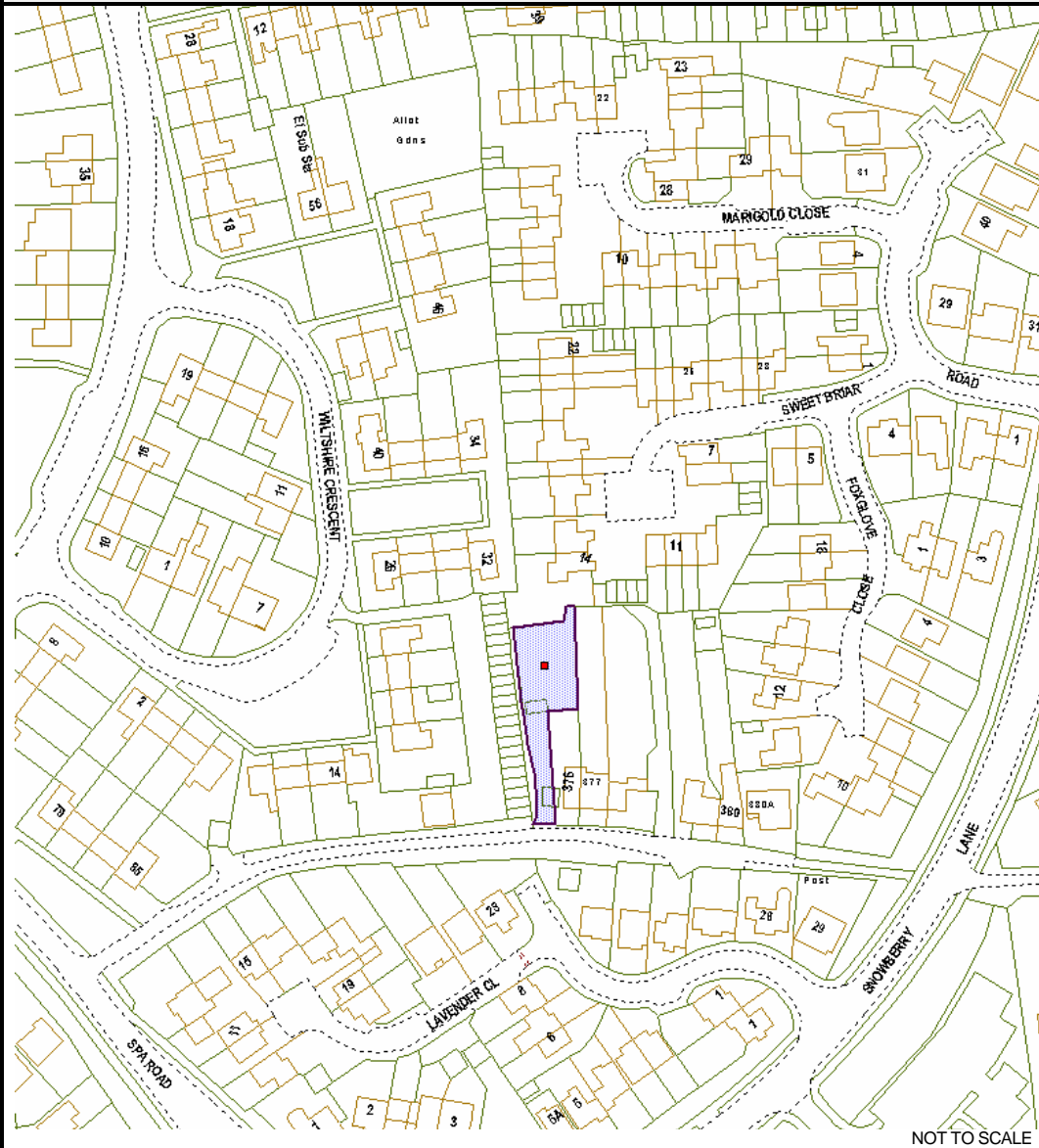
PLANNING COMMITTEE

4 October 2007

ITEM NO: 09

APPLICATION NO: 07/02590/REM

LOCATION: 375 Long Leaze Lane Melksham Wiltshire SN12 6QJ



NOT TO SCALE

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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

09 Application: 07/02590/REM

Site Address: 375 Long Leaze Lane Melksham Wiltshire SN12 6QJ

Parish: Melksham (Town) Ward: Melksham Spa
Grid Reference 391218 163233
Application Type: Reserved Matters
Development: Proposed dwelling
Applicant Details: Mr And Mrs Covington
379 Long Leaze Lane Melksham Wiltshire
Agent Details: Mrs E Welch
98 The Common Broughton Gifford Melksham Wiltshire SN12
8ND
Case Officer: Mr Matthew Perks
Date Received: 09.08.2007 Expiry Date: 04.10.2007

RECOMMENDATION: Approval

Condition(s):

- 1 Before the development hereby permitted is first occupied, the turning space shown on the approved plan shall be surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority and maintained as such thereafter.

REASON: In the interests of highway safety.

- 2 The upstairs bathroom window in the northern 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 and there shall be no other windows added.

REASON: In the interests of amenity and privacy.

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

Note(s) to Applicant:

- 1 This decision, and the conditions thereon, must be read in conjunction with the decision and conditions of planning permission 06/02501/OUT.

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Melksham Town Council recommends refusal and your Officers recommend permission.

This is an application for the approval of all reserved matters pursuant to application number 06/02501/OUT. All matters were reserved. The proposal is a revision to a refused application under reference 07/01677/REM. The reason for refusal of this application was:

"The proposed dwelling, because of the proximity of the dormers to habitable rooms to the site boundary to the north, would result in a loss of amenity and privacy due to overlooking for the occupants of No. 14 Sweet Briar Road contrary to Policy C38 and H1 of the West Wiltshire District Plan 1st Alteration 2004."

The proposed site is $\pm 460\text{m}^2$ in extent. A rectangular portion of land of $\pm 320\text{m}^2$ would be served by a panhandle access off of the Lane. The land falls within Melksham Town Policy Limits. The site is surrounded by mixed residential development forms, most being double storey. The existing dwelling on the original parent property, located $\pm 4\text{m}$ from the road to the south of the site, is part of a 3 storey terrace, whilst to the north there is a mixture of terraced and semi-detached dwellings. To the west there is a row of garages serving terraced development in that area. To the east there are rear garden areas to properties fronting onto the Lane.

CONSULTATION REPLIES:

- MELKSHAM TOWN COUNCIL – Object.

The Town Council comments as follows:

"Councillors objected to the above application due to the overall design being out of keeping with neighbouring dwellings (C31a)."

The Town Council raised no objection to application 07/01677/REM.

- HIGHWAY AUTHORITY

The turning space in front of the garage will not allow vehicles to manoeuvre with ease. Moving the boundary treatment 2m towards the existing dwelling would ease this situation.

PUBLICITY RESPONSES

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

RELEVANT PLANNING HISTORY

06/02501/OUT - One dwelling - Permission 05/10/06

07/01677/REM – Dwelling - Refused 10.07.2007

RELEVANT PLANNING POLICY

West Wiltshire District Plan – 1st Alteration 2004

C31a Design

C38 Nuisance

H1 Further housing in towns

KEY PLANNING ISSUES

The principle of development in this location was established at outline application stage (06/02501/OUT). The only issue in this case is whether or not the one reason for refusal in application ref. 07/01677/REM has been overcome.

PLANNING OFFICER COMMENTS

The proposed dwelling would be a chalet-style bungalow. Three bedrooms are proposed, to be served by dormers to the front and rear elevations. A fourth dormer to the rear elevation would serve an upstairs bathroom. The dwelling would have an integrated single garage and utility room. The dwelling would be centrally located on the property, with a parking and manoeuvring space to the front and an amenity space of $\pm 80\text{m}^2$ to the rear. The highway authority comments are noted. However, the boundary accords with the outline permission. Although restricted, there is adequate space provided to a turning area to the front of the dwelling. The building would have a traditional appearance and materials are appropriate to the setting.

The reason for refusal in application 07/01677/REM related to the rear-facing dormer windows which would both have served large bedrooms, and would only have been between ± 8 and 9m from the neighbouring boundary to the north. The neighbour's conservatory on that side would have been approximately 18m distant. The proximity of these windows to the boundary, together with the presence of this conservatory would likely have resulted in an unacceptable loss of privacy to the neighbour to the north.

The revised proposals have reversed the layout of the rooms in the roof. The primary bedrooms would now have windows in dormers facing south at a minimum distance of approximately 22m from the existing dwelling on the parent property. The north-facing dormers would now serve a bathroom and a small (1.9 x 3.7m) secondary bedroom/study. The window to this latter room would furthermore be situated such that a degree of screening would be provided by substantial trees and shrubs on the boundary to the north. The bathroom would not be a habitable room and an appropriate condition requiring obscure glazing would limit any potential overlooking to an acceptable degree. This re-orientation of the primary bedroom windows to face south would overcome the reason for refusal of application 07/01677/REM.

CONCLUSION

The principle of residential development on this site is established by virtue of the approved outline application. The chalet/bungalow form of development was found to be acceptable in application 07/01677/REM, with the only issue being potential loss of privacy to the dwelling to the north. This issue has been resolved and permission is therefore recommended.

10 Application: 07/01571/OUT

Site Address: Garage Block At Dorset Crescent Melksham Wiltshire

Parish: Melksham (Town) Ward: Melksham Spa
Grid Reference 391092 163739
Application Type: Outline Plan
Development: Erection of two dwellings and 12 replacement parking spaces
Applicant Details: West Wilts Housing Society
C/o Willis And Co 30 The Causeway Chippenham Wiltshire
SN15 3BD
Agent Details: Willis & Co
30 The Causeway Chippenham Wiltshire SN15 3DB
Case Officer: Mr Matthew Perks
Date Received: 02.05.2007 Expiry Date: 27.06.2007

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 either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters, whichever is the later.

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

- 2 Application for approval of the reserved matters (design, external appearance and landscaping) shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

- 7 The dwelling(s) hereby approved shall be single storey, with no rooms in the roof.

REASON: In the interests of the amenity of the residents of surrounding properties.

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

This application is referred to Committee because the Melksham Town Council recommends refusal and your officers recommend permission.

This is an application for outline planning permission for the erection of two dwellings and the replacement of 12 parking spaces at the garage block at Dorset Crescent, Melksham. Siting and means of access are applied for in detail at this stage. All other matters are reserved for consideration at a later date. The site is some 820m² in extent.

Two semi-detached dwellings are shown on the site plan. An illustrative drawing shows a double storey building with a roof ridge height 7.5m. The illustrative plan shows one three- and one four bedroom dwelling. The dwellings would be within an existing garage block site currently containing 30 garages. Supporting documentation indicates that 17 of the 30 garages are void. It is stated that the lost garages would be replaced by 3 alternative garages in Wessex Close and a further 12 unrestricted parking spaces.

The proposed dwellings would have two allocated car parking spaces each, and would have deep rear garden spaces of between approximately 150m² and 168m² in extent to the southern side of the buildings. The site is surrounded by semi-detached residential development.

CONSULTATION REPLIES:

MELKSHAM TOWN COUNCIL - Objects.

Councillors are concerned with the loss of garaging and consequent detrimental impact on traffic flow. The parking provision of Dorset Road would encroach into valuable open space. If permission is granted only single storey dwellings should be allowed due to the impact on neighbouring properties.

STATUTORY CONSULTTEES

HIGHWAY AUTHORITY

The authority has no objections, but recommends a condition in relation to surfacing of the access and parking areas.

WESSEX WATER

No objections raised.

INTERNAL CONSULTTEES

HOUSING SERVICES

The Housing Enabling Officer comments as follows:

"I can confirm that there is demonstrable need for affordable housing in Melksham, with the current priority need being in the region of 296 households. The proposed mix of units also meets the current need although we would not normally expect to see detached dwellings for social rented accommodation.

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

PUBLICITY RESPONSES

The proposal was advertised by public notice and letters to neighbours. Four responses were received. Objections include:

- loss of privacy and overlooking;
- noise disturbance and pollution;
- anti-social behaviour;
- parking and highway safety issues;

- inadequate existing drainage;
- loss of garaging;
- loss of natural light;
- loss of value to adjacent properties;

RELEVANT PLANNING POLICY

West Wiltshire District Plan – 1st Alteration 2004

C31a Design
 C38 Nuisance
 H1 Further housing in towns

PPS3 Housing

KEY PLANNING ISSUES

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

PLANNING OFFICER COMMENTS

The application site is located within the Town Policy Limit for Melksham where the principle of further residential development is acceptable subject to a number of criteria contained in Policy H1 of the West Wiltshire District Plan 1st Alteration 2004. This outline application includes all details of siting and access to the site.

The proposal would give rise to development (of the garage courtyard area) at a density of approximately 24 dwellings per hectare. Residential development in the vicinity is characterised by double storey semi-detached properties. The proposal would constitute development below the national minimum average that is advocated in Planning Policy Statement 3, i.e. 30 units per hectare. However, the elongated form of the site constrains any potential for greater density of development, especially seen in the context of the Housing Enabling officer's advice that the proposed mix of dwellings (3 and 4 bedroom units) meets current affordable housing needs. The site would not be appropriate for higher density development with dwellings of this type.

Neighbouring objections and the comments of the Town Council are noted. The dwellings would be sited at a distance of approximately 12.2m and 13m from the nearest rear-facing elevations of the dwellings to the west and east of the site respectively. The building would be approximately 2.2m and 2.8m from the western and eastern site boundaries respectively. The illustrative proposals indicate no end-elevation windows facing these dwellings and development could take place without direct overlooking harming neighbouring amenity. The highway authority has no objection to the plans that include the provision of the 8 bays to the north of Dorset Crescent, indicating that the parking issues are acceptably addressed. However, as noted by the Town Council, these 8 spaces would be located on a portion of land (approximately 126m² in extent) on the edge of a recreational space. This recreational space is some 2.5 ha. in extent and effectively forms an open space buffer for the flood zone either side of the stream to the north of Dorset Crescent. It appeared during the site visit that the street edge of this site is being used informally for parking and manoeuvring of vehicles. The formal use of this 126m² portion of land immediately adjacent to the road would not compromise the potential continued use of the recreational land in its current form. Further, the loss of garaging does not give rise to any highway authority objections.

There is the potential for overshadowing and an overbearing presence affecting the property at No. 80 Queensway, which has a rear garden space to the north west of the locality of the proposed building. The side elevation to the proposed building as indicated in the illustrative drawing, although at a distance of $\pm 2.2\text{m}$ from the boundary, would extend visually across the full width of the rear of the garden space, which is only 10m in depth measured from the rear of the main body of the dwelling. Given the illustrative roof ridge height of 7.5m the impact of a double storey building in the proposed position would give rise to harm to the rear of No. 80. This could be overcome by confining the development to single storey in height. Both proposed sites have relatively substantial grounds within which this could be achieved. Whilst it is acknowledged that the property is surrounded by double storey development, the site does not form part of the street scene with any of these buildings and there are single storey dwellings within the wider estate area. The principle of residential development on this site is acceptable in policy terms and the development would provide two needed affordable housing units. These factors would outweigh the any potential incongruity that might arise from single storey development on the site in relation to the immediate neighbours.

CONCLUSION

The principle of residential development on the site accords with Policy H1 of the West Wiltshire District Plan, 1st Alteration, and permission is recommended subject to appropriate conditions which should include a limitation to single storey development.

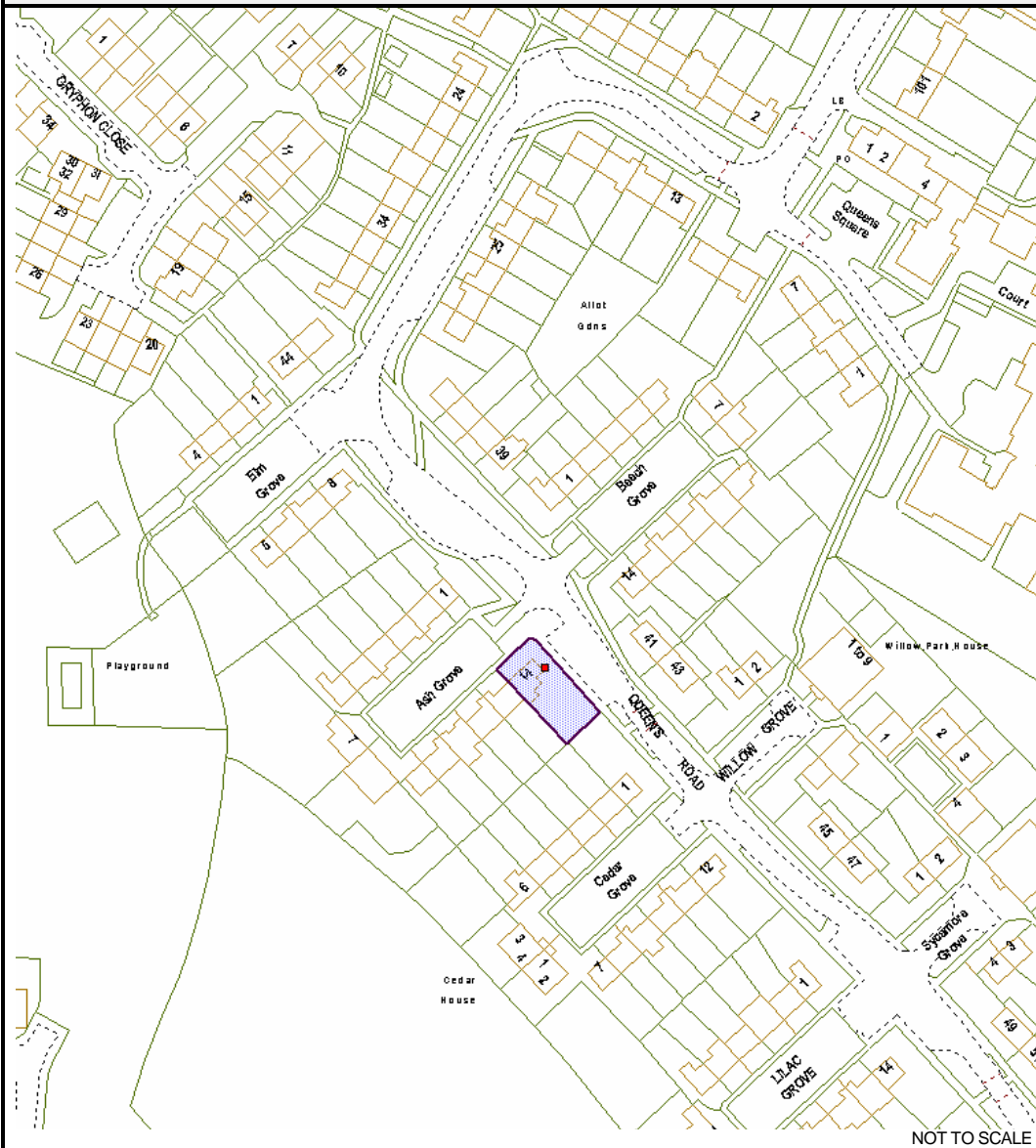
PLANNING COMMITTEE

4 October 2007

ITEM NO: 11

APPLICATION NO: 07/02512/FUL

LOCATION: Land Adjacent 14 Ash Grove Westbury Wiltshire



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

11 Application: 07/02512/FUL

Site Address: Land Adjacent 14 Ash Grove Westbury Wiltshire

Parish: Westbury Ward: Westbury Ham
Grid Reference 386396 151221
Application Type: Full Plan
Development: Two storey two bedroom dwelling house (semi-detached)
Applicant Details: Mr John McGuire
32 The Pippin Calne Wiltshire SN11 8JF
Agent Details: Steve Pierce Architects
FAO Mr Steve Pierce 38 The Brow Twerton Bath BA2 1EA
Case Officer: Mr Matthew Perks
Date Received: 13.08.2007 Expiry Date: 08.10.2007

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 metres by 2 metres and which shall be kept free of obstruction above a height of 600mm.

REASON: In the interests of Highway safety

- 4 Before the development is occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 5 The development hereby approved shall not be occupied until 4 parking spaces have been provided in accordance with the hereby approved plan 705-LO1. This area shall be kept clear of obstruction and shall not be used other than for the parking of vehicles or the purposes of access.

REASON: In the interests of Highway safety

- 6 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.

- 7 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.

- 8 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is presented to the Planning Committee because the applicant is a member of the Council's staff. Further, the Westbury Town Council recommends refusal and officers are recommending permission.

This is a full planning application for a new two bedroom dwelling on land adjacent to 14 Ash Grove in Westbury Queens Road, Westbury.

The application site is on a housing estate which is generally characterised by 2-storey terraced and semi-detached houses which either front onto Queens Road, which runs through the estate, or are set at right angles to it, as with Ash Grove. Ash Grove is one of a number of pedestrian cul-de-sacs in the locality. The proposed dwelling would be an extension to the existing terrace, replacing a lean-to single storey extension to the side of the property on Queens Road. The new building would extend 4.2 metres towards Queen's Road at a two-storey level in line with the existing house. A 2m deep rear extension is also proposed. The area to the rear of the extension would be retained as private garden space. Parking for four cars would be provided at the rear of this space.

Planning permission was granted in September 2006 for a two-storey side extension and conversion of the premises to two flats. This approved scheme occupied the same footprint as the application proposal, with the exception of the rear extension now proposed.

CONSULTATION REPLIES

WESTBURY TOWN COUNCIL – Object.

"No proper access to parking provision; and
The development would appear intrusive in the street scene."

STATUTORY CONSULTATIONS

HIGHWAY AUTHORITY

No objections, subject to conditions.

WESSEX WATER

No objections.

PUBLICITY RESPONSES

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

RELEVANT PLANNING POLICY

West Wiltshire District Plan - 1st Alteration 2004

C31A Design

C38 Nuisance

H1 Further housing in towns

Supplementary Planning Guidance - House alterations and extensions

PPS1 Delivery Sustainable Development

PPG3 Housing

RELEVANT PLANNING HISTORY

04/02337/OUT: Demolition of existing lean-to, relocation of gable end windows and back door and construction of 2 flats plus parking for 4 cars: Refused 23/6/05 (Appeal dismissed 16/1/06)

06/02324/FUL: Conversion and two storey extension of single dwelling house into two two-bedroom flats: Permission: 18.09.2006

KEY PLANNING ISSUES

The main issues in this case are the principle of a new dwelling on this site and the effect of the proposed extension on the street scene. The site history is also a material consideration as an extension has already been granted permission for a conversion into two flats.

PLANNING OFFICER COMMENTS

The site is within the town policy limits of Westbury. Policy H1 of the West Wiltshire District Plan 1st Alteration, 2004 states that proposals for housing development in this area may be permitted provided, inter alia, that siting, layout and design considerations are satisfactory, they are in keeping with the character of the surrounding area and they do not give rise to highway problems.

The principle of new residential development on the site has already been established by virtue of the approved application 06/02324/FUL, albeit this extension was for the creation of two flats.

The proposal would result in the extension of this terrace by 4.2 metres towards Queen's Road, approximately the same as that of the already approved extension. There would however be a further rearward extension of this footprint by 2m into the garden space behind the building. This rear extension would appear subservient to the host building and would not be unacceptably dominant on the street frontage. The orientation and position of the extension is such that there would be no significant impact on neighbouring amenity. The highway authority is satisfied with the access and parking arrangements which have the same layout as for the previously approved application. Thus, whilst noting the comments of the Town Council, the current proposals do not vary from the permitted application (in terms of street front impact and highway considerations) to an extent that would justify refusal in this case.

The proposed dwelling would be modest two-bedroom unit within Westbury town policy limits. This would accord with government guidelines in the form of PPS 3, which encourages a mix of available accommodation types in these localities.

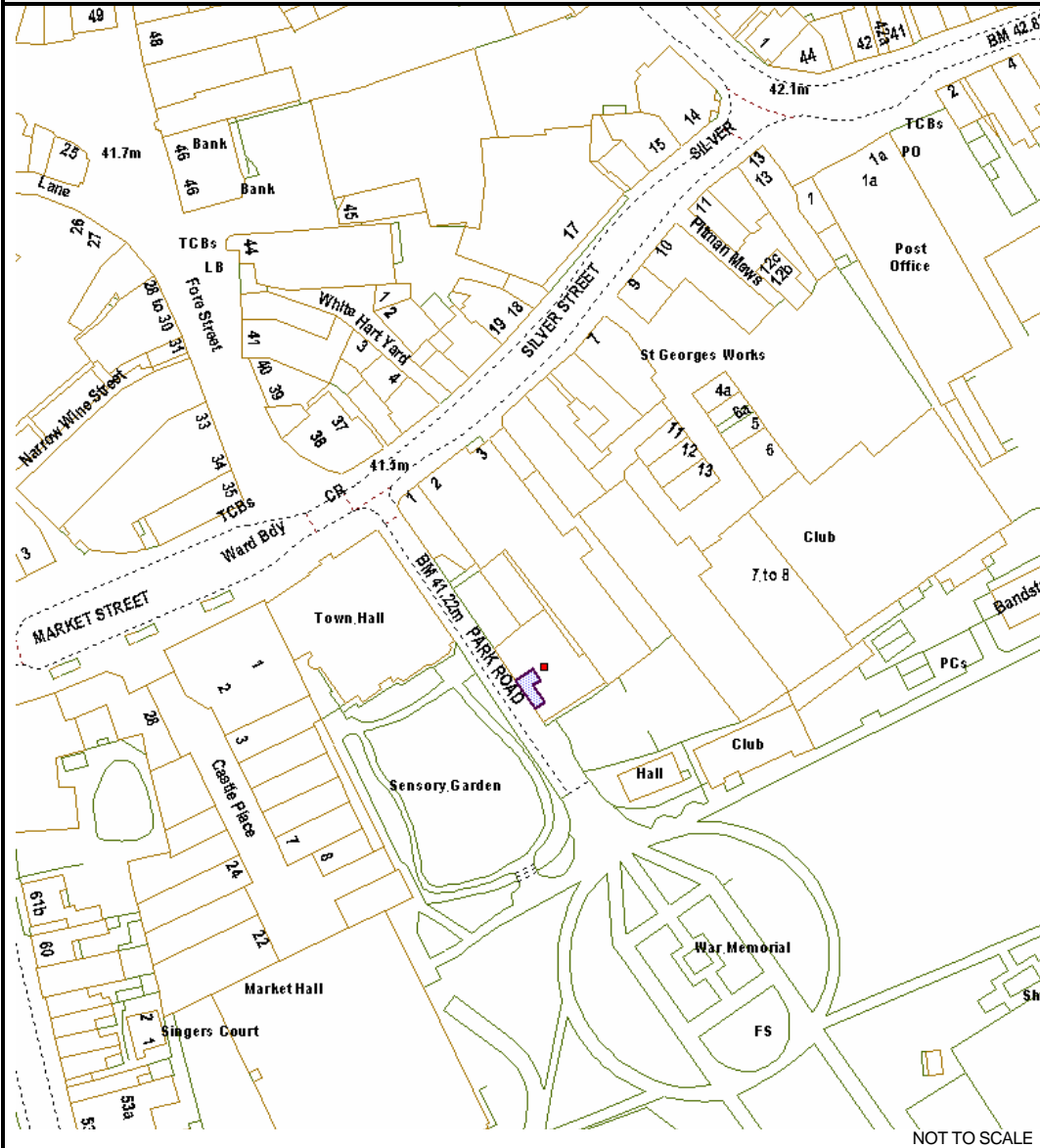
CONCLUSION

The application should be granted permission.

PLANNING COMMITTEE

4 October 2007

ITEM NO: 12
APPLICATION NO: 07/02416/FUL
LOCATION: Chicago Rock Cafe Park Road Trowbridge Wiltshire BA14 8AQ



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

12 Application: 07/02416/FUL

Site Address: Chicago Rock Cafe Park Road Trowbridge Wiltshire BA14 8AQ

Parish: Trowbridge Ward: Trowbridge East
Grid Reference 385717 157901
Application Type: Full Plan
Development: Formation of new external terrace area by recessing existing shopfront and erection of balustrade along open sides within boundary lines to allow use of public terrace area from facility
Applicant Details: 3D Entertainment Group Limited
Luminar House Deltic Avenue Rooksley Milton Keynes MK13 8DL
Agent Details: Design At Source
2-4 High Street Evesham Worcestershire WR11 4HJ
Case Officer: Mr James Taylor
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 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 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 'smoking terrace' as indicated on drawing number 05 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 - Policies C36 & C38.

- 4 During the construction phase no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside of the hours of 0730 to 1800 Mondays to Fridays, 0800 to 1300 hours on Saturdays or at any time on Sundays and Bank Holidays; in order to safeguard the amenities of the area.

REASON: In the interests of amenity.

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

COMMITTEE REPORT

APPLICATION DETAILS

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

The application is for the removal of the existing glazing to the frontage of the premises and recessing it back inside the building to create a new external terrace for the purposes of smoking. The terrace would be approximately 5.5 metres long and 1.8 metres deep.

The application site is on Park Road which runs between Trowbridge Park and the Town Centre. It is located within a designated Conservation Area and the application building is Grade II listed.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Objects to the application feeling it is in breach of the no smoking regulations and it would be detrimental to the area.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: No objection

- ENVIRONMENTAL HEALTH: No objection subject to conditions/informatives. Confirm that after clarification the proposals comply with the smoke free regulations.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. One letter received from the Trowbridge Civic Society concerned with people eating and drinking while smoking possibly leading to aggravation of innocent passers by in such a narrow street.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C17 Conservation Areas

C27 Listed Buildings

C31a Design

C38 Nuisance

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

PPG24 Planning and Noise

RELEVANT PLANNING HISTORY

07/02415/LBC – Parallel listed building application - Pending consideration

KEY PLANNING ISSUES

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

The key issues to consider with this application are the potential impact on the character and fabric of the listed building, the character and appearance of the Conservation Area, neighbouring amenity and environmental health issues such as noise.

PLANNING OFFICER COMMENTS

The proposed works to this listed building would be to an area of no historic importance and as such would cause no harm to the fabric or character of the listed building. This point is expanded upon in the pending parallel listed building application reference 07/02415/LBC.

The proposals are a very modest alteration to the overall appearance of the building. Positioned on a narrow street in the Conservation Area they would serve to remove loitering smokers from the area giving them a more suitable point to stand and smoke. Further it is noted that the proposals would not be unlike the existing situation when the folding doors are opened and allow most of the frontage of the premises to be open in the summer months. The character and appearance of the Conservation Area would be preserved. Please note that the Council's Heritage Development Officer has no objection to the proposals.

It must be noted that the compliance or otherwise of the proposed development is not a planning consideration. Therefore the planning application cannot be substantially objected to on the grounds non-compliance with other legislation than planning. Notwithstanding this the environmental health team has confirmed that the proposed development would accord with the smoke free regulations and could, if allowed, be used as a smoking terrace.

It is noted that the existing doors on the frontage of the building can be folded back to create a completely open frontage. Therefore formalising this arrangement with an actual terrace would be a very modest alteration and would in fact potentially reduce the amount of amplified noise emitted to the surrounding environs compared to this summer arrangement. Obviously it would be a point of congregation for smokers, however this is the current situation on Park Road with smokers leaving the premises and then returning. This would formalise and improve the existing situation and would therefore arguably be preferable to having people loitering in this relatively narrow thoroughfare. In addition there are very few residential properties in the immediate area.

On balance it is not considered that the proposal would not cause any more significant harm in terms of amenity than the existing arrangement, which is typical of a modern town centre location.

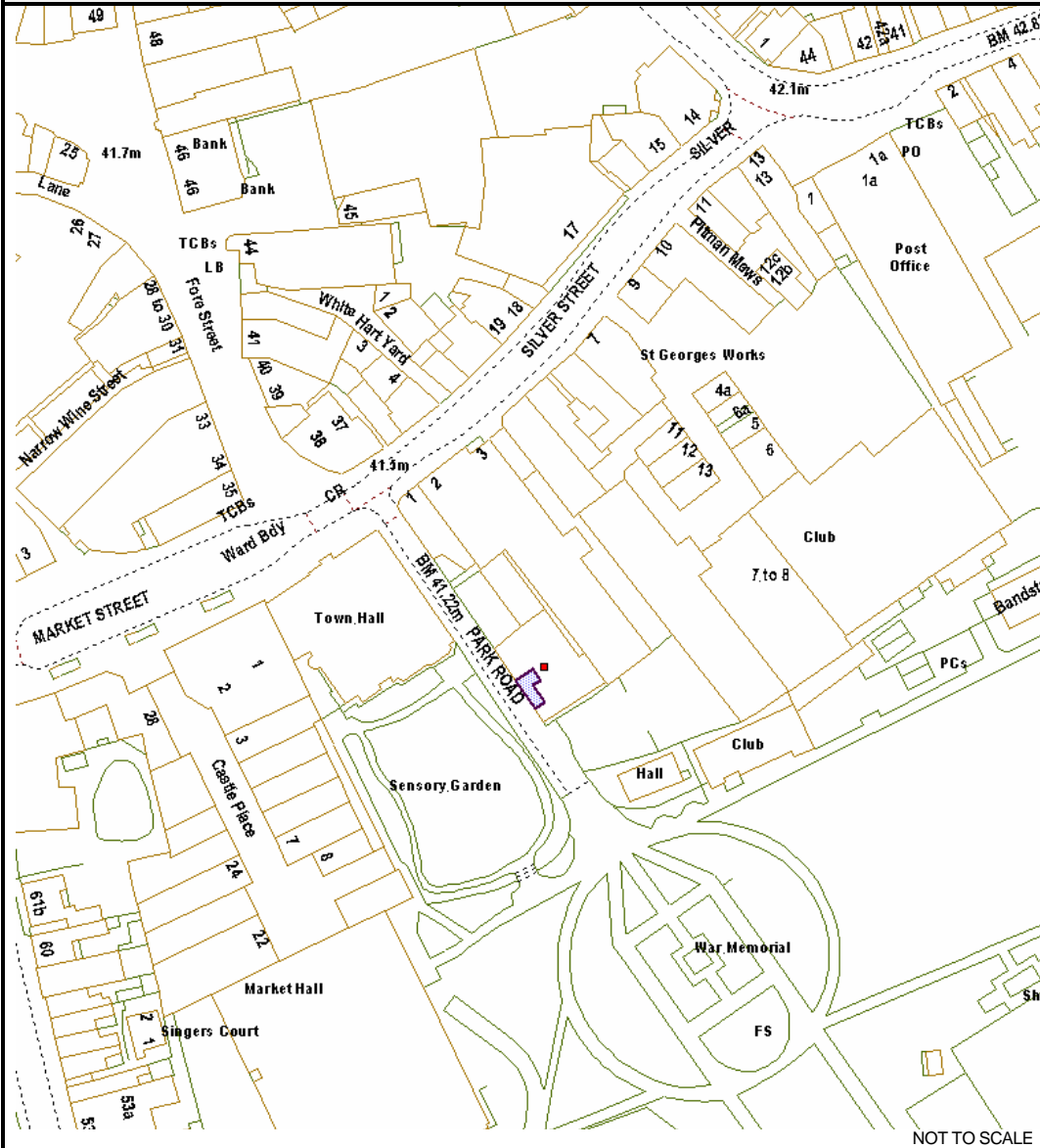
CONCLUSION

It is not considered that any harm would occur from the proposed development, it is in accordance with the development plan policies and it must therefore be recommended for permission.

PLANNING COMMITTEE

4 October 2007

ITEM NO: 13
APPLICATION NO: 07/02415/LBC
LOCATION: Chicago Rock Cafe Park Road Trowbridge Wiltshire BA14 8AQ



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

13 Application: 07/02415/LBC

Site Address: Chicago Rock Cafe Park Road Trowbridge Wiltshire BA14 8AQ

Parish: Trowbridge Ward: Trowbridge East
Grid Reference 385717 157901
Application Type: Listed building
Development: Formation of new external terrace area by recessing existing shop front and erection of balustrade along open sides within boundary lines to allow use by public of terrace area from facility
Applicant Details: 3D Entertainment Group Ltd
Luminar House Deltic Avenue Rooksley Milton Keynes MK13 8DL
Agent Details: Design At Source
2-4 High Street Evesham Worcestershire WR11 4HJ
Case Officer: Mr James Taylor
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: Consent

Condition(s):

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

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

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

The application is for the removal of the existing glazing to the frontage of the premises and recessing it back inside the building to create a new external terrace for the purposes of smoking. The terrace would be approximately 5.5 metres long and 1.8 metres deep.

The application site is on Park Road which runs between Trowbridge Park and the Town Centre. It is located within a designated Conservation Area and the application building is Grade II listed.

CONSULTATION REPLIES:

- TROWBRIDGE TOWN COUNCIL: Objects to the application feeling it is in breach of the no smoking regulations and it would be detrimental to the area.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: No objection

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press. One letter received from the Trowbridge Civic Society concerned with people eating and drinking while smoking possibly leading to aggravation of innocent passers by in such a narrow street.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)

C27 Listed Buildings

C28 Alterations and Extensions to Listed Buildings

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

07/02416/FUL – Parallel full planning application - Pending

KEY PLANNING ISSUES

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The key issues to consider with this application are the potential impact on the character and fabric of the listed building.

PLANNING OFFICER COMMENTS

This part of the listed building is a relatively modern construction and has been heavily altered and modernised in order to facilitate the buildings re-use which is currently as a dinner / bar / nightclub.

The affected area is currently a seating area which is adjacent to full length doors which can be folded back to facilitate an open alfresco experience in the summer months. It is of an entirely modern construction and appearance and as such is of no historic importance at all. Therefore no fabric of historic importance would occur in this case.

The proposed works are actually quite modest and would be of little difference in appearance to the existing, so it must be concluded that the building's historic interest would be maintained. The Council's Heritage Development Officer has no objection to the proposals.

CONCLUSION

It is not considered that any harm would occur from the proposed development, it is in accordance with the development plan policies and it must therefore be recommended for consent.

PLANNING COMMITTEE

4 October 2007

ITEM NO: 14

APPLICATION NO: 07/01783/FUL

LOCATION: Moonrakers Upton Scudamore Wiltshire BA12 0AE



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

14 Application: 07/01783/FUL

Site Address: Moonrakers Upton Scudamore Wiltshire BA12 0AE

Parish: Upton Scudamore Ward: Dilton
Grid Reference 386798 147902
Application Type: Full Plan
Development: Extension over existing garage
Applicant Details: Mr S E Foot And Miss L Taylor
Moonrakers Upton Scudamore Wiltshire BA12 0AE
Agent Details:
Case Officer: Mr Clive Miller
Date Received: 23.07.2007 Expiry Date: 17.09.2007

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

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

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

COMMITTEE REPORT

APPLICATION DETAILS

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

This application relates to an existing single storey dwelling in Upton Scudamore. It has external walls of natural stone and reconstructed stone with a steep gabled roof which houses a large dormer window on the rear elevation.

The proposal is to extend the existing main bungalow roof over an existing garage which currently has a parapet and flat roof treatment. A velux rooflight would be provided on the front elevation with all matching materials being used.

CONSULTATION REPLIES:

UPTON SCUDAMORE PARISH COUNCIL: Object.

-The garage was built with intended use of single storey structure therefore there was concern over foundations

-Should the roofline be stepped?

-There was some concern about the windows to the front of the extension it was considered to be out of character with the rest of the properties.

PUBLICITY RESPONSES

Neighbours have been notified to which no response has been received.

RELEVANT PLANNING POLICY

West Wiltshire District Plan – 1st Alteration 2004

C31a Design

C38 Nuisance

SPG House Alterations and Extensions

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

The key issues in the determination of this application are:

-impact on host dwelling

-impact on street scene

-impact on privacy and amenity of adjoining dwelling

PLANNING OFFICER COMMENTS

This extension has been designed to be in sympathy with the host dwelling and in many ways improves its appearance.

The insertion of the small rooflight will not detract from the appearance of the dwelling or the street scene. There is no adverse impact on the adjoining dwelling given the relationship of the development to the boundary. The appearance of the development would not be improved if the roofline was stepped.

The nature of any foundations is a matter for the Building Regulations.

CONCLUSION:

This scheme causes no adverse harm to the dwelling of the street scene. The proposal is therefore consistent with Development Plan policy and can be supported.

PLANNING COMMITTEE

4 October 2007

ITEM NO: 15

APPLICATION NO: 07/02312/ADV

LOCATION: 5 - 7 High Street Westbury Wiltshire BA13 3BN



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

15 Application: 07/02312/ADV

Site Address: 5 - 7 High Street Westbury Wiltshire BA13 3BN

Parish: Westbury Ward: Westbury Laverton
Grid Reference 387259 151326
Application Type: Advertisement
Development: New signage to nationally update image of corporate client, one fascia sign with internal illumination to letters only, three fascia signs non illuminated and one projecting sign with internal illumination to letters only
Applicant Details: Britannia Building Society
FAO Estate Department Britannia House Cheadle Road Leek Staffordshire
Agent Details: Astley Signs Ltd
FAO Mrs Eve White 273 Dukesway Team Valley Trading Estate Gateshead Tyne And Wear
Case Officer: Mr James Taylor
Date Received: 19.07.2007 Expiry Date: 13.09.2007

REASON(S) FOR RECOMMENDATION:

The proposed development conforms to the policies of the Development Plan as there are no objections to it on highway safety or amenity grounds.

RECOMMENDATION: Consent

Condition(s):

- 1 The luminance of the advertisement shall be static and not exceed the standard luminance levels stated in I.L.E. Technical Report Number 5 (3rd Edition) 2001 as detailed below.

Total Illuminated Area of Sign Face Sq. m.	Maximum Luminance Candela / sq. m.
Up to 0.49	2000
0.5 to 1.99	1600
2.0 to 4.99	1200
5.0 to 10.0	1000
Over 10.0	800

REASON: In the interests of amenity and/or highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C24.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council requires conditions of which one cannot be reasonably applied.

This is an application for advertisement consent to replace existing signage with new corporate signage. These are as follows:

1 fascia sign with internally illuminated lettering (Britannia Building Society) only to the front of the building, 1 non-illuminated fascia sign to the front elevation, 2 further non-illuminated fascia signs (1 to each side elevation) and 1 projecting sign internally illuminated.

The property is located to the north east end of the High Street in Westbury's Primary Retail Frontage. The premises are in use as a building society premises and have a modern double shop front. The building is typical of the locality and there are numerous advertisements in the area for other businesses, many of which are illuminated.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: The committee had no objections to this application subject to the following three criteria:
 - * The illumination of the advertisement shall be static and not intermittent.
 - * The advertisement shall not be illuminated outside the hours when the premises are open for business.
 - * Details of luminance of the approved advert shall be agreed in writing by the District Planning Authority before they are first displayed.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection subject to condition regarding luminance levels.

PUBLICITY RESPONSES

Neighbours were notified to which there has been no response.

RELEVANT PLANNING POLICY

West Wiltshire District Plan 1st Alteration (2004)
C24 Advertisements

PPS1 Delivering Sustainable Development
PPG19 Outdoor Advertisement Control

Circular 11/95 The Use of Conditions in Planning Permission

RELEVANT PLANNING HISTORY

None

KEY PLANNING ISSUES

Applications for advertisements can only be considered with regard to interests of amenity and public safety.

PLANNING OFFICER COMMENTS

The application site is located in the primary retail frontage of Westbury and the area is characterised in part by advertisements for shops and professional services, many of which are illuminated. The proposed signs are considered to be of a scale, design and luminance that is characteristic of the area and would cause no harm in terms of amenity or highway safety.

Conditions must meet the advice in government circular 11/95 on the use of planning conditions that they are reasonable, necessary and enforceable and would ensure that the proposed advertisements would cause no harm in terms of amenity or highway safety.

It is not considered reasonable to insist that the luminance for the proposed signs is turned off at night as the Town Council require. No other properties in the locality have been subject to such conditions and if they were to remain on it would not cause any harm to amenity or the highway safety given the town centre location with a canopy cover above obscuring the site from the residential accommodation above.

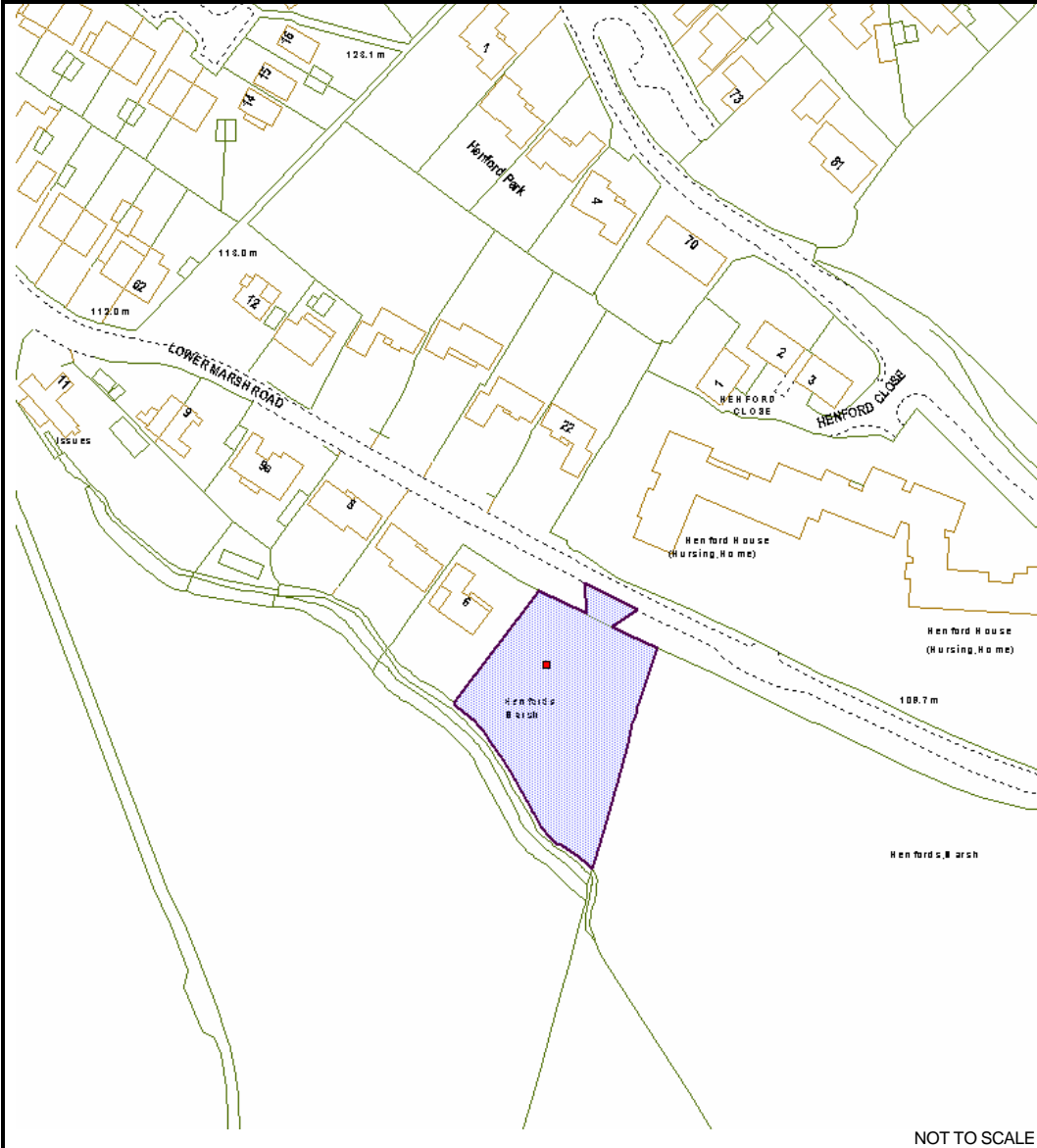
CONCLUSION

There are no planning objections.

PLANNING COMMITTEE

4 October 2007

ITEM NO: 16
APPLICATION NO: 07/02436/REM
LOCATION: Land East Of 6 Lower Marsh Road Warminster
Wiltshire



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

16 Application: 07/02436/REM

Site Address: Land East Of 6 Lower Marsh Road Warminster Wiltshire

Parish: Warminster Ward: Warminster East
Grid Reference 387432 144055
Application Type: Reserved Matters
Development: Erection of three dwellings
Applicant Details: Adam Jones And Others
Custom Built The Copse 74A Westbury Leigh BA13 3SQ
Agent Details: Land Development And Planning Consultants
Nettleton Chippenham Wilts SN14 7NS
Case Officer: Mrs Judith Dale
Date Received: 26.07.2007 Expiry Date: 20.09.2007

REASON(S) FOR RECOMMENDATION:

The proposed development conforms with the extant outline permission and there are no objections to it on planning grounds.

RECOMMENDATION: Approval

Note(s) to Applicant:

- 1 The applicant is advised that this consent shall be implemented in accordance with the outline permission 05/00244/OUT and its attached conditions.
- 2 The applicant is advised to ensure that the development is carried out in accordance with the site levels specified on the approved plans.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a Reserved Matters application for three detached dwellings following the grant of outline permission in April 2005 (05/00244/OUT). Siting, access and external appearance were all determined at that outline stage, leaving only design and landscaping for subsequent consideration under this current application.

The site is a 0.17 ha former garden paddock, located to the east of number 6 Lower Marsh Road at the edge of the town limits for Warminster and within a Special Landscape Area. Originally part of the garden of that property, it is now in separate ownership and fenced off as a development site.

The outline application permitted three detached dwellinghouses in linear plots, served by a new single access point centrally located on the site frontage. Although no floor plans were submitted at that time, the elevational details indicated two-storey, three to four-bedroomed dwellings, with rear conservatories and either integral or attached garaging. Ridge heights were shown to match those of the adjacent property.

The current application “fills in” the missing details, confirming two storey, four bedroomed units on similar footprints and siting to the outline, and level with the ridge height of no 6. The three dwellings are all proposed of red brick construction (Terca Cassandra Multi) under brown, double roman concrete tiled roofs. Landscaping of the site is predominantly shown through the retention of the substantial hedges along the road frontage and the eastern boundary which abuts the open farmland, and the existing tree line beyond the rear boundary.

The application was accompanied by a Design and Access Statement setting the proposal within its planning context.

CONSULTATION REPLIES:

- WARMINSTER TOWN COUNCIL: “The original application was dismissed on Appeal, this is overdevelopment of the site and going further into the countryside, there is also an issue with flooding in that part of the town. The Chairman mentioned that the ground preparation for drainage has already been carried out. Proposed refusal ... on the grounds that they still feel this is to be overdevelopment of the site. Unanimously in favour.”

PUBLICITY RESPONSES

Neighbours were notified of the proposal and four letters of comment have been received. The general point is made that the submitted details appear to generally reflect the outline permission, but that the following points remain for consideration:

- Ridge heights must not exceed that of the adjoining property;
- The existing ditch along the road frontage is inadequate to cope with surface water runoff and there is frequent road flooding which should be resolved;
- Windows, guttering and down pipes should be brown rather than the proposed black and white;
- Front garden areas should be soft landscaped to reduce any “courtyard” appearance;
- Plans should conform with “rigorous standards” currently being proposed with regard to flood prevention;
- “Updated” conditions are required concerning boundary treatments, landscaping, hours of working and burning of waste materials;
- Deliveries of materials should be planned to minimise traffic problems in the vicinity.

RELEVANT PLANNING POLICY

West Wiltshire District Plan – 1st Alteration 2004

H1	Further housing development in towns
H24	Housing design
C3	Special Landscape Area
C4	Landscape setting
C31a	Design
C32	Landscaping
U5	Sewage treatment works

Supplementary Planning Guidance
Residential Design Guide
Design Guidance - Principles

PPS3 Housing
PPS23 Planning and Pollution

RELEVANT PLANNING HISTORY

05/00244/OUT – Erection of three dwellings – Permission 21.04.2005

05/01807/FUL – Erection of three dwellings – Refused and subsequently dismissed on appeal 02.04.2007.

KEY PLANNING ISSUES

The key issues raised by this application are considered to be

- the appropriateness of the design and landscaping of the development in the context of the existing outline permission.
- the impact of the development in the street scene and on the surrounding Special Landscape Area

PLANNING OFFICER COMMENTS

Context of the extant planning permission

As a background to this current application, Members will recall a previous application 05/01807/FUL originally submitted as Reserved Matters to the outline 05/00244/OUT. The siting, footprint and height of the three proposed units significantly differed from the outline approval and it was therefore “upgraded” to a full application for the development of the site. The overall scale of the scheme proposed by that application was considered unacceptable and a refusal of planning permission was subsequently supported by the Planning Inspector on appeal – this current, more modest application, has followed.

As referred to in the application details, the only matters reserved for subsequent approval from the outline permission are design and landscaping – siting, means of access and external appearance were all determined and approved at outline stage and are not for reconsideration as part of this proposal.

With regard to “design”, internal layouts have been produced to “fit” the already approved external appearance and dimensions of the individual units, including ridge heights no higher than the adjoining property. This had been a major area of concern in refusing the previous detailed application and has now been achieved through a combination of specified finished floor levels and accommodation provided on two floors only with no formal use of the roof spaces. Elevational details have been very marginally altered from the outline to accommodate individual room layouts but these are considered insignificant.

The now appropriately sized four-bedroomed dwellings are considered to be in accordance with the outline permission and must be regarded as acceptable in terms of meeting the “design” criterion.

With regard to “landscaping” this is basically limited to the retention, and enhancement where necessary, of the boundary hedges and trees. The eastern and southern boundaries are well-established and are simply to be retained; the northern road frontage is to be retained, except for the access point (already created), and reinforced with Hazel and Hawthorn where necessary. A detailed planting schedule incorporating the precise number and location of additional plants is for future submission under the terms of the landscaping condition (no 9) attached to the outline permission. Since the site itself is largely screened behind these significant boundary hedges, any additional external landscaping is not deemed necessary. Internally, within the site, front gardens are to be laid to lawn and paved turning areas, both as indicated generally on the outline.

Impact on street scene and Special Landscape Area

The application site is in a sensitive transitional area between the built up area of Warminster and the open countryside beyond. In permitting the outline application in February 2005, the Planning Officer’s report stated:

'..The proposed layout of detached dwellings..is not significantly out of character with the existing area and combined with suitable landscaping and the retention of existing boundary screening represents a suitable compromise between an efficient use of land and maintaining the character of the area in a sensitive location'.

'..The external appearance of these dwellings is in keeping with the pattern and style of development in the near vicinity..'

Since the remaining reserved matters of design and landscaping clearly accord with this outline framework, itself approved, the impact of the development in this setting must also be considered acceptable.

In assessing this reserved matters application, it is important that it is considered within the context of the approved outline permission and is not confused with the detailed proposal (05/01807/FUL) submitted in between. That application for three dwellings was clearly unacceptable in planning terms, predominately due to the size of the proposed dwellings which were much greater in height and depth than that suggested by the outline permission. This raised issues not anticipated by, or relevant to, the outline, specifically a direct conflict between keeping ridge heights below that of the adjoining property and finished floor levels which were below those recommended by the Environment Agency. The reduced scale of development now removes this concern since level ridge heights can be maintained while still accommodating floor levels adjudged by the appeal Inspector to be acceptable. It is therefore important that this issue is not reintroduced at this reserved matters stage unless still contrary to the extant outline or any of the attached conditions.

The Town Council's objection on the grounds of overdevelopment and new building further into the countryside must therefore be given limited weight at this stage - outline permission clearly exists for 3 dwellings of the size and location now proposed. Drainage/flooding concerns are a matter of detail already covered by Conditions 5 and 8 of the outline planning permission. Notwithstanding, these details have been submitted as part of the application and have been referred to the Council's Drainage Officer for separate consideration and discharge of those conditions.

In response to the several letters of comment from neighbouring residents, the colour of the windows and rain water goods is not a legitimate matter for this Council's control in this particular case, while the planning framework does not allow for further conditions relating to hours or methods of working, for example, to be imposed at the reserved matters stage. If considered appropriate, such conditions must be incorporated at the outline, and only then if deemed to meet the necessary tests required by Circular 11/95

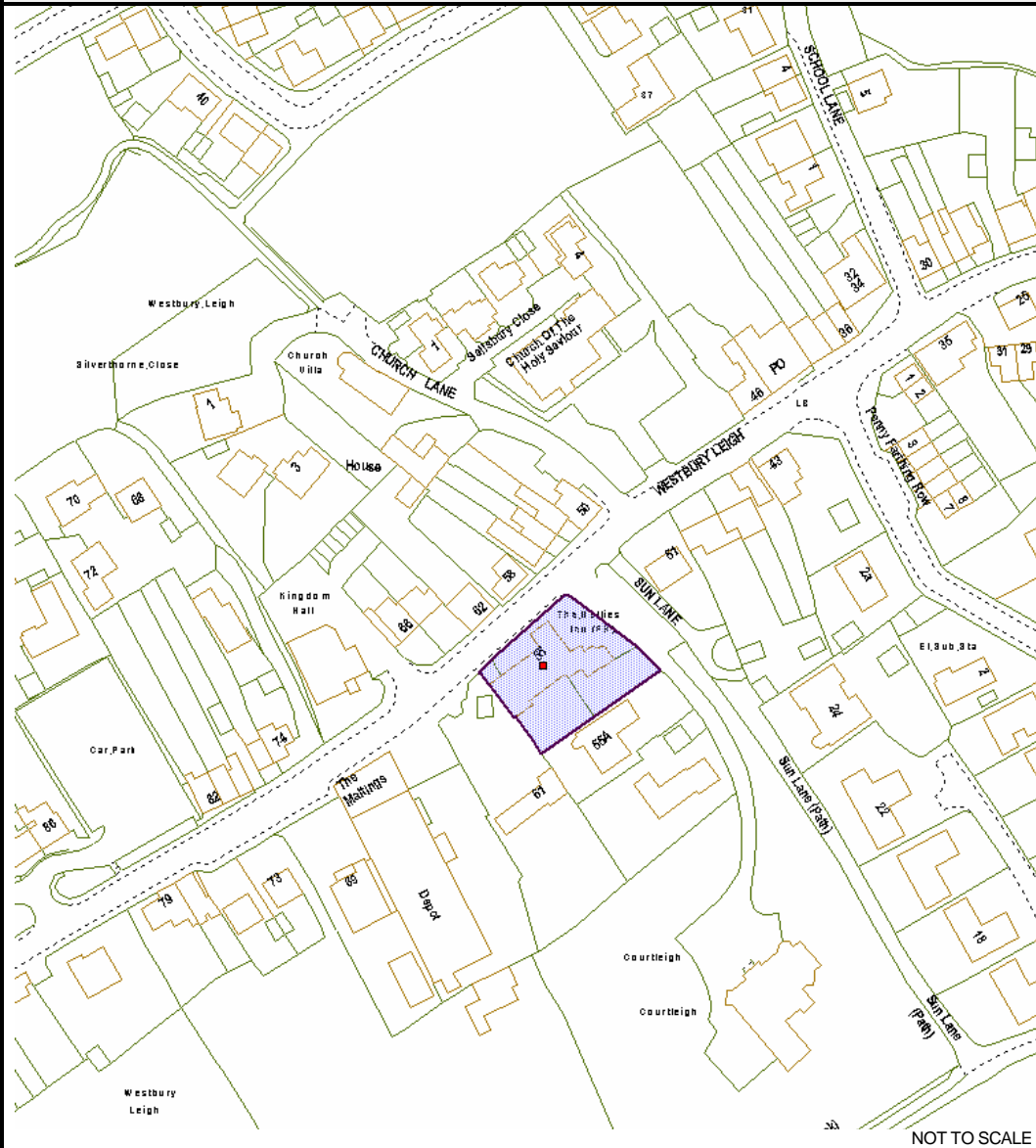
CONCLUSION

In terms of design and landscape, the submitted application is considered to comply with the framework of the existing outline permission 05/00244/OUT and can therefore be recommended for approval.

PLANNING COMMITTEE

4 October 2007

ITEM NO: 17
APPLICATION NO: 07/02262/FUL
LOCATION: The Hollies 55 Westbury Leigh Westbury Wiltshire
BA13 3SF



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

17 Application: 07/02262/FUL

Site Address: The Hollies 55 Westbury Leigh Westbury Wiltshire BA13 3SF

Parish: Westbury Ward: Westbury Laverton
Grid Reference 386329 150078
Application Type: Full Plan
Development: Single storey extension to rear of property
Applicant Details: The Hollies Inn
55 Westbury Leigh Westbury Wiltshire BA13 3SF
Agent Details: Mr H Grist
32 Daniell Crest Warminster Wilts BA12 8NZ
Case Officer: Mr James Taylor
Date Received: 12.07.2007 Expiry Date: 06.09.2007

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.

- 3 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.

- 4 No sound reproduction or amplification equipment (including public address systems, loudspeakers and live music) which is audible at the boundary of any inhabited premises in the vicinity of the site 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 - Policies C36 & C38.

- 5 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 and amenity of the area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C35 and C38.

- 6 As indicated on the plans hereby approved a gate shall be erected on the entrance/exit at the southern end of the site and a further gate shall be erected between the proposed extension and the western boundary. These shall remain in these locations in perpetuity.

REASON: In the interests of neighbouring amenity.

POLICY: West Wiltshire District Plan 1st Alteration (2004) – Policy C38.

COMMITTEE REPORT

APPLICATION DETAILS

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

This is a full planning application for the erection of a rear extension to a public house in Westbury Leigh. The extension is single storey, sited on the raised rear beer garden of the pub. It would occupy much of the beer garden with a footprint of approximately 18.7 metres by 5.9 metres. It would be attached to the host building by a linking corridor. The proposal would have a pitched roof with a height to ridge level of 4 metres. The proposal has been modified to remove any rooflights from the development; it is proposed to use reclaimed brickwork to the walls, concrete double roman tiles to the roof and painted softwood timber double glazed windows for the external surface finishes.

The Hollies is a Grade II listed building fronting onto Westbury Leigh. The rear and side of the building has undergone significant alterations and extensions, most notably flat felt roofed areas. There have been recent unauthorised works to the steps leading from the rear of the pub up onto the rear beer garden.

To the rear of the application site is a large modern residential property sited very close to the boundary of the site. To the east is car parking for the public house and a private road leading to residential properties. To the west is the garden of a neighbouring property. The area is characterised by a mixture of historic linear development along Westbury Leigh and modern in-fill development.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: The committee objected to this planning application because of the effect on parking that increased business capacity is likely to have.

STATUTORY CONSULTATIONS

- HIGHWAY AUTHORITY: No objection. The site has 5 parking spaces within the red lined area and an extension to the site would normally result in a request for additional parking to be made available to prevent overspill onto the highway. Whilst there does not appear to be any scope to provide additional parking, the road to the front of the site is subject to parking controls and the site is located in a residential street, therefore no Highway objection.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: Recommends approval.

An extension such as this would not normally be welcome on the rear of a listed building. However, the rear of this listed building has suffered many unfortunate extensions in the past, all flat roofed unsympathetic additions.

The proposed extension would be attached to the listed building by means of a link structure over the existing steps. This link would lead to a single storey building on the higher level of the existing garden.

The proposed materials are for the most part acceptable; the reclaimed brick and timber windows would be in keeping with the area.

Concrete roof tiles are not acceptable. Clay tiles to match the main listed building must be used. A condition should be able to cover this.

The use of double glazing on this building is acceptable, providing timber frames are used, due to the fact that this building would be a modern structure that would be seen as a separate building to the listed building. The degree of separation, exacerbated by the change in levels of the site, is such that the use of double glazing would not result in harm to the character or setting of the listed building and would not therefore be at odds with the aims of PPG15: Planning and the Historic Environment or Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).

The overall design of the proposed extension is discreet and would be a subservient addition to this listed building.

The rear of the building is, as stated, in a very unfortunate state by reason of the unsympathetic additions. The proposed extension would serve to screen the majority of the rear of the listed building from public view. The extension would not result in any further harm to the listed building over and above what already is on the rear of the building.

- ENVIRONMENTAL HEALTH: Recommends conditions to be attached to any permission granted in relation to noise, lighting and installation of gates to southernmost exit.

PUBLICITY RESPONSES

The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press.

6 letters were received raising the following comments:

- Increased noise after smoking ban needs to be attended to;
- Extension is totally out of proportion to the site and village location;
- Not in keeping with Grade II building's character and appearance;
- Increase in noise, bad language, vandalism and violence would be unacceptable;
- Insufficient parking;
- Adversely affect character and quality of the area;
- Little or no scope for landscaping – over intensive development;
- Loss of amenity of village pub due to attracting 'outsiders' – village local lost;
- De-value property values;
- Construction would undermine boundary walls;

- Proposed quite lounge unlikely and sports bar would be very harmful in terms of noise;
- Drinking area doubled – result would be a nightclub in a village;
- Increased noisy traffic leaving pub in the early hours of the morning;
- Harm amenity due to noise, especially in garden areas;
- Inadequate toilet facilities to cope – people already use neighbouring walls and driveways as urinals;
- Exit will be within 90cm of neighbours kitchen window and back door;
- Loss of evening light from roof of structure;
- Concerned about flouting regulations and necessary consents;
- Wheel clamping already in force against illegal parking – proposal may exacerbate this parking issue;
- Only nine spaces are guaranteed – 9 others are only leased (subject to 6 months notice).

RELEVANT PLANNING POLICY

West Wiltshire District Plan – 1st Alteration 2004

- C27 Listed Buildings
- C28 Alterations and Extensions to Listed Buildings
- C31a Design
- C38 Nuisance
- CF1 Community Facilities and Services - General

SPG Supplementary Planning Guidance on House Alterations and Extensions

- PPS1 Delivering Sustainable Development
- PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

06/01801/FUL – Enlarged doorway, steps and balustrade on SE elevation. Removal of existing steps and door – Refusal 04.08.2006

06/01802/LBC – Enlarged doorway, steps and balustrade on SE elevation. Removal of existing steps and door – Refusal 04.08.2006

07/02263/LBC – Parallel listed building application – Pending.

KEY PLANNING ISSUES

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The key issues to consider with this application are the potential impact on the listed building, the character of the area, neighbouring amenity in terms of loss of light and noise, and highway safety including parking provision.

PLANNING OFFICER COMMENTS

The reason this application is brought to planning committee is because of the Town Council's objection on the grounds of increased business capacity leading to a need for further parking. This view is also expressed by some neighbours in the consultation process. It is noted that the Highway Authority has raised no objection to the proposals and highlight that ordinarily they would make a request for additional parking provision. However, in this case parking restrictions in the area should be sufficient to prevent highway safety problems.

It is clear that the proposed extension of the pub is intended to increase the business and viability of this community facility. As such it is likely that there will be a more intensive demand on facilities such as parking. However, in this case, given the fact that an increasing parking provision is not an option it has been viewed that existing parking controls for on-street parking are sufficient in order to control this possible increase in demand. Without the support of the Highway Authority it would be very hard to sustain an objection on highway grounds. Therefore, on balance, given the parking controls that exist on Westbury Leigh, then there would be no significant harm to highway safety. The parking provision is less than would be normally acceptable but the need to support community facilities is considered to outweigh this factor and no demonstrable harm would occur in this respect.

Westbury Leigh, although part of the Westbury Town area is considered by many local people to have a village character; an important part of which are the community facilities such as pubs. Pubs in Westbury Leigh have closed down in recent years and generally local community facilities are struggling economic options. It is considered to be important to enable those remaining facilities to adapt and evolve according to the consumer's demands of the day. This extension is considered by the applicant to be a facility that would enhance their business. However it must be the case that development does not take place where demonstrable harm would occur, including but not limited to the host building and neighbouring amenity.

The Hollies is a Grade II listed property which has a very attractive frontage with some good features remaining internally. However it is noted that the rear has been subject to considerable alteration and extension including recent 20th century flat roof extensions which are of no architectural merit. These alterations have completely altered the character of the building at the rear and it would be very hard, in the light of this, to substantiate an objection to the proposals.

The proposed development has the appearance of a separate building, albeit raised above the ground floor level of the main building and is of a reasonable simple form and design. Views of it would be limited to the rear and side; it would not be evident in the Westbury Leigh street scene. The proposal would obscure the existing flat roof extensions from most vantage points and as such it could be argued to improve the appearance of the building and the rear street scene. It is concluded that the proposal would not cause any harm to the character or setting of the listed building.

The proposed extension would also correct some unauthorised works to the rear of the building, including the creation of steps up into the rear beer garden.

The issue of amenity has been considered. In terms of light issues, only No 55A could possibly be affected due to the single storey nature of the development. However on balance it is not considered that demonstrable harm to their amenity would occur. That property is raised above the application site, the building proposed is single storey in nature and little higher at eaves level than the existing boundary treatment. It is also noted that 55A is orientated to the south of the application site.

Issues of noise creation have been given considerable thought. The rooflights originally proposed have been omitted from the scheme and no windows would be on the south elevation near the neighbouring property. The proposals would mean that the beer garden is much reduced and therefore congregations of people would potentially be reduced. The implications of the smoking ban are having considerable implications for residential amenity around public buildings, however it is not considered to be a significant factor in the determination of this application for an extension to the building. On balance it is considered that the proposal by creating further indoor space and removing external space close to residential properties should reduce noise levels.

Environmental Health has been consulted on the proposals and raised no objection subject to the imposition of conditions. These conditions are considered reasonable and therefore have been suggested along with this permission. This would in part address the issue of the southern most gate to the premises which it is understood is not for general use but only emergency and is to act as a private space for maintenance of the building and the shared boundary. This should also address the neighbour's concerns of people entering and leaving within 900mm of their kitchen window and back door.

The issue of entering and departing the premises in a considerate fashion is a problem for any public house and some local residents. However it is not considered to be within the control of an application to extend the premises. Further issues of potential and alleged anti-social behaviour, vandalism and violence are beyond the control of this application. The property value of neighbouring dwellings and other legislation are not material considerations.

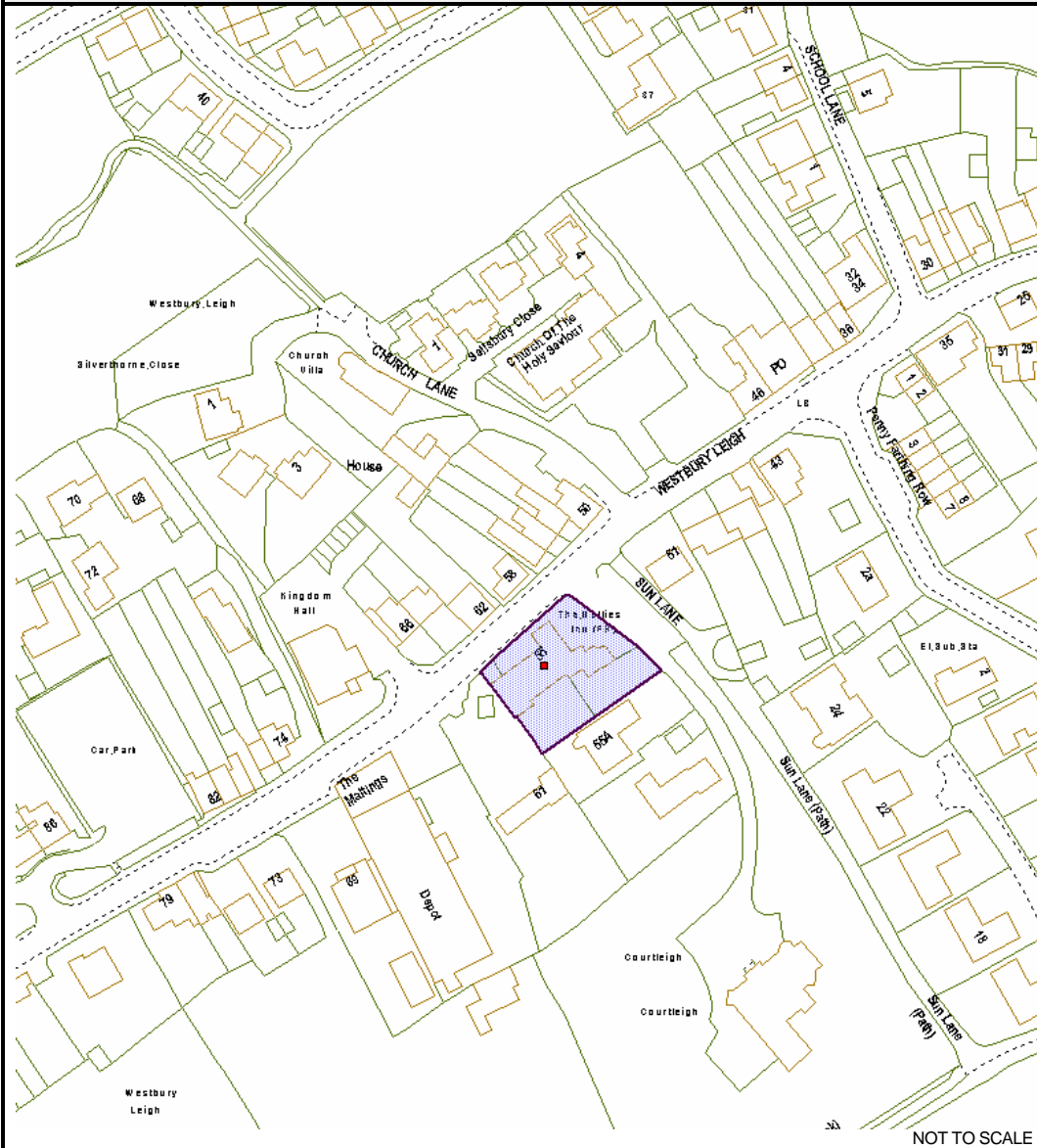
CONCLUSION

It is concluded on balance that the proposed development would not cause any demonstrable harm and as such it is recommended for permission.

PLANNING COMMITTEE

4 October 2007

ITEM NO: 18
APPLICATION NO: 07/02263/LBC
LOCATION: The Hollies 55 Westbury Leigh Westbury Wiltshire
BA13 3SF



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

West Wiltshire District Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD Tel: 01225 776655
Fax: 01225 770314
www.westwiltshire.gov.uk

SLA: 100022961

18 Application: 07/02263/LBC

Site Address: The Hollies 55 Westbury Leigh Westbury Wiltshire BA13 3SF

Parish: Westbury Ward: Westbury Laverton
Grid Reference 386329 150078
Application Type: Listed building
Development: Single storey extension to rear of property
Applicant Details: The Hollies Inn
55 Westbury Leigh Westbury Wiltshire BA13 3SF
Agent Details: Mr H Grist
32 Daniell Crest Warminster Wilts BA12 8NZ
Case Officer: Mr James Taylor
Date Received: 12.07.2007 Expiry Date: 06.09.2007

REASON(S) FOR RECOMMENDATION:

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

RECOMMENDATION: Consent

Condition(s):

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

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

- 2 Notwithstanding the plans hereby approved 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.

COMMITTEE REPORT

APPLICATION DETAILS

This application is brought to Committee because the Town Council object to the parallel full planning application and it is considered prudent for the Committee to deal with both the listed building application and planning applications in tandem. The Town Council's objection to this listed building application has been addressed by revised details.

This is a listed building application for the erection of a rear extension to a public house in Westbury Leigh. The extension is single storey, sited on the raised rear beer garden of the pub. It would occupy much of the beer garden with a footprint of approximately 18.7 metres by 5.9 metres. It would be attached to the host building by a linking corridor. The proposal would have a pitched roof with a height to ridge level of 4 metres. The proposal has been modified to remove any rooflights from the development; it is proposed to use reclaimed brickwork to the walls, concrete double roman tiles to the roof and painted softwood timber double glazed windows for the external surface finishes.

The Hollies is a Grade II listed building fronting onto Westbury Leigh. To the rear and side the building has undergone significant alterations and extensions; most notable is the flat felt roof areas. Further there have been recent unauthorised works to the steps leading from the rear of the pub up onto the large rear beer garden.

To the rear of the application site is a large modern residential property sited very close to the boundary of the site. To the east is car parking for the public house and a private road leading to residential properties. To the west is the garden of a neighbouring property. The area is characterised by a mixture of historic linear development along Westbury Leigh and modern in-fill development.

CONSULTATION REPLIES:

- WESTBURY TOWN COUNCIL: The committee objected to this listed building application because the number of Velux type windows is more than is essential.

INTERNAL WWDC CONSULTATIONS

- HERITAGE DEVELOPMENT OFFICER: Recommends approval.

An extension such as this would not normally be welcome on the rear of a listed building. However, the rear of this listed building has suffered many unfortunate extensions in the past, all flat roofed unsympathetic additions.

The proposed extension would be attached to the listed building by means of a link structure over the existing steps. This link would lead to a single storey building on the higher level of the existing garden.

The proposed materials are for the most part acceptable; the reclaimed brick and timber windows would be in keeping with the area.

Concrete roof tiles are not acceptable. Clay tiles to match the main listed building must be used. A condition should be able to cover this.

The use of double glazing on this building is acceptable, providing timber frames are used, due to the fact that this building would be a modern structure that would be seen as a separate building to the listed building. The degree of separation, exacerbated by the change in levels of the site, is such that the use of double glazing would not result in harm to the character or setting of the listed building and would not therefore be at odds with the aims of PPG15: Planning and the Historic Environment or Policies C27 and C28 of the West Wiltshire District Plan 1st Alteration (2004).

The overall design of the proposed extension is discreet and would be a subservient addition to this listed building.

The rear of the building is, as stated, in a very unfortunate state by reason of the unsympathetic additions. The proposed extension would serve to screen the majority of the rear of the listed building from public view. The extension would not result in any further harm to the listed building over and above what already is on the rear of the building.

PUBLICITY RESPONSES

- The proposal was advertised by letters to the neighbouring properties, a site notice and through the local press.

No comments were received specifically on this application, but several letters were received in consultation on the full planning application which raised concerns in regards to the design of the proposals and the impact on the host building.

RELEVANT PLANNING POLICY

West Wiltshire District Plan – 1st Alteration 2004

C27 Listed Buildings

C28 Alterations and Extensions to Listed Buildings

PPS1 Delivering Sustainable Development

PPG15 Planning and the Historic Environment

RELEVANT PLANNING HISTORY

06/01801/FUL – Enlarged doorway, steps and balustrade on SE elevation. Removal of existing steps and door – Refusal – 04.08.2006

06/01802/LBC – Enlarged doorway, steps and balustrade on SE elevation. Removal of existing steps and door – Refusal – 04.08.2006

07/02262/FUL – Parallel planning application – Pending.

KEY PLANNING ISSUES

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The key issues to consider with this application are the potential impact on the character, setting and fabric of the listed building.

PLANNING OFFICER COMMENTS

This application has been brought to planning committee because it is considered prudent to deal with the full planning and listed building applications in tandem. The Parish Council's objection to this application was in relation to the rooflights, all of which have now been removed from the proposal.

The Hollies is a Grade II listed property which has a very attractive frontage with some good features remaining internally. However it is noted that the rear has been subject to considerable alteration and extension including recent 20th century flat felt roof extensions. These alterations have completely altered the character of the building at the rear and it would be very hard in light of this to substantiate an objection to the proposals

The proposed development as a rather separate building, albeit raised above the ground floor level of the main building is of a reasonable simple form and design. Although it is not a particularly noteworthy structure it is sympathetic and if constructed from suitable materials would cause no harm to the character or setting of the listed building. Materials can be controlled by appropriate conditions.

Given the separate nature of the structure and its proximity to residential properties double glazing in this instance is acceptable provided that the frames are timber. Since views of it would be limited to the rear and side; it would not be evident from the front of the building; which in this case is the most important vantage point. The proposal would obscure the existing flat roof extensions from most vantage points and as such it could be argued to improve the appearance of the building.

Internally the proposed linking corridor would be attached to the modern flat roof extensions, therefore no works to any important historic fabric would occur.

The Council's Heritage Development Officer has no objection to the proposals, and on balance it is considered that no demonstrable harm would result from the proposed development. Therefore this application must be recommended for consent. Further the proposed extension would also correct some unauthorised works to the rear of the building, including the creation of steps up into the rear beer garden.

CONCLUSION

It is concluded on balance that there would be no demonstrable harm and as such it is recommended for consent.